

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: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

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:

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

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

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

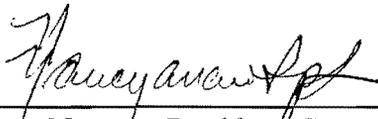
77 (A) permit the noncompetitive appointment of a qualified
 78 person with a severe disability without advertising the
 79 position;

80 (B) require ~~[[medical]] certification of a severe disability~~
 81 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.

* * *

87 *Approved:*



2/6/13

Nancy Navarro, President, County Council

Date

89 *Approved:*

Isiah Leggett, County Executive

Date

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

92

Linda M. Lauer, Clerk of the Council

Date