

Resolution No.: 17-786  
Introduced: June 25, 2013  
Adopted: June 25, 2013

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY MARYLAND**

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By: County Council

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**SUBJECT:** Approval of Executive Regulation 1-13AM, Noncompetitive Appointment of Persons with Disabilities

**Background**

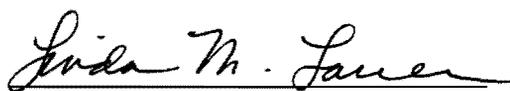
1. On May 14, 2013 the County Council received Executive Regulation 1-13, Non-Competitive Appointment of Persons with Disabilities. The proposed regulation would implement Bill 32-12, Expanded Hiring of Persons with Disabilities Act, enacted by the Council on February 5, 2013. The regulation amends the Montgomery County Personnel Regulations to establish and maintain a program for the noncompetitive appointment of qualified persons with severe developmental, physical, or psychiatric disabilities to County merit positions.
2. On June 17, 2013, the Government Operations and Fiscal Policy Committee reviewed the proposed regulation and recommended approval if the Executive amended the regulation to remove paragraph (a)(3) permitting automatic eligibility for a Veteran with a 30% service-connected disability as it conflicts with the enabling law.
3. On June 19, 2013, the Executive transmitted Executive Regulation 1-13AM, Noncompetitive Appointment of Persons with Disabilities.
4. The Council reviewed the regulation under method (1) of County Code, 2004 §33-7(b).
5. Under method (1), the regulation is not adopted until the Council approves it.

**Action**

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

Executive Regulation 1-13AM, Noncompetitive Appointment of Persons with Disabilities is approved.

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> Noncompetitive Appointment of Persons with Disabilities	<b>Number</b> 1-13AM
<b>Originating Department</b> Office of Human Resources	<b>Effective Date</b> June 25, 2013

## Noncompetitive Appointment of Persons with Disabilities

Executive Regulation No. 1-13AM

Issued by: County Executive

Supersedes: Executive Regulation No. 12-00AM II, in part

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

Council review: Method I

*Montgomery County Register* Volume 30, Issue 4

Comment deadline: April 30, 2013

Effective date: June 25, 2013

**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 psychiatric 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](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

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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.
  - (3) meets the minimum qualifications for the position;
  - (4) is able to perform the essential duties of the job with or without reasonable accommodation;
  - (5) passes a background check, if required for the position; and
  - (6) passes a physical examination, if required for the position.
- (b) A department director may noncompetitively appoint an individual to a County merit position under section (a) above in the following circumstances:



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- (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 may not file a grievance or appeal the denial of a noncompetitive appointment or

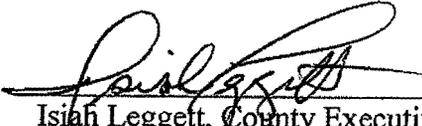


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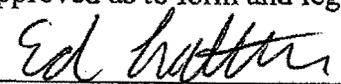
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nonselection to the Merit System Protection Board.

Approved:   
Isiah Leggett, County Executive

June 19, 2013  
Date

Approved as to form and legality:

      6/17/13  
Office of the County Attorney      Date