

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 1203

(Delegate Anderson, *et al.*)

Judiciary

Judicial Proceedings

Correctional Officers - Reinstatement of Certification After Wrongful
Termination

This bill authorizes the Correctional Training Commission to revoke the certification of a correctional officer in conjunction with disciplinary action taken under Title 11 of the State Personnel and Pensions Article. The Office of Administrative Hearings (OAH) is authorized to reinstate the certification of a correctional officer with no further examination or condition if OAH rescinds or modifies such a disciplinary action against the correctional officer.

Fiscal Summary

State Effect: Additional issues for the same number of hearings by OAH and additional certification revocations by the Correctional Training Commission should not significantly affect the operations or finances of either agency.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Maryland Police and Correctional Training commissions are the primary providers of correctional entrance level training, and mandated police and correctional administrator, supervisor and instructor training in Maryland. They are a part of the Department of Public Safety and Correctional Services.

Under COMAR, false or misrepresented information on the Application for Certification (AFC) is a basis for rejection or revocation of certification by the Correctional Training Commission and may be the basis for administrative or legal action.

Under Title 11 of the State Personnel and Pensions Article, an appointing authority may take the following disciplinary actions against any employee:

- give the employee a written reprimand;
- direct the forfeiture of up to 15 work days of the employee's accrued annual leave;
- suspend the employee without pay;
- deny the employee an annual pay increase;
- demote the employee to a lower pay grade; or
- with prior approval of the head of the principal unit, terminate the employee's employment, without prejudice or, if the appointing authority finds that the employee's actions are egregious to the extent that the employee does not merit employment in any capacity with the State, terminate the employee's employment, with prejudice.

The following actions are causes for automatic termination of employment:

- intentional conduct, without justification, that seriously injures another person, causes substantial damage to property, or seriously threatens the safety of the workplace;
- theft of State property of a value greater than \$300;
- illegal sale, use, or possession of drugs on the job;
- conviction of a controlled dangerous substance offense by an employee in a designated sensitive classification;
- conviction of a felony;
- accepting for personal use any fee, gift, or other valuable thing in connection with or during the course of State employment if given to the employee by any person with the hope or expectation of receiving a favor or better treatment than that accorded to other persons;
- violation of the Fair Election Practices Act, or using, threatening, or attempting to use political influence or the influence of any State employee or officer in securing promotion, transfer, leave of absence, or increased pay; and

- wantonly careless conduct or unwarrantable excessive force in the treatment or care of an individual who is a client, patient, prisoner, or any other individual who is in the care or custody of the State.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of Administrative Hearings, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - March 15, 2007
ncs/jr

Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510