CHAPTER 296

(Senate Bill 30)

AN ACT concerning

State Personnel – Disciplinary Actions – Expungement of Information from ~~Employment~~ Personnel Records

FOR the purpose of requiring that ~~any~~ certain information related to a disciplinary action be expunged from the ~~employment~~ personnel records of certain State employees under certain circumstances; and generally relating to disciplinary actions against State employees.

BY repealing and reenacting, with amendments,
  Article – State Personnel and Pensions
  Section 11–109, 11–110, 11–112, and 11–113
  Annotated Code of Maryland
  (1997 Replacement Volume and 2001 Supplement)

  SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – State Personnel and Pensions

11–109.

  (a) (1) Except as provided in paragraph (2) of this subsection, this section applies only to employees in the skilled service or the professional service.

    (2) This section does not apply to an employee under a special appointment described in § 6–405 of this article.

  (b) (1) Except as provided in paragraph (3) of this subsection, an employee in the skilled service or the professional service may appeal a disciplinary action taken while the employee is on probation only on the basis that the action was illegal or unconstitutional.

    (2) The employee has the burden of proof in an appeal under this subsection.

    (3) The limitations in paragraphs (1) and (2) of this subsection do not apply to an employee in the skilled service or the professional service who is on probation following a promotion or reinstatement.

  (c) (1) An employee or an employee's representative may file with the head of the principal unit a written appeal of a disciplinary action that states, to the extent possible, the issues of fact and law that the employee believes would warrant rescinding the disciplinary action.

    (2) An appeal under this subtitle must be filed within 15 days after the employee receives notice of the appointing authority's action.