

Subsections (b) and (c)(2) through (6) of this section are new language derived without substantive change from the fourth sentence and the first, second, and third clauses of the fifth sentence of former Art. 64A, § 17(a).

Subsection (c)(1) of this section is new language added to state expressly that which only was implied in the first clause of the fifth sentence of former Art. 64A, § 17(a) – i.e., absent a substantial reason, an appointing authority may not pass over an individual with a military service preference in favor of a nonveteran with the same or a lower standing on the list.

In subsection (b) of this section, the reference to a “certified list of eligible candidates” is substituted for the former reference to a “list” for clarity and consistency.

In subsection (c)(2) of this section, the defined term “appointing authority” is substituted for the former term “appointing officer” for consistency. Correspondingly, in subsection (c)(5) and (6), the defined term “appointing authority” is added.

Defined terms: “Appointing authority” § 1-101

“Class” § 1-101

“Classified service” § 1-101

“Position” § 1-101

“Secretary” § 1-101

4-306. TEMPORARY APPOINTMENTS PENDING CERTIFICATION.

(A) WHEN ALLOWED.

IF A REQUEST TO FILL A VACANCY IS RECEIVED AND A LIST OF ELIGIBLE CANDIDATES DOES NOT EXIST, THE SECRETARY:

(1) SHALL ESTABLISH A LIST OF ELIGIBLE CANDIDATES IN ACCORDANCE WITH THIS TITLE; AND

(2) IF NECESSARY TO PREVENT THE STOPPAGE OF PUBLIC BUSINESS PENDING ESTABLISHMENT OF THE LIST, MAY CERTIFY, WITH OR WITHOUT A COMPETITIVE EXAMINATION, A QUALIFIED INDIVIDUAL AS ELIGIBLE FOR TEMPORARY APPOINTMENT AS A TEMPORARY PENDING EMPLOYEE.

(B) TERM.

A TEMPORARY PENDING EMPLOYEE APPOINTED UNDER THIS SUBSECTION MAY CONTINUE IN THE POSITION ONLY UNTIL A LIST OF ELIGIBLE CANDIDATES IS ESTABLISHED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 1(19), the sixth sentence of § 17(a), and the first and third sentences of § 22(b).

In subsection (a)(1) of this section, the requirement to establish a list of eligible candidates is substituted for the former requirement to “call an examination”, because the Secretary must take all steps to establish the list.