

and shall be certified to the appointing authority and shall be forthwith enforced by such authority.

(D) (1) The Secretary shall, by rule, prescribe what may constitute cause for removal, but no removal shall be allowed because of the religious or political opinions or affiliations of any employee.

(2) The provisions of this section shall apply to the demotion of an employee as described in § 31 of this article.

(E) (1) IF AN EMPLOYEE IS SUSPENDED WITHOUT PAY PENDING A HEARING ON DISPOSITION OF CHARGES FOR REMOVAL, THE APPOINTING AUTHORITY SHALL INFORM THE EMPLOYEE IN WRITING OF THE REASONS FOR THE SUSPENSION AT THE TIME OF THE NOTICE OF THE SUSPENSION.

(2) WITHIN 5 WORKING DAYS OF THE NOTICE OF SUSPENSION THE EMPLOYEE MAY REQUEST IN WRITING THAT THE SECRETARY OF PERSONNEL TO CONDUCT A PRELIMINARY HEARING TO DETERMINE WHETHER OR NOT THE EMPLOYEE MAY CONTINUE TO WORK WITH PAY PENDING THE DISPOSITION OF THE CHARGES. THIS PRELIMINARY HEARING SHALL BE DIFFERENT FROM IS IN ADDITION TO THE HEARING OF ON THE MERITS DESCRIBED AS PROVIDED IN SUBSECTION (B) OF THIS SECTION.

(3) THE SUBJECT OF THE PRELIMINARY HEARING SHALL BE LIMITED TO THE REASONS FOR THE SUSPENSION OF THE EMPLOYEE ISSUES OF WHETHER OR NOT SUSPENSION WITHOUT PAY IS NECESSARY TO PROTECT THE INTERESTS OF THE STATE OR THE EMPLOYEE PENDING FINAL DISPOSITION OF THE CHARGES, AND WHETHER OTHER EMPLOYMENT AND STATUS ALTERNATIVES SHOULD BE CONSIDERED. THE EMPLOYEE SHALL HAVE THE RIGHT AT THE PRELIMINARY HEARING, THE EMPLOYEE MAY:

(I) TO REBUT THE REASONS FOR SUSPENSION GIVEN REBUT THE REASONS GIVEN FOR THE SUSPENSION;

(II) TO ALLEGE MITIGATING CIRCUMSTANCES; AND

(III) TO OFFER ALTERNATIVES TO THE SUSPENSION, INCLUDING BUT NOT LIMITED TO:

1. RETURN TO THE POSITION WITH PAY;
2. TRANSFER TO ANOTHER POSITION WITH PAY;
3. SUSPENSION WITH PAY.

OR

(4) THE SECRETARY OR HIS DESIGNEE SHALL CONDUCT A PRELIMINARY HEARING WITHIN 5 WORKING DAYS AFTER THE SECRETARY RECEIVES IN WRITING THE REQUEST FROM THE SUSPENDED EMPLOYEE FOR THE PRELIMINARY HEARING.

(5) THE SECRETARY MAY DELEGATE THE AUTHORITY TO CONDUCT A PRELIMINARY HEARING TO ANOTHER MEMBER OR BOARD OF THE DEPARTMENT OF PERSONNEL AS DESIGNATED BY THE SECRETARY.