

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 534

(Senator Della)

Finance

Appropriations

Department of Transportation - Personnel - Disciplinary Action

This bill alters the process by which disciplinary action is taken against a Maryland Department of Transportation (MDOT) employee accused of misconduct.

Fiscal Summary

State Effect: The changes to the employee disciplinary process of MDOT would not materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The Secretary of Transportation must adopt regulations that provide that before any disciplinary action is taken against an employee for misconduct, MDOT must: (1) investigate the alleged misconduct; (2) meet with the employee; (3) consider any mitigating circumstances; (4) determine the appropriate disciplinary action, if needed, to be imposed; and (5) give the employee written notice of the disciplinary action to be taken and the employee's appeal rights. Additionally, the regulations must provide for a 30-day limit under which MDOT may suspend an employee without pay pending the filing of charges for termination with the Secretary. Furthermore, the regulations must provide that an employee and MDOT may agree to hold the disciplinary action in abeyance for up to 18 months to permit the employee to improve his or her conduct or performance.

Current Law: The Secretary of Transportation is authorized to establish a human resources management system for the employees of MDOT, independent of other State personnel systems. Additionally, the Secretary of Transportation must adopt regulations to govern the human resources management system, including addressing procedures for leave, appointment, hiring, promotion, layoff, removal, termination, reinstatement of employees, grievance procedures, and grievance appeals.

Background: Employees under the State Personnel Management System are currently covered by regulations which require the appointing authority to investigate the alleged misconduct, meet with the employee, consider mitigating circumstances, determine the appropriate disciplinary action to be imposed, and give the employee a written notice of the disciplinary action to be taken and the employee's appeal rights. In addition, the appointing authority and the employee may agree to hold the disciplinary action in abeyance for up to 18 months to permit the employee to improve his or her conduct or performance.

Additional Information

Prior Introductions: None.

Cross File: HB 750 (Delegate Madaleno, *et al.*) – Appropriations.

Information Source(s): Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2005
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