

[(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.]

[6-103.] 8-103.

(a) Subject to the approval of the Governor, the Secretary shall adopt regulations to carry out this subtitle.

(b) Subject to § 2-1312 of the State Government Article, the Secretary shall submit to the Department of Fiscal Services, on or before September 1 of each year, a list of the position, pay grade and step, and pay rate of each employee who was included in the Executive Pay Plan as of the preceding June 30.

[6-104.] 8-104.

(a) (1) Pay rates in the Standard Pay Plan may be set by:

- (i) a series of pay grades and steps within each grade;
- (ii) fixed rates; or
- (iii) minimum and maximum amounts.

(2) Pay rates in the Executive Pay Plan may be set by:

- (i) a series of executive pay grades and steps within each grade; or
- (ii) fixed rates.

(b) In setting or amending a pay rate, the Secretary shall consider:

- (1) the prevailing pay rates for comparable services in private and public employment;
- (2) experience;
- (3) living costs;
- (4) benefits; and
- (5) the financial condition and policies of this State.

(c) (1) A pay rate in either pay plan is subject to any limitations included in the State budget.

(2) The starting pay rate for an employee whose position is in the Executive Pay Plan may not exceed the pay rate set for the second step of the grade specified for the position, unless:

- (i) exceptional circumstances exist; and
- (ii) the Board of Public Works approves the higher starting pay.