

# Title 17

## DEPARTMENT OF BUDGET AND MANAGEMENT

### Subtitle 04 PERSONNEL SERVICES AND BENEFITS

#### 17.04.04 Separations, Reemployment, and Reinstatement

Authority: State Personnel and Pensions Article, §§2-801, 4-106, and Title 11, Annotated Code of Maryland

##### Notice of Proposed Action

[12-262-P]

The Secretary of Budget and Management proposes to amend Regulation .04 under COMAR 17.04.04 Separations, Reemployment, and Reinstatement.

##### Statement of Purpose

The purpose of this action is to amend the regulations based on changes resulting from House Bill 525, State Personnel — Hiring Prohibition — Individuals Terminated with Prejudice, made during the 2012 Legislative Session. Under this statute, effective October 1, 2012, a State employee that is terminated with prejudice from State service from any branch of State government or independent personnel system will be barred from any future State employment in any capacity.

##### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

##### Estimate of Economic Impact

The proposed action has no economic impact.

##### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

##### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

##### Opportunity for Public Comment

Comments may be sent to Leslie G. Buchman, Director, Personnel Services Division, Department of Budget and Management, 301 W. Preston Street, Room 602, Baltimore, MD 21201, or call 410-767-4718, or email to lbuchman@dbm.state.md.us, or fax to 410-333-5262. Comments will be accepted through November 5, 2012. A public hearing has not been scheduled.

#### **.04 Separation Reports for Unsatisfactory Performance or Conduct.**

A. (text unchanged)

B. Separation for unsatisfactory performance or conduct, *as reported in paragraph A above*, is grounds for denial of future State employment for a period of up to 3 years. [Termination with prejudice is a bar to employment in any capacity with the State for 3 years.]

C. *An individual may be terminated with prejudice from State service when the individual's actions are found to be so egregious that the individual does not merit employment in any capacity with the State. Termination with prejudice is a permanent bar to any future employment in any capacity with the State; therefore, an individual who has been terminated with prejudice from State service may not subsequently be hired in any branch of State Government, including any unit with an independent personnel system, on or after October 1, 2012.*

[C.] D. (text unchanged)

T. ELOISE FOSTER  
Secretary of Budget and Management