

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 NOT CONTINUE CERTIFICATION UNDER SUBSECTION (B) OF THIS SECTION IF ~~THE DEPARTMENT OF PERSONNEL~~ THE SECRETARY DETERMINES THAT THE SERVICES PERFORMED BY A CONTRACTUAL EMPLOYEE:

(1) ENCOMPASS PERMANENT FUNCTIONS;

(2) HAVE NO EXISTING-TERMINATION SPECIFIC EXPIRATION DATE; AND

(3) ARE REGULARLY PERFORMED ON A BASIS THAT IS AT LEAST THE EQUIVALENT OF 50 PERCENT OF THE WORK RESPONSIBILITY OF A FULL-TIME MERIT-SYSTEM PERMANENT EMPLOYEE.

[(c)] (D) 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)] (E) Recruitment and selection of any contractual employee by an agency of the executive shall be conducted, to the extent feasible, according to guidelines developed by the Secretary of Personnel. The guidelines shall require:

(1) A reasonable effort by the contracting authority publicly to solicit applicants for the contractual employment;

(2) A reasonable effort by the contracting authority to screen and select contractual employees by methods and criteria which are uniformly applied to all applicants for any particular instance of contractual employment; and

(3) Utilization of selection criteria for contractual employees which are based upon qualifications of the applicant exclusive of political or religious opinion or affiliation, marital status, race, color, creed, national origin, sex, physical or mental handicap, or age, except when sex, handicap, or age involves a bona fide job requirement.

[(e)] (F) The Secretary of Personnel periodically shall audit a sample of instances of contractual employment in the various agencies of the executive to determine whether justification exists for continuation of the certification required under subsection (b); and to determine whether the guidelines required by subsection (d) have been followed.

[(f)] (G) If, as the result of an audit pursuant to subsection (e), the Secretary determines that the services being