

5-208.

(a) All personnel actions concerning an employee in the Executive Branch of State government shall be made in accordance with § 2-302 of this article.

(b) [Except for special appointments or applicants for special appointment, personnel] **PERSONNEL** actions concerning an employee or applicant for employment in the skilled service or professional service of the State Personnel Management System or comparable position in an independent personnel system in the Executive Branch of State government shall also be made without regard to:

- (1) political affiliation, belief, or opinion; or
- (2) any other nonmerit factor.

(c) All personnel actions concerning an employee or applicant in the management service shall also be made without regard to the employee's political affiliation, belief, or opinion, ~~OR ANY OTHER NONMERIT FACTOR.~~

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, PERSONNEL ACTIONS CONCERNING SPECIAL APPOINTMENTS OR APPLICANTS FOR SPECIAL APPOINTMENT IN THE STATE PERSONNEL MANAGEMENT SYSTEM OR COMPARABLE POSITIONS IN AN INDEPENDENT PERSONNEL SYSTEM IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT SHALL BE MADE WITHOUT REGARD TO:

- ~~(I)~~ **POLITICAL AFFILIATION, BELIEF, OR OPINION; OR**
- ~~(II)~~ **ANY OTHER NONMERIT FACTOR.**

(2) FOR THE POSITIONS THAT ARE DESIGNATED BY THE SECRETARY UNDER § 4-201(C)(2)(II) OF THIS ARTICLE OR BY THE SECRETARY OF TRANSPORTATION UNDER § 2-103.4(B)(2) OF THE TRANSPORTATION ARTICLE, PERSONNEL ACTIONS CONCERNING SPECIAL APPOINTMENTS OR APPLICANTS FOR SPECIAL APPOINTMENT IN THE STATE PERSONNEL MANAGEMENT SYSTEM OR COMPARABLE POSITIONS IN AN INDEPENDENT PERSONNEL SYSTEM IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT MAY BE MADE WITH REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION.

[(d)] (E) The protections of this section are in addition to whatever legal or constitutional protections an employee or applicant has.

6-405.