

EMPLOYEE BY AN AGENCY OF THE EXECUTIVE SHALL BE CONDUCTED, TO THE EXTENT FEASIBLE, ACCORDING TO GUIDELINES DEVELOPED BY THE SECRETARY OF PERSONNEL. THE GUIDELINES SHALL REQUIRE:

(1) A REASONABLE EFFORT BY THE CONTRACTING AUTHORITY PUBLICLY TO SOLICIT APPLICANTS FOR THE CONTRACTUAL EMPLOYMENT;

(2) A REASONABLE EFFORT BY THE CONTRACTING AUTHORITY TO SCREEN AND SELECT CONTRACTUAL EMPLOYEES BY METHODS AND CRITERIA WHICH ARE UNIFORMLY APPLIED TO ALL APPLICANTS FOR ANY PARTICULAR INSTANCE OF CONTRACTUAL EMPLOYMENT; AND

(3) UTILIZATION OF SELECTION CRITERIA FOR CONTRACTUAL EMPLOYEES WHICH ARE BASED UPON QUALIFICATIONS OF THE APPLICANT EXCLUSIVE OF POLITICAL OR RELIGIOUS OPINION OR AFFILIATION, MARITAL STATUS, RACE, COLOR, CREED, NATIONAL ORIGIN, SEX, PHYSICAL OR MENTAL HANDICAP, OR AGE, EXCEPT WHEN SEX, HANDICAP, OR AGE INVOLVES A BONA FIDE JOB REQUIREMENT.

(E) THE SECRETARY OF PERSONNEL PERIODICALLY SHALL AUDIT A SAMPLE OF INSTANCES OF CONTRACTUAL EMPLOYMENT IN THE VARIOUS AGENCIES OF THE EXECUTIVE TO DETERMINE WHETHER JUSTIFICATION EXISTS FOR CONTINUATION OF THE CERTIFICATION REQUIRED UNDER SUBSECTION (B); AND TO DETERMINE WHETHER THE GUIDELINES REQUIRED BY SUBSECTION ~~(C)~~ (D) HAVE BEEN FOLLOWED.

(F) IF, AS THE RESULT OF AN AUDIT PURSUANT TO SUBSECTION ~~(D)~~ (E), THE SECRETARY DETERMINES THAT THE SERVICES BEING PERFORMED BY A CONTRACTUAL EMPLOYEE SHOULD BE PERFORMED BY AN EMPLOYEE IN THE CLASSIFIED SERVICE, HE SHALL REFUSE TO RENEW THE CERTIFICATE ISSUED UNDER SUBSECTION (B); AND HE SHALL RECOMMEND TO THE DEPARTMENT OF BUDGET AND FISCAL PLANNING THAT A CLASSIFIED POSITION BE ESTABLISHED.

(G) IF, AS THE RESULT OF AN AUDIT PURSUANT TO SUBSECTION ~~(D)~~ (E), THE SECRETARY DETERMINES THAT THE GUIDELINES REQUIRED UNDER SUBSECTION ~~(C)~~ (D) HAVE NOT BEEN FOLLOWED, HE SHALL ADVISE THE CONTRACTING AUTHORITY AS TO THE NATURE OF THE DEVIATION FROM THE GUIDELINES, AND HE SHALL SUGGEST TO THE CONTRACTING AUTHORITY ALTERNATE METHODS OR CRITERIA WHICH WOULD HAVE RESULTED IN COMPLIANCE WITH THE GUIDELINES.

(H) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO THE CONTRACTUAL EMPLOYMENT OF ANY TYPE DESIGNATED BY THE SECRETARY OF PERSONNEL TO BE EXEMPT FROM PROVISIONS OF THIS SECTION.

(I) THE SECRETARY OF PERSONNEL SHALL INCLUDE THE FOLLOWING INFORMATION IN THE ANNUAL REPORTS REQUIRED BY SECTION 10 OF THIS ARTICLE:

(1) A SUMMARY BY DEPARTMENT OF ALL CERTIFICATES ISSUED PURSUANT TO SUBSECTION (B) DURING THE PREVIOUS FISCAL