

13-105. GIVING SPECIAL INFORMATION TO AFFECT RATING.

UNLESS RESPONDING TO AN INQUIRY FROM THE SECRETARY, A PERSON MAY NOT WILLFULLY GIVE ANY SPECIAL INFORMATION TO AN INDIVIDUAL IN ORDER TO IMPROVE OR TO HARM THE INDIVIDUAL'S RATING FOR APPOINTMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from the third clause of the first sentence of former Art. 64A, § 40, as it related to giving special information.

The State Personnel Article Review Committee notes, for consideration by the General Assembly, that the meaning of the former law was unclear. It could be read to prohibit a person from giving any "special information" to another to improve or harm any applicant's chances for appointment. Alternatively, the provision could be read more narrowly, as revised here, to prohibit a person from giving "special information" to an individual to improve or harm that individual's chances for appointment. But, in either case, the purpose of the exception "unless responding to an inquiry from the Secretary" is unclear, as is the intended meaning of the term "special information".

Defined terms: "Person" § 1-101
"Secretary" § 1-101

13-106. USE OF INFLUENCE TO SECURE APPOINTMENT.

A PERSON MAY NOT USE OR PROMISE TO USE THE PERSON'S INFLUENCE OR OFFICIAL AUTHORITY TO SECURE AN APPOINTMENT TO A CLASSIFIED SERVICE POSITION OR AN OPPORTUNITY FOR AN APPOINTMENT TO A CLASSIFIED SERVICE POSITION IN EXCHANGE OR AS A REWARD FOR PERSONAL SERVICE OR PARTISAN POLITICAL SERVICE.

REVISOR'S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 64A, § 40.

The State Personnel Article Review Committee questions whether the adjective "partisan", which modifies "political service", is appropriate given the breadth of Title 3, Subtitle 4 of this article, which generally prohibits employment actions based on any "political affiliation, belief, or opinion". The General Assembly may wish to delete this adjective.

Defined terms: "Classified service" § 1-101
"Person" § 1-101
"Position" § 1-101

13-107. THREATS OR COERCION.

AN EMPLOYEE OR PUBLIC OFFICER OF THIS STATE MAY NOT USE A THREAT OR COERCION TO INDUCE OR ATTEMPT TO INDUCE A CLASSIFIED SERVICE EMPLOYEE:

- (1) TO RESIGN;
- (2) TO TAKE A LEAVE OF ABSENCE; OR