

# SENATE BILL 353

P4

8lr2100

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By: **Senator Della**

Introduced and read first time: January 28, 2008

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Independent Personnel Systems in Executive Branch –**  
3 **Disciplinary Actions**

4 FOR the purpose of expanding the scope of certain provisions of State personnel law  
5 governing actions an appointing authority must take before taking disciplinary  
6 action related to employee misconduct, and the authority to impose a  
7 disciplinary action, to include actions against certain employees of units in the  
8 Executive Branch of State government with independent personnel systems;  
9 making a certain conforming change; and generally relating to independent  
10 personnel systems in the Executive Branch of State government and  
11 disciplinary actions related to employee misconduct.

12 BY repealing and reenacting, with amendments,  
13 Article – State Personnel and Pensions  
14 Section 11–102 and 11–106  
15 Annotated Code of Maryland  
16 (2004 Replacement Volume and 2007 Supplement)

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

19 **Article – State Personnel and Pensions**

20 11–102.

21 [This] **EXCEPT AS PROVIDED IN § 11–106 OF THIS SUBTITLE, THIS** subtitle  
22 applies to all employees in the State Personnel Management System within the  
23 Executive Branch except temporary employees.

24 11–106.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) THIS SECTION APPLIES TO ALL EMPLOYEES OF ALL UNITS IN THE**  
2 **EXECUTIVE BRANCH OF STATE GOVERNMENT, INCLUDING A UNIT WITH AN**  
3 **INDEPENDENT PERSONNEL SYSTEM, EXCEPT TEMPORARY EMPLOYEES.**

4           **[(a)] (B)** Before taking any disciplinary action related to employee  
5 misconduct, an appointing authority shall:

6                   (1) investigate the alleged misconduct;

7                   (2) meet with the employee;

8                   (3) consider any mitigating circumstances;

9                   (4) determine the appropriate disciplinary action, if any, to be  
10 imposed; and

11                   (5) give the employee a written notice of the disciplinary action to be  
12 taken and the employee's appeal rights.

13           **[(b)] (C)** Except as provided in subsection **[(c)] (D)** of this section, an  
14 appointing authority may impose any disciplinary action no later than 30 days after  
15 the appointing authority acquires knowledge of the misconduct for which the  
16 disciplinary action is imposed.

17           **[(c)] (D)** (1) An appointing authority may suspend an employee without  
18 pay no later than 5 workdays following the close of the employee's next shift after the  
19 appointing authority acquires knowledge of the misconduct for which the suspension is  
20 imposed.

21                   (2) Saturdays, Sundays, legal holidays, and employee leave days are  
22 excluded in calculating the 5-workday period under this subsection.

23           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
24 **October 1, 2008.**