



<b>FROM</b>	NAME & TITLE	Gladys B. Gaskins, Director 	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Department of Human Resources 201 E. Baltimore Street, Suite 300		
	SUBJECT	<b>City Council Bill No. 10-0622</b> <b>Hiring Preferences for Persons with Disabilities</b>		

**TO**

DATE:

January 5, 2011

The Honorable Bernard "Jack" Young and  
Members of the Baltimore City Council  
City Hall  
100 North Holliday Street, Room 406  
Baltimore, MD 21202

The Department of Human Resources supports City Council Bill 10-0622 with the following recommendations. This legislation requests the establishment of Civil Service 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.

Civil Service Rule 23 *Veterans and Residents Preferences* establishes the guidelines under which this could be implemented. In order to be consistent with the current practices for Preferences applied to qualifying Veterans and Veterans with Disabilities, eligibility preferences would need to be assigned to persons with a disability provided the following conditions are met:

- a) The Person with a disability has applied for an open examination whose resulting employment list will include numerical grades or scores.
- b) The person shall have passed all parts of the examination and shall be otherwise found eligible for employment.
- c) The person has a developmental disability, severe physical disability, or a psychiatric disability within the meaning of 5CFR 213.3102\**u*), the criteria used by the Federal Office of personnel Management for noncompetitive appointment to Federal merit system positions under special hiring authority.
- d) The disability must be certified by the Maryland Department of Education Division of Rehabilitation or equivalent out-of-state vocational rehabilitation agency as meeting the above standard of disability.

If these conditions are met, the candidate would be assigned the nearest rounded score equal to or greater than 5 points higher than the person's original score.

The Civil Service Commission would be required to vote upon this change to the Civil Service Rules and publish the recommendation for public comment.

There is one Section that refers to establishing a priority eligibility list.  
Section (C) CONTENTS OF STANDARDS

- (3) Must establish the following order of preference:

- (I) An employee who is unable to perform the employee's job because of a disability or injury under the ADA
- (II) An employee subject to reduction-in-force.
- (III) An employee who was granted a temporary disability retirement under a retirement system of the City or an initial or temporary disability benefit, but is no longer eligible for that temporary disability retirement or benefit.
- (IV) A Veteran with a disability; and
- (V) An equal preference for a Veteran without a disability and a non-veteran with a disability.

Under Civil Service Rule 23, Veterans with a disability receive a score that is adjusted by 10 points, Veterans without a disability receive 5 point adjusted score. This adjustment is consistent with the priority outlined in items IV and V above. However, the Department of Human Resources does not have the ability to identify candidates under the first three criteria within our eligibility lists or to grant an open, ranked list greater priority than a reemployment list or promotional eligibility list. Therefore, we would recommend a revision of these provisions.

Further, as regards Section (D) LIMITATION OF PREFERENCE, according to current Department of Human Resources procedures and Civil Service Rule 23, preferences are applied to **all** qualified candidates who have passed all parts of the open examination whose resulting employment list will include numerical grades or scores and were found to be eligible for employment. Again, the Department of Human Resources would recommend a revision of the limitation of preference provision to refer to all candidates who apply for and pass open examinations whose resulting employment list will include numerical grades or scores.

Within the parameters outlined above, the Department of Human Resources is wholly supportive of Council Bill 10-0622 *Hiring Preferences for Persons with Disabilities* and would be pleased to move forward with implementation upon approval of this Bill.

C: Devon L. Dodson, President  
Civil Service Commission