

CHARTER REVIEW COMMISSION

**Friday, January 29, 2010
6th Floor Conference Room
Council Office Building**

Commission Members Present:

Nancy Soreng, Chair
Michael Cogan
Karen Czapsanskiy
Wilbur Friedman
Mollie Habermeier
Robert Shoenberg
Judith Vandegriff
Anne Marie Vassallo
Charles Wolff

Absent:

Moshe Starkman

Staff:

Justina Ferber, County Council
Marie Jean-Paul, County Council
Marc Hansen, County Attorney's Office
Amanda Mihill, County Council

Guests

Joan Karasik, Transition Work Group
Leslie Rubin, Office of Legislative Oversight
Angela Washington, EEO Officer, Office of
Human Resources
Ricky Wright, Disability Program Manager,
Office of Human Resources

Commission Chair Nancy Soreng began the meeting at 8:10 a.m.

I. Hiring People with Disabilities

The Commission met with Angela Washington, the County's Equal Employment Opportunity Officer and Ricky Wright, the County's Disability Program Manager from the Office of Human Resources. Ms. Washington and Mr. Wright provided an overview of the law as it relates to hiring people with disabilities. Mr. Wright noted that the Commission on People with Disabilities is encouraging the County to hire additional people with disabilities into merit positions.

Mr. Wright explained that there are 3 federal laws that are important to understand when discussing hiring people with disabilities: The 1973 Rehabilitation Act, the Americans with Disabilities Act (ADA), and the 2008 amendments to the ADA. Mr. Wright noted that the 1973 Rehabilitation Act distinguished profound disabilities from moderate and mild disabilities such as mental retardation, severe physical disabilities, and developmental disabilities. The ADA, on the other hand, does not distinguish between these disabilities and other medical conditions that may have a substantially limiting affect on a major life activity.

Mr. Wright explained the federal government's Schedule A program arose from the desire to move employees with disabilities from a sheltered workshop environment to employment in communities. Under the Schedule A program, federal agencies can hire an applicant with mental retardation or a severe physical or mental disability without going through the competitive process as long as the applicant meets minimum job qualifications.

Leslie Rubin, Office of Legislative Oversight, and Marc Hansen, Office of the County Attorney, explained the 2 different proposals that the Council is considering. First, the Council is considering legislation which would establish a hiring preference for people with disabilities as part of the competitive hiring process. Under that legislation, individuals with disabilities who rank in the highest rating category would have a hiring preference. This legislation does not require a Charter amendment to implement and is therefore not before the Charter Review Commission.

The second proposal the Council is considering is whether to establish a special hiring authority for people with disabilities similar to the federal government's Schedule A process. This proposal, as explained by the County Attorney's Office, would require a Charter amendment and is the proposal that is before the Charter Review Commission. Under this proposal, qualified individuals would not have to participate in the regular competitive hiring process. Mr. Wright stated that the County Executive and the Chief Administrative Officer support a County program similar to this Schedule A process. Mr. Wright stated that the County government has not discriminated against individuals during the hiring process. During the current hiring process, hiring managers rank applicants based on their knowledge, skills, and abilities and do not have information related to an applicant's disabled status, race, or other similar traits.

Commission members discussed the merits of a Schedule A process. Some Commission members understood that the proposed Charter amendment would be enabling law and indicated that it would be helpful to understand what the implementing legislation and regulations would say. Ms. Washington responded that the regulations are not drafted, but she envisioned that the definition of disability and the hiring process would be similar to that of the Schedule A program.

Some Commission members were concerned that preferences in general skew the workforce and were concerned about singling out one group of people over another group of people for a special hiring authority. Responding to Commissioner questions about the Schedule A program and whether that program had been abused, Ms. Rubin noted that the number of disabled employees in the federal government declined to less than 1%.

Some Commission members questioned whether the hiring preference bill the Council is considering and the proposed Charter amendment both needed to be adopted or whether the problem could be solved by addressing only one of the pending proposals. Ms. Rubin noted that the OLO report that this issue arose out of included several recommendations related to the County's practices relating to hiring people with disabilities. Ms. Washington stated that the Office of Human Resources has already implemented those recommendations.

Some Commission members questioned whether the County does special recruiting for people with disabilities. Ms. Washington responded that the County currently participates in an internship program for people with disabilities in conjunction with Community partners who serve people with disabilities. However, the County has been under a hiring freeze since the OLO report was issued and positions are currently unavailable.

The meeting was adjourned at 9:31 a.m.

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