

- (2) THE EMPLOYEE IS GIVEN A COPY OF THE CHARGES; AND
- (3) THE EMPLOYEE IS GIVEN AN OPPORTUNITY TO BE HEARD ON

APPEAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 33(b)(2)(i) and the first clause of § 33(b)(2)(ii).

In the introductory language of this section, the former reference to an employee being "permanently" removed is deleted as unnecessary because the notion of permanence is inherent in the concept of a removal.

In item (1) of this section, the requirement that charges be submitted "to the Secretary" is added for clarity.

In item (1)(ii) of this section, the term "resident of this State" is substituted for the former reference to a "citizen" for clarity. The term "citizen" lacks a precise legal meaning and is usually read to refer to residency. See Crosse v. Board of Supervisors of Elections of Baltimore City, 243 Md. 555 (1966). The State Personnel Article Review Committee calls this substitution to the attention of the General Assembly.

In item (3) of this section, the reference to the opportunity to be heard "on appeal" is added for clarity and to conform to COMAR 06.01.01.61A. See also Revisor's Note to § 9-205.

Defined terms: "Appointing authority" § 1-101

"Classified service" § 1-101

"Secretary" § 1-101

9-205. APPEALS TO SECRETARY.

(A) APPEALS ALLOWED.

A CLASSIFIED SERVICE EMPLOYEE MAY APPEAL THE CHARGES FOR REMOVAL TO THE SECRETARY WITHIN THE TIME AND IN THE MANNER REQUIRED BY REGULATION.

(B) EFFECT OF FAILURE TO APPEAL.

IF THE EMPLOYEE FAILS TO APPEAL WITHIN THE TIME AND IN THE MANNER REQUIRED, THE REMOVAL IS FINAL.

REVISOR'S NOTE: This section is new language added to reflect the reference to an appeal in former Art. 64A, § 36A(b)(1) and the procedures specified in COMAR 06.01.01.61A and C-1.

As to the authority of the Secretary to delegate the authority to hear an appeal under this section, see § 2-302(5) of this article.

Defined terms: "Classified service" § 1-101

"Secretary" § 1-101