

reason of illegality or fraud in connection therewith. UPON PROMULGATION OF AN ELIGIBLE LIST, THE RELATIVE STANDINGS OF ELIGIBLES MAY NOT BE AFFECTED EXCEPT WHERE A CLERICAL ERROR IN THE COMPUTATION OF SCORES HAS BEEN IDENTIFIED. The Secretary shall also have [the] DISCRETIONARY power[, in his discretion,] to remove the name of any person from an eligible list for any wilful misrepresentation of a material matter made in an application for examination to establish an eligible list. A new eligible list for any class shall be combined with an existing list as the Secretary may by rules provide but in such case any portion of such combined list shall be automatically cancelled one year after being first posted unless held in force as above provided. The markings and examination papers of each candidate shall be open to [his] inspection upon application at the office of the Secretary. [Whenever the name of any person shall have been certified to five (5) different vacancies (excluding any certification in which the name of a veteran having preference to appointment, as provided in § 17 of this article, shall stand higher than the name of such person), and such person shall not have been selected by an appointing authority to fill any of the vacancies to which he was certified for appointment, the Secretary may, if he deems such person to be unsuitable for employment, cause the name of such person to be dropped from the list of eligibles. Such person shall be notified in writing of such action. A candidate who protests removal of his name from the list shall be entitled to a review of such action by a board established under the rules of the Secretary to review such actions and to advise the Secretary with respect to such review of such action.]

(2) THE SECRETARY MAY DELETE FROM AN ELIGIBLE LIST THE NAME OF A PERSON WHO:

(I) FAILS TO SATISFY ANY REQUIRED MINIMUM PHYSICAL, EDUCATIONAL, OR EXPERIENTIAL QUALIFICATION AS ENUMERATED IN THE CURRENT CLASS SPECIFICATION;

(II) FAILS TO MEET REASONABLE REQUIREMENTS AS TO PHYSICAL CONDITION ~~OR MORAL~~ CHARACTER AS DETERMINED BY AN EXAMINATION CONDUCTED BY AN APPROVED PHYSICIAN WHERE SUCH AN EXAMINATION IS REQUIRED; OR

(III) HAS INDICATED AVAILABILITY FOR EMPLOYMENT STATEWIDE OR IN A SPECIFIC GEOGRAPHIC AREA AND FAILS TO RESPOND TO A NOTICE FOR AN INTERVIEW OR DECLINES AN OFFER OF APPOINTMENT IN THE AREA OF THEIR STATED AVAILABILITY.

(3) (I) BEFORE A PERSON IS REMOVED FROM THE ELIGIBLE LIST FOR ANY REASON PROVIDED IN PARAGRAPH (2), THE PERSON SHALL BE NOTIFIED IN WRITING AND GIVEN AN OPPORTUNITY TO PRESENT TO THE SECRETARY OR THE SECRETARY'S DESIGNEE, A WRITTEN RESPONSE EXPLAINING WHY THE PERSON'S NAME SHOULD NOT BE REMOVED FROM THE ELIGIBLE LIST.