

[(b)](C) Any program established by a participating unit shall be consistent with the provisions of this subtitle and any regulations adopted under § 10-506 of this subtitle.

10-505.

(a) To be eligible for benefits under a participating unit's program, an employee must agree in writing that:

(1) unless the employee is involuntarily separated from service, the employee will remain in the service of the participating unit for the period specified in the agreement, which may not be less than 3 years; and

(2) subject to subsection (b) of this section, the employee will repay to the State the amount of any benefits provided under the program if the employee:

(I) is separated from service voluntarily[,] or involuntarily [because of misconduct,] before the time specified in the agreement;

(II) FAILS TO USE THE BENEFITS PROVIDED TO REPAY THE EMPLOYEE'S STUDENT LOAN; OR

(III) FAILS TO PROVIDE PROOF SATISFACTORY TO THE PARTICIPATING UNIT THAT THE BENEFITS PROVIDED HAVE BEEN USED TO REPAY THE EMPLOYEE'S STUDENT LOAN.

(b) An employee who voluntarily transfers from the participating unit to another unit of State government before the date specified in the agreement may not be required to repay benefits to the State unless, before the effective date of the transfer, the head of the participating unit that provided the benefits notifies the employee that repayment is required.

(c) (1) If an employee fails to repay any amount owed to the State under subsection (a)(2) of this section, the State may recover the amount outstanding by:

(i) setoff against accrued compensation, retirement benefits, or any other amount owed to the employee by the State; and

(ii) any other method provided by law.

(2) The head of the participating unit that provided benefits to an employee under a program may waive, in whole or in part, a right of recovery under this subsection if recovery would be inequitable or against public policy.

(d) An employee is ineligible for continued benefits under a program if the employee:

(1) separates from the participating unit providing the benefits; or

(2) does not maintain an acceptable level of performance, as determined under standards and procedures established by the participating unit.

(e) Benefits provided to an employee under a program shall be in addition to the salary and any other compensation payable to the employee.