

(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 **THAT IS NOT ILLEGAL OR UNCONSTITUTIONAL**, solely in the discretion of the appointing authority.

(C) **A MANAGEMENT SERVICE EMPLOYEE OR A SPECIAL APPOINTMENT EMPLOYEE DESIGNATED BY THE SECRETARY UNDER § 4-201(C)(2)(I) OF THIS ARTICLE MAY NOT BE TERMINATED FOR THE PURPOSE OF CREATING A NEW POSITION FOR ANOTHER INDIVIDUAL'S APPOINTMENT BECAUSE OF THAT INDIVIDUAL'S POLITICAL AFFILIATION, BELIEF, OR OPINION.**

~~(D) A MANAGEMENT SERVICE EMPLOYEE OR A SPECIAL APPOINTMENT EMPLOYEE WHO IS TERMINATED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE GIVEN, IN WRITING, THE REASONS FOR THE TERMINATION BY THE EMPLOYEE'S APPOINTING AUTHORITY.~~

[(c)] ~~(E)~~ (D) An employee or an employee's representative may file a written appeal of an employment termination under this section as described under § 11-113 of this title.

~~(F) AN EMPLOYEE SUBJECT TO THIS SECTION MAY INITIATE A CAUSE OF ACTION BASED ON THE EMPLOYEE'S TERMINATION WITHOUT FIRST EXHAUSTING THE EMPLOYEE'S ADMINISTRATIVE REMEDIES.~~

~~(G) IF A COURT DETERMINES THAT AN EMPLOYEE IS ENTITLED TO JUDGMENT IN AN ACTION, THE COURT SHALL ALLOW THE EMPLOYEE REASONABLE COUNSEL FEES AND OTHER COSTS OF THE ACTION.~~

Article - Transportation

2-103.4.

(b) (1) In the exercise of the Secretary's powers under this section, the Secretary may:

[(1)] (I) Create and abolish any position other than positions specifically provided for in this article; and