

“POSITION” MEANS AN EMPLOYMENT ASSIGNMENT OF DUTIES AND RESPONSIBILITIES THAT REQUIRES THE FULL-TIME EMPLOYMENT OF ONE INDIVIDUAL OR LESS THAN FULL-TIME EMPLOYMENT OF ONE OR MORE INDIVIDUALS.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 64A, § 1(14).

The reference to the less than full-time employment of “one or more individuals” is new language based on the similar reference, in the last clause of Art. 64A, § 37A(a), to the “filling of any one full-time position by two or more part-time employees”. See § 5-106 of this article.

(J) PROBATION.

“PROBATION” MEANS THE STATUS OF AN EMPLOYEE WHO, AS A CONDITION OF CONTINUED EMPLOYMENT, IS REQUIRED TO DEMONSTRATE THE ABILITY TO PERFORM THE DUTIES AND FULFILL THE RESPONSIBILITIES OF THE EMPLOYEE’S POSITION.

REVISOR’S NOTE: This subsection is new language derived without substantive change from the second sentence of former Art. 64A, § 1(15).

It is rephrased to define the term “probation”, rather than, as formerly, “[p]robatinary period”.

The first sentence of former Art. 64A, § 1(15) is revised in § 4-401 of this article.

Defined term: “Position” § 1-101

(K) REINSTATE.

“REINSTATE” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, TO REEMPLOY AN INDIVIDUAL IN A CLASS TO WHICH THE INDIVIDUAL PREVIOUSLY BELONGED, WITH RESTORATION OF ALL BENEFITS.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 64A, § 1(17).

Although the definition is restated in the infinitive form, grammatical variations (e.g., “reinstatement”) are intended to fall within the scope of the definition.

The phrase “unless the context requires otherwise” is added to reflect those instances where the term is evidently used in a broader sense – i.e., to reemploy an individual in a class other than one previously held. See, e.g., § 9-503(a), referring to the “reinstatement” of laid off employees “to comparable positions in State employment”; § 9-506(1), referring to the “reinstatement” of laid off employees “to the class from which the employee was laid off or to any lower class in the same job series”; § 9-506(2), referring to the “reinstatement” of laid off employees “to a comparable job class”; § 11-205(a), referring to the “reinstat[ement]” of veterans “to the class