

Ethics Law – Contractual Employees

FOR the purpose of including certain contractual employees in the Executive and Legislative Branches of the State government under the requirements of the Ethics Law applicable to public officials.

BY repealing and reenacting, with amendments,
Article 40A – Maryland Public Ethics Law
Section 1-201(bb)
Annotated Code of Maryland
(1986 Replacement Volume and 1989 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 40A – Maryland Public Ethics Law

1-201.

(bb) “Public official” means:

(1) Any individual in an executive agency, INCLUDING AN INDIVIDUAL EMPLOYED ON A FULL-TIME CONTRACTUAL BASIS FOR MORE THAN 6 MONTHS, who:

(i) Is a classified employee at grade level 16 or above, or, if not a classified employee, receives a rate of compensation equal thereto, or is appointed to a board or commission; and

(ii) As determined by the Ethics Commission pursuant to § 2-103(h), who:

1. Is charged, individually or as a member of an executive agency, with decision making authority or acts as a principal advisor to one with such authority:

A. In making State policy in an executive agency; or

B. In exercising quasi-judicial, regulatory, licensing, inspecting, or auditing functions; and

2. Whose duties are not essentially administrative and ministerial; and

(iii) Is not a full-time or part-time faculty member at a State institution of higher education, unless the individual is also employed in another State position which does fall under this definition or unless the individual also directly procures, directly influences, or otherwise directly affects the formation or execution of any State contract, purchase or sale as established by guidelines of the State Ethics Commission; provided such guidelines are promulgated as regulations and approved by the AELR Committee.