

WHENEVER AN EMPLOYER RECEIVES A NOTICE UNDER THIS SECTION, THE EMPLOYER IMMEDIATELY SHALL SECURE COMPENSATION IN ACCORDANCE WITH § 9-402 OF THE LABOR AND EMPLOYMENT ARTICLE THAT WILL BE IN EFFECT ON THE DATE ON WHICH THE CANCELLATION TAKES EFFECT.

REVISOR'S NOTE: Chapter ____, Acts of 1991, which enacted the Labor and Employment Article, also enacted this section, which is derived without substantive change from former Art. 101, § 19(e).

Article 64A – Merit System

35.

(A) THE PROVISIONS OF THIS SECTION THAT GOVERN THE LAYOFF AND REINSTATEMENT OF UNCLASSIFIED EMPLOYEES DO NOT APPLY TO THE BOARD FOR THE INJURED WORKERS' INSURANCE FUND.

[(a)] (B) Employees who are in positions that are to be abolished, discontinued, or vacated, because of A change in departmental organization[,] or [through] A stoppage or lack of work, shall be laid off.

[(b)] (C) Except for faculty and other unclassified employees of the State institutions of higher education and their governing boards, the Secretary of Personnel shall establish uniform procedures among State agencies, by rule and regulation, for:

(1) The layoff of State employees regardless of employment status; and

(2) The reinstatement of laid-off classified and unclassified State employees to comparable occupational positions in State employment.

[(c)] (D) The rules and regulations promulgated by the Secretary pursuant to subsection [(b)] (C) of this section shall include:

(1) An order of layoff determined by seniority points, including credit for:

(i) Total State service;

(ii) Service within the department where the layoff is to occur; and

(iii) Service in the job classification and its job series, as defined by the Secretary, where the layoff is to occur.

(2) A provision that an employee being laid off may displace another employee with the least seniority in the same job classification or its job series, or any other job classification in which the employee being laid off previously held satisfactory permanent status. This provision shall be limited first to the appointing authority and subsequently to the employee's department, or by geographical area as defined by the Secretary of Personnel, or both.

(3) A provision that if 2 or more employees in the same classification have the same seniority points, the order of layoff shall be based on: