

**PRINCE GEORGE'S COUNTY COUNCIL  
AGENDA ITEM SUMMARY**

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**Meeting Date:** 7/25/2000**Reference No.:** CB-27-2000**Proposer:** Estep**Draft No.:** 3**Sponsors:** Estep

**Item Title:** An Act amending the provisions pertaining to proposing and taking adverse actions against employees, appeals from adverse actions, hearing procedures of the Personnel Board, the production of evidence and witnesses, and the eligibility and award of attorney's fees

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**Drafter:** Ralph E. Grutzmacher  
Legislative Officer**Resource** John Timms  
**Personnel:** Legislative Aide

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**LEGISLATIVE HISTORY:****Date Presented:** 4/4/2000 **Executive Action:** 8/7/2000 S**Committee Referral:** 4/4/2000 PSFM **Effective Date:** 9/22/2000**Committee Action:** 6/26/2000 FAV(A)**Date Introduced:** 6/27/2000**Public Hearing:** 7/25/2000 11:00 A.M.**Council Action:** 7/25/2000 ENACTED**Council Votes:** DB:A, JE:A, IG:A, TH:A, WM:A, RVR:A, AS:A, PS:A, MW:A**Pass/Fail:** P**Remarks:** \_\_\_\_\_

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**PUBLIC SAFETY & FISCAL MANAGEMENT COMMITTEE REPORT** Date: 6/26/00

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Wilson, Estep, Maloney and Scott).

This bill will amend the Personnel Law pertaining to grievances, adverse actions, and appeals by requiring prompt hearings and full due process, including reinstatement of employees and reimbursement of attorney's fees when the Personnel Board determines such action is warranted.

Draft 2 reflects the revisions as a result of discussions between the sponsor of the legislation and the County Executive's staff.

There should not be any negative fiscal impact on the County as a result of enacting CB-27-2000.

**BACKGROUND INFORMATION/FISCAL IMPACT**

**(Includes reason for proposal, as well as any unique statutory requirements)**

The provisions of the Personnel Law pertaining to proposing and taking adverse actions against employees were enacted prior to a series of Federal Court decisions concerning the dismissal of public employees beginning with the decision of the Supreme Court in *Cleveland Board of Education v. Loudermill* 470 U.S. 532 (1985). The proposed legislation attempts to address the problems with the existing post-termination procedures. The proposed legislation provides for additional notice, together with notice of the evidence being considered by the appointing authority to support the proposed action, of a pending adverse action to allow the accused employee time to respond to the charges. The legislation also provides for a prompt post-termination hearing process, the production of documentary evidence requested by the discharged employee, the payment of reasonable attorney's fees if the employee prevails, and specific remedies that may be considered and ordered by the Personnel Board. Several of these provisions reflect similar provisions provided in the personnel laws of the State of Maryland and Montgomery County. In the event that a reviewing court or the Personnel Board overturns or reverses the termination, the terminated employee is returned to a pay status during any subsequent appeals by the County.

**CODE INDEX TOPICS:**