

SECTION 6. RECRUITMENT AND APPLICATION RATING PROCEDURES

(As amended January 18, 2005, July 31, 2007, October 21, 2008, July 20, 2010 July 12, 2011, July 24, 2012, December 11, 2012, June 25, 2013, June 30, 2015, February 2, 2016, and February 23, 2016.)

6-1. Recruitment and application rating. The CAO must administer a recruitment and application rating process for all merit system positions.

6-2. Announcement of open jobs.

- (a) The OHR Director:
 - (1) must announce and electronically post notice of vacant positions that are open for competition among qualified candidates;
 - (2) must include in a vacancy announcement information about job duties, minimum qualifications, any multilingual requirements, the rating process including the rating criteria, and other requirements for the position;
 - (3) may announce a vacancy to the general public or may restrict the vacancy to some or all County employees;
 - (4) must allow a Fire and Rescue Service merit system employee of a local fire and rescue department, or an active fire and rescue volunteer as defined in Section 21-21(a) of the County Code, to apply for vacancy announcements that are limited to County employees only. To be eligible, a fire and rescue volunteer must have achieved active status in the prior calendar year by accumulating at least 50 points under Code Section 21-21(k), and the volunteer's name must be transmitted to OHR on a master list compiled by the Fire and Rescue Service from certified lists of active volunteers prepared by the local fire and rescue departments; and
 - (5) QUEST Intern, Project SEARCH Intern, or Customized Employment Public Intern or a former QUEST Intern, Project SEARCH Intern, or Customized Employment Public Intern within 24 months of completion of the internship to apply for vacancy announcements that are limited to County employees only. This does not negate the right of a QUEST Intern, Project SEARCH Intern, or Customized Employment Public Intern who is eligible under Section 6-11 of these Regulations to apply for priority consideration for initial appointment to a County merit system position to receive priority consideration.
 - (6) must allow an active Social Worker Intern at HHS with a minimum of six months of service to apply for a Public Administration Associate (PAA)/Social Worker vacancy announcement in Child Welfare Services at HHS that is limited to County employees only.
- (b) A department director may determine if and when a vacant position will be announced.

6-3. Employment application deadline.

- (a) The OHR Director may establish a reasonable deadline of not less than two weeks for receipt of applications for announced vacancies. The OHR Director may shorten the two-week announcement period
- (b) The OHR Director may designate certain positions for open continuous or open until filled recruitment.
- (c) The OHR Director must not accept an application submitted after an announced application deadline.

6-4. Reference and background investigation requirements; Review of applications.

- (a)
 - (1) The CAO may establish reference and investigation requirements for County positions to verify prior work performance, experience, and job-related personal characteristics of applicants and employees.
 - (2) The CAO must ensure that all reference checks, background investigations, and criminal history records checks of employees and applicants are conducted as required under County, State, and Federal laws or regulations.
 - (3) All applicants and employees must comply with established reference and investigation requirements.
- (b) The OHR Director must review and evaluate an application submitted to determine if the applicant is eligible for the announced vacancy. The OHR Director may disqualify an applicant at any point in the hiring process if:
 - (1) the applicant lacks required minimum qualifications such as education, experience, a license, or a certification;
 - (2) the applicant submits inaccurate or false information in the application or associated forms;
 - (3) the applicant was separated from prior County service for cause or is not eligible for re-hire;
 - (4) the applicant has prior unsatisfactory work performance relevant to the position applied for;
 - (5) there is evidence of a job-related factor that would hinder or prohibit the applicant's satisfactory performance of the duties and responsibilities of the position; or
 - (6) the applicant fails to comply with established procedures or reference and investigatory requirements.

6-5. Competitive rating process.

- (a) The OHR Director must establish a competitive rating process to create an eligible list for employment or promotion, unless the OHR Director determines that a non-competitive process is appropriate under Section 6-7 or 27-2(b) of these Regulations.
- (b) The OHR Director must include in the vacancy announcement in the jobs bulletin on the County Website a description of the competitive rating process and rating criteria that will be used to create the eligible list.
- (c) The OHR Director, or designee, may order applications to be re-rated or take other remedial action to remedy an oversight or error in the rating process.
 - (1) The competitive rating process may include:
 - (A) a written or oral examination;
 - (B) a demonstration of a job-related physical ability or skill;
 - (C) an evaluation of an applicant's training, experience, and education;
or
 - (D) another professionally acceptable assessment technique that fairly evaluates an applicant's qualifications, fitness, and ability.

- (2) The competitive rating process must:
 - (A) result from a job analysis that documents the knowledges, skills, and abilities required to perform essential functions of the job;
 - (B) assess the employee's ability to perform important aspects of the job;
 - (C) be administered in good faith and without discrimination; and
 - (D) be properly and accurately conducted.

6-6. Examinations.

- (a) The OHR Director must maintain the security of testing and examination materials and control the release of examination records.
- (b) The OHR Director must not release the following unless required by the Maryland Public Information Act, or by a court order or arbitration award:
 - (1) testing and examination materials used solely to determine individual qualifications, and
 - (2) test material, including test plans, item analysis data, criterion instruments, and other material if the disclosure of the material would compromise the objectivity or integrity of the testing process.
- (c) An employee entrusted with test material must protect the confidentiality of that material and release materials only as required to conduct an examination authorized by the OHR Director.
- (d) An applicant or employee who takes an examination may review a written test, and his or her own answers in a written test, but only after the test has been graded, and only in the presence of an OHR employee or in the presence of an employee of another department designated by OHR.
- (e) The OHR Director may release information concerning the results of examinations to:
 - (1) the applicant or employee who took the examination;
 - (2) an individual explicitly designated by the applicant or employee who took the examination; and
 - (3) appropriate department representatives.

6-7. Noncompetitive rating process. The OHR Director may establish an eligible list for employment or promotion on a noncompetitive basis for positions involving unskilled manual labor and for other classes of work if a competitive process is impractical.

6-8. Invalidation of rating process. The CAO must invalidate a rating process in whole or in part if an improper act occurred or if the rating process was not job-related or was discriminatory.

6-9. Eligible list. After the rating process is complete, OHR must establish an eligible list with the names of all qualified individuals grouped in appropriate rating categories. The OHR Director must determine the length of time that an eligible list will be in effect and may extend or abolish an eligible list for good cause. If an eligible list is abolished before the expiration date on the eligible list, OHR must notify in writing all individuals whose names appear on the list.

6-10. Priority eligible list.

- (a) The OHR Director must establish a priority eligible list to provide priority consideration in the following order to an employee who:
 - (1) is unable to perform the employee's job because of a disability or injury under the ADA;
 - (2) is subject to reduction-in-force;
 - (3) was granted a temporary disability retirement under the Employees' Retirement System or an initial or temporary disability benefit of any type under the Retirement Savings Plan but is no longer eligible for such a temporary disability retirement or benefit.
- (b) An employee who is eligible for priority consideration under (a)(3) because the employee is no longer eligible for an initial or temporary disability retirement or benefit, may apply for vacant positions in the department where the employee was previously employed. The employee is eligible for priority consideration for positions at or below the grade level that the employee held before the initial or temporary disability retirement or benefit was granted and must meet the minimum qualifications for any position for which the employee applies. If no position for which the employee is qualified is available in the previous department at or below the previous grade level, the employee may apply for vacant positions in other departments. The OHR Director should establish the salary for the position in which the individual is reemployed by considering the individual's salary history with the County and past work experience that is relevant to the new position.

6-11. Priority consideration for initial appointment to a County merit system position.

- (a) Definitions
 - (1) Person with a disability: A person who:
 - (A) has a developmental disability, severe physical disability, or a psychiatric disability within the meaning of 5 C.F.R. 213.3102(u), the criteria for disability used by the Federal Office of Personnel

Management for noncompetitive appointment to Federal merit system positions under its special hiring authority; and

- (B) has been certified by the Maryland Department of Education Division of Rehabilitation Services or by an equivalent out-of-state vocational rehabilitation agency as meeting the definition of disability contained in (A) above.
- (2) Veteran with a disability: A person who:
 - (A) meets the definition of veteran contained in (3) below; and
 - (B) is rated by the Department of Veterans Affairs with a compensable service-connected disability of 30 percent or more;
 - (3) Veteran without a disability: A veteran who:
 - (A) was honorably discharged from a branch of the United States armed services; and
 - (B) has not already used veteran's credit to receive priority consideration for appointment to a Montgomery County position.
- (b) Subject to persons who must be given priority under Section 6-10, the OHR Director must give priority consideration in the following order to persons who apply for initial appointment to a County merit system position in a normal competitive process and who are rated and placed in the highest rating category on the eligible list:
 - (1) a veteran with a disability;
 - (2) an equal preference for a veteran without a disability and for a person with a disability.
 - (c) To receive priority consideration under 6-11(b), an eligible applicant must apply for the preference on the application form and must provide the necessary certification or documentation within 14 calendar days after it is requested by OHR.

6-12. Hiring preference points for initial appointment to a County merit uniformed public safety position.

(a) *Definitions*

- (1) ***Hiring preference points:*** Numeric points that are added to the passing examination score, or interview rating total, of eligible applicants who apply for County merit positions as uniformed public safety officers in a normal competitive process. When the scoring system for examinations and interviews provides for a maximum score of other than 100, the numeric points to be added will be based on a percentage of the maximum

score. This will enable the preference points to carry equal weight regardless of the position applied for.

- (2) ***Uniformed public safety position:*** Police officer, firefighter/rescuer, or correctional officer.
 - (3) ***Veteran :*** A person who:
 - (A) was honorably discharged or released from a branch of the United States armed services after at least 180 days of active military duty other than for training;
 - (B) was not granted a normal retirement from the United States armed services; and
 - (C) has not already used veteran's credit to receive priority consideration or preference points for appointment to a County merit position.
 - (4) ***Veteran with a disability:*** A person who:
 - (A) meets the definition of veteran contained in (3) above; and
 - (B) is rated by the Department of Veterans Affairs with a compensable service-connected disability of 30 percent or more.
- (b) To receive hiring preference points for a uniformed public service position under this section, an eligible applicant must apply for the preference on the application form and must provide the necessary certification or documentation within 14 calendar days after it is requested by OHR.
- (c) ***Allocation of hiring preference points***
- (1) veterans with disabilities receive 10 points or 10 percent, whichever is applicable; and
 - (2) veterans without disabilities receive 5 points or 5 percent, whichever is applicable; and
- (d) ***Application of hiring preference points to selection process***
- (1) Hiring preference points under this section may be used by an applicant to apply for multiple County uniformed public safety positions. If an applicant obtains an appointment to a County uniform public safety merit position using the preference points, the points cannot be used again.
 - (2) Preference points cannot be used to help an applicant meet the minimum qualifications for a uniformed public safety merit position.
 - (3) Preference points cannot be used to help an applicant achieve a passing score on an examination. If a written or oral examination is required for the position, an applicant must achieve a passing score before any preference points can be added.
 - (4) Where the department selection process is based solely on a written or oral examination score, the points are added to the applicant's passing examination score.
 - (5) Where the department selection process requires an applicant to take a pass/fail examination and all applicants who pass the exam are then

interviewed, the points are added to the interview score.

6-13. Selection process. A department director may, in consultation with the OHR Director, use any selection process that meets the department's needs and is consistent with these Regulations.

6-14. Appeals by applicants. Under Section 33-9 of the County Code, a non-employee or employee applicant for a merit system position may file an appeal directly with the MSPB alleging that the decision of the CAO on the individual's application was arbitrary and capricious, illegal, based on political affiliation or other non-merit factors, or that the announced examination and scoring procedures were not followed.

6-15. Noncompetitive Appointment of Persons with Severe Disabilities to County Merit Positions

- (a) A department director may noncompetitively appoint a qualified person to a County merit position if the individual:
 - (1) has a severe developmental, physical, or psychiatric disability within the meaning of 5 C.F.R. 213.3102(u), the criteria for disability used by the Federal Office of Personnel Management for noncompetitive appointment to Federal merit system positions under its special hiring authority; and
 - (2) has been certified by the Maryland Department of Education Division of Rehabilitation Services or by an equivalent out-of-state vocational rehabilitation agency as meeting the definition of disability contained in (a) (1) above based upon medical evidence.
 - (3) meets the minimum qualifications for the position;
 - (4) is able to perform the essential duties of the job with or without reasonable accommodation;
 - (5) passes a background check, if required for the position; and
 - (6) passes a physical examination, if required for the position.
- (b) A department director may noncompetitively appoint an individual to a County merit position under section (a) above in the following circumstances:
 - (1) for the seamless and expeditious transition of QUEST, Project SEARCH, and Customized Employment Public Interns into permanent merit system positions without advertising the positions; or
 - (2) to fill a position designated by the OHR Director as appropriate for the noncompetitive appointment of persons with severe disabilities without advertising the position; or

- (3) where a merit position has been advertised competitively and a qualified applicant who meets the eligibility requirement in (a) above applies for the position, a department director may hold the competitive process in abeyance and noncompetitively appoint the applicant with a severe disability.
- (c) Noncompetitive appointment under this section applies only to the initial appointment of a qualified person with a severe disability to a merit system position.
- (d) The department director must obtain the OHR Director's written approval of any noncompetitive appointment.
- (e) An individual noncompetitively appointed under this section must successfully complete the appropriate probationary period for the position in order to receive merit system status.
- (f) Noncompetitive appointment under this section is the prerogative of management and not a right or entitlement of a person with a severe disability. An individual may not file a grievance or appeal the denial of a noncompetitive appointment or nonselection to the Merit System Protection Board.

Editor's note – The subjects covered in this section of the Personnel Regulations are addressed for bargaining unit employees in the current collective bargaining agreements as indicated below:

Bargaining unit	Articles of current agreements with references to recruitment or application rating procedures
Firefighter/Rescuer	12, Leave Without Pay 28, Transfers 29, Promotions 48, Job Sharing Program
OPT/SLT	8, Seniority 9, Working Conditions 22, Transfer 23, Promotion Appendix VIII, Reasonable Accommodation
Police	15, Hours and Working Conditions 25, Transfers 44, Promotions 55, Job Sharing