

THIS SUBTITLE APPLIES TO ALL INDIVIDUALS WHO PROVIDE PAID OR UNPAID SERVICE TO OR FOR ANY UNIT IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT AS:

- (1) AN EMPLOYEE;
- (2) A VOLUNTEER; OR
- (3) A MEMBER OF ANY BOARD OR COMMISSION.

3-603.

(A) IN THIS SECTION, "PROBATION BEFORE JUDGMENT" MEANS AN ENTRY OF PROBATION BY A COURT IN ACCORDANCE WITH ARTICLE 27, § 641 OF THE CODE.

(B) AN APPOINTING AUTHORITY:

(1) MAY NOT CONSIDER PROBATION BEFORE JUDGMENT FOR AN OFFENSE TO BE A CONVICTION FOR PURPOSES OF THE STATE SUBSTANCE ABUSE POLICY IF THE OFFENSE OCCURS OUTSIDE THE COURSE AND SCOPE OF EMPLOYMENT; AND

(2) MAY NOT IMPOSE A SANCTION UNDER THE STATE SUBSTANCE ABUSE POLICY AGAINST AN INDIVIDUAL WHO RECEIVES PROBATION BEFORE JUDGMENT FOR AN OFFENSE THAT OCCURS OUTSIDE THE COURSE AND SCOPE OF THE INDIVIDUAL'S STATE EMPLOYMENT.

(C) AN APPOINTING AUTHORITY MAY IMPOSE ANY SANCTION ALLOWED UNDER THE STATE SUBSTANCE ABUSE POLICY AGAINST AN INDIVIDUAL WHO RECEIVES PROBATION BEFORE JUDGMENT FOR AN OFFENSE THAT OCCURS DURING THE COURSE AND SCOPE OF THE INDIVIDUAL'S STATE EMPLOYMENT.

3-604.

(A) IN THIS SECTION, "SENSITIVE CLASS OR POSITION" MEANS A CLASS OR POSITION THAT HAS BEEN DESIGNATED TO BE SENSITIVE BY AN APPOINTING AUTHORITY OR ~~FOR EMPLOYEES IN~~ A PERSONNEL SYSTEM.

(B) AN APPOINTING AUTHORITY:

(1) MAY NOT CONSIDER A CONVICTION OF AN INDIVIDUAL WHO IS NOT IN A SENSITIVE CLASS OR POSITION TO BE A VIOLATION OF THE STATE SUBSTANCE ABUSE POLICY IF THE OFFENSE OCCURS OUTSIDE THE COURSE AND SCOPE OF EMPLOYMENT; AND

(2) MAY NOT IMPOSE A SANCTION UNDER THE STATE SUBSTANCE ABUSE POLICY AGAINST AN INDIVIDUAL WHO IS NOT IN A SENSITIVE CLASS OR POSITION FOR A CONVICTION THAT OCCURS OUTSIDE THE COURSE AND SCOPE OF THE INDIVIDUAL'S STATE EMPLOYMENT.