

BEFORE AN APPLICANT MAY BE DENIED EMPLOYMENT FOR MEDICAL REASONS, THE SECRETARY OR A DESIGNEE OF THE SECRETARY SHALL DOCUMENT IN WRITING:

- (1) THAT, USING RELEVANT PROVISIONS OF FEDERAL AND STATE LAW AND REGULATIONS, REASONABLE ACCOMMODATIONS WERE CONSIDERED;
- (2) THE SPECIFIC ACCOMMODATIONS THAT WERE CONSIDERED; AND
- (3) THE REASONS FOR REJECTING THOSE ACCOMMODATIONS.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the applicability of this section to both the classified service and unclassified service. Neither federal nor other State antidiscrimination laws distinguish between the classified service and unclassified service. See, e.g., Art. 49B, § 14. In addition, the Department has cited this section as authority for a proposed regulation that affects both classified service and unclassified service employees, indicating that the Department interprets this section to apply broadly.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 64A, § 12.

Defined terms: "Classified service" § 1-101

"Position" § 1-101

"Secretary" § 1-101

"State Personnel Management System" § 1-101

"Unclassified service" § 1-101

3-502. DENIAL OF PROMOTIONAL OPPORTUNITY WHILE ON SICK OR MATERNITY LEAVE.

(A) SCOPE OF SECTION.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES TO ALL EMPLOYEES, INCLUDING CLASSIFIED, UNCLASSIFIED, FULL-TIME, PART-TIME, PERMANENT, AND TEMPORARY EMPLOYEES, OF ALL UNITS IN THE EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT, INCLUDING ANY UNIT WITH AN INDEPENDENT PERSONNEL SYSTEM.

(2) THIS SECTION DOES NOT APPLY TO CONTRACTUAL EMPLOYEES.

(B) SECRETARY'S AUTHORITY.

THE RULEMAKING AND OTHER AUTHORITY OF THE SECRETARY WITH RESPECT TO THIS SECTION EXTENDS ONLY TO THOSE EMPLOYEES WHO ARE IN THE STATE PERSONNEL MANAGEMENT SYSTEM.

(C) DENIAL OF PROMOTIONAL OPPORTUNITY PROHIBITED.