

Defined terms: "Contractual employee" § 1-101

"Position" § 1-101

"Secretary" § 1-101

SUBTITLE 3. TRANSFERS OF CONTRACTUAL EMPLOYEES TO BUDGETED POSITIONS.

12-301. SCOPE OF SUBTITLE.

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

REVISOR'S NOTE: This section is new language that, in part, is based on references in the former law to the "classified or unclassified service" and, in part, is added to conform to § 12-201 of this title.

12-302. TRANSFERS AUTHORIZED.

IF A CONTRACTUAL POSITION IS REPLACED BY A BUDGETED POSITION IN THE CLASSIFIED SERVICE OR UNCLASSIFIED SERVICE, THE CONTRACTUAL EMPLOYEE IN THE CONTRACTUAL POSITION MAY TRANSFER TO THE BUDGETED POSITION, IF THE EMPLOYEE:

(1) HAS AT LEAST 24 CONTINUOUS MONTHS OF SATISFACTORY SERVICE AS OF THE DATE ON WHICH THE REPLACEMENT OCCURS;

(2) HAS RECEIVED A FAVORABLE PERFORMANCE EVALUATION BY THE APPOINTING AUTHORITY; AND

(3) HAS PASSED THE EXAMINATION, IF ONE IS REQUIRED, FOR THE CLASS IN WHICH THE BUDGETED POSITION IS PLACED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 51B(a), (b), and (d)(1).

In this section, the reference to the employee "in the contractual position" is added to state expressly that which formerly only was implied in the law - i.e., a transfer under this section is available only to the individual who holds the position at the time of replacement. See COMAR 06.01.01.09P.

Defined terms: "Appointing authority" § 1-101

"Class" § 1-101

"Contractual employee" § 1-101

"Classified service" § 1-101

"Position" § 1-101

"Unclassified service" § 1-101

12-303. CONTINUATION OF CONTRACT CERTIFICATION.

TO ENABLE A CONTRACTUAL EMPLOYEE TO PARTICIPATE IN ANY REQUIRED EXAMINATION FOR A BUDGETED POSITION UNDER THIS SUBTITLE, THE SECRETARY MAY CERTIFY THE CONTINUATION OF THE EMPLOYEE'S CONTRACT FOR A MAXIMUM PERIOD OF 1 YEAR AFTER THE DATE ON WHICH THE BUDGETED POSITION IS CREATED.