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

Introduced and read first time: January 20, 1999

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 1999

CHAPTER _____

1 AN ACT concerning

2 **State Personnel - Leave and Disciplinary Actions**

3 FOR the purpose of authorizing the Secretary of Budget and Management to provide
4 for administrative leave under certain conditions; repealing certain disciplinary
5 actions that may be taken against certain employees; and generally relating to
6 administrative leave and disciplinary actions.

7 BY repealing and reenacting, with amendments,
8 Article - State Personnel and Pensions
9 Section 9-1104 and 11-104
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 1998 Supplement)

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 9-1104.

16 The Secretary may provide by regulation for leave with pay:

17 (1) for jury service;

18 (2) to attend employee organization events approved for this purpose by
19 the Secretary;

1 (3) for military training in a reserve unit of the armed forces or in the
2 organized militia;

3 (4) unless the employee is a party to the action or a paid witness, to
4 appear in compliance with a subpoena:

5 (i) in court;

6 (ii) before a grand jury;

7 (iii) before an administrative unit; or

8 (iv) for a deposition; [and]

9 (5) FOR ADMINISTRATIVE LEAVE FOR THE PURPOSE OF IMMEDIATELY
10 REMOVING AN EMPLOYEE FROM THE WORK ~~SITE~~; ~~AND~~ SITE, IF THE EMPLOYEE:

11 (I) POSES A THREAT TO SELF, ANOTHER INDIVIDUAL, OR STATE
12 PROPERTY; OR

13 (II) IS INCAPABLE OF PROPERLY PERFORMING THE EMPLOYEE'S
14 DUTIES BECAUSE OF EXTRAORDINARY CIRCUMSTANCES; AND

15 (6) any other paid leave the Secretary deems necessary.

16 11-104.

17 An appointing authority may take the following disciplinary actions against any
18 employee:

19 (1) give the employee a written reprimand;

20 (2) direct the forfeiture of up to 15 work days of the employee's accrued
21 annual leave;

22 (3) [direct up to 3 work days of emergency suspension of the employee,
23 with pay, to immediately remove the employee from the workplace when the
24 appointing authority believes that the employee:

25 (i) poses a threat to self, another individual, or State property; or

26 (ii) is incapable of properly performing the employee's duties
27 because of extraordinary circumstances;

28 (4)] suspend the employee without pay;

29 [(5)] (4) deny the employee an annual pay increase;

30 [(6)] (5) demote the employee to a lower pay grade; or

31 [(7)] (6) with prior approval of the head of the principal unit:

HOUSE BILL 74

- 1 (i) terminate the employee's employment, without prejudice; or
- 2 (ii) if the appointing authority finds that the employee's actions are
- 3 egregious to the extent that the employee does not merit employment in any capacity
- 4 with the State, terminate the employee's employment, with prejudice.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
6 effect October 1, 1999.