

As to the time frame for establishing a list, see § 4-209(b) of this title.

The State Personnel Article Review Committee notes, for consideration by the General Assembly, that subsection (b) allows a temporary pending employee to work only until a list of eligible candidates is established. Generally, some time necessarily elapses between the establishment of a list and the interviewing and hiring of a permanent employee. The General Assembly may wish to amend this section to expressly allow for this lapse of time.

Defined term: "Secretary" § 1-101

4-307. DECERTIFICATIONS AFTER APPOINTMENT.

(A) INVESTIGATION ALLOWED.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE SECRETARY MAY INVESTIGATE THE BACKGROUND AND QUALIFICATIONS OF AN INDIVIDUAL EVEN AFTER THE INDIVIDUAL IS APPOINTED TO A POSITION IN THE CLASSIFIED SERVICE.

(B) ACTIONS TO TERMINATE EMPLOYMENT.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF FRAUDULENT OR IRREGULAR INFORMATION IS DISCOVERED AFTER THE APPOINTMENT OF AN INDIVIDUAL, THE SECRETARY MAY REVOKE CERTIFICATION FOR THE INDIVIDUAL, WITHDRAW THE APPOINTMENT OF THE INDIVIDUAL, AND DIRECT THAT THE EMPLOYMENT OF THE INDIVIDUAL BE TERMINATED.

(2) IF THE INDIVIDUAL HAS COMPLETED AN ORIGINAL PERIOD OF PROBATION, THE EMPLOYMENT OF THE INDIVIDUAL MAY BE TERMINATED UNDER THIS SECTION ONLY IF THE APPOINTING AUTHORITY FILES CHARGES FOR REMOVAL OF THE EMPLOYEE AND OTHERWISE COMPLIES WITH THE REQUIREMENTS OF TITLE 9, SUBTITLE 2, OF THIS ARTICLE.

(C) PERIOD FOR TERMINATION.

EXCEPT FOR FRAUD, THE SECRETARY MAY NOT TAKE ACTION AGAINST AN INDIVIDUAL UNDER THIS SECTION AFTER 3 YEARS FROM THE DAY ON WHICH THE INDIVIDUAL WAS APPOINTED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 22(a)(5)(ii) and (iii).

In subsection (a) of this section, the reference to "any other provision of this title" is substituted for the former, narrower reference to the "provisions of this subsection" to reflect the reorganization made by this revision and to indicate that no other provisions in this title are intended to limit the applicability of this section.

In subsection (b)(1) of this section, the former reference to withdrawing an "offer" is deleted as unnecessary in light of the authority to withdraw an appointment.