



# MARYLAND STATE POLICE

## PERSONNEL DIRECTIVE



### Termination

<b>Distribution:</b> All Employees	<b>Index:</b> <b>PER 20.04</b>
<b>DLI Reference:</b> N/A	<b>Rescinds:</b> Chapter 4, Sec. VII (B) Chapter 4, Sec. VIII (F)
<b>Issued:</b> 01/01/2013	<b>Revised:</b> 10/11/2013

#### **.01 Purpose**

To describe the policy and procedures for involuntary termination of troopers and civilian employees.

#### **.02 Policy**

It is the policy of the MSP to administer involuntary terminations in a fair and impartial way.

#### **.03 References**

[MD. CODE ANN., STATE PERS. & PENS. §11–105.](#)

[MD. CODE ANN., STATE PERS. & PENS. §11–201, \*et seq.\*](#)

[MD. CODE ANN., STATE PERS. & PENS. §11–301, \*et seq.\*](#)

[MD. CODE ANN., PUB. SAFETY §3–101, \*et seq.\*](#)

#### **.04 CALEA Standards**

**LE:** 26.1.7

**TA:** 4.6.6

**CM:** 3.6.8

#### **.05 Procedures**

##### A. Applicability of Statutes

1. Termination of troopers will be in accordance with the Annotated Code of Maryland, Public Safety Article.
2. Termination of civilian employees will be in accordance with the Annotated Code of Maryland, State Personnel & Pensions Article.

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B. At a minimum, a terminated trooper or civilian employee will be provided with:

1. a written statement citing the reason for the dismissal;<sup>1</sup>
2. the effective date of the dismissal;<sup>2</sup> and
3. a statement outlining any benefits that the employee may be entitled to and how to access these benefits.<sup>3</sup>

C. Termination of Probationary Troopers

The termination of probationary troopers will follow the procedures described in [PER 06.01](#).

D. Termination of Non-Probationary Troopers

The termination of non-probationary troopers will follow the procedures described in [PER 19.04](#) and [PER 19.05](#).

E. Termination of Probationary Civilian Employees

1. Recommendation for the termination of a probationary civilian employee may be made at any supervisory level.
2. Recommendations will be included in a detailed report justifying the termination that will be forwarded to the Superintendent through official channels.
3. Each level of command will endorse the recommendation.
4. The report will include specific, detailed examples of unacceptable behavior to substantiate the endorsement, such as:
  - a. dates and times of behavior;
  - b. relevant documents;
  - c. witness statements;
  - d. results of any internal or criminal investigations;
  - e. test results (PBT, breathalyzer, etc.);
  - f. photographs; and
  - g. other items of evidentiary value.
5. Recommendations for termination will be made if:
  - a. the civilian employee is determined to be incompetent, unfit or unable to properly perform his duties;
  - b. all efforts to correct civilian employee performance, including training, counseling, personalized instruction, etc. have proven to be ineffective; or
  - c. the circumstances in the civilian employee's probation report warrant termination.

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<sup>1</sup> LE: 26.1.7(a) TA: 4.6.6(a) CM: 3.6.8(a)

<sup>2</sup> LE: 26.1.7(b) TA: 4.6.6(b) CM: 3.6.8(b)

<sup>3</sup> LE: 26.1.7(c) TA: 4.6.6(c) CM: 3.6.8(c)

6. In addition to citing the employee's inadequacies, the recommendation will include:
  - a. explanations of all efforts to correct the civilian employee's shortcomings; and
  - b. specific details from each level of command describing his involvement in correcting the civilian employee's behavior.
7. All recommendations for termination will be submitted as soon as possible so the Superintendent may act before the end of the civilian employee's probationary period.

**F. Notification and Suspension of Civilian Employees**

1. Civilian employees who are on probation must be notified of their termination at least ten days before the effective date of termination.
2. The MSP may suspend a probationary employee with pay between the date of the notice and the effective date of the termination.

**G. Automatic Termination**

Certain circumstances allow for automatic termination without the notice required in (D)(1), including:

1. intentional and unjustified conduct that seriously injures another person, substantially damages property; or seriously threatens the safety of the workplace.
2. theft of State property having a value greater than \$300;
3. illegal sale, use or possession of controlled dangerous substances(CDS) on the job;
4. conviction of a CDS offense by an employee in a designated sensitive classification;
5. conviction of a felony;
6. accepting bribes;
7. violation of the Fair Election Practice Act;
8. using, threatening or attempting to use political influence or the influence of any State employee or officer in securing promotion, transfer, leave of absence or increased pay; and
9. wanton careless conduct or unwarrantable excessive force in treatment or care of a prisoner or other individual who is in the care or custody of the State.

**H. Appeals**

1. Non-probationary civilian employees in the skilled or professional service may file an appeal within 15 days of receiving notice of the intent to terminate.
2. Probationary civilian employees in the skilled or professional service may file an appeal only on the basis that the action was illegal or unconstitutional.

**I. Benefits**

1. Troopers and civilian employees will be allowed to meet with the Retirement Coordinator to determine the status of any benefits they may be entitled to receive.<sup>4</sup>

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<sup>4</sup> LE: 26.1.7(c) TA: 4.6.6(c) CM: 3.6.8(c)

PER 20.04  
**Termination**

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2. Any trooper or civilian employee whose employment with the MSP is being terminated will be directed by his commander or director to contact the Health Benefits Coordinator, Medical Services Section, HRD for information regarding health insurance and prescription benefits.<sup>5</sup>

Approved:

Colonel Marcus L. Brown  
Superintendent 01/01/2014

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<sup>5</sup> LE: 26.1.7(c) TA: 4.6.6(c) CM: 3.6.8(c)

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