

(2) THE APPOINTING AUTHORITY RECOMMENDS THE DENIAL DENIES THE INCREASE BECAUSE OF:

(I) AN EXTENSION OF AN EMPLOYEE'S PERIOD OF PROBATION UNDER § 7-403 OF THIS ARTICLE; OR

~~(II) A SUBSTANTIAL REASON THAT ADVERSELY AFFECTS THE VALUE OF THE EMPLOYEE TO THIS STATE, INCLUDING THE EMPLOYEE'S INEFFICIENCY OR UNUSUAL OR EXCESSIVE ABSENTEEISM.~~

(II) LACK OF PRODUCTIVITY; OR

(III) EXCESSIVE, UNEXCUSED ABSENTEEISM.

(C) AN EMPLOYEE MAY NOT BE DENIED A PAY INCREASE FOR REASONS OF PERFORMANCE THAT ADVERSELY AFFECTS THE VALUE OF THE EMPLOYEE TO THIS STATE UNLESS SUBSTANTIAL REASONS OF PERFORMANCE WERE CITED ON THE EMPLOYEES MID-YEAR EMPLOYEE'S MIDYEAR OR FINAL PERFORMANCE APPRAISAL FORMS.

[(c) (1) A pay increase shall be denied in any year if the appointing authority recommends the denial because of a substantial reason that adversely affects the value of the employee to this State, including the employee's inefficiency or unusual or excessive absenteeism.

(2) A pay increase shall be denied during a period of extended probation if the employee's probationary period was extended under Title 4, Subtitle 4 of this article to a total period of more than 6 months.

(3) A pay increase shall be denied for a period of 1 year from the beginning of a disciplinary suspension under Title 9, Subtitle 4 of this article.]

[(d)] ~~(D)~~ [(1)] An employee who is denied a pay increase under [subsection (c)(1) or (c)(2) of] this section may appeal the denial [to the Secretary] UNDER THE APPEAL PROCEDURES FOR DISCIPLINARY ACTIONS IN TITLE 11 OF THIS ARTICLE.

[(2) (i) An employee who is denied a pay increase under subsection (c)(3) of this section may appeal the denial to the Secretary concurrently with an appeal of the suspension under Title 9, Subtitle 4 of this article.

(ii) On appeal, the Secretary may:

1. determine whether the disciplinary suspension and the resulting denial of a pay increase were justified; and

2. change or modify the suspension and the denial according to that determination.]

[(e) After making a second recommendation under subsection (c)(1) of this section to deny the same classified service employee a pay increase, the appointing authority may file charges for the removal of the employee.]