

HOUSE BILL 91

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P4

1998 Regular Session
8lr6096

(PRE-FILED)

By: **Chairman, Appropriations Committee (Departmental - Budget and Management)**

Requested: November 14, 1997

Introduced and read first time: January 14, 1998

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Appeal of Disciplinary Action**

3 FOR the purpose of clarifying that an employee serving an original probationary
4 period has the burden of proof in an appeal of a disciplinary action taken while
5 the employee is on probation in certain circumstances; and generally relating to
6 appeals of disciplinary actions.

7 BY repealing and reenacting, with amendments,
8 Article - State Personnel and Pensions
9 Section 11-109(b)
10 Annotated Code of Maryland
11 (1997 Replacement Volume)

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

14 **Article - State Personnel and Pensions**

15 11-109.

16 (b) (1) Except as provided in paragraph (3) of this subsection, an employee
17 in the skilled service or the professional service may appeal a disciplinary action
18 taken while the employee is on probation only on the basis that the action was illegal
19 or unconstitutional.

20 (2) The employee has the burden of proof in an appeal under this
21 [section] SUBSECTION.

22 (3) The limitations in paragraphs (1) and (2) of this subsection do not
23 apply to an employee in the skilled service or the professional service who is on
24 probation following a promotion or reinstatement.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect October 1, 1998.

