

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CONTRACTUAL EMPLOYEE" MEANS A PERSON PROVIDING PERSONAL SERVICES TO THE STATE FOR REMUNERATION PROVIDED THAT:

(I) THE SERVICES AND REMUNERATION ARE SPECIFIED IN AN AGREEMENT;

(II) AN EMPLOYER-EMPLOYEE RELATIONSHIP EXISTS; AND

(III) THE PERSON IS NOT EMPLOYED AS A CLASSIFIED, UNCLASSIFIED OR TEMPORARY EXTRA EMPLOYEE.

(3) "EMPLOYER-EMPLOYEE RELATIONSHIP" MEANS CONDITIONS OF EMPLOYMENT SUCH THAT:

(I) THE STATE HAS THE RIGHT TO CONTROL AND DIRECT THE PERFORMANCE OF SERVICES, NOT ONLY AS TO RESULTS BUT ALSO AS TO DETAILS AND MEANS;

(II) THE STATE HAS THE RIGHT TO DISCHARGE THE EMPLOYEE; AND

(III) THE STATE FURNISHES NECESSARY TOOLS AND A PLACE TO WORK.

(B) AN AGENCY OF THE EXECUTIVE MAY NOT EXECUTE OR RENEW A CONTRACT FOR THE EMPLOYMENT OF A CONTRACTUAL EMPLOYEE UNLESS:

(1) THE SECRETARY OF PERSONNEL HAS ISSUED A CERTIFICATION TO THE AGENCY THAT:

(I) THE EMPLOYMENT OF THE CONTRACTUAL EMPLOYEE IS FOR SERVICES THAT COULD NOT BE RENDERED BY ASSIGNMENT OR HIRING OF A CLASSIFIED OR UNCLASSIFIED EMPLOYEE; AND

(II) THE RATE OF REMUNERATION FOR THE CONTRACTUAL EMPLOYEE IS COMPARABLE TO THE RATE PAID FOR POSITIONS IN THE CLASSIFIED OR UNCLASSIFIED SERVICE INVOLVING COMPARABLE DUTIES, RESPONSIBILITIES, EXPERIENCE, AND AUTHORITY; OR

(2) THE CONTRACTUAL EMPLOYMENT IS EXEMPT FROM CERTIFICATION PURSUANT TO THIS SECTION.

(C) THE SECRETARY MAY LIMIT THE EFFECTIVE TERM OF THE CERTIFICATION REQUIRED UNDER SUBSECTION (B), BUT IN NO EVENT MAY THE SECRETARY ISSUE A CERTIFICATION WITH AN EFFECTIVE TERM WHICH EXCEEDS THE TERM OF THE EMPLOYMENT CONTRACT OR AGREEMENT BETWEEN THE EXECUTIVE AGENCY AND THE CONTRACTUAL EMPLOYEE.

(D) RECRUITMENT AND SELECTION OF ANY CONTRACTUAL