COURT OF APPEALS OF MARYLAND

Janet M. Miller v. Comptroller of Maryland, 398 Md. 272

920 A.2d 467 (2007) · No. No. 70, Sept. Term, 2006 · Decided April 10, 2007

SUMMARY

The Court of Appeals of Maryland held that COMAR 17.04.11.02B(1)(j) does not entitle a State employee to compensation for all time spent traveling from home to a work site other than the assigned office. Applying the incorporated Standard Travel Regulations, the court concluded that the employee's normal commute time must be excluded. The court also held that the grievance remedy was limited to claims arising within 20 days before the grievance was filed and affirmed the judgment of the Court of Special Appeals.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Cathell; Bell, C.J.; Raker, J.; Cathell, J.; Harrell, J.; Battaglia, J.; Greene, J.; Alan M. Wilner, J. (Retired, Specially Assigned)
JURISDICTION	Maryland
DECIDED	April 10, 2007
DOCKET	No. 70, Sept. Term, 2006
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petition for review of the Court of Special Appeals' reversal of decisions by the Circuit Court for Baltimore City and an Administrative Law Judge concerning compensation for travel from an employee's home to a remote work site and the applicable grievance recovery period.
STANDARD OF REVIEW	Administrative agency decisions are reviewed under the same statutory standards as by the circuit court. The court determines whether substantial evidence supports the agency's findings and whether the decision rests on an erroneous conclusion of law. Legal conclusions involving regulatory or statutory interpretation are reviewed de novo, although agency expertise and interpretations may receive appropriate weight.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Janet M. Miller v. Comptroller of Maryland

TOPICS

judicial review of agency action · administrative law · statutory interpretation · employment law · appellate procedure

PRACTICE AREAS

administrative law · employment law · statutory interpretation · appellate procedure

QUESTIONS PRESENTED

1. Whether COMAR 17.04.11.02B(1)(j) requires compensation for all time an employee travels directly from home to a work site other than the assigned office, without deducting normal commuting time.
2. Whether Maryland law limits a State employee's recovery through the grievance process to claims arising within 20 days before the grievance was filed.

HOLDINGS

1. COMAR 17.04.11.02B(1)(j) does not entitle a State employee to compensation for all time spent traveling between home and a work site other than the assigned office. The employee's normal commute time must be deducted under the incorporated Standard Travel Regulations and related State vehicle policies.
2. Section 12-203(b) of the Maryland State Personnel and Pensions Article requires the remedy to be limited to compensation for claims existing within 20 days before the employee initiated the grievance.

KEY QUOTATIONS

> *"For the foregoing reasons, we hold that COMAR 17.04.11.02B(1)(j) does not entitle employees to compensation for all time spent traveling between home and a work site other than their assigned office and that § 12-203(b) of the State Personnel and Pensions Article requires a remedy to be limited to compensation for claims existing within 20 days prior to the initiation of a grievance."* (398 Md. at 286)

> *"We too decline to endorse a result that would require employees to be paid for non-work time just because they were at a remote work site when they would not be entitled to be paid for non-work time if they were assigned and traveling to their regular work site."* (398 Md. at 285)

FACTUAL BACKGROUND

Janet Miller worked as a Financial Compliance Officer for the Comptroller of Maryland and traveled directly from her home to remote locations to conduct audits. The Comptroller's policy compensated her only for travel time exceeding her normal commute time, and Miller filed a grievance seeking compensation for the entire trip from home to the remote work site. She did not present evidence establishing the actual hours for which she claimed compensation.

PROCEDURAL HISTORY

Miller, a State Financial Compliance Officer, filed a grievance seeking compensation for travel directly from home to remote audit sites. The Administrative Law Judge concluded that the Comptroller's travel-time policy violated applicable regulations but dismissed the grievance because Miller had not proved the amount of uncompensated time. The Circuit Court for Baltimore City agreed with the ALJ's legal conclusion and remanded for further proceedings. The Court of Special Appeals reversed, and the Court of Appeals affirmed the Court of Special Appeals after granting certiorari.

DISPOSITION

affirmed

CASES CITED

- Comptroller of Maryland v. Miller, 169 Md. App. 321, 901 A.2d 229 (2006)
- Miller v. Comptroller, 395 Md. 56, 909 A.2d 259 (2006)
- Kane v. Board of Appeals of Prince George's County, 390 Md. 145, 887 A.2d 1060 (2005)
- Annapolis Market Place, L.L.C. v. Parker, 369 Md. 689, 802 A.2d 1029 (2002)
- Jordan Towing, Inc. v. Hebbville Auto Repair, Inc., 369 Md. 439, 800 A.2d 768 (2002)
- Board of Physician Quality Assurance v. Banks, 354 Md. 59, 729 A.2d 376 (1999)
- United Parcel v. People's Counsel, 336 Md. 569, 650 A.2d 226 (1994)
- Reier v. State Department of Assessments and Taxation, 397 Md. 2, 915 A.2d 970 (2007)
- Schwartz v. Department of Natural Resources, 385 Md. 534, 870 A.2d 168 (2005)
- Charles County Department of Social Services v. Vann, 382 Md. 286, 855 A.2d 313 (2004)
- Spencer v. Board of Pharmacy, 380 Md. 515, 846 A.2d 341 (2004)
- Coleman v. Anne Arundel County Police Department, 369 Md. 108, 797 A.2d 770 (2002)
- Maryland Aviation Administration v. Noland, 386 Md. 556, 873 A.2d 1145 (2005)
- Lussier v. Maryland Racing Commission, 343 Md. 681, 684 A.2d 804 (1996)
- McCullough v. Wittner, 314 Md. 602, 552 A.2d 881 (1989)
- Christopher v. Montgomery County Department of Health and Human Services, 381 Md. 188, 849 A.2d 46 (2004)
- Fish Market v. G.A.A., 337 Md. 1, 650 A.2d 705 (1994)
- Greco v. State, 347 Md. 423, 701 A.2d 419 (1997)
- Frost v. State, 336 Md. 125, 647 A.2d 106 (1994)
- Rockwood Casualty Insurance Co. v. Uninsured Employers' Fund, 385 Md. 99, 867 A.2d 1026 (2005)
- Oaks v. Connors, 339 Md. 24, 660 A.2d 423 (1995)