

Department of Legislative Services  
Maryland General Assembly  
1999 Session

**FISCAL NOTE**  
**Revised**

House Bill 74 (Chairman, Appropriations Committee)  
(Departmental - Budget and Management)

Appropriations

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**State Personnel - Leave and Disciplinary Actions**

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This departmental bill repeals State agencies' authority to direct up to three work days of emergency suspension of an employee, with pay, to immediately remove the employee from the workplace when the appointing authority believes that the employee: (1) poses a threat to self, another individual, or State property; or (2) is incapable of properly performing the employee's duties because of extraordinary circumstances. Instead, the bill authorizes the Secretary of Budget and Management to provide paid administrative leave for the purpose of immediately removing an employee from the work site under the same circumstances.

Under current law, invocation of the three-day suspension may preclude further disciplinary action by the State due to double jeopardy issues. Under the bill, appointing authorities could still take disciplinary action (including leave without pay) in clear-cut cases of misconduct. In less clear circumstances, the Department of Budget and Management, however, could authorize administrative leave pending investigation of the matter.

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**Fiscal Summary**

**State Effect:** None. Because it is assumed that this bill will apply in a limited number of cases, State finances should not be affected.

**Local Effect:** None.

**Small Business Effect:** The Department of Budget and Management has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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**Information Source(s):** Department of Budget and Management, Department of Legislative Services

**Fiscal Note History:** First Reader - January 25, 1999  
dmm/jr Revised - House Third Reader - March 29, 1999

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Analysis by: Matthew D. Riven

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510