

Resolution No.: 16-1435  
Introduced: July 20, 2010  
Adopted: July 20, 2010

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY MARYLAND**

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By: County Council

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**SUBJECT:** Approval of Executive Regulation 3-10, Hiring Preference for Persons with Disabilities

**Background**

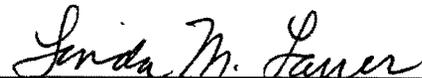
1. The Montgomery County Code §33-7(b) authorizes the County Executive to adopt personnel regulations under Method 1.
2. On June 23, 2010, the County Council received Executive Regulation 3-10, Hiring Preference for Persons with Disabilities.
3. Executive Regulation 3-10 would implement the hiring preferences established in Bill 46-09, enacted on February 2, 2010 and signed into law on February 18, 2010.
4. The Council reviewed the regulation under Method (1) of County Code §2A-15.
5. Under Method (1), the Council must approve a regulation before it is adopted, and there is no deadline for Council action.
6. On July 12, 2010, the Management and Fiscal Policy Committee reviewed Executive Regulation 3-10, Hiring Preference for Persons with Disabilities and recommended approval.

**Action**

The County Council for Montgomery County Maryland approves the following resolution:

The Council approves Executive Regulation 3-10, Hiring Preference for Persons with Disabilities.

This is a correct copy of Council action.

  
Linda M. Lauer, Clerk of the Council



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

<b>Subject</b> Hiring Preference for Persons with Disabilities	<b>Number</b> 3-10
<b>Originating Department</b> Office of Human Resources	<b>Effective Date</b> July 20, 2010

## Hiring Preference for Persons with Disabilities

Executive Regulation No. 3-10

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 27, Issue 5

Comment deadline: May 31, 2010

Effective date: July 20, 2010

**Summary:** This regulation implements Bill No. 46-09 enacted by the Council on February 2, 2010. The regulation amends Section 6 of the 2001 Montgomery County Personnel Regulations to establish and maintain a hiring preference for disabled veterans and persons with disabilities who apply for initial appointment to County merit positions in a normal competitive process and are among the highest rating category.

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

**Staff contact:** Stuart Weisberg, 240-777-5051, or [stuart.weisberg@montgomerycountymd.gov](mailto:stuart.weisberg@montgomerycountymd.gov)

Please use the key below when reading this regulation:

**Boldface**

\* \* \*

*Heading or defined term.*

*Existing language unchanged by executive regulation.*



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## SECTION 6. RECRUITMENT AND APPLICATION RATING PROCESS

\* \* \*

### 6-10. Priority eligible list.

- (a) The OHR Director must establish a priority eligible list to provide priority consideration in the following order to an employee who:
- (1) is unable to perform the employee's job because of a disability or injury under the ADA;
  - (2) is subject to reduction-in-force;
  - (3) 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 but is no longer eligible for such a temporary disability retirement or benefit.

\* \* \*

### 6-11. Priority consideration for initial appointment to a County merit system position.

(a) *Definitions*

- (1) *Person with a disability:* A person who:
- (A) has a developmental disability, severe physical disability, or a 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
  - (B) has been certified by the Maryland Department of Education Division of Rehabilitation Services or by an equivalent out-of-state



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vocational rehabilitation agency as meeting the definition of disability contained in (A) above.

- (2) *Veteran with a disability:* A person who:
  - (A) meets the definition of veteran contained in (3) below; and
  - (B) is rated by the Department of Veterans Affairs with a compensable service-connected disability of 30 percent or more;
- (3) *Veteran without a disability:* A veteran who:
  - (A) was honorably discharged from a branch of the United States armed services; and
  - (B) has not already used veteran's credit to receive priority consideration for appointment to a Montgomery County position.

(b) Subject to persons who must be given priority under Section 6-10, the OHR Director must give priority consideration in the following order to persons who apply for initial appointment to a County merit system position in a normal competitive process and who are rated and placed in the highest rating category on the eligible list:

- (1) a veteran with a disability;
- (2) an equal preference for a veteran without a disability and for a person with a disability.

(c) To receive priority consideration under 6-11(b), an eligible applicant must apply for the preference on the application form and must provide the necessary certification or documentation within 14 calendar days after it is requested by OHR.



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6-12. **Selection process.** A department director may, in consultation with the OHR Director, use any selection process that meets the department's needs and is consistent with these Regulations.

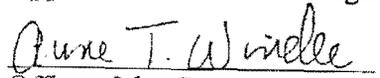
6-13. **Appeals by applicants.** Under Section 33-9 of the County Code, a non-employee or employee applicant for a merit system position may file an appeal directly with the MSPB alleging that the decision of the CAO on the individual's application was arbitrary and capricious, illegal, based on political affiliation or other non-merit factors, or that the announced examination and scoring procedures were not followed.

Approved:

  
Isiah Leggett, County Executive

6/22/10  
Date

Approved as to form and legality:

  
Office of the County Attorney

6/14/10  
Date