

Noncompetitive Appointment of Persons with Severe Disabilities
to County Merit Positions

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 (1) above based upon medical evidence; and
- (3) meets the minimum requirements for the position and is able to perform the essential functions of the job with or without reasonable accommodation;
- (4) passes a background check, if required for the position; and
- (5) passes a physical examination, if required for the position.

A department director may noncompetitively appoint an individual to a County merit position in the following circumstances:

- i. for the seamless and expeditious transition of QUEST, Project SEARCH, and Customized Employment Interns into permanent merit system positions without advertising the positions;
- ii. 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
- iii. where a merit position has been advertised competitively and a qualified applicant who meets the eligibility requirements applies for the position, a department director may hold the competitive process in abeyance and noncompetitively appoint the applicant with a severe disability.

Noncompetitive appointment applies only to the initial appointment of a qualified person with a severe disability to a merit system position.

The department director must obtain OHR Director's written approval of any noncompetitive appointment.

Noncompetitive appointment is the prerogative of management and not a right or entitlement of a person with a severe disability. An individual may not file a grievance or appeal the denial of a non-competitive appointment or nonselection to the Merit System Protection Board. The County will continue to make employment decisions consistent with applicable laws and regulations relating to equal opportunity in employment.

For more information contact Karen Hochberg, Targeted Recruitment Specialist at 240-777-5091, karen.hochberg@montgomerycountymd.gov. TTY users- contact Maryland Relay.