

by the Maryland State government in excess of three hundred fifty dollars per participating employee in any six-month period for tuition and related fees, is retained by the Secretary.

(2) **Determination Requirements.** Training of employees, through out-service training, may be authorized or recommended only after a determination by the department concerned that employees who are already trained cannot be utilized as instructors and that adequate training is not reasonably available in other State agencies. The office of the Secretary shall be available for advice and assistance in making this determination.

(3) **Prohibited Purposes.** (A) Out-service training for the purpose of filling a position by promotion is prohibited if there is another employee on the promotional eligible list. The Secretary, may at his discretion, waive this provision provided a previously approved career development program has been filed and approved by the Secretary.

(B) The selection of an employee for out-service training or the payment or reimbursement by the State of Maryland of the costs of such training is prohibited either for the purpose of providing an opportunity to such employee to obtain an academic degree which is not in accord with his career development plan.

(C) The expenditure of funds for out-service training for the purpose of raising the general educational level of an employee is not considered to be a legitimate and responsible function of the State and is prohibited. Employees seeking "general education" as opposed to "necessary training" should be encouraged to obtain such education on their own time and at their own expense.

(4) **Limitations.** Except as provided for in this subsection (5) below, the following limitations shall apply:

(A) The number of employees annually in out-service training for each department in any fiscal year shall not exceed ten per cent of the total number of employees employed by the department for that year.

(B) No employee having less than one year of service with the State of Maryland shall be eligible for out-service training, unless such training is part of the approved career development plan for the employee.

(C) In the first ten-year period of an employee's continuous service following the date of his initial entry into State service and in each ten-year period of service thereafter, the time spent by an employee in out-service training shall not exceed one year.

(5) **Waivers of Limitation.** (A) Limitations may be waived by the Secretary upon a finding that the postponement of the training would be contrary to the approved career development plan for the employee concerned or such other reason as the Secretary considers sufficient.

(B) If a waiver of limitations is desired, a written request for the waiver must be forwarded to the Secretary at least thirty calendar days prior to the beginning of training. The request for waiver must be signed by the department or agency head and should include the following items: