

SB0942/143825/1

BY: Delegate Shoemaker

AMENDMENTS TO SENATE BILL 942
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike lines 2 and 3 in their entirety and substitute “Government Employees – Disciplinary Action – Notice and Judicial Review”; strike beginning with “altering” in line 4 down through “Act” in line 8 and substitute “requiring that a certain written notice to a certain employee of certain disciplinary action include certain information; and generally relating to disciplinary action against government employees”; and strike in their entirety lines 9 through 13, inclusive, and substitute:

“BY repealing and reenacting, without amendments,

Article - State Personnel and Pensions

Section 11-104

Annotated Code of Maryland

(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article - State Personnel and Pensions

Section 11-106(a)

Annotated Code of Maryland

(2015 Replacement Volume)”.

AMENDMENT NO. 2

On page 1, after line 15, insert:

“Article – State Personnel and Pensions

11-104.

(Over)

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

- (1) give the employee a written reprimand;
- (2) direct the forfeiture of up to 15 work days of the employee's accrued annual leave;
- (3) suspend the employee without pay;
- (4) deny the employee an annual pay increase;
- (5) demote the employee to a lower pay grade; or
- (6) with prior approval of the head of the principal unit:
 - (i) terminate the employee's employment, without prejudice; or
 - (ii) 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.

11-106.

(a) Before taking any disciplinary action related to employee misconduct, an appointing authority shall:

- (1) investigate the alleged misconduct;
- (2) meet with the employee;
- (3) consider any mitigating circumstances;

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

(5) give the employee a written notice of the disciplinary action to be taken and the employee's appeal rights, WHICH SHALL REASONABLY STATE THE BASIS FOR THE TERMINATION OF THE EMPLOYEE'S EMPLOYMENT OR THE NATURE AND EXTENT OF ANY OTHER DISCIPLINARY ACTION TO BE TAKEN."

On pages 1 through 4, strike in their entirety the lines beginning with line 16 on page 1 through line 20 on page 4, inclusive.