

The former references to the Secretary's "authorized representative" and the "board" or "person" designated by the Secretary to conduct proceedings are deleted as unnecessary and obsolete. Under § 2-302(5) of this article, the Secretary may delegate ~~this~~ authority to the Office of Administrative Hearings, but not to any other person.

In subsection (a) of this section, the requirement that a decision be "written" is added for clarity and consistency with similar provisions elsewhere in this Division I.

Subsection (b) of this section is revised to require the Secretary to provide a copy of the findings and decision to each party – rather than, as in former Art. 64A, § 33(c); only to the appointing authority – so that the due process rights are satisfied. This change conforms to Departmental regulations.

As to procedures governing a decision made by individuals who have not heard the evidence, including the opportunity of parties to file exceptions, see SG § 10-212.

Defined term: "Secretary" § 1-101

9-208. ENFORCEMENT.

THE APPOINTING AUTHORITY IMMEDIATELY SHALL ENFORCE A FINAL DECISION ISSUED UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the reference to enforcement of the final decision of the Secretary by the appointing authority in former Art. 64A, § 33(c).

Defined term: "Appointing authority" § 1-101

SUBTITLE 3. SUSPENSIONS PENDING DISPOSITION.

9-301. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES ONLY TO CLASSIFIED SERVICE EMPLOYEES.

REVISOR'S NOTE: This section is new language added for clarity.

Defined term: "Classified service" § 1-101

9-302. SUSPENSIONS WITHOUT PAY ALLOWED.

(A) IN GENERAL.

AN APPOINTING AUTHORITY MAY SUSPEND A CLASSIFIED SERVICE EMPLOYEE WITHOUT PAY PENDING DISPOSITION OF A CHARGE FOR REMOVAL.

(B) NOTICE REQUIRED.

THE APPOINTING AUTHORITY SHALL NOTIFY THE EMPLOYEE IN WRITING OF THE SUSPENSION AND THE REASONS FOR IT.