

Article 64A - Merit System

15A.

(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 A WRITTEN 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 SERVICES ENCOMPASS FUNCTIONS THAT:

1. ARE NEEDED FOR A LIMITED TIME;

2. ARE UNUSUAL;

3. ARE INFREQUENT; OR

4. NEED TO BE ESTABLISHED QUICKLY AND FOR WHICH THERE IS NO REASONABLE ALTERNATIVE; AND

[[ii]] (III) The rate of remuneration for the contractual employee is comparable to the rate paid for positions