

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 33(e)(1).

In subsection (a) of this section, the former reference to a "hearing" is deleted as included in the comprehensive reference to the "disposition" of a charge.

Defined terms: "Appointing authority" § 1-101
 "Classified service" § 1-101

9-303. PRELIMINARY HEARING.

(A) REQUEST FOR HEARING.

WITHIN 5 WORKDAYS AFTER RECEIVING A NOTICE OF SUSPENSION UNDER THIS SUBTITLE, A CLASSIFIED SERVICE EMPLOYEE MAY REQUEST IN WRITING THAT THE SECRETARY CONDUCT A PRELIMINARY HEARING TO DETERMINE WHETHER THE EMPLOYEE MAY CONTINUE TO WORK WITH PAY PENDING DISPOSITION OF THE CHARGE.

(B) TIME OF HEARING.

THE SECRETARY SHALL HOLD THE PRELIMINARY HEARING WITHIN 5 WORKDAYS AFTER THE SECRETARY RECEIVES THE REQUEST.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 33(e)(4) and the first sentence of § 33(e)(2).

In subsection (b) of this section, the former reference to the authority of the Secretary's "designee" to conduct the hearing is deleted as unnecessary and obsolete. Under § 2-302(6) of this article, the Secretary may delegate this authority to the Office of Administrative Hearings, but not to any other person. Similarly, former Art. 64A, § 33(e)(5), which also authorized the delegation of authority to conduct preliminary hearings under this section, is deleted.

Defined terms: "Classified service" § 1-101
 "Secretary" § 1-101

9-304. SCOPE OF PRELIMINARY HEARING.

(A) IN GENERAL.

A PRELIMINARY HEARING UNDER THIS SUBTITLE IS IN ADDITION TO THE HEARING ON THE MERITS REQUIRED BY SUBTITLE 2 OF THIS TITLE.

(B) LIMITED ISSUES.

THE PRELIMINARY HEARING IS LIMITED TO THE FOLLOWING ISSUES:

(1) WHETHER SUSPENSION WITHOUT PAY IS NECESSARY TO PROTECT THE INTERESTS OF THIS STATE OR OF THE CLASSIFIED SERVICE EMPLOYEE PENDING FINAL DISPOSITION OF THE CHARGE; AND