

(B) IF, IN THE APPOINTING AUTHORITY'S JUDGMENT, A PROBATIONARY EMPLOYEE SUBJECT TO THIS SECTION IS UNABLE OR UNWILLING TO SATISFACTORILY PERFORM THE DUTIES OR RESPONSIBILITIES OF THE POSITION, THE APPOINTING AUTHORITY SHALL:

(1) RETURN THE EMPLOYEE TO THE EMPLOYEE'S FORMER POSITION IF IT IS VACANT; OR

(2) DEMOTE THE EMPLOYEE TO A POSITION COMPARABLE TO THE EMPLOYEE'S POSITION WITHIN THE APPOINTING AUTHORITY'S JURISDICTION.

(C) A PROBATIONARY EMPLOYEE MAY APPEAL A DEMOTION UNDER THIS SECTION ~~ONLY ON THE GROUNDS THAT THE DEMOTION IS ILLEGAL OR UNCONSTITUTIONAL AS A DISCIPLINARY ACTION.~~

11-305.

(A) THIS SECTION ONLY APPLIES TO AN EMPLOYEE WHO IS IN A POSITION:

(1) UNDER A SPECIAL APPOINTMENT; OR

(2) IN THE MANAGEMENT SERVICE; OR

(3) IN THE EXECUTIVE SERVICE.

(B) EACH EMPLOYEE SUBJECT TO THIS SECTION:

(1) SERVES AT THE PLEASURE OF THE EMPLOYEE'S APPOINTING AUTHORITY; AND

(2) MAY BE TERMINATED FROM EMPLOYMENT FOR ANY REASON, SOLELY IN THE DISCRETION OF THE APPOINTING AUTHORITY.

(C) ~~(1) AN EMPLOYEE OR AN EMPLOYEE'S REPRESENTATIVE MAY FILE A WRITTEN APPEAL OF AN EMPLOYMENT TERMINATION UNDER THIS SECTION WITH THE HEAD OF THE PRINCIPAL UNIT WITHIN 15 DAYS AFTER RECEIVING NOTICE OF THE TERMINATION AS DESCRIBED UNDER § 11-113 OF THIS TITLE.~~

~~(2) AN APPEAL:~~

~~(1) MUST BE FILED WITHIN 15 DAYS AFTER THE EMPLOYEE RECEIVES NOTICE OF THE TERMINATION; AND~~

~~(2) MAY ONLY BE BASED ON THE GROUNDS THAT THE TERMINATION IS ILLEGAL OR UNCONSTITUTIONAL.~~

~~(3) THE EMPLOYEE HAS THE BURDEN OF PROOF IN AN APPEAL UNDER THIS SECTION.~~

~~(4) THE HEAD OF THE PRINCIPAL UNIT MAY CONFER WITH THE EMPLOYEE BEFORE MAKING A DECISION.~~

~~(5) (1) THE HEAD OF THE PRINCIPAL UNIT MAY:~~

~~(2) UPHOLD THE TERMINATION; OR~~