

The introductory qualification and cross-reference are added for clarity.

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

12-205. AUDITS.

(A) IN GENERAL.

THE SECRETARY PERIODICALLY SHALL AUDIT A SAMPLE OF INSTANCES OF CONTRACTUAL EMPLOYMENT IN THE VARIOUS UNITS TO DETERMINE WHETHER:

(1) JUSTIFICATION EXISTS IN EACH INSTANCE TO CONTINUE CERTIFICATION FOR THE CONTRACTUAL EMPLOYEE; AND

(2) THE GUIDELINES ADOPTED UNDER § 12-203 OF THIS SUBTITLE HAVE BEEN FOLLOWED.

(B) ACTION BY SECRETARY AFTER AUDIT.

(1) IF, AS A RESULT OF AN AUDIT, THE SECRETARY DETERMINES THAT SERVICES PERFORMED BY A CONTRACTUAL EMPLOYEE SHOULD BE PERFORMED BY A PERMANENT EMPLOYEE, THE SECRETARY SHALL:

(I) REFUSE TO RENEW THE CERTIFICATION FOR THE CONTRACTUAL EMPLOYEE; AND

(II) RECOMMEND TO THE DEPARTMENT OF BUDGET AND FISCAL PLANNING THAT A POSITION FOR A PERMANENT EMPLOYEE BE ESTABLISHED.

(2) IF, AS A RESULT OF AN AUDIT, THE SECRETARY DETERMINES THAT A UNIT HAS NOT COMPLIED WITH THE GUIDELINES ADOPTED UNDER § 12-203 OF THIS SUBTITLE, THE SECRETARY SHALL:

(I) ADVISE THE UNIT OF THE NATURE OF THE NONCOMPLIANCE;
 AND

(II) SUGGEST ALTERNATE CRITERIA OR METHODS THAT WOULD HAVE COMPLIED WITH THE GUIDELINES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 15A(f), (g), and (h).

In subsection (b)(1) of this section, the term "permanent employee" is substituted for the former reference to "an employee in the classified service" to conform to the terminology used in § 12-204 of this subtitle and in COMAR 06.01.01.09B.

Former Art. 64A, § 51(j), which required the inclusion in the Secretary's annual report of specific information relating to contractual employment, is revised as § 2-202(a)(6) of this article.