

See Subtitle 3 of this title for a general description of positions that are in the classified service.

Defined terms: "Position" § 1-101

"State Personnel Management System" § 1-101

"Unclassified service" § 1-101

(E) CONTRACTUAL EMPLOYEE.

(1) "CONTRACTUAL EMPLOYEE" MEANS AN INDIVIDUAL:

(I) WHO, UNDER A WRITTEN AGREEMENT, PROVIDES PERSONAL SERVICES TO THIS STATE FOR PAY;

(II) WHO IS NOT EMPLOYED IN A BUDGETED POSITION; AND

(III) WHO HAS AN EMPLOYER-EMPLOYEE RELATIONSHIP WITH THIS STATE IN WHICH THIS STATE:

1. FURNISHES NECESSARY TOOLS AND A PLACE TO WORK;

2. HAS THE RIGHT TO CONTROL AND DIRECT THE DETAILS, MEANS, AND RESULTS OF THE PERFORMANCE OF THE SERVICES; AND

3. HAS THE RIGHT TO DISCHARGE THE INDIVIDUAL FROM EMPLOYMENT.

(2) "CONTRACTUAL EMPLOYEE" DOES NOT INCLUDE AN INDIVIDUAL WHO IS EMPLOYED AS:

(I) A CLASSIFIED SERVICE EMPLOYEE;

(II) AN UNCLASSIFIED SERVICE EMPLOYEE;

(III) AN EMERGENCY EMPLOYEE;

(IV) A TEMPORARY EXTRA EMPLOYEE; OR

(V) A TEMPORARY PENDING EMPLOYEE.

REVISOR'S NOTE: Paragraphs (1) and (2)(i), (ii), and (iv) of this subsection are new language derived without substantive change from former Art. 64A, § 1(7) and § 15A(a).

Paragraph (2)(iii) and (v) of this subsection is new language added to specify that an emergency employee and a temporary pending employee also are not to be considered contractual employees.

In the introductory language of paragraph (1) of this subsection, the reference to an "individual" is substituted for the former reference to a "person" because only an individual can be a contractual employee.