

[6-108.] 8-108.

(a) This section applies only to the Executive Pay Plan.

(b) (1) An increase in a pay rate under this subsection:

- (i) may be given only with the approval of the Governor; and
- (ii) shall be based on the employee's performance.

(2) For or during a fiscal year, the head of a unit may recommend an increase in an employee's pay rate above the rate for the previous fiscal year by one step in the same grade.

(3) For or during a fiscal year, in recognition of the employee's exceptional performance, the head of a unit may recommend an increase in an employee's pay rate above the rate for the previous fiscal year by two steps in the same grade.

(4) Subject to § 2-1312 of the State Government Article, the Secretary shall notify the Department of Fiscal Services, on or before January 1 and July 1 of each year, of any pay adjustments made under this subsection during the preceding 6 months.

(c) (1) A pay increase under this subsection may be made:

- (i) to recruit or retain competent employees; or
- (ii) for any other reason that the Board of Public Works approves.

(2) Subject to the approval of the Board of Public Works, the Governor may approve:

- (i) a pay increase above the rate for the previous fiscal year of more than two steps in the same grade;
- (ii) a change in pay grade;
- (iii) a change from one [job] class in a series to a different [job] class in the same series;
- (iv) a new [job] class or position; or
- (v) another form of pay increase.

(3) Subject to § 2-1312 of the State Government Article, the Secretary shall submit to the Department of Fiscal Services a copy of documentation for any specific recruitment, retention, or other issue that warranted a pay increase under this subsection.

[6-109.] 8-109.

(a) Subject to the approval of the Governor, the Secretary at any time may decrease the pay rate for any class included in:

- (1) the Standard Pay Plan; or
- (2) except for a position for which pay is set by a unit with independent pay-setting authority, the Executive Pay Plan.