

(1) A PAY INCREASE SHALL BE DENIED IN ANY YEAR IF THE APPOINTING AUTHORITY RECOMMENDS THE DENIAL BECAUSE OF A SUBSTANTIAL REASON THAT ADVERSELY AFFECTS THE VALUE OF THE EMPLOYEE TO THIS STATE, INCLUDING THE EMPLOYEE'S INEFFICIENCY OR UNUSUAL OR EXCESSIVE ABSENTEEISM.

(2) A PAY INCREASE SHALL BE DENIED DURING A PERIOD OF EXTENDED PROBATION IF THE EMPLOYEE'S PROBATIONARY PERIOD WAS EXTENDED UNDER TITLE 4, SUBTITLE 4 OF THIS ARTICLE TO A TOTAL PERIOD OF MORE THAN 6 MONTHS.

(3) A PAY INCREASE SHALL BE DENIED FOR A PERIOD OF 1 YEAR FROM THE BEGINNING OF A DISCIPLINARY SUSPENSION UNDER TITLE 9, SUBTITLE 4 OF THIS ARTICLE.

(D) APPEALS.

(1) AN EMPLOYEE WHO IS DENIED A PAY INCREASE UNDER SUBSECTION (C)(1) OR (C)(2) OF THIS SECTION MAY APPEAL THE DENIAL TO THE SECRETARY.

(2) (1) AN EMPLOYEE WHO IS DENIED A PAY INCREASE UNDER SUBSECTION (C)(3) OF THIS SECTION MAY APPEAL THE DENIAL TO THE SECRETARY CONCURRENTLY WITH AN APPEAL OF THE SUSPENSION UNDER TITLE 9, SUBTITLE 4 OF THIS ARTICLE.

(II) ON APPEAL, THE SECRETARY MAY:

1. DETERMINE WHETHER THE DISCIPLINARY SUSPENSION AND THE RESULTING DENIAL OF A PAY INCREASE WERE JUSTIFIED; AND

2. CHANGE OR MODIFY THE SUSPENSION AND THE DENIAL ACCORDING TO THAT DETERMINATION.

(E) CHARGES FOR REMOVALS.

AFTER MAKING A SECOND RECOMMENDATION UNDER SUBSECTION (C)(1) OF THIS SECTION TO DENY THE SAME CLASSIFIED SERVICE EMPLOYEE A PAY INCREASE, THE APPOINTING AUTHORITY MAY FILE CHARGES FOR THE REMOVAL OF THE EMPLOYEE.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of this section.

Subsections (b), (c), (d)(2), and (e) of this section are new language derived without substantive change from former Art. 64A, § 30(b) and (c).

Subsection (d)(1) of this section is new language added to conform to both COMAR 06.01.01.58 and the reference in former Art. 64A, § 36A(a)(1) to "[d]enial of increment appeals" to the Secretary under these provisions. See § 2-301 of this article.