

Introduced 2/5/18
Public Hearing 2/20/18
Council Action 3/5/18
Executive Action 3/12/18
Effective Date 5/12/18

County Council of Howard County, Maryland

2018 Legislative Session

Legislative Day No. 2

Bill No. 9-2018

Introduced by: The Chairperson at the request of the County Executive

AN ACT providing that eligibility lists may include certain applicants; providing that job announcements may include criteria for the position including that the position is only open to current employees of Howard County; providing for certain internal promotion exams; allowing that an eligibility list may contain fewer than three names on certain conditions; and generally relating to Human Resources provisions in the County Code.

Introduced and read first time February 5, 2018. Ordered posted and hearing scheduled.
By order Jessica Feldmark
Jessica Feldmark, 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 February 20, 2018.
By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on March 5, 2018 and Passed , Passed with amendments , Failed .
By order Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 8th day of March, 2018 at 4 a.m./p.m.
By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved Vetoed by the County Executive March 12, 2018
Allan H. Kittleman
Allan H. Kittleman, 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 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Code is amended as follows:

3 1. By amending Section 1.112 "Filling positions in the classified service"

4
5 **Title 1. Human Resources.**

6 **Subtitle 1. Human Resources Administration.**

7 **Part II. Merit System.**
8

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

10 (a) *Appointments Made on the Basis of Merit.* Appointments to positions in the classified service
11 shall be made on the basis of merit from an eligibility list [[of the]] THAT SHALL INCLUDE
12 INTERNAL ~~OR EXTERNAL~~ applicants OR A COMBINATION OF BOTH EXTERNAL AND INTERNAL
13 APPLICANTS. FOR PURPOSES OF THIS SECTION, AN INTERNAL APPLICANT IS AN APPLICANT WHO IS
14 EMPLOYED BY HOWARD COUNTY GOVERNMENT AT THE TIME OF APPLICATION AND AN EXTERNAL
15 APPLICANT IS AN APPLICANT WHO IS NOT EMPLOYED BY HOWARD COUNTY GOVERNMENT AT THE
16 TIME OF APPLICATION.

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
27 place the Human Resources Administrator deems proper. When deemed appropriate by
28 the Human Resources Administrator, a notice may be advertised in local newspapers or
29 other media.

30 (4) A job announcement shall state:

- 31 (i) The title, grade, and the range for pay for the position for which applications are
32 sought;

- 1 (ii) The nature of the work to be performed;
- 2 (iii) The education and work experience requirements of the position;
- 3 (iv) The examination requirement, if any; [[and]]
- 4 (v) Any prerequisites for eligibility[[]]; AND
- 5 (vi) ANY LIMITATIONS ON CRITERIA FOR THE POSITION, INCLUDING ANY CRITERIA THAT
- 6 LIMIT CONSIDERATION TO CURRENT EMPLOYEES OF HOWARD COUNTY GOVERNMENT.

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

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

14 (e) *Eligibility List.*

15 (1) If the Personnel Officer approves an employee requisition request, the Human Resources
16 Administrator shall provide the appointing authority with an alphabetical eligibility list
17 based on:

- 18 (i) The results of open, competitive examinations; [[or]]
- 19 (ii) THE RESULTS OF AN INTERNAL PROMOTION EXAM; OR
- 20 ([[ii]]iii) An examination of an application, resume, or other information provided by the
21 applicant.

22 (2) EXCEPT AS PROVIDED IN PARAGRAPH (10) OF THIS SUBSECTION, THE [[The]] eligibility list
23 shall consist of at least three and up to ten names of applicants who are most qualified for
24 the position plus up to an additional five names of applicants who:

- 25 (i) Were among the next five most highly qualified applicants; and
- 26 (ii) Qualified for a preference under section 1.122A of this subtitle.

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

1 (4) If multiple vacancies occur in the same position classification, the Human Resources
2 Administrator may place the name of one additional candidate on the eligibility list for
3 each additional vacancy authorized to be filed.

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

8 (6) After conducting an interview of all available applicants, the appointing authority shall
9 select a candidate from the eligibility list. The appointing authority shall forward
10 justification for the selection to the Human Resources Administrator.

11 (7) If the appointing authority does not select a candidate from an eligibility list, the
12 appointing authority shall provide a written justification for the rejection of the list to the
13 Human Resources Administrator.

14 (8) An appointing authority may fill a position by transferring an employee from one position
15 to another in the same position classification within the Department, or from one position
16 to another in a different position classification in the same or lower grade within the
17 Department if:

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

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

21 (9) An appointing authority may fill a position by transferring an employee from a position in
22 one Department to a position in another Department in the same position classification or
23 in a different position classification in the same or lower grade if:

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

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

27 (10) AN ELIGIBILITY LIST MAY HAVE FEWER THAN THREE APPLICANTS IF THE OFFICE OF
28 HUMAN RESOURCES HAS DETERMINED THAT A REASONABLE SEARCH HAS BEEN
29 CONDUCTED.

30 (f) *Offer of Employment.*

1 (1) After receipt of the name of an individual selected under subsection (e)(6) of this section,
2 the Human Resources Administrator shall forward the name to the Personnel Officer,
3 who shall extend an offer of employment to the individual.

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

6 (g) *Probationary Period.*

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

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

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

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

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

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

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

18 (iii) That the employee be terminated because the employee's performance does not meet
19 the required performance standards for the position or job assignment.

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

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

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

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

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

3

4 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that***
5 *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 March 12, 2018.


Jessica Feldmark, 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 _____, 2018.

Jessica Feldmark, 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 _____, 2018.

Jessica Feldmark, 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 _____, 2018.

Jessica Feldmark, 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 _____, 2018.

Jessica Feldmark, 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 _____, 2018.

Jessica Feldmark, Administrator to the County Council

Amendment 1 to Council Bill No. 9-2018

BY: The Chairperson at the
request of the County Executive

Legislative Day No. 3
Date: March 5, 2018

Amendment No. 1

(This amendment clarifies who may be on an eligibility list to fill a position in the classified service.)

- 1 On page 2, in line 12, strike “OR EXTERNAL” and, in the same line, after “BOTH” insert
- 2 “EXTERNAL AND INTERNAL APPLICANTS”.

ADOPTED

3/5/18

FAILED

SIGNATURE

Jessica Feldman