

SUBJECT TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION, THE SECRETARY MAY DISQUALIFY AND REMOVE FROM A LIST OF ELIGIBLE CANDIDATES ANY CANDIDATE WHO:

(1) WILLFULLY MISREPRESENTS A MATERIAL MATTER IN AN APPLICATION FOR AN EXAMINATION;

(2) FAILS TO SATISFY ANY MINIMUM STANDARD FOR EDUCATION, EXPERIENCE, OR PHYSICAL QUALIFICATION SPECIFIED FOR THE CLASS;

(3) IF A PHYSICAL EXAMINATION IS REQUIRED, FAILS TO MEET A REASONABLE STANDARD OF PHYSICAL CONDITION AS DETERMINED BY AN APPROVED PHYSICIAN; OR

(4) HAS INDICATED AVAILABILITY FOR EMPLOYMENT STATEWIDE OR IN A SPECIFIC GEOGRAPHIC AREA OF THIS STATE AND FAILS TO RESPOND TO A NOTICE FOR AN INTERVIEW FOR A POSITION, OR DECLINES AN OFFER OF APPOINTMENT, IN ANY AREA OF INDICATED AVAILABILITY.

(B) NOTICE AND OPPORTUNITY FOR RESPONSE.

THE SECRETARY MAY NOT DISQUALIFY A CANDIDATE UNDER THIS SECTION UNLESS THE SECRETARY OR THE SECRETARY'S DESIGNEE:

(1) GIVES THE CANDIDATE WRITTEN NOTICE OF THE REASON FOR THE PROPOSED DISQUALIFICATION;

(2) ALLOWS THE CANDIDATE AN OPPORTUNITY TO SUBMIT A WRITTEN RESPONSE; AND

(3) IF THE CANDIDATE SUBMITS A WRITTEN RESPONSE, CONSIDERS THE RESPONSE IN DECIDING WHETHER TO DISQUALIFY THE CANDIDATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 22(a)(2), (3), and the fourth sentence of (1).

In this section, the references to "disqualify[ing]" a candidate are added for clarity and consistency. See §§ 4-204 and 4-303 of this title.

The introductory language of subsection (b) of this section is revised to encompass all of the causes for disqualification listed in subsection (a) of this section and not merely, as in the former law, those causes listed in subsection (a)(2) through (4) of this section. This change is consistent with long-standing Departmental understanding and administration practice. See COMAR 06.01.01.33D.

In the introductory language of subsection (b) of this section, the reference to the "Secretary" is added to clarify who may remove a name from a list of eligibles.