

11-102.

THIS SUBTITLE APPLIES TO ALL EMPLOYEES IN THE STATE PERSONNEL MANAGEMENT SYSTEM WITHIN THE EXECUTIVE BRANCH EXCEPT TEMPORARY EMPLOYEES.

11-103.

(A) ~~ALL DISCIPLINARY ACTIONS ALLOWED UNDER THIS SUBTITLE SHALL BE BASED ON A PREPONDERANCE OF THE EVIDENCE EXCEPT AS OTHERWISE PROVIDED, THE APPOINTING AUTHORITY HAS THE BURDEN OF PROOF BY A PREPONDERANCE OF THE EVIDENCE IN ANY PROCEEDING UNDER THIS SUBTITLE.~~ THE HEAD OF A PRINCIPAL UNIT, THE SECRETARY, AND THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL APPLY THAT STANDARD OF PROOF IN APPEALS UNDER THIS SUBTITLE.

(B) AFTER TAKING A DISCIPLINARY ACTION AGAINST AN EMPLOYEE FOR MISCONDUCT, AN APPOINTING AUTHORITY MAY NOT IMPOSE AN ADDITIONAL DISCIPLINARY ACTION AGAINST THAT EMPLOYEE FOR THE SAME OFFENSE EXCEPT FOR A GOOD CAUSE THAT BECOMES CONDUCT UNLESS ADDITIONAL INFORMATION IS MADE KNOWN TO THE APPOINTING AUTHORITY AFTER THE ~~INITIAL~~ DISCIPLINARY ACTION WAS TAKEN.

(C) THE SUSPENSION OF AN EMPLOYEE WHO IS EXEMPT FROM THE OVERTIME PAY REQUIREMENTS OF THE FAIR LABOR STANDARDS ACT, AND UNDER ANY CHANGES TO THE FAIR LABOR STANDARDS ACT, SHALL BE DONE SO THAT THE EMPLOYEE'S OVERTIME EXEMPTION WILL NOT BE LOST.

(D) AN EMPLOYEE MAY CHOOSE ANY PERSON TO ASSIST OR REPRESENT THE EMPLOYEE DURING AN APPEAL UNDER THIS SUBTITLE AND SHALL NOTIFY THE EMPLOYER OF THAT CHOICE.

11-104.

AN APPOINTING AUTHORITY MAY TAKE THE FOLLOWING DISCIPLINARY ACTIONS AGAINST ANY EMPLOYEE:

- (1) GIVE THE EMPLOYEE A WRITTEN REPRIMAND;
- (2) DIRECT THE FORFEITURE OF UP TO 15 WORK DAYS OF THE EMPLOYEE'S ACCRUED ANNUAL LEAVE;
- (3) DIRECT UP TO 3 WORK DAYS OF EMERGENCY SUSPENSION OF THE EMPLOYEE, WITH PAY, TO IMMEDIATELY REMOVE THE EMPLOYEE FROM THE WORKPLACE WHEN THE APPOINTING AUTHORITY BELIEVES THAT THE EMPLOYEE:
 - (I) POSES A THREAT TO SELF, ANOTHER INDIVIDUAL, OR STATE PROPERTY; OR
 - (II) IS INCAPABLE OF PROPERLY PERFORMING THE EMPLOYEE'S DUTIES BECAUSE OF EXTRAORDINARY CIRCUMSTANCES;
- (4) SUSPEND THE EMPLOYEE WITHOUT PAY;