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By: **Senator Mitchell**  
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Assigned to: Finance

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Committee Report: Favorable with amendments  
Senate action: Adopted  
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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Personnel - Appeals of Disciplinary Actions - ~~Executive Service and~~**  
3 **Management Service Employees**

4 FOR the purpose of altering the procedures by which employees in the ~~executive~~  
5 ~~service and the~~ management service of the State Personnel Management  
6 System may appeal a disciplinary action; providing for the application of this  
7 Act; and generally relating to appeals of disciplinary actions by State employees.

8 BY repealing and reenacting, with amendments,  
9 Article - State Personnel and Pensions  
10 Section 11-109 and 11-113  
11 Annotated Code of Maryland  
12 (1997 Replacement Volume and 1999 Supplement)

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

15 **Article - State Personnel and Pensions**

16 11-109.

17 (a) (1) Except as provided in paragraph (2) of this subsection, this section  
18 applies {only} to employees in the ~~EXECUTIVE SERVICE, THE~~ MANAGEMENT  
19 SERVICE, THE skilled service [or], AND the professional service.

20 (2) This section does not apply to an employee under a special  
21 appointment described in § 6-405 of this article.

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

5 (2) The employee has the burden of proof in an appeal under this  
 6 subsection.

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

10 (c) (1) An employee or an employee's representative may file with the head  
 11 of the principal unit a written appeal of a disciplinary action that states, to the extent  
 12 possible, the issues of fact and law that the employee believes would warrant  
 13 rescinding the disciplinary action.

14 (2) An appeal under this subtitle must be filed within 15 days after the  
 15 employee receives notice of the appointing authority's action.

16 (d) The head of the principal unit may confer with the employee before making  
 17 a decision.

18 (e) (1) The head of the principal unit may:

19 (i) uphold the disciplinary action; or

20 (ii) rescind or modify the disciplinary action taken and restore to  
 21 the employee any lost time, compensation, status, or benefits.

22 (2) Within 15 days after receiving an appeal, the head of the principal  
 23 unit shall issue to the employee a written decision that addresses each point raised in  
 24 the appeal.

25 11-113.

26 (a) This section only applies to an employee~~f~~:

27 ~~(1)~~ ~~in the management service;~~

28 ~~(2)~~ (1) in executive service; or

29 ~~(3)~~ (2) under a special appointment described in § 6-405 of this article.

30 (b) (1) An employee or an employee's representative may file a written  
 31 appeal of a disciplinary action with the head of the principal unit.

32 (2) An appeal:

33 (i) must be filed within 15 days after the employee receives notice  
 34 of the disciplinary action; and

1 (ii) may only be based on the grounds that the disciplinary action is  
2 illegal or unconstitutional.

3 (3) The employee has the burden of proof in an appeal under this section.

4 (c) The head of the principal unit may confer with the employee before making  
5 a decision.

6 (d) (1) The head of the principal unit may:

7 (i) uphold the disciplinary action; or

8 (ii) rescind or modify the disciplinary action and restore to the  
9 employee any lost time, compensation, status, or benefits.

10 (2) Within 15 days after receiving an appeal, the head of the principal  
11 unit shall issue the employee a written decision.

12 (3) The decision of the head of the principal unit is the final  
13 administrative decision.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to  
15 any management service employee who was terminated on or after April 1, 1998.

16 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take  
17 effect October 1, 2000.