

SUBTITLE 2. CONTRACTUAL EMPLOYEES GENERALLY.

12-201. SCOPE OF SUBTITLE.

(A) IN GENERAL.

THIS SUBTITLE APPLIES TO ALL UNITS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, EXCEPT ANY UNIT WITH AN INDEPENDENT PERSONNEL SYSTEM.

(B) EXEMPTIONS BY SECRETARY.

THE SECRETARY MAY EXEMPT SPECIFIC TYPES OF CONTRACTUAL EMPLOYEES FROM THE CERTIFICATION AND OTHER REQUIREMENTS OF THIS SUBTITLE.

REVISOR'S NOTE: Subsection (a) of this section is new language added to reflect references to units "of the executive" and to the "classified or unclassified service", which appear throughout former Art. 64A, § 15A. This addition conforms to long-standing Departmental understanding and administrative practice.

Subsection (b) of this section is new language derived without substantive change from former Art. 64A, § 15A(b)(2) and (i).

Defined terms: "Contractual employee" § 1-101
"Secretary" § 1-101

12-202. CERTIFICATION.

(A) IN GENERAL.

EXCEPT AS OTHERWISE AUTHORIZED UNDER § 12-201(B) OF THIS SUBTITLE, A UNIT MAY NOT EXECUTE OR RENEW A CONTRACT FOR THE EMPLOYMENT OF A CONTRACTUAL EMPLOYEE UNLESS THE SECRETARY ISSUES TO THE UNIT A CERTIFICATION THAT:

(1) THE EMPLOYMENT OF THE CONTRACTUAL EMPLOYEE IS FOR SERVICES THAT CANNOT BE PERFORMED BY ASSIGNMENT OR HIRING OF A CLASSIFIED SERVICE OR UNCLASSIFIED SERVICE EMPLOYEE;

(2) THE RATE OF PAY FOR THE CONTRACTUAL EMPLOYEE IS COMPARABLE TO THE RATE PAID TO CLASSIFIED SERVICE OR UNCLASSIFIED SERVICE EMPLOYEES IN POSITIONS THAT INVOLVE COMPARABLE DUTIES, RESPONSIBILITIES, EXPERIENCE, AND AUTHORITY; AND

(3) THE SERVICES TO BE PERFORMED UNDER THE CONTRACT ENCOMPASS FUNCTIONS THAT:

(I) ARE INFREQUENT;

(II) ARE NEEDED FOR A LIMITED TIME;

(III) ARE UNUSUAL; OR