

(2) THE PAY PLANS ESTABLISHED UNDER THIS SUBTITLE DO NOT APPLY TO:

(I) ANY POSITION TO WHICH AN INDIVIDUAL'S ELECTION OR APPOINTMENT IS PROVIDED FOR BY THE MARYLAND CONSTITUTION;

(II) ANY POSITION FOR WHICH THE PAY IS BASED, BY LAW, ON JUDICIAL PAY; AND

(III) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A POSITION FOR WHICH THE PAY IS SET BY A UNIT WITH INDEPENDENT PAY-SETTING AUTHORITY.

(B) EXECUTIVE PAY PLAN.

(1) THE EXECUTIVE PAY PLAN SHALL INCLUDE EACH PERMANENT POSITION IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, INCLUDING EACH PERMANENT POSITION IN THE GOVERNOR'S OFFICE, THAT IS NOT INCLUDED IN THE STANDARD PAY PLAN AND HAS A PAY RATE EQUAL TO OR EXCEEDING THE LOWEST PAY RATE IN THE EXECUTIVE PAY PLAN.

(2) IN ADDITION, AND NOTWITHSTANDING ANY OTHER LAW, THE GOVERNOR MAY INCLUDE IN THE EXECUTIVE PAY PLAN ANY EXECUTIVE MANAGEMENT POSITION IN A UNIT IN THE EXECUTIVE BRANCH WITH INDEPENDENT PAY-SETTING AUTHORITY, EXCEPT A POSITION IN THE UNIVERSITY OF MARYLAND SYSTEM, MORGAN STATE UNIVERSITY, OR ST. MARY'S COLLEGE.

(3) NOTWITHSTANDING ANY OTHER LAW, IF A CLASSIFIED SERVICE POSITION INCLUDED IN THE EXECUTIVE PAY PLAN BECOMES VACANT, THAT POSITION THEN BECOMES AN UNCLASSIFIED SERVICE POSITION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 27(a)(2)(i), (ii), and (ix), and, as it related to positions in the plans, § 27(a)(1)(i).

Subsection (a)(1) of this section is revised to clarify the former reference to "all classified and unclassified positions for which the Secretary has authority to administer pay". Subsection (a)(1)(iii) is intended to cover units that have independent personnel systems but do not have independent pay-setting authority for all employees in the unit. See, e.g., TR § 7-206.

Although the former provisions referred expressly only to the "Executive Pay Plan", subsection (a)(2) of this section is revised to apply to the Standard Pay Plan as well, because the law restricts the authority of the Secretary and the Governor under either plan to set pay for the listed positions.

Subsection (a)(2)(i) of this section is substituted for the former reference to "constitutional officers", to conform to similar language in former Art. 64A, § 3(1), revised as § 1-202(2) of this article.