

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 10-0622

Introduced by: Councilmembers Curran, D’Adamo, President Young, Councilmembers Branch,
Conaway, Spector, Holton, Clarke, Welch, Reisinger, Kraft, Middleton, Henry
Introduced and read first time: November 22, 2010
Assigned to: Labor Subcommittee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: February 28, 2011

AN ORDINANCE CONCERNING

Hiring Preferences for Persons with Disabilities

FOR the purpose of requiring the Civil Service Commission to establish standards for establishing and maintaining a preference for the appointment of qualified persons with a disability; specifying the required contents and limitation of these standards; and generally relating to the hiring of persons with disabilities.

BY adding
Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 7-8
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 7. City Officers and Employees

§ 7-8. HIRING PREFERENCE FOR PERSONS WITH DISABILITIES.

(A) *FINDINGS.*

(1) PERSONS WITH DISABILITIES ARE A LARGELY UNTAPPED RESOURCE FOR OUTSTANDING CANDIDATES FOR CITY EMPLOYMENT.

(2) PERSONS WITH DISABILITIES SUFFER FROM A HIGH UNEMPLOYMENT AND UNDEREMPLOYMENT RATE IN THE CITY DUE IN PART TO UNFOUNDED MYTHS, FEARS, AND STEREOTYPES THAT ARE ASSOCIATED WITH MANY DISABILITIES.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 (3) A HIRING PREFERENCE FOR PERSONS WITH DISABILITIES IS NECESSARY TO REMEDY
2 PAST DISCRIMINATION RESULTING FROM THESE UNFOUNDED MYTHS, FEARS, AND
3 STEREOTYPES.

4 (B) "DISABILITY" DEFINED.

5 IN THIS SECTION, "DISABILITY" HAS THE MEANING STATED IN THE AMERICANS WITH
6 DISABILITIES ACT, 42 USCS § 12101 ET SEQ.

7 (C) ~~(B)~~ CIVIL SERVICE COMMISSION TO SET STANDARDS.

8 THE CIVIL SERVICE COMMISSION MUST ADOPT REGULATIONS THAT SET STANDARDS FOR
9 ESTABLISHING AND MAINTAINING A PREFERENCE FOR THE INITIAL APPOINTMENT OF
10 QUALIFIED PERSONS WITH A DISABILITY INTO CIVIL SERVICE POSITIONS.

11 (D) ~~(C)~~ CONTENTS OF STANDARDS.

12 THE STANDARDS ADOPTED UNDER THIS SECTION:

13 (1) MUST DEFINE A PERSON WITH A DISABILITY ELIGIBLE FOR THE PREFERENCE AS:

14 (I) A PERSON WITH MEDICAL PROOF OF A DEVELOPMENTAL DISABILITY, A
15 SEVERE PHYSICAL DISABILITY, OR A PSYCHIATRIC DISABILITY; OR

16 (II) A VETERAN RATED BY THE DEPARTMENT OF VETERANS AFFAIRS WITH A
17 COMPENSABLE SERVICE-CONNECTED DISABILITY OF 30% OR MORE;

18 (2) MUST REQUIRE MEDICAL CERTIFICATION OF A QUALIFYING DISABILITY; AND

19 (3) MUST ESTABLISH THE FOLLOWING ORDER OF PREFERENCE:

20 ~~(I) AN EMPLOYEE WHO IS UNABLE TO PERFORM THE EMPLOYEE'S JOB BECAUSE~~
21 ~~OF A DISABILITY OR INJURY UNDER THE ADA;~~

22 ~~(II) AN EMPLOYEE SUBJECT TO REDUCTION IN FORCE;~~

23 ~~(III) AN EMPLOYEE WHO WAS GRANTED A TEMPORARY DISABILITY RETIREMENT~~
24 ~~UNDER A RETIREMENT SYSTEM OF THE CITY OR AN INITIAL OR TEMPORARY~~
25 ~~DISABILITY BENEFIT, BUT IS NO LONGER ELIGIBLE FOR THAT TEMPORARY~~
26 ~~DISABILITY RETIREMENT OR BENEFIT;~~

27 (I) ~~(IV)~~ A VETERAN WITH A DISABILITY; AND

28 (II) ~~(V)~~ AN EQUAL PREFERENCE FOR A VETERAN WITHOUT A DISABILITY AND A
29 NON- VETERAN WITH A DISABILITY.

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1 ~~(E) (D)~~ *LIMITATION OF PREFERENCE.*

2 THE STANDARDS ADOPTED UNDER THIS SECTION MAY APPLY THE PREFERENCE ~~ONLY TO A~~
3 ~~PERSON WHO IS AMONG THE HIGHEST RATING CATEGORY IN A NORMAL COMPETITIVE~~
4 ~~PROCESS TO AN APPLICANT ONLY AFTER THE APPLICANT HAS BEEN RANKED AMONG THE~~
5 HIGHEST IN MERIT-BASED EXAMINATIONS.

6 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
7 are not law and may not be considered to have been enacted as a part of this or any prior
8 Ordinance.

9 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
10 after the date it is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City