

(2) THE HEAD OF A PRINCIPAL DEPARTMENT OR OTHER INDEPENDENT UNIT CERTIFIES IN EACH PAYROLL FOR THAT DEPARTMENT OR UNIT THAT THE EMPLOYEES NAMED IN THE PAYROLL HAVE BEEN LAWFULLY EMPLOYED DURING THE PAY PERIOD AND ARE ENTITLED TO THE COMPENSATION AUTHORIZED BY THE SECRETARY.

(C) RECOVERY OF MONEY PAID UNLAWFULLY.

MONEY PAID IN VIOLATION OF THIS SECTION OR IN VIOLATION OF ANY REGULATION ADOPTED UNDER SUBSECTION (B) OF THIS SECTION MAY BE RECOVERED FROM THE OFFICER WHO PAYS OR AUTHORIZES PAYMENT OF THE MONEY OR FROM THE SURETIES OF THAT OFFICER'S OFFICIAL BOND.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 38.

In subsection (a)(1) of this section, the statutory references are added for clarity.

In subsection (a)(2) of this section, the former reference to "auditing or disbursing" officers is deleted as unnecessary because the prohibition extends to any officer who is involved in any way in the payment or approval of payroll.

In subsection (b)(1) of this section, the reference to a "payroll authorization from the Secretary" is substituted for the former reference to a "certificate" to conform to current usage.

Subsection (b)(2) of this section is rephrased to clarify that the head of a department or unit certifies entitlement for compensation of employees in each payroll. This revision reflects long-standing administrative practice.

In subsection (c) of this section, the reference to regulations adopted by the Secretary is added for specificity, in accordance with the apparent legislative intent, and to conform to the similar provisions of former Art. 64A, § 43, revised in § 14-102 of this article.

The State Personnel Article Review Committee notes, for consideration by the General Assembly, that this section - which has never been amended since its enactment in 1920 - is limited to classified service employees and does not cover all employees under the Secretary's pay-setting authority.

Defined terms: "Classified service" § 1-101

"Position" § 1-101

"Secretary" § 1-101

GENERAL REVISOR'S NOTE:

The second sentence of former Art. 64A, § 38A(c), which authorized the Secretary of Personnel to resolve questions under that section as to who was to be included as "officers or employees", is deleted as unnecessary because, in any event, the Secretary must give the Central Payroll Bureau payroll authorization and support documents for an officer or employee before the Bureau issues pay to that officer or employee.