

(I) CLASSES TO BE FILLED BY UNSKILLED MANUAL LABORERS;

(II) CLASSES FOR WHICH THE SECRETARY DETERMINES THAT COMPETITIVE EXAMINATIONS CANNOT VALIDLY EVALUATE THE ABILITIES AND KNOWLEDGE REQUIRED FOR SUCCESSFUL PERFORMANCE; AND

(III) POSITIONS TO BE FILLED BY PROMOTION.

(2) FOR ANY POSITION OR CLASS EXEMPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY MAY PROVIDE FOR A SYSTEM OF REGISTRATION THAT THE SECRETARY CONSIDERS BEST FOR THAT POSITION OR CLASS.

(C) QUALIFICATION EXAMINATIONS.

THE SECRETARY MAY AUTHORIZE QUALIFICATION EXAMINATIONS FOR POSITIONS THAT REQUIRE ADMINISTRATIVE, PROFESSIONAL, OR TECHNICAL SKILL, IF THE SECRETARY:

(1) GIVES NOTICE OF A COMPETITIVE EXAMINATION FOR THE POSITION AS REQUIRED BY § 4-207 OF THIS SUBTITLE; AND

(2) DOES NOT RECEIVE ANY APPLICATIONS FROM QUALIFIED APPLICANTS.

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly that which only was implied in the second clause of the first sentence of former Art. 64A, § 18(c) — i.e., except as otherwise provided by law, the Secretary shall require applicants to take competitive examinations. As to the appointments of temporary and emergency employees, see §§ 4-306, 12-101, and 12-202 of this article.

Subsections (b)(1)(i) and (ii), (b)(2), and (c) of this section are new language derived without substantive change from former Art. 64A, § 18(g) and the second clause of the first sentence of § 18(c).

Subsection (b)(1)(iii) of this section is new language added to state expressly that an exemption may be provided for positions to be filled by promotion. This addition conforms to COMAR 06.01.01.13, which was upheld by the Court of Special Appeals. See D'Anna v. Sec'y of Personnel, 47 Md. App. 180 (1980), cert. denied, 289 Md. 734 (1981).

In subsection (b)(1)(i) of this section, the term "classes" is substituted for the former term "positions" for consistency.

- Defined terms: "Class" § 1-101
- "Classified service" § 1-101
- "Position" § 1-101
- "Secretary" § 1-101

4-203. ELIGIBILITY FOR EXAMINATION AND EMPLOYMENT.

(A) IN GENERAL.