

11-106.

~~THE SECRETARY, BY REGULATION, SHALL ESTABLISH POLICIES AND PROCEDURES FOR DISCIPLINARY ACTIONS RELATED TO EMPLOYEE PERFORMANCE, THAT INCLUDE PROCEDURES FOR:~~

~~(1) PROVIDING COUNSELING TO AN EMPLOYEE WITH DEFICIENCIES IN PERFORMANCE;~~

~~(2) ALLOWING AN EMPLOYEE THE OPPORTUNITY TO IMPROVE DEFICIENCIES IN PERFORMANCE;~~

~~(3) IMPOSING DISCIPLINARY ACTIONS, IF WARRANTED; AND~~

~~(4) PROVIDING NOTICE TO AN EMPLOYEE OF ANY DISCIPLINARY ACTION.~~

~~11-107.~~

(A) BEFORE TAKING ANY DISCIPLINARY ACTION RELATED TO EMPLOYEE MISCONDUCT, AN APPOINTING AUTHORITY SHALL:

(1) INVESTIGATE THE ALLEGED MISCONDUCT;

(2) MEET WITH THE EMPLOYEE;

(3) CONSIDER ANY MITIGATING CIRCUMSTANCES;

(4) DETERMINE THE APPROPRIATE DISCIPLINARY ACTION, IF ANY, TO BE IMPOSED; AND

(5) GIVE THE EMPLOYEE A WRITTEN NOTICE OF THE DISCIPLINARY ACTION TO BE TAKEN AND THE EMPLOYEE'S APPEAL RIGHTS.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN APPOINTING AUTHORITY MAY IMPOSE ANY DISCIPLINARY ACTION NO LATER THAN 30 DAYS AFTER THE APPOINTING AUTHORITY ACQUIRES KNOWLEDGE OF THE MISCONDUCT FOR WHICH THE DISCIPLINARY ACTION IS IMPOSED.

(C) (1) AN APPOINTING AUTHORITY MAY SUSPEND AN EMPLOYEE WITHOUT PAY NO LATER THAN 5 WORKDAYS FOLLOWING THE CLOSE OF THE EMPLOYEE'S NEXT SHIFT AFTER THE APPOINTING AUTHORITY ACQUIRES KNOWLEDGE OF THE MISCONDUCT FOR WHICH THE SUSPENSION IS IMPOSED.

(2) SATURDAYS, SUNDAYS, LEGAL HOLIDAYS, AND EMPLOYEE LEAVE DAYS ARE EXCLUDED IN CALCULATING THE 5-WORKDAY PERIOD UNDER THIS SUBSECTION.

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(A) (1) ISSUING A COUNSELING MEMORANDUM IS AN INSTRUCTIONAL COMMUNICATION AND IS NOT A DISCIPLINARY ACTION WITHIN THE MEANING OF THIS SUBTITLE.