

Introduced Nov 15, 2012
Public Hearing Nov 19, 2012
Council Action Dec 3, 2012
Executive Action Dec 5, 2012
Effective Date Feb 4, 2013

County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 14

Bill No. 40-2012

Introduced by: Calvin Ball, Jennifer Terrasa, and Courtney Watson

AN ACT providing a hiring preference in County government for qualified individuals and veterans with disabilities; providing for policies related to the hiring preference; and generally relating to County hiring practices.

Introduced and read first time November 5, 2012. Ordered posted and hearing scheduled.

By order Stephen M LeGendre
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on November 19, 2012.

By order Stephen M LeGendre
Stephen LeGendre, Administrator

This Bill was read the third time on December 3, 2012 and Passed , Passed with amendments _____, Failed _____.

By order Stephen M LeGendre
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4th day of December, 2012 at 1200 a.m./p.m.

By order Stephen M LeGendre
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive December 5, 2012

Ken Ulman
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, According to the United States Bureau of the Census, in 2011 20,310 individuals
2 with disabilities lived in Howard County;

3 **WHEREAS**, According to the Department of Planning and Zoning, the unemployment rate in
4 Maryland was 7.1% as of August 2012, and the unemployment rate for the United States
5 was 7.8%;

6 **WHEREAS**, According to the Department of Planning and Zoning, the unemployment rate for
7 Howard County was 5.3% as of August 2012;

8 **WHEREAS**, The United States Department of Labor reports that the national unemployment
9 rate for individuals with disabilities is 13.3% and in Maryland, the rate is 14.7%;

10 **WHEREAS**, In Howard County, a 2007 survey indicated that there were 5,160 individuals with
11 disabilities considered “not in [the] labor force” out of a total of 6,610 individuals with
12 disabilities;

13 **WHEREAS**, The United States Department of Labor reports that in 2011, 17.8 % of individuals
14 with a disability were employed, in contrast, the employment-population ratio for
15 individuals without a disability was 63.6 %;

16 **WHEREAS**, According to the Employment and Disability Institute at Cornell University, in
17 2010, the employment rate of working-age individuals (ages 21 to 64) with disabilities in
18 Maryland was 40.8 %;

19 **WHEREAS**, The United States Bureau of Labor Statistics reports that the unemployment rate
20 for veterans who served on active duty in the U.S. Armed Forces at any time since
21 September 2001--a group referred to as Gulf War-era II veterans--was 12 % in 2011;

22 **WHEREAS**, Individuals with disabilities experience a high unemployment and
23 underemployment rate in the region;

24 **WHEREAS**, Individuals with disabilities are often judged by their mental or physical
25 weaknesses, as opposed to their talents.

26

27 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland that the Howard
28 County Code is amended as follows:
29 *By amending Title 1, Human Resources.*

1 *Subtitle 1. Human Resources Administration.*

2 *Part II. Merit System.*

3 *Section 1.112. Filling positions in the classified service.*

4 *By adding Title 1, Human Resources.*

5 *Subtitle 1. Human Resources Administration.*

6 *Part II. Merit System.*

7 *Section 1.112A. Hiring preference for individuals with disabilities.*

8
9
10 **Title 1 - Human Resources**

11 **Subtitle 1. - Human Resources Administration**

12 **Part II. - Merit System**

13
14 **Sec. 1.112. - Filling positions in the classified service.**

15 (a) *Appointments Made on the Basis of Merit.* Appointments to positions in the classified service
16 shall be made on the basis of merit from an eligibility list of the Applicants.

17 (b) *Vacancies.* An appointing authority who wishes to fill a budgeted vacant position in the
18 classified service shall submit an employee requisition form to the Personnel Officer.

19 (c) *Job Announcements.*

20 (1) The Human Resources Administrator shall give public notice of the intent to:

21 (i) Fill one or more positions; or

22 (ii) Accept applications for future vacancies.

23 (2) When an application deadline is established, the notice under paragraph (1) of this
24 subsection shall be given at least two weeks in advance of the application filing deadline.

25 (3) Notice may be given by means of announcements posted on official County bulletin
26 boards in County facilities, in police and fire stations, in any courthouse, and any other place the
27 Human Resources Administrator deems proper. When deemed appropriate by the Human

1 Resources Administrator, a notice may be advertised in local newspapers or other media.

2 (4) A job announcement shall state:

3 (i) The title, grade, and the range for pay for the position for which applications
4 are sought;

5 (ii) The nature of the work to be performed;

6 (iii) The education and work experience requirements of the position;

7 (iv) The examination requirement, if any; and

8 (v) Any prerequisites for eligibility.

9 (5) Applications shall be made on forms prescribed by the Human Resources
10 Administrator, and shall contain information relating to the education, work experience, training,
11 and residence of The Applicant, and shall contain a certification by The Applicant of the
12 accuracy of the statements made therein.

13 (d) *Duration of Active Application.* If an Applicant meets the minimum qualifications of the
14 position classification, the Human Resources Administrator shall maintain the application until
15 the vacancy is filled.

16 (e) *Eligibility List.*

17 (1) If the Personnel Officer approves an employee requisition request, the Human
18 Resources Administrator shall provide the appointing authority with an alphabetical eligibility
19 list [[of at least three and up to ten names of applicants who are most qualified for the position]]
20 based on:

21 (i) The results of open, competitive examinations; or

22 (ii) An examination of an application, resume, or other information provided by
23 the Applicant.

24 (2) **THE ELIGIBILITY LIST SHALL CONSIST OF AT LEAST THREE AND UP TO TEN NAMES**
25 **OF APPLICANTS WHO ARE MOST QUALIFIED FOR THE POSITION PLUS UP TO AN ADDITIONAL**

1 **FIVE NAMES OF APPLICANTS WHO:**

2 **(I) WERE AMONG THE NEXT FIVE MOST HIGHLY QUALIFIED APPLICANTS; AND**

3 **(II) QUALIFIED FOR A PREFERENCE UNDER § 1.122A OF THIS SUBTITLE.**

4 **(3)** Unless extended, an eligibility list shall expire one year after it is established. The
5 expiration date for an eligibility list may be extended at the request of the appointing authority
6 and upon approval of the Personnel Officer.

7 ~~[(3)]~~ **(4)** If multiple vacancies occur in the same position classification, the Human
8 Resources Administrator may place the name of one additional candidate on the eligibility list
9 for each additional vacancy authorized to be filed.

10 ~~[(4)]~~ **(5)** A current employee in the same position classification as the vacant position
11 who applies shall be considered eligible for the position, and the Human Resources
12 Administrator shall add the employee's name to the eligibility list regardless of the number of
13 other names on the list.

14 ~~[(5)]~~ **(6)** After conducting an interview of all available applicants, the appointing
15 authority shall select a candidate from the eligibility list. The appointing authority shall forward
16 justification for the selection to the Human Resources Administrator.

17 ~~[(6)]~~ **(7)** If the appointing authority does not select a candidate from an eligibility list,
18 the appointing authority shall provide a written justification for the rejection of the list to the
19 Human Resources Administrator.

20 ~~[(7)]~~ **(8)** An appointing authority may fill a position by transferring an employee from
21 one position to another in the same position classification within the Department, or from one
22 position to another in a different position classification in the same or lower grade within the
23 Department if:

24 (i) The Personnel Officer determines that the individual is qualified for the
25 position; and

26 (ii) Except as provided in subsection 1.115(c)(2) of this subtitle, the employee
27 agrees to the transfer.

28 ~~[(8)]~~ **(9)** An appointing authority may fill a position by transferring an employee from a
29 position in one Department to a position in another Department in the same position

1 classification or in a different position classification in the same or lower grade if:

2 (i) The Personnel Officer determines that the individual is qualified for the
3 position; and

4 (ii) The appointing authorities of both Departments and the employee agree to the
5 transfer.

6 (f) *Offer of Employment.*

7 (1) After receipt of the name of an individual selected under subsection (e) ~~[(5)]~~ (6) of
8 this section, the Human Resources Administrator shall forward the name to the Personnel
9 Officer, who shall extend an offer of employment to the individual.

10 (2) An offer of employment may be subject to the selected individual passing a physical
11 examination as specified by the Personnel Officer.

12 (g) *Probationary Period.*

13 (1) Upon initial appointment to a position in the classified service, an employee is a
14 probationary employee. Time spent in a designated trainee class is considered a probationary
15 period.

16 (2) An appointing authority may terminate a probationary employee:

17 (i) Upon giving up to two weeks' notice of termination; or

18 (ii) Upon payment of up to two weeks' severance pay in-lieu-of notice of
19 termination.

20 (3) At the end of the probationary period, the appointing authority shall notify the Human
21 Resources Administrator that the appointing authority recommends:

22 (i) That the employee be placed in the classified service;

23 (ii) That the employee's probationary period be extended for a period not to
24 exceed six months; or

25 (iii) That the employee be terminated because the employee's performance does

1 not meet the required performance standards for the position or job assignment.

2 (4) A termination under paragraph (2) or under paragraph (3)(iii) of this section is not
3 appealable.

4 (5)

5 (i) A classified employee who is promoted shall serve a probationary period equal
6 to the length of the probationary period for that position.

7 (ii) If a classified employee is promoted and, during the probationary period, the
8 appointing authority determines that the employee's performance does not meet the required
9 performance standards for the new position, the appointing authority may dismiss the employee.

10 (iii) If a classified employee is dismissed under this paragraph, the appointing
11 authority shall make a good faith effort to place the employee in a vacant position before the
12 employee is terminated.

13 (iv) Movement from a designated trainee class to a full performance class is not a
14 promotion.

15

16 **SEC. 1.122A. HIRING PREFERENCE FOR INDIVIDUALS WITH DISABILITIES.**

17 (A) *IN GENERAL.*

18 (1) THE PERSONNEL OFFICER SHALL ISSUE POLICIES TO ESTABLISH A PREFERENCE FOR
19 THE INITIAL APPOINTMENT OF A QUALIFIED INDIVIDUAL WITH A DISABILITY INTO A CLASSIFIED
20 SERVICE POSITION.

21 (2) THE POLICIES SHALL DEFINE "INDIVIDUAL WITH A DISABILITY" AS:

22 (i) AN INDIVIDUAL WITH A DEVELOPMENTAL DISABILITY, A SEVERE PHYSICAL
23 DISABILITY, OR A PSYCHIATRIC DISABILITY, THAT HAS BEEN MEDICALLY
24 PROVEN IN ACCORDANCE WITH 5 C.F.R. 213.3102(U) (2); AND

25 (ii) A VETERAN RATED BY THE DEPARTMENT OF VETERANS AFFAIRS WITH
26 COMPENSABLE SERVICE-CONNECTED DISABILITY OF 30 % OR MORE.

27 (3) THE POLICIES SHALL INCLUDE MEASURES TO EDUCATE APPOINTING AUTHORITIES
28 ABOUT THE PREFERENCE REQUIRED BY THIS SECTION.

29 (B) *PREFERENCE.*

1 (1) THE PREFERENCE SHALL ONLY BE APPLIED WHEN ESTABLISHING AN ELIGIBILITY
2 LIST.

3 (2) THE POLICIES SHALL GIVE A HIGHER PREFERENCE TO A VETERAN DESCRIBED UNDER
4 SUBSECTION (A)(2)(II) OF THIS SECTION.

5

6 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that*
7 *the Personnel Officer shall issue policies on or before March 1, 2013.*

8

9 *Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that*
10 *this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on December 5, 2012.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2012.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2012.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2012.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2012.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2012.

Stephen M. LeGendre, Administrator to the County Council