

(II) THE SECRETARY OR THE SECRETARY'S DESIGNEE SHALL TAKE THE WRITTEN RESPONSE INTO CONSIDERATION WHEN DECIDING WHETHER THE PERSON'S NAME SHOULD BE REMOVED FROM THE ELIGIBLE LIST.

(4) THE SECRETARY MAY REFUSE TO EXAMINE AN APPLICANT OR TO CERTIFY AN APPLICANT WHO HAS BEEN EXAMINED IF THE APPLICANT:

(I) IS FOUND TO LACK THE REQUIREMENTS FOR ADMISSION TO THE EXAMINATION OR FOR APPOINTMENT TO THE POSITION;

(II) IS FOUND TO HAVE A PHYSICAL OR MENTAL DISABILITY WHICH PRECLUDES PERFORMANCE OF THE JOB;

(III) HAS INTENTIONALLY FALSIFIED INFORMATION PRESENTED IN THE APPLICATION; OR

(IV) HAS BEEN DECEPTIVE OR FRAUDULENT IN ANY PHASE OF THE EXAMINATION OR APPOINTMENT PROCESS.

(5) (I) A PERSON MAY NOT BE DISQUALIFIED PURSUANT TO PARAGRAPH (4) OF THIS SUBSECTION UNLESS A WRITTEN EXPLANATION IS ISSUED AND THE PERSON IS GIVEN AN OPPORTUNITY TO SUBMIT A REBUTTAL AND MEET WITH THE SECRETARY OR THE SECRETARY'S DESIGNEE.

(II) NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION, THE SECRETARY MAY INVESTIGATE THE QUALIFICATIONS AND BACKGROUND OF A PERSON AFTER AN APPOINTMENT IS MADE. IF FRAUDULENT OR IRREGULAR INFORMATION IS DISCOVERED SUBSEQUENT TO AN APPOINTMENT, THE SECRETARY MAY REVOKE THE CERTIFICATION, WITHDRAW THE OFFER AND APPOINTMENT, AND DIRECT THAT EMPLOYMENT BE TERMINATED. IN ORDER TO TERMINATE PERMANENT EMPLOYEES WHO HAVE COMPLETED AN ORIGINAL PROBATION, THE APPOINTING AUTHORITY MUST FILE CHARGES FOR REMOVAL UNDER § 33 OF THIS ARTICLE.

(III) EXCEPT IN THE CASE OF FRAUD, THE STATUTE OF LIMITATIONS FOR DECERTIFYING ELIGIBLE CANDIDATES AND TERMINATING EMPLOYMENT FOR VIOLATIONS CITED IN THIS SUBSECTION SHALL BE 3 YEARS.

27.

(A) THE SECRETARY SHALL RECOMMEND TO THE GOVERNOR A PAY PLAN FOR ALL CLASSIFIED AND UNCLASSIFIED POSITIONS FOR WHICH THE SECRETARY HAS AUTHORITY TO ADMINISTER PAY. PAY TO THE END THAT ALL POSITIONS IN THE SERVICE INVOLVING COMPARABLE SKILLS, KNOWLEDGE, EFFORT, RESPONSIBILITY, AND WORKING CONDITIONS SHALL BE PAID COMPARABLE SALARIES IN ACCORDANCE WITH THE RELATIVE VALUE OF THE SERVICES TO BE PERFORMED. IN ESTABLISHING RATES OF PAY, THE SECRETARY SHALL GIVE CONSIDERATION TO EXPERIENCE, THE PREVAILING RATES OF PAY FOR THE SERVICES PERFORMED, COMPARABLE SERVICES IN PUBLIC AND PRIVATE EMPLOYMENT, LIVING COSTS,