

[4-304.

Except as otherwise provided in this Division I, an appointing authority may fill a position in the classified service only by appointing a candidate certified under § 4-302 of this subtitle.]

[4-305.

(a) To the extent that the Secretary considers that it is in the best interests of the classified service, an appointing authority shall fill a vacant position in the classified service by promoting an employee from a class with a lower maximum compensation.

(b) An appointing authority may not appoint a nonresident of this State from a certified list of eligible candidates if there is a resident of this State who has the same or a higher standing on that list.

(c) (1) Unless there is substantial reason to pass over a candidate who is entitled to a military service preference under § 4-205 of this title, an appointing authority may not appoint a candidate who is not entitled to the preference if there is a candidate who is entitled to the preference and has the same or a higher standing on the certified list of eligible candidates.

(2) An appointing authority who proposes to pass over a candidate entitled to the preference shall submit to the Secretary a statement that gives a substantial reason for passing over that candidate.

(3) The statement:

(i) shall become part of the record of the candidate; and

(ii) shall be made available on request to the candidate or the designee of the candidate.

(4) The Secretary shall determine the sufficiency of the reason given in the statement.

(5) The Secretary may require the appointing authority to submit more detailed information to support the decision to pass over the candidate.

(6) If the Secretary finds that the appointing authority lacks substantial reason for passing over the candidate, the Secretary shall:

(i) order the appointing authority to appoint the candidate; and

(ii) send a copy of the order to the candidate or the designee of the candidate.]

[4-306.

(a) If a request to fill a vacancy is received and a list of eligible candidates does not exist, the Secretary or the head of a principal department or other independent unit for a unique class: