

- (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] § 13-203 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.

[Title 5. Part-Time Employment.]

[5-101.

In this title, "part-time" means work on at least 2 days per workweek, for not less than 50% nor more than 80% of the regular workweek.]

[5-102.

This title applies to all permanent positions in units in the executive branch of State government, including any unit with an independent personnel system.]

[5-103.

This title does not authorize the hiring of any part-time employee to perform work that is not authorized by law to be performed by a State employee.]

[5-104.

(a) It is the policy of this State that, except as provided in subsection (b) of this section, at least 5% of the positions in all units subject to this title, at each pay grade in those units, shall be available for employment on a part-time basis to individuals who cannot or choose not to work full time.

(b) (1) The Secretary may waive the provisions of subsection (a) of this section to the extent that the Secretary determines that those provisions conflict with the efficient performance of the State's personnel force.

(2) On request of a unit, the Secretary may reduce the percentage of part-time positions for that unit if:

- (i) the unit is undergoing a substantial reduction in force; or
- (ii) the Secretary finds that compliance with subsection (a) of this section would:
  1. materially impair the ability of the unit to perform its responsibilities; or
  2. severely impair the unit's efficiency.