

HOUSE BILL 91

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1998 Regular Session
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(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

Committee Report: Favorable

House action: Adopted

Read second time: March 10, 1998

CHAPTER _____

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.

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

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

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