

1979 WL 42724 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 12, 1979

***1 RE: Mr. Charles English**

Mr. Fred B. Haskell
Merit System Supervisor
Personnel Division Interagency Merit System
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Mr. Haskell:

This letter will respond to your letter dated February 9, 1979. Two questions were presented in your letter. Each will be answered in seriatim.

Can the Merit System Supervisor reject an application for all positions because of any misrepresentation made by the applicant, or can the Supervisor only reject the candidate for those classes for which he would not meet the eligibility requirements.

It is the opinion of this office that the Merit System Supervisor may reject the application completely. Section II.D.3 of the Merit System Rule permits the Supervisor to reject the application of a person who has improperly completed or who has falsified an application for employment with the State. Integrity is a most desirable attribute of public employees and an applicant who has submitted a false application has demonstrated a lack of integrity. Accordingly, he or she should not be considered for employment in any capacity.

Is the Merit System Supervisor obliged to notify the disqualified applicant of a right to appeal his or her disqualification.

Section II.G. of the Merit System Rule states in what circumstance it is required that an applicant be notified of his or her removal from the register(s). Such circumstance exists when an agency head rejects an applicant for reasons listed in Section II.E. 1-4 of the Rule, and the Supervisor in consultation with the agency head determines that the applicant should be removed from the register. Inasmuch as this fact situation has not arisen concerning Mr. English, he is not entitled to be notified.

You might chose to give Mr. English a deadline for documenting the facts in his application by producing a graduate diploma and statements of former employers as to dates of his employment. If this deadline is not met, then reject his application.

Sincerely,

Barbara J. Hamilton
State Attorney

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