

(2) THE SECRETARY MAY ORDER A UNIT TO TAKE APPROPRIATE ACTION TO BRING A POSITION INTO COMPLIANCE WITH THE CLASSIFICATION AUDIT AND FINDINGS OF THE SECRETARY.

(E) RECLASSIFICATIONS GENERALLY.

(1) IF THE SECRETARY DETERMINES THAT A POSITION IS CLASSIFIED IMPROPERLY, THE SECRETARY SHALL RECLASSIFY THE POSITION TO A CLASS THAT IS MORE APPROPRIATE FOR THAT POSITION.

(2) A RECLASSIFICATION UNDER THIS SECTION MAY BE TO ANY APPROPRIATE CLASS THAT IS AT THE SAME OR AT A HIGHER OR LOWER SALARY LEVEL.

(3) AN EMPLOYEE WHOSE POSITION IS RECLASSIFIED TO A CLASS AT A LOWER SALARY LEVEL MAY GRIEVE THE RECLASSIFICATION UNDER TITLE 10 OF THIS ARTICLE.

(4) THE SECRETARY SHALL ADOPT REGULATIONS TO PROVIDE FOR THE EFFECTIVE DATE OF ANY RECLASSIFICATION.

(F) RECLASSIFICATIONS OF FILLED POSITIONS.

(1) THE RECLASSIFICATION OF A FILLED POSITION SHALL BE EFFECTIVE AS PROVIDED IN THIS SUBSECTION.

(2) IF THE SECRETARY DETERMINES THAT A FILLED POSITION IS UNDERCLASSIFIED, THE SECRETARY SHALL RECLASSIFY THE POSITION EFFECTIVE IMMEDIATELY OR AT ANY OTHER TIME ON OR BEFORE THE FIRST DAY OF THE NEXT FISCAL YEAR AFTER THE DETERMINATION.

(3) IF THE SECRETARY DETERMINES THAT A FILLED POSITION IS OVERCLASSIFIED, THE SECRETARY SHALL RECLASSIFY THE POSITION EFFECTIVE ON THE FIRST DAY OF THE THIRD FISCAL YEAR AFTER THE DETERMINATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 1(4) and (16) and § 16. It is revised to encompass not only the classified service but, also, the unclassified service, reflecting long-standing Departmental understanding and administrative practice.

Subsection (a) of this section is rephrased to specify the duties of the Secretary and to clarify the standard to be used in classifications. The substantive provisions of former Art. 64A, § 1(4), which defined "[c]lass", are incorporated in this subsection. See § 1-101(c) of this article and its accompanying Revisor's Note.

In subsection (d) of this section, the word "classification" is added to modify the word "audit" to conform to former Art. 64A, § 1(5), which used and defined the term "[c]lassification audit". The substance of that definition is incorporated in subsection (d) of this section and, therefore, the definition is deleted as unnecessary.