

initiated on behalf of the employer solely as a result of that employee's pursuit of the grievance, complaint, or [other administrative or legal] action [that concerns State employment].

[3-103.]~~(B)~~ (C) [An] A STATE employee may not intentionally take or assist in taking an act of coercion, discrimination, interference, reprisal, or restraint against another employee solely as a result of that employee's pursuit of a grievance, complaint, or other administrative or legal action that concerns State employment.

[3-104.]~~(E)~~ (D) An employee who violates [§ 3-103 of this subtitle] SUBSECTION ~~(B)~~ (C) OF THIS SECTION is subject to disciplinary action, including the termination of State employment.

[Subtitle 8. State Substance Abuse Policy.]

[3-801.] 2-306.

(a) (1) In this section the following words have the meanings indicated.

(2) ["Employee" means an individual who is subject to the State Substance Abuse Policy.

(3) "Probation before judgment" means an entry of probation by a court in accordance with Article 27, § 641 of the Code.

[(4)](3) "State Substance Abuse Policy" means the policy against substance abuse in State government, as set out in Executive Order Number 01.01.1991.16 and any subsequent Executive Order.

(4) "ALCOHOL CONCENTRATION" HAS THE MEANING STATED IN § 11-103.2 OF THE TRANSPORTATION ARTICLE.

(5) "WORKPLACE" MEANS ANY PLACE WHERE AN EMPLOYEE IS PERFORMING WORK FOR THE STATE OF MARYLAND.

(b) This [subtitle] SECTION may not be construed to eliminate or alter in any way any requirement of an employee to report to an appointing authority an offense, conviction, or probation before judgment under the State Substance Abuse Policy.

[(c) An appointing authority:

(1) may not consider probation before judgment for an offense to be a conviction for purposes of the State Substance Abuse Policy; and

(2) may impose appropriate disciplinary action, up to and including termination, against an employee if the appointing authority can demonstrate a relationship between the offense for which the employee was granted probation before judgment and the employee's job responsibilities.]

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN APPOINTING AUTHORITY MAY NOT CONSIDER PROBATION BEFORE JUDGMENT FOR A SUBSTANCE ABUSE OFFENSE TO BE A CONVICTION FOR PURPOSES OF THE STATE SUBSTANCE ABUSE POLICY.