

M E M O R A N D U M

TO: Government Operations and Fiscal Policy Committee

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Worksession:** Executive Regulation 1-13, Noncompetitive Appointment of Persons with Disabilities

Expected Attendees:

Joseph Adler, OHR Director
DORS Representative

Executive Regulation 1-13 was submitted for Method 1 Council review and approval on May 14, 2013. See ©1. Under Method 1, the regulation is not adopted until the Council approves it.

Background

On November 6, 2012, the voters approved an amendment to Section 401 of the County Charter to allow the County to operate a program within the merit system to recruit and select qualified individuals with severe physical and mental disabilities on a noncompetitive basis. This Bill would implement the Council's authority under this new amendment to Section 401 of the County Charter. Charter Section 401 was amended to add the following:

The Council by law may establish within the merit system a program to recruit and select qualified individuals with severe physical or mental disabilities on a noncompetitive basis.

Bill 32-12, Personnel – Regulations – Persons with Disabilities – Noncompetitive Appointment, enacted on February 5, 2013, and signed into law on February 12, established this noncompetitive hiring authority for an individual with a severe physical or mental disability and required the Executive to adopt regulations implementing this new authority. ER 1-13 would amend the Personnel Regulations to implement this noncompetitive hiring program.

Issues

1. Is the definition of a person with a severe physical or mental disability workable?

ER 1-13 relies upon a Federal Regulation (5 C.F.R. 213.3102(u)) promulgated to implement the Federal Schedule A Program for noncompetitive hiring of a person with a disability. 5 CFR 213.3102(u) states:

(u) Appointment of persons with intellectual disabilities, severe physical disabilities, or psychiatric disabilities — (1) Purpose. An agency may appoint, on a permanent, time-limited, or temporary basis, a person with an intellectual disability, a severe physical disability, or a psychiatric disability according to the provisions described below.

(2) Definition. "Intellectual disabilities" means only those disabilities that would have been encompassed by the term "mental retardation" in previous iterations of this regulation and the associated Executive order, Executive Order 12125, dated March 15, 1979.

(3) Proof of disability. (i) An agency must require proof of an applicant's intellectual disability, severe physical disability, or psychiatric disability prior to making an appointment under this section.

(ii) An agency may accept, as proof of disability, appropriate documentation (e.g., records, statements, or other appropriate information) issued by a licensed medical professional (e.g., a physician or other medical professional duly certified by a State, the District of Columbia, or a U.S. territory, to practice medicine); a licensed vocational rehabilitation specialist (State or private); or any Federal agency, State agency, or an agency of the District of Columbia or a U.S. territory that issues or provides disability benefits.

Unfortunately, this "definition" does not establish workable guidelines for certifying a person with a severe physical or mental disability. The Office of Human Resources (OHR) points out that the Federal Schedule A definition has been used successfully by State rehabilitation agencies, such as the Maryland Department of Education, Division of Rehabilitation Services (DORS) to certify eligibility for the Federal Program and can be easily used for the County program. OHR Director Adler will be present at the worksession to discuss how this would work.

2. Should the regulation require certification of disability by the Maryland Department of Education, Division of Rehabilitation Services (DORS) or an equivalent State vocational rehabilitation agency?

ER 1-13 requires a person to be certified as severely disabled by DORS or an equivalent out-of-state vocational rehabilitation agency to be eligible for noncompetitive appointment. Bill 32-12 requires "certification of a severe disability based upon medical evidence." Although a DORS certification would be based upon medical evidence, one could also receive a certification of severe disability by a licensed physician. The Federal government accepts certification of disability for noncompetitive hiring under Schedule A from a licensed medical professional. (5 C.F.R. 213.3102(u)(3)(ii) as quoted above and Schedule A Fact Sheet at ©11-18.) ER 1-13 would preclude this type of certification and require everyone to go to DORS or an equivalent agency in another State.

OHR argues that permitting an individual to use certification by his or her own physician would yield inconsistent results and false positives. OHR Director Adler will be present to explain this problem at the worksession.

3. Should a Veteran with a service-connected disability rated at 30% or more be automatically eligible for noncompetitive hiring?

Bill 32-12 established the following two standards (©21):

- (A) *define a person with a disability eligible for a competitive appointment with a preference as:*
 - (i) *a person with medical proof of a developmental disability, a severe physical disability, or a psychiatric disability; or*
 - (ii) *a veteran rated by the Department of Veterans Affairs with a compensable service-connected disability of 30 percent or more;*
- (B) *define a person with a severe disability eligible for noncompetitive appointment as a person with medical proof of a severe developmental, physical, or psychiatric disability; and*

The Bill created a broader standard of eligibility for the pre-existing competitive preference than for the newly created noncompetitive appointment. A Veterans Administration (VA) service-connected disability rating of 30% is included in the preference standard, but not in the noncompetitive appointment standard. ER 1-13 would make a person with a service-connected disability rating by the VA of 30% or more automatically eligible for noncompetitive appointment. This is in direct conflict with the enabling law and should be rejected. The Charter Amendment approved by the voters was limited to persons with a severe disability. It was not adopted to create a Veteran's preference. While a disabled veteran may be eligible for noncompetitive appointment, eligibility must be due to the nature of the disability and not the origin of the disability. Many disabled Veterans would be eligible to be certified as severely disabled. However, a 30% service-connected VA rating is not intended to be a certification of a severe disability.

OHR argues that if the regulation does not make a person with a 30% service-connected VA rating automatically eligible, a disabled Veteran with a severe disability, such as loss of an arm or leg, would have to go to DORS for certification. However, the proposed regulation requires this only because it would not allow certification of disability by a licensed physician.

Council staff recommendation: require the Executive to amend this regulation to remove automatic eligibility for a Veteran with a 30% service-connected disability rating by the VA.

This packet contains

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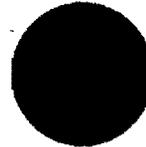
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OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

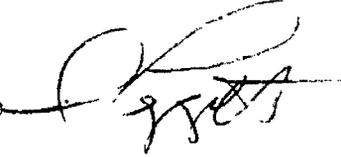
May 14, 2013



RECEIVED
MAY 14 2013

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TO: Nancy Navarro, President
Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Executive Regulation 1-13, Noncompetitive Appointment of Persons with Disabilities

The purpose of this memorandum is to submit Executive Regulation 1-13 for the Council's review and approval. This regulation implements Bill 32-12, Expanded Hiring of Persons with Disabilities Act, enacted by the Council on February 5, 2013. The regulation amends the Montgomery County Personnel Regulations to establish and maintain a program for the noncompetitive appointment of qualified persons with severe developmental, physical, or psychiatric disabilities to County merit positions.

Executive Regulation 1-13 was advertised in the April 2013 issue of the *Montgomery County Register*. No comments were received in response to this advertisement. The proposed regulation has been reviewed by the Merit System Protection Board. While the Board has no objection to the regulation, the Board suggested expanding the agencies that can issue certifications of disability to include "appropriate federal agency or military agency responsible for assessing disabilities." For the reasons discussed in a memorandum from Joseph Adler, Director, Office of Human Resources (OHR), to the Board dated April 9, 2013, we are reluctant to expand the agencies that can issue certifications of disability beyond the Maryland Department of Education Division of Rehabilitation Services (DORS) or an equivalent out-of-state vocational rehabilitation agency (for a severe developmental, physical, or psychiatric disability) or the Department of Veterans Affairs (for a rating of a compensable service-connected disability of 30 percent or more). Attached are copies of the Board's letter and the OHR Director's response. Also attached is the fiscal impact statement for this regulation.

IL:sw

Attachments



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Noncompetitive Appointment of Persons with Disabilities	Number 1-13
Originating Department Office of Human Resources	Effective Date

Noncompetitive Appointment of Persons with Disabilities

Executive Regulation No. 1-13

Issued by: County Executive

Supersedes: Executive Regulation No. 12-00AM II, in part

Authority: Montgomery County Code, 2004, §33-7(b)

Council review: Method 1

Montgomery County Register Volume 30, Issue 4

Comment deadline: April 30, 2013

Effective date: _____

Summary: This regulation implements Bill No. 32-12, Expanded Hiring of Persons with Disabilities Act, enacted by the Council on February 5, 2013. The regulation amends Section 6 of the 2001 Montgomery County Personnel Regulations to establish and maintain a program for the noncompetitive appointment of qualified persons with severe developmental, physical, or psychiatric disabilities to County merit positions.

Address for comments: Office of Human Resources, Executive Office Building, 7th Floor
101 Monroe Street, Rockville, Maryland 20850

Staff contact: Stuart Weisberg, 240-777-5154, or stuart.weisberg@montgomerycountymd.gov

Please use the key below when reading this regulation:

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing regulation by proposed regulation.</i>
[Single boldface brackets]	<i>Deleted from existing regulation by proposed regulation.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing or proposed regulation by amendment.</i>
* * *	<i>Existing language unchanged by executive regulation.</i>



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Noncompetitive Appointment of Persons with Disabilities	Number 1-13
Originating Department Office of Human Resources	Effective Date

SECTION 6. RECRUITMENT AND APPLICATION RATING PROCESS

* * *

6-14. Noncompetitive Appointment of Persons with Severe Disabilities to County Merit Positions

- (a) A department director may noncompetitively appoint a qualified person to a County merit position if the individual:
- (1) has a severe developmental, physical, or psychiatric disability within the meaning of 5 C.F.R. 213.3102(u), the criteria for disability used by the Federal Office of Personnel Management for noncompetitive appointment to Federal merit system positions under its special hiring authority; and
 - (2) has been certified by the Maryland Department of Education Division of Rehabilitation Services or by an equivalent out-of-state vocational rehabilitation agency as meeting the definition of disability contained in (a) (1) above based upon medical evidence; or
 - (3) is a veteran as defined in 6-11(a)(5) and has been rated by the Department of Veterans Affairs with a compensable service-connected disability of 30 percent or more; and
 - (4) meets the minimum qualifications for the position;
 - (5) is able to perform the essential duties of the job with or without reasonable accommodation;
 - (6) passes a background check, if required for the position; and
 - (7) passes a physical examination, if required for the position.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Noncompetitive Appointment of Persons with Disabilities	Number 1-13
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- (b) A department director may noncompetitively appoint an individual to a County merit position under section (a) above in the following circumstances:
- (1) for the seamless and expeditious transition of QUEST, Project SEARCH, and Customized Employment Public Interns into permanent merit system positions without advertising the positions; or
 - (2) to fill a position designated by the OHR Director as appropriate for the noncompetitive appointment of persons with severe disabilities without advertising the position; or
 - (3) where a merit position has been advertised competitively and a qualified applicant who meets the eligibility requirement in (a) above applies for the position, a department director may hold the competitive process in abeyance and noncompetitively appoint the applicant with a severe disability.
- (c) Noncompetitive appointment under this section applies only to the initial appointment of a qualified person with a severe disability to a merit system position.
- (d) The department director must obtain the OHR Director's written approval of any noncompetitive appointment.
- (e) An individual noncompetitively appointed under this section must successfully complete the appropriate probationary period for the position in order to receive merit system status.
- (f) Noncompetitive appointment under this section is the prerogative of management and not a right or entitlement of a person with a severe disability. An individual



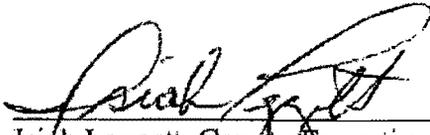
MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Noncompetitive Appointment of Persons with Disabilities	Number 1-13
Originating Department Office of Human Resources	Effective Date

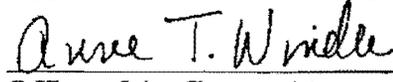
may not file a grievance or appeal the denial of a noncompetitive appointment or nonselection to the Merit System Protection Board.

Approved:


Isiah Leggett, County Executive

5/13/13
Date

Approved as to form and legality:


Office of the County Attorney

5/7/13
Date

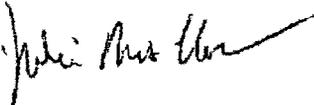


MERIT SYSTEM PROTECTION BOARD

MEMORANDUM

March 26, 2013

TO: Joseph Adler, Director
Office of Human Resources

FROM: Julie Martin-Korb, Chair 

SUBJECT: Executive Regulation 1-13, Noncompetitive Appointment of Persons with Disabilities

The Merit System Protection Board (Board) has reviewed Executive Regulation 1-13, which implements Bill No. 32-12, Expanded Hiring of Persons with Disabilities Act, enacted by the Council on February 5, 2013. The Board suggests that Section 6-14(a)(2) be modified to read:

[H]as been certified by the Maryland Department of Education Division of Rehabilitation Services, by an equivalent out-of-state vocational rehabilitation agency, or by an appropriate federal agency or military agency responsible for assessing disabilities as meeting the definition of disability contained in (a) (1) above based upon medical evidence; . . .

With the suggested addition, the Board has no objection to the adoption of this regulation.

Should you have any questions, please contact Kathleen Taylor, Executive Director, at x. 76620.



OFFICE OF HUMAN RESOURCES

Isiah Leggett
County Executive

Joseph Adler
Director

MEMORANDUM

April 9, 2013

TO: Julie Martin-Korb, Chair
Merit System Protection Board

FROM: Joseph Adler, Director
Office of Human Resources 

SUBJECT: Response to MSPB's Comments on Executive Regulation 1-13,
Noncompetitive Appointment of Persons with Disabilities

Thank you for the Board's review and comment about Executive Regulation 1-13, Noncompetitive Appointment of Persons with Disabilities. The Board has suggested that Section 6-14(a)(2) be modified to read:

[H]as been certified by the Maryland Department of Education Division of Rehabilitation Services, by an equivalent out-of-state vocational rehabilitation agency, or by an appropriate federal agency or military agency responsible for assessing disabilities as meeting the definition of disability contained in (a)(1) above based upon medical evidence;...

The Board's suggested language would expand the agencies that can issue certifications of disability to include "appropriate federal agency or military agency responsible for assessing disabilities."

It should be noted initially that there are two separate definitions of disability in ER 1-13: one for persons with disabilities in (a)(1) ("has a severe developmental, physical, or psychiatric disability within the meaning of 5 C.F.R. 213.3102(u), the criteria for disability used by the Federal Office of Personnel Management for noncompetitive appointment to Federal merit system positions under its

special hiring authority”), and one for veterans with disabilities in (a)(3) (“has been rated by the Department of Veterans Affairs with a compensable service-connected disability of 30 percent or more”). A veteran with a disability is required to have a compensable service-connected disability of 30 percent or more to be eligible for a noncompetitive appointment rather than the criteria used by OPM set forth in (a)(1). Therefore, it would be inappropriate to have a military agency certify an applicant as meeting the definition of disability contained in (a)(1).

Section 6-11 of the Personnel Regulations, *Priority consideration for appointment to a County merit position*, requires certification by the Maryland Department of Education Division of Rehabilitation Services (DORS) or by an equivalent out-of-state vocational rehabilitation agency of a severe developmental, physical, or psychiatric disability or a rating by the Department of Veterans Affairs of a compensable service-connected disability of 30 percent or more. This system of certification has worked well and we are reluctant to expand the agencies that can issue certifications of disability.

Should you have any questions, please contact Stuart Weisberg, the OHR Labor Relations Advisor, at x. 75154.

Fiscal Impact Statement

Executive Regulation 1-13, Noncompetitive Appointment of Persons with Disabilities

1. Executive Regulation Summary (Enter narrative that explains the purpose of the regulation).

The proposed regulation implements Bill No. 32-12, Expanded Hiring of Persons with Disabilities Act, enacted by the Council on February 5, 2013. The regulation amends Section 6 of the 2001 Montgomery County Personnel Regulations to establish and maintain a program for the noncompetitive appointment of qualified persons with severe developmental, physical, or psychological disabilities to County merit positions.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

The proposed regulation does not have any fiscal impact.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

The proposed regulation does not have any fiscal impact.

4. An actuarial analysis through the entire amortization period for each regulation that would affect retiree pension or group insurance costs.

Not applicable.

5. Later actions that may affect future revenue and expenditures if the regulation authorizes future spending.

The proposed regulation does not authorize future spending.

6. An estimate of the staff time needed to implement the regulation.

In the absence of plans to hire a program coordinator, these noncompetitive appointments would be handled by the OHR staffing team.

7. An explanation of how the addition of new staff responsibilities would affect other duties.

The same number of appointments to vacant positions will be made, whether filled competitively or noncompetitively.

8. An estimate of costs when an additional appropriation is needed.

Not applicable.

9. A description of any variable that could affect revenue and cost estimates.

Not applicable.

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

11. If a regulation is likely to have no fiscal impact, why that is the case.

This regulation does not have a fiscal impact. It establishes a program for the noncompetitive appointment of qualified persons with severe developmental, physical, or psychological disabilities to County merit positions. The program will be administered by the same OHR staffing team members responsible for filling vacant positions competitively.

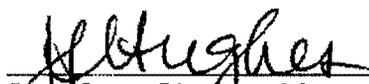
12. Other fiscal impacts or comments.

None

13. The following contributed to and concurred with this analysis (enter name and dept.)

Stuart Weisberg, Office of Human Resources

Helen Vallone, Office of Management and Budget



Jennifer A. Hughes, Director
Office of Management and Budget

5/18/13
Date

Federal Schedule A Hiring Authority Fact Sheet: Tips for Youth and Young Adults with Disabilities Interested in Starting a Career with the Federal Government

The Schedule A hiring authority (Schedule A) is one of the paths that can greatly benefit youth and young adults with disabilities who have an interest in beginning a career with the Federal government. Schedule A can be a fast track way for Federal agencies to bring in talented individuals with disabilities. When properly implemented, it's a win-win situation for both you and the hiring Federal agency!

Learning about Schedule A

What is Schedule A?

Schedule A is a hiring authority for Federal agencies to use to tap into a diverse and vibrant talent pool without going through the often lengthy traditional hiring process. Schedule A allows individuals to apply for a Federal appointment through a noncompetitive hiring process. This means that if you meet the eligibility status of the appointment and the minimum qualifications for a position, you may be hired for the position without competing with the general public. Schedule A can be used to hire people in all professions from clerical staff to attorneys.

Who can use Schedule A?

If you have documentation to show your disability status, you may choose to apply for Federal appointments through Schedule A. People with disabilities may apply for Federal appointments either using Schedule A or the traditional competitive hiring process.

Who is considered to be an individual with a disability status?

Have you received Supplemental Security Income (SSI) benefits? Were you ever identified as needing services through the Individuals with Disabilities Education Act (IDEA)? Did you receive services in elementary or high school through an Individualized Education Program (IEP) or a 504 plan in school? Did you ever use Disabled Student Services on your college campus? Have you ever needed an accommodation? Have you ever received vocational rehabilitation services? Do you fit under the Americans with Disabilities Act's (ADA) definition of an individual with a disability? If you answered yes to any of these questions you may be eligible to use Schedule A.

How do I document that I am Schedule A eligible?

To demonstrate Schedule A eligibility you need to provide documentation to identify:

- 1) **Your disability status** - Get a letter stating that you have a disability from your doctor, a licensed medical professional, a licensed rehabilitation professional, or any entity that issues or provides disability benefits. The letter does NOT need to give details of your medical history. It should state that you are able to perform the essential functions of the job. It may address if you need accommodations to perform the job. The simpler the facts are presented, the better.

There are no specific definitions as to what qualifies as disability status under Schedule A, so Federal agencies interpret the requirements broadly.

- 2) **You are “job ready”** - One way to show you are “job ready” is for a manager in the field in which you would like to work to review your resume and references and, if applicable, a recent transcript. Another way to satisfy the job readiness requirement is to have the person who drafts your letter to also certify job readiness. Saying something as simple as, “Elena is likely to succeed in an office environment,” is sufficient. An important thing for you and whoever assists you with this letter to remember is that hiring agencies are free to decide for themselves who is a good fit for their open position(s).

Introduction to Federal Government Employment

Why should I consider a career in Federal government?

It's simple. The Federal government needs leaders like you, who bring with them a unique perspective and are determined to contribute their strengths to improve and enhance its work. Federal employees are able to make a difference through public service, receive medical benefits, and develop unique skill sets. Here are some other advantages to working for the Federal government that you should know about:

- Federal employees play an important role in addressing challenging and pressing national issues.
- Federal salaries and benefits are competitive with the private sector.
- Federal employees are given an opportunity to receive cutting-edge training and professional development to advance in the field.
- The Federal government may help employees pursue a graduate degree and/or help them pay back a school loan.
- Most Federal government agencies have policies and programs to improve life in the workplace and to assist employees in balancing their work with life responsibilities (e.g., on-site child care, dependent care, work schedule flexibilities).

When should I start to think about working for the Federal government?

It's never too early to think about working for the Federal government. If you are a high school or college student and think you may be able to use Schedule A, talk with your school guidance counselor, transition specialist, job coach, family, mentor, and others about how this fits into your career goals.

Do I need to have a specific degree or major, like political science or government?

No. The Federal government, like the private and nonprofit sectors, works on a variety of issues. Each agency has its own unique mission and needs to hire people to fill a range of functions. If

you prefer policy analysis, then how about working with the Office of Management and Budget and assisting the President by presenting options for budget and legislation? You may consider a career with the U.S. Department of State if you would like to play a role in creating mutual understanding between the people of the U.S. and the people of countries around the world. Are you interested in preserving America's natural resources and honoring our cultures and tribal communities? If so, you might consider a career with the U.S. Department of Interior. Are you interested in space exploration? If so, you might consider a career with the National Aeronautics and Space Administration (NASA). Or, would you prefer to have a career with the U.S. Department of Education and encourage educational excellence and equal access for all students? This is just a start. Your career options are limitless!

Do I have to move to Washington, D.C. to get a job in the Federal government?

No. Most people think that working in the Federal government means working in Washington, D.C. and that you may have to move away from your family and friends, but that is hardly the case. In fact, 84 percent of Federal jobs are located outside the greater Washington, D.C. area! Also, if you are a world traveler, you might be interested to know that there are more than 44,000 Federal employees who work overseas and abroad.

Finding your Federal Job

How do I find out about open positions in the Federal government?

The Federal government's official Web site for job information is **USAJOBS** <http://usajobs.gov/>. Through this Web site, you can search for openings in a particular field, city, or agency, or all three. You also can sign-up for e-mail alerts about job openings by type of job, agency, and/or geographic area. If you cannot access the Internet or need additional assistance, you can call 202-606-2525 or 978-461-8404 (TTY).

There are some Federal agencies that have their own hiring system and evaluation criteria. These agencies are called excepted service agencies. Excepted service positions, like Schedule A appointments, are not required to be posted on the USAJOBS Web site. As a result, it is important to look at **individual agency Web sites** for job announcements.

And of course, when it comes to finding a job, **networking** is essential - talking with friends, family members, teachers, mentors, and acquaintances about your employment goals, interests, and desires. Don't forget to reach out beyond people you already know and take steps to set up informational interviews to expand the opportunities available to you.

How do I apply to a Federal government position?

Once you find a position you are interested in, you will have to provide all the required documents mentioned under "Learning About Schedule A" and take the following steps:

Contact the Hiring Manager, Human Resource (HR) professional, Disability Program Manager (DPM), and/or Selective Placement Coordinator (SPC) within the agency where you wish to work. You can find the appropriate person or office by either using the contact

information included in the vacancy announcement itself (all announcements include a phone number and/or e-mail address to be used for questions), or by searching a directory of SPCs maintained by the Office of Personnel Management (OPM). The directory can be found at http://apps.opm.gov/sppc_directory/, but please note that this list is not always accurate.

Submit your application through both the regular job posting announcement on the USAJOBS Web site and the individual agency Web site to make sure that your application is not overlooked. In some cases, the hiring manager may request that you send your application directly to him or her.

Once you submit your application, it's important for you to be proactive, persistent, and patient. The Federal hiring process is complex and can take time. During this waiting period, it's your job to follow-up and stay on top of the process. If you don't hear from the agency after a couple of weeks, call them and follow-up to check on the status of your application. If they are interested in you for the open position(s), they will contact you to set up an interview. If the agency wants to hire you, you will be offered the position. If you have not already been asked for your proof of disability, you may be asked for it at the offer stage. No matter what, be prepared to put in some time and effort to find the correct people who can help you.

Overall, it is up to you to take control of the application process for a Federal job. This is a perfect opportunity for you to demonstrate the skills an employer looks for in a job candidate. Demonstrate self-confidence, keep your expectations high, advocate for yourself, and be responsive to your future employer's requests.

Keep in mind that hiring managers want to speak directly with their potential future employee, you, so discourage your parents, friends, and mentors from calling on your behalf for additional information. Use your best judgment on what your abilities are, and decide whether you need to arrange accommodations to communicate your questions with your possible future hiring manager.

What should I do if I am offered a Federal job?

Before you accept an offer for a Federal job:

- Ask for the offer of employment in writing and a detailed job description.
- Make sure to ask the person extending the offer - typically a HR professional - to clearly explain the offer and answer any questions you may have related to the salary, employee benefits (e.g., health insurance, student loan repayment assistance, etc.), and terms of employment (probationary period vs. permanent). An employee who comes under Schedule A is on a probationary period. The term of this probationary period should be discussed with the person extending the offer. Once an employee shows that they are a good fit for the position, he or she can initiate the process to be changed to permanent status.

After you accept an offer for a Federal job:

- If you believe you will need accommodations (e.g., assistive technology, personal assistance services (PAS), sign language interpreter, quiet space, etc.) to perform the job duties, now is the time to ask to ensure you will have what you need your first day.

Do you get the general idea about how you may use Schedule A for the Federal hiring process?
Let's see. Review this self-checklist.

Self-checklist:

- I know what the advantages are of working for the Federal government.
- I know what Schedule A appointment means.
- I know who may use Schedule A appointment.
- I know what I need to prove that I am able to use Schedule A appointment.
- I know how to find out about open job positions in the Federal government.
- I know how to find the contact information for the appropriate people (e.g., hiring manager, HR professional, DPM, SPC) within the agency I wish to work at.
- I know how to submit my application.
- I know why I need to be proactive, persistent, and patient during the Federal hiring process.
- I know what steps to take before I accept an offer for a Federal job.
- I know when and how to communicate what my accommodation needs are (if necessary).

Good luck and we look forward to working with you!

Frequently Asked Questions

Where can I go to learn more about Schedule A?

To learn more about Schedule A take a look at the **U.S. Office of Personnel Management Federal Hiring Flexibilities Resource Center** Web site:

[http://www.opm.gov/strategic management of human capital/fhfrc/flx05020.asp](http://www.opm.gov/strategic%20management%20of%20human%20capital/fhfrc/flx05020.asp).

Who else has noncompetitive status?

Individuals who have served the country through certain programs such as AmeriCorps and the Peace Corps may also be eligible for noncompetitive status. To learn more about eligibility for noncompetitive status take a look at:

<http://www.makingthedifference.org/federaljobs/competitiveservice.shtml>.

Where can I go to learn more about excepted service information? To learn more information about excepted service information and employment opportunities take a look at **USAJOBS.gov Excepted Service** Web site:

<http://www.usajobs.gov/ResourceCenter/Index/Interactive/ExceptedService>.

Where can I go to get more advice on successfully getting a Federal job?

Get answers to most of your questions about using Schedule A and the Federal hiring process at **The Equal Employment Opportunity Commission's ABCs of Schedule A Hiring for Job Applicants Tips for Getting Federal Jobs** publication. The publication is available at:

http://www.eeoc.gov/eeoc/initiatives/lead/abc_applicants_with_disabilities.cfm.

Where can I go to learn more about finding and applying for government jobs and internships?

To learn more about finding and applying for government jobs and internships take a look at the **Makingthedifference.org Federal Internship** Web site:

<http://makingthedifference.org/federalinternships/>.

Before I apply for a job, I want to make sure I have employable skills. How can I develop those skills without already having a job?

To learn more about how to develop employability skills through volunteering, reach out to the **Corporation for National and Community Service**. Visit www.nationalservice.gov or call 202-606-5000 or TTY 202-565-2799.

I've never had to manage my own money before. Where can I learn how to do that?

To learn tips on how to learn to take control of your finances take a look at the **MyMoney.gov Youth** Web site: <http://mymoney.gov/category/topic1/youth.html>.

Where can I go to find out about more youth resources?

To learn information on youth facts, program funding information, and tools to help you assess community assets, generate maps of local and Federal resources, search for evidence-based youth programs, and keep up-to-date on the latest, youth-related news take a look at the **FindYouthInfo.gov** Web site: <http://www.findyouthinfo.gov/>.

I have a disability, and I want to make sure I have the right resources to succeed in my new job.

Where do I go to find out about those resources?

To learn about comprehensive disability-related information and resources for people with disabilities, their families, employers, veterans and service members, workforce professionals, and many others take a look at the **Disability.gov** Web site: www.disability.gov.

I have a disability and am not sure what skills I need in order to get a job. Where can I go to find out about these skills?

To learn more about what skills employers want in employees, take a look at the **Essential Skills to Getting a Job, What Young People with Disabilities Need to Know** publication. The publication is available at: www.dol.gov/odep/documents/essential_job_skills.pdf.)

I want to participate in the Workforce Recruitment Program. Where can I learn more about it?

To learn more about the **Workforce Recruitment Program (WRP)**, a recruitment and referral program that connects Federal sector employers nationwide with highly motivated postsecondary students and recent graduates with disabilities who are eager to prove their abilities in the workplace through summer or permanent jobs, visit the WRP Web site: www.wrp.gov. There you will find eligibility requirements for potential WRP candidates, as well as information about how colleges and universities can participate in the program.

Where can I go to find out about employment and youth with disabilities?

To learn information about employment and youth with disabilities take a look at the **National Collaborative on Workforce and Disability for Youth (NCWD-Youth)** Web site: <http://www.ncwd-youth.info>.

Where can I go to learn about my rights and responsibilities as a job applicant or an employee?

Federal laws make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. For further information visit the **U.S. Equal Employment Opportunity Commission (EEOC)** Web site: www.eeoc.gov or call 1-800-669-4000 / TTY 1-800-669-6820.

I will need certain accommodations to do my job well. Where can I go to find out about the accommodations available to me?

To learn more about resources on accommodations, reach out to the **Job Accommodation Network (JAN)**. JAN represents the most comprehensive resource for job accommodations available and is a terrific and easy-to-use resource. This free consulting service is designed to increase the employability of people with disabilities. Further information can be found on JAN's Web site: www.askjan.org.

I need assistive technology in order to do my best work. Where can I go to find out about the availability of assistive technology for Federal employees?

To learn about the availability of assistive technology and services to people with disabilities throughout the Federal government take a look at the **Computer/Electronic Accommodations Program (CAP)** Web site: www.cap.mil. (Note: Before contacting CAP directly, check with the Disability Program Manager (DPM) or Selective Placement Coordinator (SPC), as they may already have a relationship with CAP.)

Where can I go to find out about the resources that make sure people with disabilities can get good jobs?

To learn about information on publications, briefs, programs, and events that promote policies and strategies for people with disabilities to have unlimited employment opportunities take a look at the **U.S. Department of Labor's Office of Disability Employment Policy** Web site:
www.dol.gov/odep.

I am a veteran and want to make sure that I have employable skills. Where can I go to find out about developing these skills?

To learn about resources and expertise to assist and prepare veterans to obtain meaningful careers, maximize their employment opportunities, and protect their employment rights take a look at the **U.S. Department of Labor's (DOL) Veterans Employment & Training Service (VETS)**
Web site: www.dol.gov/vets/welcome.html.

I want to make sure I am prepared to get a job. Where can I go to do that?

To learn about **State Vocational Rehabilitation Services Program (VR)** services to help youth and young adults prepare for and engage in gainful employment take a look at the U.S. Department of Education's Education Resources Organization's Directory Web site:
http://wdcrobcolp01.ed.gov/Programs/EROD/org_list.cfm?category_ID=SVR.

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:

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 (3) Competitive appointment.

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

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

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

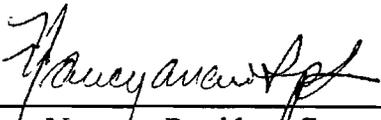
(4) Noncompetitive appointment. The regulation must establish and maintain standards for the noncompetitive appointment of a qualified person with a severe disability to a position in the merit system. The standards must:

- (A) permit the noncompetitive appointment of a qualified person with a severe disability without advertising the position;
- (B) require [[medical]] certification of a severe disability 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.

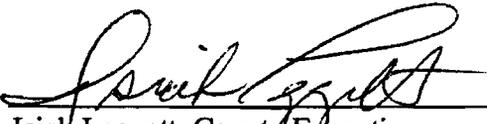
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87 *Approved:*

88  2/6/13

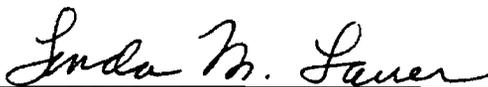
 Nancy Navarro, President, County Council Date

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