

(4) -- THE PHYSICIAN MEMBER OF THE BOARD MAY NOT SERVE AS THE MEDICAL DIRECTOR OR AS AN AGENT OF THE MEDICAL DIRECTOR.

(E) -- (1) -- WITHIN 15 DAYS AFTER A DETERMINATION THAT A STATE EMPLOYEE IS UNFIT FOR THE EMPLOYEE'S POSITION OR THAT AN APPLICANT FOR STATE EMPLOYMENT IS UNFIT FOR THE POSITION APPLIED FOR, THE MEDICAL DIRECTOR SHALL SUBMIT TO THE BOARD:

(i) -- ALL MEDICAL EVALUATIONS OF THE EMPLOYEE OR APPLICANT;

(ii) -- A DESCRIPTION OF THE DUTIES AND FUNCTIONS OF THE POSITION;

(iii) -- THE RESULTS OF ALL AVAILABLE PERFORMANCE TESTS OF THE EMPLOYEE OR APPLICANT; AND

(iv) -- ANY OTHER INFORMATION USED BY THE MEDICAL DIRECTOR TO REACH THE DETERMINATION.

(2) -- WITHIN 45 DAYS AFTER THE BOARD RECEIVES THE REQUIRED INFORMATION, THE BOARD SHALL:

(i) -- DETERMINE WHETHER OR NOT THE EMPLOYEE OR APPLICANT, WHEN PROVIDED WITH REASONABLE ACCOMMODATION, IS ABLE TO PERFORM THE ESSENTIAL DUTIES AND FUNCTIONS OF THE POSITION; AND

(ii) -- SUBMIT A WRITTEN REPORT OF THE BOARD'S DETERMINATION TO THE SECRETARY.

(3) -- ON THE EMPLOYEE'S OR APPLICANT'S OWN INITIATIVE OR AT THE REQUEST OF THE BOARD, THE EMPLOYEE OR APPLICANT MAY SUBMIT INFORMATION OR PRESENT TESTIMONY TO THE BOARD.

(4) -- IF THE BOARD DETERMINES THAT THE EMPLOYEE OR APPLICANT IS ABLE TO PERFORM THE ESSENTIAL DUTIES AND FUNCTIONS OF THE POSITION WHEN PROVIDED WITH REASONABLE ACCOMMODATION, THE SECRETARY MAY NOT DISQUALIFY THE EMPLOYEE OR APPLICANT.

(F) -- (1) -- THE SECRETARY MAY APPOINT AN EMERGENCY EMPLOYEE, UNDER § 24(B) OF THIS ARTICLE, TO ANY VACANCY CREATED BY THE OPERATION OF THIS SECTION.

(2) -- THE SECRETARY SHALL:

(i) -- ADOPT RULES AND REGULATIONS CONSISTENT WITH THIS SECTION;

(ii) -- REPEAL RULES AND REGULATIONS THAT CONFLICT WITH THIS SECTION; AND

(iii) -- CONSULT WITH THE GOVERNOR'S OFFICE FOR HANDICAPPED INDIVIDUALS IN DEVELOPING RULES AND REGULATIONS GOVERNING THIS SECTION.