

IF THE SECRETARY DISAPPROVES THE SUSPENSION, THE SECRETARY MAY ORDER THE APPOINTING AUTHORITY TO GRANT BACK PAY TO THE EMPLOYEE.

REVISOR'S NOTE: This section is new language derived without substantive change from the third and fourth sentences and the second clause of the second sentence of former Art. 64A, § 36.

In the introductory language of subsection (a) of this section, the phrase "the later of" is added for clarity.

Also in the introductory language of subsection (a) of this section, the former reference to the "Secretary's authorized representative" who may hold appeal hearings is deleted as unnecessary and obsolete. Under § 2-302(7) of this article, the Secretary may delegate this authority to the Office of Administrative Hearings, but not to any other person.

Also in the introductory language of subsection (a) of this section, the phrase "issue a written decision" is substituted for the former requirement that the Secretary "render" a decision, for clarity and consistency.

In subsection (b) of this section, the provision that the Secretary "may order the appointing authority to grant back pay" is substituted for the former provision that the Secretary "shall have power to restore pay" for clarity and to conform to the similar provisions in § 10-210 of this article.

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 terms: "Appointing authority" § 1-101  
"Secretary" § 1-101

9-407. SAME — BY OFFICE OF ADMINISTRATIVE HEARINGS.

IF AN APPEAL BY A CLASSIFIED SERVICE EMPLOYEE OF THE DEPARTMENT IS MADE TO THE OFFICE OF ADMINISTRATIVE HEARINGS, THE ADMINISTRATIVE LAW JUDGE SHALL ISSUE THE FINAL DECISION ON THE APPEAL.

REVISOR'S NOTE: This section is new language derived without substantive change from the fourth sentence of former Art. 64A, § 36.

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

#### SUBTITLE 5. LAYOFFS.

9-501. SCOPE OF SUBTITLE.

(A) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED BY LAW, THIS SUBTITLE APPLIES TO ALL CLASSIFIED SERVICE AND UNCLASSIFIED SERVICE EMPLOYEES IN THE STATE PERSONNEL MANAGEMENT SYSTEM.