

Clerk's Note: On page 3, line 50, omitted language is shown in brackets.

CORRECTED BILL

Bill No. 32-12
Concerning: Personnel – Regulations –
Persons with Disabilities –
Noncompetitive Appointment
Revised: January 17, 2013 Draft No. 6
Introduced: November 13, 2012
Enacted: February 5, 2013
Executive: February 12, 2013
Effective: May 14, 2013
Sunset Date: None
Ch. 1, Laws of Mont. Co. 2013

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Andrews, Council Vice-President Rice, Council President Navarro,
Councilmembers Leventhal, Ervin, Floreen, Elrich, Berliner, and Riemer

AN ACT to:

- (1) establish a program, as authorized by the County Charter, permitting the noncompetitive appointment of certain qualified persons with severe disabilities who apply for a County merit position;
- (2) require the Executive to adopt regulations permitting the noncompetitive appointment of certain qualified persons with severe disabilities who apply for a County merit position; and
- (3) generally amend the merit system law concerning hiring persons with disabilities.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Section 33-7

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Short Title.

This Act may be cited as the “Expanded Hiring of Persons with Disabilities Act.”

Sec. 2. Section 33-7 is amended as follows:

33-7. County executive and merit system protection board responsibilities.

* * *

(d) [*Hiring preference*] [~~Special hiring rules for~~] Hiring persons with disabilities.

(1) Findings.

(A) Persons with disabilities are a largely untapped resource for outstanding candidates for County employment.

(B) There are many County residents with severe disabilities, including Wounded Warriors treated in the County at the Walter Reed National Military Medical Center.

~~(B)~~ (C) Persons with disabilities suffer from a high unemployment and underemployment rate in the County due in part to unfounded myths, fears and stereotypes associated with many disabilities.

~~(C)~~ (D) [A] [~~Special hiring~~] [preference] Hiring rules for persons with disabilities [is] are necessary to remedy past discrimination resulting from these unfounded myths, fears, and stereotypes and to enable the County to be a model employer of qualified persons with severe disabilities.

(E) Special hiring rules for qualified persons with severe disabilities would permit the County to hire highly productive interns with severe disabilities into merit system positions.

28 (F) The Charter permits the County to operate a program
29 within the merit system to recruit and select qualified
30 individuals with severe physical and mental disabilities
31 on a noncompetitive basis.

32 (2) The Executive must adopt by personnel regulation, under
33 Method (1), standards for establishing and maintaining [a
34 preference] special rules for the initial appointment of a
35 qualified person with a disability into a merit system position.
36 These standards must:

37 (A) define a person with a disability eligible for [the] a
38 competitive appointment with a preference as:

39 (i) a person with medical proof of a developmental
40 disability, a severe physical disability, or a
41 psychiatric disability; or

42 (ii) a veteran rated by the Department of Veterans
43 Affairs with a compensable service-connected
44 disability of 30 percent or more;

45 (B) define a person with a severe disability eligible for
46 noncompetitive appointment as a person with medical
47 proof of a severe developmental, physical, or psychiatric
48 disability; and

49 (C) require medical certification of a qualifying disability
50 [(C) establish the following order of precedence;].

51 (3) Competitive appointment.

52 (A) The regulation must establish and maintain a preference
53 for the initial appointment of a qualified person with a
54 disability into a merit system position under the
55 following order of preference:

- 56 (i) an employee who is unable to perform the
- 57 employee's job because of a disability or injury
- 58 under the ADA;
- 59 (ii) an employee subject to reduction-in-force;
- 60 (iii) an employee who was granted a temporary
- 61 disability retirement under the Employees
- 62 Retirement System or an initial or temporary
- 63 disability benefit of any type under the Retirement
- 64 Savings Plan or the Guaranteed Retirement Income
- 65 Plan but is no longer eligible for such a temporary
- 66 disability retirement or benefit;
- 67 (iv) a veteran with a disability;
- 68 (v) an equal preference for a veteran without a
- 69 disability and a non- veteran with a disability[;
- 70 and] .

71 [(D)] (B) The regulation must only apply the preference to a
 72 person who is among the highest rating category in a
 73 normal competitive process.

74 (4) Noncompetitive appointment. The regulation must establish
 75 and maintain standards for the noncompetitive appointment of a
 76 qualified person with a severe disability to a position in the
 77 merit system. The standards must:

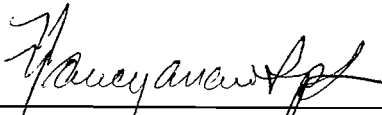
78 (A) permit the noncompetitive appointment of a qualified
 79 person with a severe disability without advertising the
 80 position;

81 (B) require [[medical]] certification of a severe disability
 82 based upon medical evidence;

- 82 (C) apply only to the initial appointment of a qualified person
- 83 with a severe disability to a merit system position; and
- 84 (D) require the person to successfully complete the
- 85 appropriate probationary period for the position.

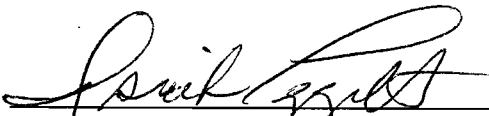
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87 *Approved:*

88  2/6/13

 Nancy Navarro, President, County Council Date

89 *Approved:*

90  2/12/13

 Isiah Leggett, County Executive Date

91 *This is a correct copy of Council action.*

92  2/13/13

 Linda M. Lauer, Clerk of the Council Date