

- (iii) color;
- (iv) creed;
- (v) marital status;
- (vi) mental or physical disability;
- (vii) national origin;
- (viii) political affiliation, belief, or opinion;
- (ix) race;
- (x) religious affiliation, belief, or opinion; or
- (xi) sex.]

(1) ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ALL PERSONNEL ACTIONS CONCERNING A CONTRACTUAL EMPLOYEE SHALL BE MADE WITHOUT REGARD TO ANY FACTOR LISTED IN § 2-402 IN ACCORDANCE WITH § 2-302 OF THIS ARTICLE.~~

(2) An action may be taken with regard to age, sex, or disability to the extent that age, sex, or disability involves a bona fide occupational qualification.

(d) To the extent feasible, a unit shall conduct the recruitment and selection of contractual employees according to the guidelines adopted under this section.

[12-204.] 13-204.

Except as authorized under [§ 12-303] § 13-303 of this title, the Secretary may not continue certification for any contractual employee if the Secretary determines that the services performed under the contract:

- (1) encompass permanent functions;
- (2) have no specific expiration date; and
- (3) regularly are performed on a basis that is at least equal to 50 of the work responsibility of a full-time permanent employee.

[12-205.] 13-205.

(a) 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] § 13-203 of this subtitle have been followed.

(b) (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: