

(4) except as provided in subsection (e) of this section, the results of an anonymous survey of employees assigned to the supervisor in accordance with procedures established by the Secretary.

(e) The anonymous survey requirement under subsection (d)(4) of this section shall not be a factor in evaluating a manager's or supervisor's performance if fewer than five employees are assigned to the manager or supervisor.

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(a) This section only applies to an employee:

- (1) in the management service;
- (2) in executive service; or
- (3) under a special appointment described in § 6-405 of this article.

(b) (1) An employee or an employee's representative may file a written appeal of a disciplinary action with the head of the principal unit.

(2) An appeal:

(i) must be filed within 15 days after the employee receives notice of the disciplinary action; and

(ii) may only be based on the grounds that the disciplinary action is ~~ARBITRARY, CAPRICIOUS,~~ illegal, or unconstitutional.

(3) The employee has the burden of proof in an appeal under this section.

(c) The head of the principal unit may confer with the employee before making a decision.

(d) (1) The head of the principal unit may:

(i) uphold the disciplinary action; or

(ii) rescind or modify the disciplinary action and restore to the employee any lost time, compensation, status, or benefits.

(2) Within 15 days after receiving an appeal, the head of the principal unit shall issue the employee a written decision.