

In subsection (d)(2)(i) of this section, the reference to an appeal "concurrently" with an appeal under Title 9, Subtitle 4 of this article, is added to reflect long-standing Departmental understanding and administrative practice.

In subsection (e) of this section, the former reference to the ability of the appointing authority to file charges "immediately" after a second recommendation is deleted. The State Personnel Article Review Committee believes that this reference was intended to be an inclusive power (i.e., "even immediately") and not an exclusive one (i.e., "only immediately"). That is, charges may be filed not only immediately after the second recommendation is made but, also, at any later time.

Defined terms: "Appointing authority" § 1-101

"Classified service" § 1-101

"Position" § 1-101

"Probation" § 1-101

"Secretary" § 1-101

6-108. PAY INCREASES IN EXECUTIVE PAY PLAN.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO THE EXECUTIVE PAY PLAN.

(B) STEP INCREASES.

(1) AN INCREASE IN A PAY RATE UNDER THIS SUBSECTION:

(I) MAY BE GIVEN ONLY WITH THE APPROVAL OF THE GOVERNOR; AND

(II) SHALL BE BASED ON THE EMPLOYEE'S PERFORMANCE.

(2) FOR OR DURING A FISCAL YEAR, THE HEAD OF A UNIT MAY RECOMMEND AN INCREASE IN AN EMPLOYEE'S PAY RATE ABOVE THE RATE FOR THE PREVIOUS FISCAL YEAR BY ONE STEP IN THE SAME GRADE.

(3) FOR OR DURING A FISCAL YEAR, IN RECOGNITION OF THE EMPLOYEE'S EXCEPTIONAL PERFORMANCE, THE HEAD OF A UNIT MAY RECOMMEND AN INCREASE IN AN EMPLOYEE'S PAY RATE ABOVE THE RATE FOR THE PREVIOUS FISCAL YEAR BY TWO STEPS IN THE SAME GRADE.

(4) SUBJECT TO § 2-1312 OF THE STATE GOVERNMENT ARTICLE, THE SECRETARY SHALL NOTIFY THE DEPARTMENT OF FISCAL SERVICES, ON OR BEFORE JANUARY 1 AND JULY 1 OF EACH YEAR, OF ANY PAY ADJUSTMENTS MADE UNDER THIS SUBSECTION DURING THE PRECEDING 6 MONTHS.

(C) OTHER PAY INCREASES.

(1) A PAY INCREASE UNDER THIS SUBSECTION MAY BE MADE:

(I) TO RECRUIT OR RETAIN COMPETENT EMPLOYEES; OR