



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: _____

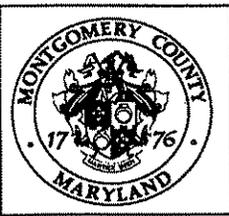
Summary: This regulation implements Bill No. 32-12, Expanded Hiring of Persons with Disabilities Act, enacted by the Council on February 5, 2013. The regulation amends Section 6 of the 2001 Montgomery County Personnel Regulations to establish and maintain a program for the noncompetitive appointment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



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SECTION 6. RECRUITMENT AND APPLICATION RATING PROCESS

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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.



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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



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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

Date

Approved as to form and legality:

Anne T. Windle 3/15/13
Office of the County Attorney Date