

dispute. The language states that the Department may be a party to a grievance for any Departmental "action or lack of action". This means that the promulgation of regulations, enforcement of an executive order, or a decision not to take a certain course of action could allow the Office of Administrative Hearings to make the Department of Personnel a party in an employee grievance. Such a consequence goes well beyond the intent of House Bill 1281.

Finally, the uncodified language in House Bill 1281 also could be construed to apply retroactively, on the grounds that the bill "is intended to clarify" the procedures of the grievance statutes. This would result in an onslaught of grievances being thrust upon the Department of Personnel and is inconsistent with the normal practice of making changes to State personnel policies prospective only.

While I cannot support House Bill 1281 in its present form, I remain sympathetic to the argument that the Department of Personnel should defend its actions in a grievance, especially when the employee's appointing authority disagrees with the Department's decision. Therefore, I will issue an executive order that will allow employees, under limited circumstances, to name the Department of Personnel as a party in employee grievances.

For the above reasons, I have today vetoed House Bill 1281.

Sincerely,
William Donald Schaefer
Governor

House Bill No. 1281

AN ACT concerning

State Personnel – Grievances

FOR the purpose of specifying the agencies that may be involved in grievable actions; clarifying who may be ~~partners~~ parties in a grievance; and generally relating to State employee grievance procedures.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 10-101
Annotated Code of Maryland
(1993 Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – State Personnel and Pensions

10-101.