

MEMORANDUM

January 19, 2016

TO: Public Safety/Government Operations and Fiscal Policy Committee

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Worksession:** Executive Regulation 20-14, Hiring Preference Points for Veterans Who Apply for Uniformed Public Safety Positions

Executive Regulation 20-14, was submitted for Method (1) Council review on September 22, 2015. See ©1. Executive Regulation 20-14 implements Expedited Bill 10-15, Personnel – Veteran Hiring Preference – Public Safety Position, which required the Executive to amend the Personnel regulations to establish a new point preference for certain veterans who apply for a public safety position. Under Method (1), the regulation is not adopted until the Council approves it. If the Council approves the regulation, the regulation takes effect upon adoption of the resolution approving it or on a later date specified in the regulation. Executive Regulation 20-14 was advertised in the May 2015 issue of the County Register. The Department did not receive any comments.

The Council has not received any comments on the proposed regulation. Substantively, Executive Regulation 20-14 is consistent with Expedited Bill 10-15 and the intent of the law. A draft resolution to approve this regulation is on ©12.

Background

Bill 10-15 established a hiring preference for the initial appointment of a qualified veteran or a veteran with a disability for a uniformed public safety position. It also required the Executive to adopt regulations implementing this hiring preference.

Prior to Bill 10-15, the law required priority consideration for a veteran or a veteran with a disability who applies for a merit position and is rated in the highest rating category. Bill 10-15 established a point preference for a veteran or a veteran with a disability who applies for a uniformed public safety position without requiring the applicant to be rated in the highest rating category. A veteran or a veteran with a disability who applies for a merit position that is not a uniformed public safety position continues to receive priority consideration. A uniformed public

safety position is defined as a police officer, fire fighter/rescuer, or correctional officer. The regulation would provide a veteran with a disability 10 points or 10 percent, whichever is applicable. A veteran without a disability would receive 5 points or 5 percent.

Expedited Bill 10-15 defined a veteran as “a person who was honorably discharged or released from a branch of the United States armed services after at least 180 days of active military duty other than for training.” ER 20-14 would add an exclusion for a veteran who received normal retirement from the United States armed services and would permit a veteran to only use the preference to obtain a County merit position one time. Human Resources personnel informed Council staff that the exclusion for a veteran who received a normal retirement is being carried over from the criteria used for veteran’s credit under the old Personnel regulations. **Council staff recommendation:** approve the regulation.

This packet contains:	<u>Circle #</u>
Executive Memo	1
Proposed Executive Regulation 20-14	2
Fiscal Impact Statement	10
Draft resolution	12

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OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

September 22, 2015

TO: George Leventhal, President, Montgomery County Council

Method 1

FROM: Isiah Leggett, County Executive

SUBJECT: Executive Regulation 20-14, Hiring Preference Points for Veterans Who Apply for Uniformed Public Safety Positions

I am transmitting Executive Regulation No. 20-14, Hiring Preference Points for Veterans Who Apply for Uniformed Public Safety Positions, for approval. This regulation implements Expedited Bill 10-15, the Veterans in Public Safety Employment Act, enacted by the Council on April 14, 2015. The regulation amends Section 6 of the 2001 Montgomery County Personnel Regulations to convert the hiring preference for veterans and veterans with a disability who apply for a County merit uniformed public safety position in a normal competitive process from priority consideration to a numeric point system.

Executive Regulation No. 20-14 was advertised in the May 2015 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 and the Board has no objection to the regulation. A fiscal impact statement for the regulation is also included.

Attachments

RECEIVED
MONTGOMERY COUNTY
COUNCIL

2015 SEP 22 PM 3:01





MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject	Hiring Preference Points for Veterans Who Apply for Uniformed Public Safety Positions	Number	20-14
Originating Department	Office of Human Resources	Effective Date	

Hiring Preference Points for Veterans Who Apply for Uniformed Public Safety Positions

Executive Regulation No. 20-14

COMCOR No. 33-07.01

Issued by: County Executive

Supersedes: Executive Regulation No. 3-10

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

Council review: Method 1

Montgomery County Register Volume 32, Issue 5

Comment deadline: May 31, 2015

Effective date: _____

Summary: This regulation implements Expedited Bill No. 10-15, the Veterans in Public Safety Employment Act enacted by the Council on April 14, 2015. The regulation amends Section 6 of the 2001 Montgomery County Personnel Regulations by converting the hiring preference given to eligible veterans who apply for County merit uniformed public safety positions in a normal competitive process from priority consideration to a numeric point system.

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



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject Hiring Preference Points for Veterans Who Apply for Uniformed Public Safety Positions	Number 20-14
Originating Department Office of Human Resources	Effective Date

SECTION 6. RECRUITMENT AND APPLICATION RATING PROCESS

* * *

6-12. Hiring preference points for initial appointment to a County merit uniformed public safety position.

(a) Definitions

- (1) Hiring preference points: Numeric points that are added to the passing examination score, or interview rating total, of eligible applicants who apply for County merit positions as uniformed public safety officers in a normal competitive process. When the scoring system for examinations and interviews provides for a maximum score of other than 100, the numeric points to be added will be based on a percentage of the maximum score. This will enable the preference points to carry equal weight regardless of the position applied for.
- (2) Uniformed public safety position: Police officer, firefighter/rescuer, or correctional officer.
- (3) Veteran: A person who:
 - (A) was honorably discharged or released from a branch of the United States armed services after at least 180 days of active military duty other than for training;
 - (B) was not granted a normal retirement from the United States armed services; and
 - (C) has not already used veteran's credit to receive priority consideration or preference points for appointment to a County merit position.
- (4) Veteran with a disability: A person who:
 - (A) meets the definition of veteran contained in (3) above; and



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Subject Hiring Preference Points for Veterans Who Apply for Uniformed Public Safety Positions	Number 20-14
Originating Department Office of Human Resources	Effective Date

(B) is rated by the Department of Veterans Affairs with a compensable service-connected disability of 30 percent or more.

(b) To receive hiring preference points for a uniformed public service position under this section, 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.

(c) Allocation of hiring preference points

(1) veterans with disabilities receive 10 points or 10 percent, whichever is applicable; and

(2) veterans without disabilities receive 5 points or 5 percent, whichever is applicable; and

(d) Application of hiring preference points to selection process

(1) Hiring preference points under this section may be used by an applicant to apply for multiple County uniformed public safety positions. If an applicant obtains an appointment to a County uniformed public safety merit position using the preference points, the points cannot be used again.

(2) Preference points cannot be used to help an applicant meet the minimum qualifications for a uniformed public safety merit position.

(3) Preference points cannot be used to help an applicant achieve a passing score on an examination. If a written or oral examination is required for the position, an applicant must achieve a passing score before any preference points can be added.

(4) Where the department selection process is based solely on a written or oral examination score, the points are added to the applicant's passing examination score.



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Subject Hiring Preference Points for Veterans Who Apply for Uniformed Public Safety Positions	Number 20-14
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(5) Where the department selection process requires an applicant to take a pass/fail examination and all applicants who pass the exam are then interviewed, the points are added to the interview score.

[6-12]

6-13. Selection process. * * *

[6-13]

6-14. Appeals by applicants. * * *

[6-14]

6-15. Noncompetitive Appointment of Persons with Severe Disabilities to County Merit Positions. * * *

Approved:

Isiah Leggett, County Executive

Date

Approved as to form and legality:

Office of the County Attorney

8/24/15

Date



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject	Hiring Preference Points for Veterans Who Apply for Uniformed Public Safety Positions	Number	20-14
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Address for comments Office of Human Resources, Executive Office Building, 7th Floor
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Existing language unchanged by executive regulation.



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SECTION 6. RECRUITMENT AND APPLICATION RATING PROCESS

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6-12. Hiring preference points for initial appointment to a County merit uniformed public safety position.

(a) **Definitions**

- (1) **Hiring preference points:** Numeric points that are added to the passing examination score, or interview rating total, of eligible applicants who apply for County merit positions as uniformed public safety officers in a normal competitive process. When the scoring system for examinations and interviews provides for a maximum score of other than 100, the numeric points to be added will be based on a percentage of the maximum score.. This will enable the preference points to carry equal weight regardless of the position applied for.
- (2) **Uniformed public safety position:** Police officer, firefighter/rescuer, or correctional officer.
- (3) **Veteran :** A person who:
 - (A) was honorably discharged or released from a branch of the United States armed services after at least 180 days of active military duty other than for training;
 - (B) was not granted a normal retirement from the United States armed services; and
 - (C) has not already used veteran's credit to receive priority consideration or preference points for appointment to a County merit position.
- (4) **Veteran with a disability:** A person who:
 - (A) meets the definition of veteran contained in (3) above; and



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(B) is rated by the Department of Veterans Affairs with a compensable service-connected disability of 30 percent or more.

(b) To receive hiring preference points for a uniformed public service position under this section, 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.

(c) *Allocation of hiring preference points*

- (1) veterans with disabilities receive 10 points or 10 percent, whichever is applicable; and
- (2) veterans without disabilities receive 5 points or 5 percent, whichever is applicable; and

(d) *Application of hiring preference points to selection process*

- (1) Hiring preference points under this section may be used by an applicant to apply for multiple County uniformed public safety positions. If an applicant obtains an appointment to a County uniformed public safety merit position using the preference points, the points cannot be used again.
- (2) Preference points cannot be used to help an applicant meet the minimum qualifications for a uniformed public safety merit position.
- (3) Preference points cannot be used to help an applicant achieve a passing score on an examination. If a written or oral examination is required for the position, an applicant must achieve a passing score before any preference points can be added.
- (4) Where the department selection process is based solely on a written or oral examination score, the points are added to the applicant's passing examination score.



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6-13. Selection process. * * *

6-14. Appeals by applicants. * * *

6-15. Noncompetitive Appointment of Persons with Severe Disabilities to County Merit Positions. * * *

Approved: Isiah Leggett
Isiah Leggett, County Executive

Sept 22, 2015
Date

Approved as to form and legality:

Anne T. Windle 8/24/15
Office of the County Attorney Date

Fiscal Impact Statement

Executive Regulation 20-14 – Hiring Preference Points for Veterans Who Apply for Uniformed Public Safety Positions

1. Executive Regulation Summary

The proposed regulation implements Expedited Bill No. 10-15, the Veterans in Public Safety Employment Act enacted by Council on April 14, 2015. The regulation amends Section 6 of the 2001 Montgomery County Personnel Regulations by converting the hiring preference given to eligible veterans who apply for County merit uniformed public safety positions in a normal competitive process from priority consideration to a numeric point system.

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.

This proposed legislation would require adjustments to the County's on-line employment application management system. The Enterprise Resource Planning (ERP) Office and Office of Human Resources (OHR) estimate that the changes to the system would require approximately 308 hours of ERP functional, technical expert, and OHR subject matter expert staff time, at an estimated cost of \$39,300 but that the costs will be absorbed by the departments. This total does not reflect OHR Recruitment and Selection's ongoing cost to complete the numeric point system assessments during individual recruitments. The change to a numeric point system is estimated to be an increase in effort that is not significant.

This proposed legislation would have no impact on revenues.

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

The estimated cost of \$39,000 is one-time only.

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.

Not applicable.

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

ERP and OHR estimate that the changes necessary to implement the bill would require approximately 308 hours of staff time. This total does not reflect OHR Recruitment and Selection's ongoing cost to complete the numeric point system assessments during individual recruitments. The change to a numeric point system is estimated to be an increase in effort that is not significant.

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

The required implementation time would be prioritized within the current staff workload.

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

No additional appropriation is needed.

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

If the programmatic changes prove to be more complex than estimated, additional staff time could be required. The impact of this would likely be the delay of other projects.

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.

Not applicable.

12. Other fiscal impacts or comments.

Not applicable.

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

Lori O'Brien, Office of Human Resources

Corey Orlosky, Office of Management and Budget

Jennifer A. Hughes
Jennifer A. Hughes, Director

9/15/15
Date

Resolution No. _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

Lead Sponsor: Council President on behalf of the County Executive

SUBJECT: Approval of Executive Regulation 20-14, Hiring Preference Points for Veterans Who Apply for Uniformed Public Safety Positions

Background

1. On September 22, 2015, the County Council received Executive Regulation 20-14, Hiring Preference Points for Veterans Who Apply for Uniformed Public Safety Positions. The proposed regulation would implement Expedited Bill 10-15, Personnel – Veteran Hiring Preference – Public Safety Position, which required the Executive to amend the Personnel regulations to establish a new point preference for certain veterans who apply for a public safety position.
2. The Council reviewed the regulation under Method (1). Under Method (1), the regulation is not adopted until the Council approves it. If the Council approves the regulation, the regulation takes effect upon adoption of the resolution approving it or on a later date specified in the regulation.
3. On January 21, 2016, the joint Public Safety and Government Operations and Fiscal Policy Committee reviewed the proposed regulation and recommended approval.

Action

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

Executive Regulation 20-14, Hiring Preference Points for Veterans Who Apply for Uniformed Public Safety Positions is approved.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council