

performed by a contractual employee should be performed by an employee in the classified service, he shall refuse to renew the certificate issued under subsection (b); and he shall recommend to the Department of Budget and Fiscal Planning that a classified position be established.

[(g)] (H) If, as the result of an audit pursuant to subsection (e), the Secretary determines that the guidelines required under subsection (d) have not been followed, he shall advise the contracting authority as to the nature of the deviation from the guidelines, and he shall suggest to the contracting authority alternate methods or criteria which would have resulted in compliance with the guidelines.

[(h)] (I) The provisions of this section do not apply to the contractual employment of any type designated by the Secretary of Personnel to be exempt from provisions of this section.

[(i)] (J) The Secretary of Personnel shall include the following information in the annual reports required by Section 10 of this article:

(1) A summary by department of all certificates issued pursuant to subsection (b) during the previous fiscal year;

(2) A summary of the results of audits undertaken pursuant to subsection (e) during the previous fiscal year;

(3) A detailed report of any actions taken under subsections (f) and (g) during the previous fiscal year; and

(4) A listing of any exemptions granted under subsection (h) during the previous fiscal year.

51B.

(A) ~~WHENEVER THE-SECRETARY-REPLACES A CONTRACTUAL POSITION IS REPLACED~~ WITH A BUDGETED POSITION, SUBJECT TO SUBSECTION (B) OF THIS SECTION, A CONTRACTUAL EMPLOYEE WHO HAS 24 CONTINUOUS MONTHS OF SATISFACTORY CONTINUOUS SERVICE AS OF THE DATE OF REPLACEMENT MAY TRANSFER TO THE BUDGETED POSITION IN THE STATE CLASSIFIED OR UNCLASSIFIED SERVICE.

(B) BEFORE APPOINTMENT TO THE BUDGETED POSITION, ANY EMPLOYEE PROPOSED FOR TRANSFER UNDER THIS SECTION SHALL:

(1) RECEIVE A FAVORABLE PERFORMANCE EVALUATION BY THE DEPARTMENT APPOINTING AUTHORITY; AND

(2) EXCEPT IN THOSE INSTANCES WHERE THAT CLASSIFICATION DOES NOT REQUIRE TESTING, PASS THE MERIT SYSTEM TEST FOR THAT CLASSIFICATION.