

CHAPTER 211

(House Bill 91)

AN ACT concerning

State Personnel - Appeal of Disciplinary Action

FOR the purpose of clarifying that an employee serving an original probationary period has the burden of proof in an appeal of a disciplinary action taken while the employee is on probation in certain circumstances; and generally relating to appeals of disciplinary actions.

BY repealing and reenacting, with amendments,

Article - State Personnel and Pensions

Section 11-109(b)

Annotated Code of Maryland

(1997 Replacement Volume)

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.

(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 [section] 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1998.

Approved April 28, 1998.
