

AMENDMENT TO S. 585

OFFERED BY MR. CUMMINGS OF MARYLAND

Page 7, line 3, insert “30 days’ advance” before “written notice”.

Page 7, line 15, strike “14 days” and insert “a reasonable time, but not less than 7 days”.

Page 7, line 16, insert “affidavits and other documentary” after “furnish”.

Page 7, strike line 18 and all that follows through line 2 on page 8 and insert the following:

1 “(ii) STANDARD OF PROOF.—After
2 the 14-day period described in clause (i),
3 the head of the agency, after considering
4 mitigating and aggravating factors pre-
5 scribed by the Merit Systems Protection
6 Board for application to proposed actions
7 under this section, may carry out the pro-
8 posed action described in paragraph (1). If
9 a supervisor does not furnish evidence as
10 described in clause (i), the head of the
11 agency shall carry out the action described
12 in paragraph (1) only if it has been deter-

1 mined by a preponderance of the evidence
2 that the supervisor committed a prohibited
3 personnel practice”.

Page 8, line 14, strike “and subsection (c)”.

Page 8, line 17, strike “and subsection (c)”.

Page 8, beginning on line 20, strike “Except as pro-
vided in paragraph (B), the” and insert “The”.

Page 8, strike line 24 and all that follows through
line 5 on page 9 and insert the following:

4 “(B) CONFLICTS OF INTEREST.—The head
5 of the agency may not serve as both the agency
6 official proposing the disciplinary action against
7 a supervisor under this section and the agency
8 official determining whether to carry out such
9 action.”.

