

CHARTER REVIEW COMMISSION
Wednesday, December 9, 2009
6th Floor Conference Room
Council Office Building

Commission Members Present:

Nancy Soreng, Chair
Karen Czapanskiy
Wilbur Friedman
Mollie Habermeier
Robert Shoenberg
Moshe Starkman
Judith Vandegriff

Anne Marie Vassallo
Charles Wolff

Staff:

Robert Drummer, County Council
Justina Ferber, County Council
Marie Jean-Paul, County Council
Marc Hansen, County Attorney's Office

Guests

Joseph Adler, Director, Office of Human Resources
Leslie Rubin, Office of Legislative Oversight

Absent:

Alice Gresham Bullock, Vice-Chair
Michael Cogan

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

I. Disability Hiring Discussion

The Commission received a memorandum from Council President Phil Andrews asking the Commission to study whether to amend the County Charter to allow the establishment of a special hiring authority within the County Merit System that would permit an alternative approach for the recruitment, selection, and hiring of people with disabilities into Merit System positions. The Council requested the Commission's input before July 1, 2010.

Mr. Adler stated that the County has been looking at the issue of the hiring of persons with disabilities and creating a special hiring authority similar to the one in the Federal government (Schedule A). The special hiring authority would allow managers to hire qualified disabled persons to open positions without going through the competitive hiring process. They would remain in the position for two years and if they are doing a good job would then achieve merit system status.

The question has been whether the County government could develop a special hiring authority to hire persons with disabilities into County government merit system jobs. The County Attorney has concluded that establishing an alternative hiring process for merit system positions for persons with disabilities would require an amendment to the County Charter.

In its review of the Office of Legislative Oversight report on Hiring of Persons with Disabilities, the Council's Management and Fiscal Policy (MFP) generally supported the idea of a special hiring authority, but recommended the Council refer the issue to the Charter Review Commission for study and comment. Copies of the report were distributed to Commissioners. The Council set a July 1 deadline for Commission comment to allow time to place a Charter question on the 2010 ballot.

The Office of Human Resources has been working with the Commission on People with Disabilities which cites a 50% unemployment rate for the disabled. For every vacant position, the County receives at least 20-30 qualified applicants and someone with a disability has difficulty in getting selected. The County began a new program in 2008 for hiring persons with disabilities as part-time interns and people are cycled in and out of the program.

Commissioners discussed the issues and asked questions. Ms. Rubin explained that the definition of disability would be defined in law or regulation as part of the special hiring authority legislation if allowed by the Charter. She noted that Federal Schedule A employees have very specific criteria they must meet. Mr. Adler stated that the County could require certification by the Maryland State Department of Disability Services for classification as disabled.

Commissioner Czapanskiy was not yet convinced that the County should add a new program if an anti-discrimination program will do an adequate job. From the discussion and materials provided, she concluded that County managers may be inappropriately resistant to disabled applicants and that is illegal. She would like to see evidence that a new program is needed and that anti-discrimination measures are not adequate. Ms. Rubin stated that OLO is not advocating for any change. However, they concluded that the ADA is a strong law but has not had a significant effect on the County's disability hiring. Commission Chair Soreng noted that the County's intern program for the disabled is fairly new.

Commissioners requested the following information:

1. How does the County currently define disability? Is it the ADA definition?
2. What do Councilmembers have in mind regarding the types of disabilities to be considered by the special hiring authority and how would they define disability for the new program? Is there any draft legislation?
3. Under a special preference, how would the County keep from discriminating against others who are qualified?
4. Have there been challenges to the federal and state programs for special hiring?
5. What is the unemployment rate for people who are likely to be served by the program?

6. How does the County know that disabled people are not applying for County jobs and that they are not successful when applying for County jobs? Has the County kept data on disability discrimination?
7. Has there been an evaluation of the new intern program for the disabled?
8. Have there been any legal challenges to the federal program? Has it resulted in increased hiring of persons with disabilities?
9. What is the view of the Human Rights Commission about the proposed Charter amendment?

II. Redistricting

The Commission discussed the various draft reports from the Redistricting Subcommittee. The following Commissioners briefed the Commission on their reports: Commissioners Wolff, Habermeier, Czapanskiy, Vandegriff, and Friedman.

Mr. Hansen commented on judicial participation in the redistricting process. He noted that there might be a conflict with the Maryland Constitution. He stated that the County would not be able to require retired judges to serve and service would be on a voluntary basis. He stated that many retired judges return to the bench part-time and would be considered sitting judges and would not be able to participate on a redistricting commission because of conflicts with the judicial canon of ethics. He noted that many retired judges leave the area or become active in the community and may not be as impartial as when sitting on the bench.

Chair Soreng suggested that the Commission meet twice in January. On January 13 the Commission will discuss redistricting and decide whether to move forward with the issue. On January 29 the Commission will discuss disability hiring. The Commission asked that the County's Equal Employment Opportunity and Diversity Manager be invited to the January 29 meeting to respond to questions regarding discrimination. There was also interest in having the chair of the Commission on People with Disabilities speak about the federal program. In addition, if the Human Rights Commission has had any referrals to them regarding discrimination of people with disabilities, Charter Review Commissioners would like to know about these.

The meeting was adjourned at 9:30 a.m.

Calendar for May 1, 2010 Commission Report

January 13	January 29	February 10	March 10	April 14	May 1
Redistricting Discussion	Disability Hiring Discussion	Assign drafting responsibilities for final report	Review of Draft Report	Vote on Final Report Report to Printer 4/21	Report Due to County Council