

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ALL PERSONNEL ACTIONS SHALL BE MADE WITHOUT REGARD TO:

- (1) AGE;
- (2) ANCESTRY;
- (3) COLOR;
- (4) CREED;
- (5) MARITAL STATUS;
- (6) MENTAL OR PHYSICAL DISABILITY;
- (7) NATIONAL ORIGIN;
- (8) POLITICAL AFFILIATION, BELIEF, OR OPINION;
- (9) RACE;
- (10) RELIGIOUS AFFILIATION, BELIEF, OR OPINION;
- (11) SEX; OR
- (12) ANY OTHER NONMERIT FACTOR.

(B) EXCEPTION.

AN ACTION MAY BE TAKEN WITH REGARD TO AGE, SEX, OR DISABILITY TO THE EXTENT THAT AGE, SEX, OR PHYSICAL OR MENTAL QUALIFICATION IS A BONA FIDE OCCUPATIONAL QUALIFICATION.

REVISOR'S NOTE: Subsections (a)(1), (3), and (5) through (12) and (b) of this section are new language derived without substantive change from the second sentence of former Art. 64A, § 12A.

Subsection (a)(2) and (4) of this section is new language added to conform to former Art. 64A, § 15A(e)(3), revised as § 12-203(c) of this article, which similarly prohibits discrimination in contractual employment. See also Executive Order 01.01.1987.20 and Art. 49B, §§ 16 through 18.

For similar consistency, the reference to "belief" is added in subsection (a)(8) and (10). See also § 4-301(b)(2)(ii) of this article and its Revisor's Note.

In subsection (b) of this section, the phrase "bona fide occupational qualification" is substituted for the former reference to "bona fide job requirement" to conform to the terminology used in Art. 49B, § 16 of the Code.

In this section and throughout this Division I, the term "disability" is substituted for the former reference to "handicap" to conform to current usage.