

MEMORANDUM

February 19, 2009

TO: Management and Fiscal Policy Committee

FROM: Leslie Rubin, Legislative Analyst *LR*
Jennifer Renkema, Research Associate *JR*

SUBJECT: **Follow-up on OLO's Report on the County Government's Hiring of Persons with Disabilities**

On February 23rd, the Committee will hold a second follow-up worksession on Office of Legislative Oversight (OLO) Report 2008-9, *Hiring Persons with Disabilities: A Review of County Government Practices*. In particular, this worksession responds to the Committee's request to discuss whether the County Government should establish a special hiring authority to hire persons with disabilities into County Government merit system positions.

This Memorandum is organized as follows:

- **Part A** describes the issues surrounding the creation of a special hiring authority, including past County Government action, a summary of the federal government's special hiring authority, and a summary of employment data for persons with disabilities;
- **Part B** summarizes recent information about the County Government's Customized Employment Public Intern Project; and
- **Part C** includes a brief description of other recent Executive Branch steps taken to address the recommendations in OLO's report that were endorsed by the Council last fall.

The following Executive branch representatives are scheduled to attend today's worksession:

Office of the County Attorney	Marc Hansen, Deputy County Attorney Ed Lattner, Division Chief, Division of Human Resources and Appeals
Office of Human Resources	Joe Adler, Director
Department of Health and Human Services	Jay Kenney, Chief, Aging and Disability Services Lauren Newman, Program Administrator, Developmental Disability Services Eldora Taylor, Program Manager, Community Support Network
MontgomeryWorks	Lisa Stern, Director of Operations

Michael Faden, Senior Legislative Attorney, will also attend the worksession.

A. Special Hiring Authority

In OLO Report 2008-9, OLO recommended that the Council discuss and decide whether to establish a special hiring authority for persons with disabilities. In this context, a “special hiring authority” means amending the merit system hiring process to more easily hire persons with disabilities into County Government merit system positions.

The model most often suggested for the County Government to follow is the federal government’s “Schedule A” hiring program, which allows federal agencies to directly hire a person with a disability into a vacant position while bypassing many components of the federal government’s competitive hiring process. The Schedule A hiring authority is described in more detail below.

In 1994, County Executive Potter expressed support for establishing a special hiring authority for the County Government and recommended drafting legislation to do so. At that time, however, the Office of the County Attorney concluded that language in the County’s Charter addressing the merit system would have to be amended in order to create a special hiring authority. See memorandum at ©1. County Executive Potter’s administration chose not pursue a Charter amendment or draft legislation to establish a special hiring authority.

Currently, the Office of the County Attorney is re-evaluating the question of whether the County Charter would have to be amended in order to establish a non-competitive process for hiring persons with disabilities. Staff from the Office of the County Attorney will attend the worksession to discuss the legal implications of establishing a special hiring authority.

1. Questions for Councilmember Discussion

The discussion of whether to establish a special hiring authority raises two sets of questions for Councilmembers to explore. First:

- As a matter of public policy, does the Council want to establish the precedent of creating a special hiring authority for one particular cohort of persons?
- What sorts of results would the Council expect from implementing a special hiring authority for persons with disabilities?
- Would the factors cited for the decline in Federal government hiring of persons with disabilities (outlined below) similarly hinder the success of a special hiring authority in the County Government?

Second, if the Council decides to establish a special hiring authority for persons with disabilities:

- Would the Charter need to be amended in order to create a special hiring authority?

2. Summary of the Federal Government’s “Schedule A” Hiring Authority

Under the federal government’s Schedule A hiring authority, a federal agency can appoint a person with certain types of disabilities to a position that is not a confidential or policy-determining position without following the typical hiring procedures under the federal competitive service system (analogous to Montgomery County’s merit system).¹ A hiring manager may hire a Schedule A applicant without advertising the job or considering other applicants, and job applicants under Schedule A can send resumes and statements of disability directly to agencies, rather than applying for positions through the federal Office of Personnel Management’s USA Jobs program.

Federal regulations limit the types of disabilities that will qualify a person for appointment to a federal position under Schedule A. They are:

- “Mental retardation;”
- “Severe physical disabilities;” and
- “Psychiatric disabilities.”²

Neither federal law nor regulations explicitly define the term “severe physical disabilities.” In order to qualify for appointment under Schedule A, a person must also have proof of the disability, have a certification of job readiness,³ and must meet all of the required qualifications for a position.

If an employee appointed under Schedule A completes two years of satisfactory service in a position, the employee may be noncompetitively converted to the competitive service. A brochure explaining Schedule A is attached beginning at ©5.

3. Statistics on Employment of Persons with Disabilities

Federal. The federal government encourages the employment of people with certain types of disabilities in the federal workforce and tracks associated employment data. This group is referred to in the federal government as people with targeted disabilities (PWTD), and the targeted disabilities are: deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, mental retardation, mental illness, and distortion of limb and/or spine.⁴

Even with the Schedule A hiring authority, the percent of federal jobs filled by people with targeted disabilities decreased from 1.24% in FY93 and FY94 to 0.94% in 2006.⁵ According to the U.S. Equal Employment Opportunity Commission, factors that explain this decrease include: a lack of coordination among the multiple federal agencies that share responsibility for increasing employment of persons with disabilities; a cumbersome job application process; a lack of knowledge about reasonable accommodations; and continued stereotypes about problems related to hiring persons with disabilities.

¹ See 5 C.F.R. § 213.3101.

² See 5 C.F.R. § 213.3102(u)(1).

³ Certification of job readiness may come from a licensed medical professional; a licensed vocational rehabilitation specialist; or a Federal or State agency, or agency of the District of Columbia or a U.S. territory “that issues or provides disability benefits.” 5 C.F.R. 213.3102(u)(3)(i).

⁴ *Improving the Participation Rate of People with Targeted Disabilities in the Federal Workforce*, U.S. Equal Employment Opportunity Commission, Office of Federal Operations, at p. v (January 2008).

⁵ *Ibid.* at p. 11.

Most federal agencies have a Special Placement Coordinator or Disability Program Manager that promotes hiring of persons with disabilities and recruits Schedule A applicants. A 2008 EEOC report found that, in FY06, the federal government hired 326 employees with targeted disabilities using the Schedule A program. This represents 25% of all persons with targeted disabilities hired in FY06 and 0.14% of all federal workers hired in FY06.⁶

County Government. Currently, the County Government does not collect data to track the number of persons with disabilities interviewed, hired, or employed by the County. The County Government does not request or collect information about job applicants' disability status before making conditional job offers. After the County Government makes an applicant a conditional job offer, job applicants must fill out a County medical history form and disclose information about their disability status, but the County does not compile or report this information.

B. Customized Employment Public Intern Project

In FY08, the County Government established an intern program to hire persons with disabilities into non-merit County Government jobs. The County Government's Customized Employment Public Intern Project provides persons with disabilities part-time, non-merit County Government jobs that can last for no longer than two years.

As of December 2008, the County had created 34 positions and dissolved six positions (because the intern left, resigned, graduated, etc.). In October 2009, County Government interns will begin reaching the two-year limit in their positions. Almost one third of the current interns will reach the two-year mark in October and November 2009. See January 2009 report on the Customized Employment Public Intern Project, attached at ©17.

Two supervisors and one intern from the Customized Employment Public Intern Project provided statements in support of the program. These are attached at ©20.

C. Update on Executive Branch Efforts to Implement Council Recommendations

In December, the Executive Branch distributed two memoranda related to the Council's recommendations stemming from OLO Report 2008-9. First, on December 12th, the Directors of the Department of Technology Services (DTS) and the Office of Public Information (OPI) sent a memorandum directing all County Government departments to immediately review and update their web pages for accessibility to persons with disabilities. The memo also indicated that DTS will make web accessibility training available to web content providers beginning in 2009. See memo attached at ©22.

Second, on December 19th, Assistant Chief Administrative Officer Fariba Kassiri distributed a revised version of Administrative Procedure 1-10, Disability Employment Training/Services Contracting, which "establishes policies and procedures designed to permit training contracts with agencies engaged in providing employment training services to people with disabilities." The Executive Branch revised the procedure "in order to match current practice and expand the solicitation process for awarding contracts to agencies that provide disability employment training services to the disabled." See memo attached at ©24.

⁶ Ibid. at p. 18.

ATTACHMENTS	BEGINS AT:
7-21-94 Memorandum from Steven M. Gilbert, Assistant County Attorney	©1
<i>The ABCs of Schedule A For the Hiring Manager: How to Hire Using the Schedule A Appointing Authority</i>	©5
January 2009 report on the Customized Employment Public Intern Project	©17
Statements from Customized Employment Public Intern Project Supervisors and Intern	©20
12-12-08 Memorandum from E. Steven Emanuel, Director, DTS, and Patrick Lacefield, Director, OPI	©22
12-18-08 Memorandum from Assistant Chief Administrative Officer Fariba Kassiri	©24

M E M O R A N D U M

July 21, 1994

TO: Jane Lawton
Special Assistant to the County Executive

FROM: Steven M. Gilbert
Assistant County Attorney *SMG*

RE: Special Hiring Authority for
Persons with Disabilities:
Legislation Needed

This memorandum will summarize what transpired at our Monday meeting with the County Executive and representatives from the Commission on People with Disabilities. It is also intended to outline amendments to the County Charter which are needed to implement the Commission's proposal, a County government program for hiring persons with severe disabilities without regard to merit system requirements.

The meeting was held as scheduled, on Monday afternoon, July 18, 1994, in Mr. Potter's office. In attendance, in addition to the two of us and the Executive, were Kermit Mohn, Chair of the Commission on People with Disabilities; Howard Jacobson, an attorney and Commission member; Judy Gilliom, a Commission member who is employed in the EEO office of the Department of Defense; and Joanna Clarke, Chief of the Disability Resources Division in the Department of Family Resources.

The meeting was requested by Commission members to discuss a proposal which has been advocated for years by the Commission, the creation of a special hiring "authority" or agency to hire in County government persons with severe disabilities. According to the Commission chair and Judy Gilliom, who is familiar with the federal program, the federal government has had legislation and regulations in place since the 1970s to hire severely disabled persons for federal jobs. A person with a "severe" disability, it was explained, has one of the following conditions: blindness, deafness, paralysis, seizures, mental retardation, or missing limbs. These persons are eligible for a special job placement program which allows them to be hired outside the normal OPM procedures, in which merit and fitness and a small number of enhancement factors (veteran's preference, for example) are used to rank and select job candidates applying for civil service positions.

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It was suggested by the Commission members, Mr. Mohn, Mr. Jacobson, and Ms. Gilliom, with the concurrence of Ms. Clarke, that a special hiring authority program could and should be established in Montgomery County, to increase disabilities community representation in the County work force and to make the County a model for local jurisdictions in the employment of persons with disabilities.

Mr. Potter said that he was interested in supporting the disabilities community and its efforts to increase employment opportunities for persons with disabilities, a position he has stated before. But he added something he has not said before, to my knowledge: he stated that he would be willing to have legislation prepared and transmitted to the County Council to establish a special hiring program, with the same general parameters suggested by Commission members. He said, and you and I also joined in this discussion, that his office would have to let the Chief Administrative Officer, the Office of Human Resources, and the County Attorney, as well as Management and Budget, examine the proposal before it could be transmitted to the Council.

One concern I raised in the meeting was the possible need to amend the County Charter, which provides for a merit system and merit system principles for the hiring of County employees. Everyone at the meeting understood that legislation was necessary to create an agency and authorize it to perform the hiring preference procedures, but most people, I think, particularly the Commission members, assumed that all that would be required would be County Council approval of a bill, presumably a one-time effort. I believe the Commission members had the impression that if a proper bill were drafted and placed before the Council, then all that would be needed was one affirmative vote, followed by Executive approval of the legislation, to put the program in place.

You and I know, however -- as does Mr. Potter, certainly -- that initiatives like the proposed special hiring authority are rarely simple to approve, even when there is substantial popular support for the proposal. In this case, which I have discussed, since our Monday meeting, with two attorneys here who are well versed in matters of personnel procedures and Charter requirements, it turns out that a Charter amendment will be needed, to authorize the County Council to amend the personnel law and regulations by establishing a hiring authority using employment criteria other than merit principles.

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Section 401 of the County Charter provides, in pertinent part, as follows

The Council shall prescribe by law a merit system for all officers and employees of the County government, except members of the Council, the County Executive, the Chief Executive Officer, the County Attorney, the heads of the departments, the heads of the principal offices and agencies, as defined by law, one confidential aide for each member of the Council, two senior professional staff positions for the Council as a whole as may be designated from time to time by the Council, three special assistant positions in the office of the County Executive as may be designated from time to time by the County Executive, special legal counsel employed pursuant to this Charter, and members of boards and commissions and other officers authorized by law to be appointed to serve in a quasi-judicial capacity. . . . The merit system shall provide the means to recruit, select, develop, and maintain an effective, non-partisan, and responsive work force with personnel actions based on demonstrated merit and fitness. . . .

(Portions omitted and emphasis added.)

You can see, in reading §401, that it starts out by establishing that all County positions are to be covered by "a merit system," except specific, named officer or agency head positions. The section then provides, in the omitted portion, that officers and employees covered by a collective bargaining agreement may be excluded from the merit system, but "only to the extent that such provisions are subject to collective bargaining." It is clearly the preference of the Charter to include all employees under the merit system, whether or not they work in a collective bargaining unit. Near the section's end, it is provided that the "merit system" is to provide the "means" for employee recruitment and selection, among other matters, in order to have and maintain "an effective, non-partisan, and responsive work force." Then it is stated that "personnel actions," meaning government actions to hire, promote, transfer, discharge, or dismiss employees, are to be "based on demonstrated merit and fitness."

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Section 401 in its present form clearly mandates use of the merit system and merit system principles in all employee recruitment and selection, except for the designated positions excluded from coverage in the first sentence. In order, then, for the County Council to be authorized to establish a program for hiring persons, such as persons with severe disabilities, on a basis other than merit, so that the "personnel actions" of selecting and hiring these persons are based on factors other than "demonstrated merit and fitness," the Charter must be amended. That can be done, if the Council and Executive are in agreement that establishment of a special hiring authority is good government policy for Montgomery County, by amending §401 to add a proviso permitting hiring of employees with severe disabilities by use of standards and criteria other than "merit and fitness."

Perhaps the simplest and most direct way to amend §401 is to add a phrase to the last sentence quoted above, so that it reads (with emphasis placed on the added language, and deleted language in brackets) as follows:

Except as provided in §412, the [The] merit system shall provide the means to recruit, select, develop, and maintain an effective, non-partisan, and responsive work force with personnel actions based on demonstrated merit and fitness.

The new §412, at the end of Article 4 of the Charter, which concerns the merit system and conflicts of interest, would have general, authorizing language, perhaps as follows:

The Council may establish by legislation a special hiring authority to permit the recruitment, selection, and hiring of persons with disabilities in the County work force, with personnel actions based on factors other than merit system principles.

With amendments like these in the Charter, the Council would be authorized to establish a special hiring authority whose employment actions would not be bound by merit system requirements.

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Copies to:

Kermit Mohn
Joanna Clarke
Joyce R. Stern, County Attorney
Linda B. Thall, Senior Assistant County Attorney
Clifford Royalty, Assistant County Attorney

The ABCs of
SCHEDULING
For the Hiring Manager



How to Hire
Using the
Software &
Automated
Analysis

INTRODUCTION

One of the most common complaints about the federal hiring process is that it takes too long. As reported by the Merit Systems Protection Board in its report entitled *Reforming Federal Hiring -- Beyond Faster and Cheaper* (September 2006), it takes an average of 102 days to complete all of the steps in the competitive hiring process, from making the request, to making the appointment. Certainly you, as a federal hiring manager or official, do not look forward to the prospect of spending three months or more trying to fill a position. Moreover, we know that excellent potential employees are lost because they too do not want to wait (or cannot afford to wait) months for a hiring decision. So what can you do? Use Schedule A!

Schedule A is an excellent alternative to the frustrating and bloated traditional hiring process. Moreover, hiring individuals with disabilities furthers several goals. Every federal agency strives to be diverse, inclusive and provide equal opportunity to all. Agencies appreciate that a diverse workforce is its greatest asset. Further, Congress has mandated that the federal government be *the* model employer. Reaching that status means federal agencies need to make significant improvement in the area

of hiring people with disabilities. Meeting that goal while also getting positions filled quickly makes using Schedule A a WIN-WIN proposition!

Using the Schedule A appointing authority, found at 5 CFR § 213.3102(u), qualified candidates who meet the Office of Personnel Management's (OPM) guidelines can be hired non-competitively –

- ❖ without the typical recruitment headaches;
- ❖ without posting and publicizing the position; and
- ❖ without going through the certificate process.

How? By following the Easy How To Steps detailed in the next section.

EASY HOW TO STEPS

- 1 Hiring managers should first approach the Selective Placement Coordinator (SPC) or Disability Program Manager (DPM) in their agency (this person might be housed in HR, or they may be a part of the EEO office). The manager should alert the SPC/DPM of the job opening. The manager should also explain what competencies the ideal candidate should possess, thinking critically about the essential functions of the position.
- 2 An skilled SPC/DPM, after consulting their resources (which should include, but not be limited to, all local colleges and universities, local Vocational Rehabilitation service providers, the Employer Assistance & Recruiting Network (EARN), the Department of Labor's Workforce Recruitment Program (WRP), the Department of Defense's Wounded Warriors program, counterparts at other agencies, etc.), will be able to come back to the manager with potential Schedule A applicants who have already been determined to meet the qualifications for the position. The number of candidates the manager is presented with will vary greatly, depending on the level of specialty required by the job.
- 3 You, as the hiring official, can now review the resumes and references of the applicants, conduct interviews, etc., and then make a selection. Resume and reference reviews should be thorough to accurately assess job readiness. If you are not satisfied with any of the Schedule A applicants presented to you, you retain the option of using the traditional competitive process to fill the vacancy.

- 4 The selection decision, once made, should be relayed to the appropriate persons within HR who extend offers of employment on behalf of the agency. For some agencies, this might be handled *through* the SPC/DPM.
- 5 Once the offer has been accepted, a start date may be established to bring the candidate on board. This requires coordination with the SPC/DPM and/or your servicing HR Specialist to ensure that any accommodation needed is in place on your new employee's first day.

That's it!

Seem easy? It is! Moreover, a skilled SPC/DPM will keep a cadre of Schedule A eligible candidates on stand-by (this can take the form of a resume bank or "Schedule A Register," and should include people with the necessary knowledge, skills and abilities needed to succeed in the major occupations of the agency), so that they can assist busy hiring managers to very quickly fill job openings. No more three, six, or nine month waits!!

The Federal Government – Opportunities for All!

FREQUENTLY ASKED QUESTIONS

Q. What is Schedule A?

A. Schedule A is an appointing authority, or hiring authority. It is an Excepted Service appointment for persons with disabilities. The regulations guiding the *Excepted Service -- Appointment of Persons with Disabilities and Career and Career-Conditional Appointment* are found in the Code of Federal Regulations (CFR). The citation is 5 CFR § 213.3102(u).

Q. Why should agencies consider using this hiring authority?

A. Agencies should use this hiring authority for a number of good reasons:

- *Individuals with disabilities are an untapped source of excellent applicants;*
- No public notice is required. In fact, many of the usual HR-related stumbling blocks are avoided, which could result in significantly reducing the time necessary to hire a well-qualified candidate;
- Doing so can support an agency's Career Patterns initiative. Technological advances and growing emphasis on tele-work may dovetail with the needs of many applicants with disabilities; and
- Agencies don't have to clear 'surplus employee' lists prior to using the appointing authority.

Q. What about accommodations? Aren't they expensive and a hassle?

A. No! More often than not, providing accommodations is simple and *usually* free! Moreover, you are not

alone in trying to work through accommodation requests. Your agency's SPC/DPM can help you. Your agency may also have a person who serves as the Reasonable Accommodation Coordinator (RAC), to help with accommodation needs. There are also several resources outside of your agency which can help, some of which are listed herein – just check our Resources page!

And remember, just as we all need assistance at some point in the work place, accommodations may be needed by an individual with a disability. You want all of your employees to be at their best at work, and accommodations play a role in reaching that goal. Providing accommodations, however, does not have to be a difficult, expensive or time consuming process.

Q. Is this appointment to a permanent position?

A. It can be. Agencies may self-determine what type of placement to make, based on the needs of the position, as well as the qualification level of the candidate. A hiring agency may make a temporary appointment, a time-limited appointment when the duties of the position do not require it to be filled on a permanent basis, or a permanent appointment. Permanent appointments are strongly encouraged, unless there is a compelling reason to do otherwise.

Q. What about a probationary period?

A. Depending on the type of appointment, probationary periods typically last up to two years. As with any employee, Schedule A candidates should be held to

FREQUENTLY ASKED QUESTIONS

the same performance standards. Once the employee's accommodation needs, if any, have been met, then you should expect no more or less from a Schedule A employee than you would from any other employee.

RESOURCES

RECRUITMENT / HIRING

EARN – The Employer Assistance & Recruiting Network (EARN) is a free service that connects employers looking for quality employees with skilled job candidates. EARN provides recruiting services, as well as employer success stories and information on the business case for hiring people with disabilities. Further information can be found at <http://earnworks.com/>.

WRP – The Workforce Recruitment Program (WRP) is a recruitment and referral program that connects federal sector employers nationwide with highly motivated postsecondary students and recent graduates with disabilities who are eager to prove their abilities in the workplace through summer or permanent jobs. Students represent all majors, and range from college freshmen to graduate students and law students. A searchable database is available through the WRP website. WRP is ready to help you fill your summer or permanent hiring needs! Further information can be found at <http://wrp.gov>.

For Veterans with Disabilities – There are numerous organizations and agencies that exist to assist veterans with disabilities find and maintain employment. The following is a sample of useful resources to keep handy:

- ❖ The Department of Labor's (DOL) Veterans Employment & Training Service <http://www.dol.gov/vets/welcome.html>
- ❖ Hire Heroes <http://www.hireheroesusa.org/>
- ❖ Wounded Warriors Project
<http://www.woundedwarriorproject.org>

Advocacy Groups – There are several different advocacy groups that also serve as excellent resources for recruiting and hiring individuals with disabilities. The following is a sampling of those resources:

- ❖ American Association of People with Disabilities
<http://www.aapd-dc.org/>
- ❖ National Council on Independent Living <http://www.ncil.org/>

RESOURCES

- ❖ Council of State Administrators of Vocational Rehabilitation <http://www.rehabnetwork.org/>
- ❖ Deaf and Hard of Hearing in Government <http://dhhig.org/>
- ❖ American Council of the Blind <http://www.acb.org/>

Federal Resources – There are numerous federal programs designed to meet the needs of people with disabilities in finding employment. The following is a non-exhaustive list of programs/resources:

- ❖ The Office of Personnel Management's "Disability Site" <http://www.opm.gov/disability/>
- ❖ DOL's Office of Disability Employment Policy <http://www.dol.gov/odep/>
- ❖ Also check out the federal government's one-stop web site for people with disabilities, their families, employers, veterans and service members, workforce professionals and many others. www.DisabilityInfo.gov

ACCOMMODATIONS

CAP – Within the federal government there is a wonderful program housed within the Department of Defense. The Computer/Electronic Accommodations Program (CAP) provides assistive technology and services to people with disabilities throughout the federal government **FREE OF CHARGE!** That means, you, as a hiring manager, can tap this resource for help in accommodating an employee with a disability. CAP will do the needs assessment, buy the needed technology, train the employee on how to use it, and follow up with updates. All you have to do is ask! (Note: Before contacting CAP directly yourself, check with the SPC/DPM or HR, as they may already have a relationship with CAP.) Further information can be found at <http://www.tricare.mil/cap/>.

JAN – The Job Accommodation Network (JAN) represents the most comprehensive resource for job accommodations available, and is a terrific and easy-to-use resource. This **free** consulting service includes providing individualized worksite accommodation solutions, as well as general information on job accommodations and related subjects for employers and people with disabilities. Additional information can be found at <http://www.jan.wvu.edu/>.



U.S. Equal Employment Opportunity Commission
1-800-669-4000 / TTY 1-800-669-6820
www.eeoc.gov



Montgomery County Customized Employment Public Intern Project
PO # 8331000225

Monthly Report: 01/01/09 through 01/31/09

I. General Activity:

- A meeting was held with staff from the County Council's office, as they indicated interest in participating in the Intern Program.
- Meeting pending with Transfer Center for 2 new positions.
- Continued development of 3-hour training sessions for job coaches.
- Updated and revised the department customer satisfaction survey. Survey sent to all departments with candidates having worked 3 months or more.
- Many candidates are entering the 2nd year; and good reviews continue.
- Continue to work with OHR toward sustainability efforts (create permanent positions).
- Solid waste continues to be interested in creating permanent positions, but due to recent budget issues, will not be able to do so independently this year. Job descriptions are completed – and the department has worked closely with OHR.
- OHR and HHS working together in partnership to investigate and create additional job development opportunities.

II. Created & Filled Positions: See Attached Updated MCPIP Position List

- File clerk position at OAS being created – to create a better match for a current intern (as the department's needs have changed). The OAS front desk position is being reevaluated.

III. Ongoing Activities (outreach, applicants under consideration, etc.):

- Ongoing follow up with incumbent interns and departments.
- Continued discussions with department supervisors about sustainability and funding for intern thru department budget.

III. Difficulties encountered:

- We continue to experience intermittent difficulty with job coaching coverage (especially in situations where a background check is necessary). County liaison continues to cover for job coaches to ensure that intern's job is not in jeopardy.
- One candidate lost his job. This job loss was primarily due to the lack of support necessary from her service provider. The supporting agency's job coach left the organization and a supplemental person did not have a background check. This is one reason why it has been recommended that 2 people from any particular agency go through the background check process, as it often takes many weeks for a background check to be completed.
- One intern/candidate has been put on hold for 2 months – awaiting a background check. Upon follow-up, it was discovered that the paperwork had been lost (for this candidate and others not related to the project). New paperwork has been submitted. The county liaison is not able to have access to the contractor used by the County for background checks.

V. Task list checklists for the month of January: N/A

MCPIP - POSITION LIST

	Position created	Agency	Department	Location	Intern	Support Agency	Start Date	End Date	Hours
1.	Customer service assistant	Transit	Customer Service	Monroe Street	Adam Tepper	Ivy Mount DORS; Outcomes	10/1/07	4/25/08 Position dissolved/ transferred	9
	Office Assistant	DED	One Stop	Veirs Mill Road			4/30/08		9
2.	Data Entry	DHHS	Rental Assistance/ Home Energy	Piccard Drive	Ben Kabaker	n/a; DORS eligible	10/22/07		9* (12 hrs as of 1/16/08)
3.	Office assistant	DHHS	Rental Assistance/ Home Energy	Piccard Drive	Andrew Roth	CSS	10/23/07		8
4.	Office assistant	DHHS	Rental Assistance/ Home Energy	Piccard Drive	Attlee Glasgow	CSS	10/23/07		4
5.	Office assistant	DHHS	Rental Assistance/ Home Energy	Piccard Drive	Michael Bosco	CSS	10/24/07		4
6.	Office assistant	DHHS	Rental Assistance/ Home Energy	Piccard Drive	Kerry Mehailescu	CSS	10/24/07		2
7.	Data entry assistant	Transit	Marketing Team	Monroe Street	Le Chen	MCPS	10/29/07	6/2/08 Graduated/re signed	9
8.	Office assistant	DHHS	Aging & Disability	N. Washington St.	Van Newcomb	St. Luke's House	11/14/07		9
9.	Data entry assistant	OHR	Benefits/Recruitment & Selection	Monroe Street	Brett Badin	JVS	11/19/07		9* (18 hrs as of 3/17/08)
10.	Data entry assistant	OHR	Benefits/Recruitment & Selection	Monroe Street	Matthew Hu-Smith	n/a; DORS eligible	11/20/07	4/24/08 Position dissolved	9
11.	Office assistant	OHR	Benefits/Recruitment & Selection	Monroe Street	Paula Lang	ARC	1/08/08	4/24/08 Position dissolved	6
12.	File Clerk	HHS	Detox	Avery Road	Alisa Ogden	Outcomes	1/9/08		9
13.	Materials clerk	HHS	Solid Waste	Monroe St.	Brian Kao	Target	1/30/08		18
14.	File clerk	HHS	Solid Waste	Monroe St.	Elizabeth Golder	n/a DDA eligible	02/04/08		18
15.	Data entry clerk	HHS	Detox	Avery Road	Kathleen Maloney	Kennedy Institute	2/5/08		9
16.	Data entry assistant	HHS	Solid Waste	Monroe St.	Andrea Capron	Melwood	2/5/08		9
17.	IT assistant	DTS	Technology	Maryland Ave.	Robin Arora	n/a DORS eligible	02/11/08		18
18.	Office Assistant	DPWT	Print Shop	Maryland Avenue	Manoj Kumaroo	SEEC	02/19/08		8
19.	Office Assistant	DPWT	Print Shop	Maryland Avenue	Max Rubenstein	Target	02/25/08		12
20.	Accounting Assistant	DLC	Accounting	Crabbs Branch Way	Robert O'Brien	Abilities Network	3/03/08	6/13/08 Position dissolved/ transferred	12

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	Data Entry Assistant		Computer/technology				6/16/08		12
21.	Data entry assistant	DLC	Computer/technology	Crabbs Branch Way	Patrick Jordan	MCPS	3/10/08		18
22.	Office Assistant	DLC	Purchasing	Crabbs Branch Way	Jeremy Tanen	Abilities Network	3/10/08		12
23.	Warehouse Assistant	DLC	Warehouse	Crabbs Branch Way	Dakota Jones	Marriott Bridges	3/25/08		18
24.	Data entry assistant	DLC	Computer/technology	Crabbs Branch Way	Alicia Castro	St. Luke's House	4/07/08		18
25.	Data Entry Assistant	DLC	Computer/technology	Crabbs Branch Way	Joan Plotkin	CHI	5/20/08		18
26.	Warehouse Assistant	DPWT	Records Center	Anniversary Circle	Sharon Levy	Rock Creek	6/26/08	9/25/08 terminated	8
27.	File Clerk	OHR	Benefits/Recruitment & Selection	Monroe Street	Vanessa Josing	MCPS	7/1/08		6
28.	Warehouse Assistant	DPWT	Records Center	Anniversary Circle	Chris Divita	Kennedy Institute	7/15/08	8/17/08 dept. changed requirements/ transferred	8
	Cafeteria Assistant	MCPS	Richard Montgomery HS	Richard Montgomery Dr.			10/6/08		8
29.	Data Entry Assistant	DHHS	Outpatient Addiction Svs	Twinbrook Parkway	Michelle Engelmann	St. Luke's House	10/13/08		18
30.	Front Desk Assistant	DHHS	Outpatient Addiction Svs	Twinbrook Parkway	Janet Salkey	St. Luke's House	10/27/08		18
31.	Warehouse Assistant	DPWT	Records Center	Anniversary Circle	Jason Snider	Work Opp.	10/28/08	12/30/08 JS decided not good match	8
32.	Data Entry Assistant	DHHS	Outpatient Addiction Svs	Twinbrook Parkway	Robert Yeckley	CSAAC	11/3/08		18 hrs/wk
33.	Front Desk Assistant	MCPD	Family Crimes	Calhoun Place	Kathleen LeMay	Rock Creek	12/8/08	12/19/08 dept. decided that KL was not a good fit	15
34.	Warehouse Assistant	DPWT	Records Center	Anniversary Circle	Daniel Simmer	MCPS-Rock Terr.	-		8
35.	File Clerk	OAS	Outpatient Addiction SVS	Twinbrook Parkway	Working on task list; Transferring Janet Salkey from Front desk to File Clerk; will replace JS w/ another candidate				
36.	Data Entry Assistant	DEP	Transfer Center	Fredrick Road	Waiting for confirmation from department to send out announcement (after the holiday)				Up to 18 hrs/wk

(15)

**Montgomery County Customized Employment Public Intern Project
Montgomery County Council Worksession – February 23**

**Eldora Taylor
Program Manager
Department of Health and Human Services - Community Support Network**

As the supervisor, the County Intern Program has proven to be an asset to our unit and a noticeable benefit to the intern. The intern began working in late October 2007, nine hours per week. Since then he has provided support to the staff by performing various tasks which may have otherwise been overlooked, delayed or not completed. The tasks vary but consistently include sending out mass mailings, ensuring paper is filled in the copies/printers, organizing and putting away the office supplies and shipments, stocking materials that staff use daily, organizing files/folders/contracts and photocopying items per staff request. In addition our unit has expanded to include another floor but the intern quickly transitioned to assist both floors with the additional staff supplies, files and paperwork needed to accommodate the larger group. The assistance from the intern allows staff to focus on providing direct customer service, being available more for calls and/or emergencies in the community. In addition to the benefit to our unit, this program has had a remarkable impression and profound impact on the intern. Over the last year, we have seen tremendous growth in the intern's work ethics including improvement in his personal appearance, skills and interaction with coworkers. Although this process has required some commitment, it has been a positive experience for staff and the intern.

**Linda McComb
Office of Rental Assistance**

Five interns, through the County's employment initiative, work in the rental assistance office preparing packets, filing, doing data entry and other office duties. Four interns are supported by Community Support Services, Inc. My office has absolutely benefitted from having the guys work here. We have been able to give a lot of duties to the pilot employment internship staff, which allows my other regular employees to process cases. One of the greatest parts about having them here is that they are excited to come to work. They know that they make a difference and that is important to them. I really enjoy them, it has been a great experience.

Kerry Mehailescu
Intern, Rental Assistance

I love my job at the county. We do filing, collating papers and stapling. Sometimes we just count books. We count them in groups of ten. Sometimes we make copies and file papers. My favorite part of my job is stapling. I use an electric stapler because I have problems with a regular one. I like to make copies too. I have learned new skills at my county job like collating papers. It used to make me nervous but I am not nervous anymore. I have learned to file too. I love my office job and I would like to get more hours on other days.



DEPARTMENT OF TECHNOLOGY SERVICES

Isiah Leggett
County Executive

E. Steven Emanuel
Chief Information Officer

MEMORANDUM

December 12, 2008

TO: All Department Directors, Technical Operational Management Group,
and Web Content Managers Group

FROM: E. Steven Emanuel
Director, Department of Technology Services

Patrick Lacefield
Director, Office of Public Information

SUBJECT: Reminder – County-Wide Website Accessibility Policy and Requirements

Departmental Web Content Contributors to the County website are reminded that Montgomery County is committed to the spirit the American with Disabilities Act, Title II, and Section 508 of the Rehabilitation Act as standards for making the Montgomery County website accessible to all members of the public.

All web content contributors are strongly encouraged to review their websites and to bring them inline with Section 508 standards. Complete Section 508 standards¹ are available on the Section 508 website², as are specific standards for Web-based intranet and internet information and applications³.

Departments should begin an immediate review and update of their web pages for accessibility. Later in this fiscal year, the Department of Technology Services (DTS) will make available an additional resource, HiSoftware's *Compliance Sheriff* software, to permit departments to validate their efforts. HiSoftware's *Compliance Sheriff* Software is currently in testing and will be made available to departments later in FY09. This software will help County web content contributors and application developers by identifying inaccessible content and recommending solutions.

Another important aspect to creating and maintaining an accessible website is training. In the coming calendar year, DTS will be making web accessibility training available to web content providers. In the meantime, you are encouraged to participate in the free online course from the Section 508 website; *Designing Accessible Web Sites* (a 4-hour course). You will need to first register at:
<http://www.section508.gov/index.cfm?FuseAction=RegisterUniverse>

¹ <http://www.section508.gov/index.cfm?FuseAction=content&ID=12>

² <http://www.section508.gov/index.cfm>

³ <http://www.section508.gov/index.cfm?FuseAction=content&ID=12#Web>

Office of the CIO

101 Monroe Street, 13th Floor, Rockville, Maryland 20850
240 777-2900 FAX 240 777-2831

We thank you for your cooperation and look forward to working with you to continue our longstanding efforts to make the Montgomery County website accessible. Please contact Chris Daniel (7-2809), Manager, DTS, Applications Development Team if you have questions.

Cc: Nancy Greene, ADA Compliance Officer



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

December 19, 2008

TO: All Department Heads

FROM: *FK* Fariba Kassiri, Assistant Chief Administrative Officer

SUBJECT: Administrative Procedure 1-10, Disability Employment Training/Services Contracting

Attached is Administrative Procedure 1-10, Disability Employment Training/Services Contracting. The procedure establishes policies and procedures designed to permit training contracts with agencies engaged in providing employment training services to people with disabilities. As a result of an OLO Report, the Office of Procurement worked with the Department of Health and Human Services and Kathleen Boucher, Assistant Chief Administrative Officer, to revise the procedure in order to match current practice and expand the solicitation process for awarding contracts to agencies that provide disability employment training services to the disabled. Previously, a department could only solicit such services through a Request for Proposals (RFP). The revised procedure enables a department to use various solicitations such as an Invitation for Bid (IFB) or an informal solicitation. Also, the procedure was revised to eliminate the Designated Activities List, which was used by departments to collect disability employment training services that could be contracted out to agencies.

Please insert this administrative procedure in place of the one dated February 11, 2003, in the Administrative Section of your Administrative Procedure Manuals. If you have any comments regarding this procedure, please provide them to Philip Weeda in the Office of Management and Budget by Friday, **January 30, 2009**. After comments are received and incorporated into the administrative procedure, as appropriate, the procedure will be published in final form.

View the table of contents on OMB's home page on the intranet at http://portal.mcgov.org/dpttml.asp?url=/content/departments_intranet/omb/forms/APs/AP.asp

FK:pw

Attachment: Administrative Procedure 1-10, Disability Employment Training/Services Contracting



MONTGOMERY COUNTY ADMINISTRATIVE PROCEDURE

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

NO.	1-10
PAGE	OF
1	4
DATE	12/19/08
CAO APPROVAL	<i>FA</i>

TITLE
Disability Employment Training Services/Contracting

PURPOSE

- 1.0 To establish policies and procedures designed to permit training contracts with agencies engaged in providing employment training services to people with disabilities.

DEFINITIONS

- 2.0 AGENCY - Any entity which is: 1) qualified to provide services to promote the interests of people with disabilities; and 2) licensed or certified by the appropriate Maryland State Government Agency which governs the services and activities for clientele served, and 3) certified by the Wage and Hour Division of the United States Department of Labor as appropriate.
- 2.1 DISABILITY - As defined in the Americans with Disabilities Act of 1990, means with respect to an individual: 1) a physical or mental impairment that substantially limits one or more major life activities of such individual; 2) a record of such an impairment; or 3) being regarded as having such an impairment. This includes people with physical, developmental, psychiatric or sensory disabilities.

POLICY

- 3.0 All activities for which a contract is solicited through the solicitation process provisions of the Procurement Regulations and are identified as approved designated disability employment training opportunities are subject to this administrative procedure.
- 3.1 The approval of this administrative procedure does not impact any on-going departmental negotiations with, or any existing contracts with employment training organizations that serve people with disabilities. Departments are urged to continue to pursue any existing opportunities for disability employment training opportunities.
- 3.2 The Chief Administrative Officer may grant an exception to any provision of this procedure.
- 3.3 Sole source/non-competitive and emergency purchases are exempt from this administrative procedure.

GENERAL

- 4.0 The Director, Department of Health and Human Services, is designated to provide consultation to departments on the services that might be appropriate to contract out and in the selection process.
- 4.1 If the type of solicitation issued is a Request for Proposals (RFPs) to solicit an agency to provide services, it must include, at a minimum, the following two evaluation criteria:



MONTGOMERY COUNTY ADMINISTRATIVE PROCEDURE

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FW

TITLE

Disability Employment Training Services/Contracting

- A. Description of product and/or service provided by the agency, which meets requirements in the RFP; and
- B. Price proposed by the agency. (Points allocated to price may not exceed the points allocated to any other individual selection criteria).

4.2 The Director, Department of General Services (DDGS) may execute a contract for services with agencies in conformance with this administrative procedure, or as a result of an exception to this procedure that is approved by the CAO.

4.3 Nothing in this administrative procedure prohibits an agency from being awarded a contract as a result of the normal competitive procurement process.

RESPONSIBILITIES

5.0 Chief Administrative Officer or Designee

Approve exceptions to this administrative procedure for designated activities.

5.1 Director or designee, Department of General Services (DDGS)

- A. Transmit responses received in response to the solicitation to County departments for evaluation.
- B. Execute the contract when there is agreement on the award between the County department and the DDGS.

5.2 Departments

- A. Each fiscal year, review service needs and identify ones that can be designated under this procedure.
- B. Prepare and develop specifications or scope of work on the solicitation for designated training opportunities in coordination with the Department of Health and Human Services as needed and transmit the solicitation to DDGS for approval.
- C. If the type of solicitation issued is a RFP, establish a Qualification and Selection Committee that may include the Department of Health and Human Services to evaluate proposals.
- D. Transmit recommendations for award of contract(s) to the DDGS.
- E. Negotiate and award contracts with selected agency in accordance with the County Procurement Regulations.



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CAO APPROVAL

FK

TITLE

Disability Employment Training Services/Contracting

PROCEDURES

Implementation of Disability Employment Training Contracts

- 6.0 Department

Prepare the necessary solicitation in compliance with the Procurement Regulations and develop specifications/scope for the goods and/or services to be acquired under the solicitation with the assistance of the Department of Health and Human Services and/or or the Office of Human Resources (OHR) as necessary.

If the type of solicitation issued is a RFP, establish a Qualification and Selection Committee, which includes a representative from the Department of Health and Human Services, if needed. Transmit the RFP to the Director or designee, Department of General Services (DDGS) for approval.

Develop the appropriate training components of the solicitation, as applicable, with the assistance of the Department of Health and Human Services. If the type of solicitation issued is a RFP, the selection criteria must contain, at a minimum, the criteria set forth in Paragraph 4.1 of this administrative procedure.
- 6.1 Director or Designee,
Department of General Services

After requirements have been satisfied, disseminate the solicitation consistent with the Procurement Regulations.
- 6.2 Department

Conduct, if necessary, a pre-submission conference with the assistance of the Department of Health and Human Services, if applicable, to respond to questions and provide any necessary amendments and/or clarifications to the solicitation to agencies.
- 6.3 Director or Designee,
Department of General Services

After the date and time to submit responses, transmit the responses to the appropriate County department for evaluation according to the solicitation and the provisions of the Procurement Regulations.
- 6.4 Department

Make recommendations to award a contract to the DDGS.

Negotiate and execute contract upon approval.



MONTGOMERY COUNTY ADMINISTRATIVE PROCEDURE

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

NO. 1-10

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DATE 12/19/08

CAO APPROVAL
FR

TITLE

Disability Employment Training Services/Contracting

6.5 Director or Designee,
Department of General Services

Execute the contract.

NOTE: Disability employment training contracts awarded under the provisions of this procedure may be executed with a maximum term of five years, subject to renewals based on performance and/or funding availability, and in the County's best interests.

DEPARTMENTS AFFECTED

7.0 All County Departments