

DOCUMENT RESUME

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[Elimination of the Apportionment of Appointments in the Departmental Service in the District of Columbia]. May 26, 1977. 7 pp.

Testimony before the House Committee on Post Office and Civil Service: Civil Service Subcommittee; by Clifford I. Gould, Deputy Director, Federal Personnel and Compensation Div.

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Organization Concerned: Civil Service Commission; District of Columbia.

Congressional Relevance: House Committee on Post Office and Civil Service: Civil Service Subcommittee.

Authority: Civil Service Act of 1883. 5 U.S.C. 3306. H.R. 5054 (95th Cong.).

The bill, H.R. 5054, which would eliminate the requirement to apportion appointments in the departmental service in the Washington, D.C., metropolitan area should be enacted. Findings/Conclusions: The Civil Service Act of 1883 provided that appointments to the competitive civil service in the District of Columbia be apportioned on the basis of population, as ascertained at the last census among the states, territories, and possessions of the United States and the District of Columbia. For the 50,000 or more jobs where the apportionment requirement is applied, the relative balance among the states, territories, and the District of Columbia in the number of positions occupied has remained the same for many years, comparable representation has not resulted from apportionment. The apportionment requirement severely restricts highly qualified eligibles, who are from states in excess of their apportionment quotas, from being certified to agencies for apportioned positions, and due to requirements for veterans' preference, has a particularly harsh impact on the employment potential of women applicants. Apportionment also has a particularly harsh impact on the employment opportunities of the large minority population residing in the Washington area. Recommendations: The apportionment requirement should be repealed because of its negative impact on merit and equal employment opportunity and its obsolescence and ineffectiveness. (SC)

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Statement of Clifford I. Gould  
Deputy Director, U.S. General Accounting Office  
Before the Subcommittee on Civil Service  
On H.R. 5054 - A Bill to Repeal Section 3306 of  
Title 5, United States Code, to Eliminate the  
Apportionment of Appointments in the  
Departmental Service in the District of  
Columbia

Mr. Chairman and Members of the Subcommittee:

I appreciate your invitation to discuss the merits of H.R. 5054, which would eliminate the requirement to apportion appointments in the departmental service in the Washington metropolitan area.

During 1973, legislation to repeal the apportionment requirement was introduced. In our November 20, 1973 report we recommended that the Congress enact the legislation. In 1975, we testified in favor of enactment of bills which also proposed elimination of the apportionment requirement.

The Civil Service Act of 1883 provided that appointments to the competitive civil service in the District of Columbia be apportioned on the basis of population as ascertained at the last census among the States, territories, and possessions of the United States, and the District of Columbia. The apportionment requirement was incorporated into the act to insure all sections of the country a proportionate share of Federal appointments in Washington. In 1883, 40 percent of all competitive jobs were concentrated in the District of Columbia; apportionment was

considered necessary to ensure that this block of jobs would be accessible to all citizens who might be isolated from the Capitol due to distance and poor transportation.

By law, all veterans and others eligible for veterans' preference are excepted from apportionment. For apportioned positions, the names of all applicants who have qualified in examinations for Federal service are entered on registers in the following order:

- (1) Veterans from all States and nonpreference eligibles from States in arrears of their apportionment quotas are listed first in the order of their ratings;

- (2) Non-preference eligibles from States in excess of their apportionment quotas are listed last in order of their ratings, and are certified to agencies only after other eligibles have been certified. Thus, it is possible for a veteran or a marginally qualified applicant from a State in arrears of its quota to rank far ahead of an extremely well-qualified applicant from a State in excess. Apportionment applies to appointments to competitive positions in the headquarters offices of agencies in the Washington metropolitan area. In addition, CSC has exempted many positions and personnel actions from apportionment. Among, the exemptions are:

- (1) Positions in headquarters offices located outside the Washington metropolitan area;

- (2) Field service positions located in the Washington area;
- (3) Professional and scientific positions;
- (4) Positions in grades GS-13 and above;
- (5) Positions filled through temporary appointments; and
- (6) Certain other positions and personnel actions.

We found that for the 50,000 or more jobs where the apportionment requirement is applied, the relative balance among the States, territories, and the District of Columbia in the number of positions occupied has remained the same for many years. Comparable representation has not resulted from apportionment.

The apportionment requirement has not accomplished its original purpose of distributing jobs proportionately on the basis of population. As of December 15, 1976, forty-three States and territories were in arrears (having less appointments than their allocated quotas), and thirteen including the District of Columbia, were in excess of their apportionment quotas. However, as we noted in our 1973 report, competitive examinations and the rotation policies of many Government agencies have, to a large extent, resulted in the geographical representation of Federal employees in the Washington area, which apportionment was supposed to achieve.

The nationwide competitive examination system facilitates considering qualified applicants from all parts of the country. Anyone today, regardless of their place of residence or place

of examination, can readily compete in examinations leading to Federal employment in the Washington metropolitan area.

Additionally, many Federal appointees are hired in a regional office and later transferred to the headquarters office in Washington. Today, only about one out of seven jobs in the competitive service is located in Washington. The vast segment of the Federal work force employed within the States themselves should be considered in evaluating the number of opportunities offered by the Federal service.

Our 1973 report concluded that the apportionment requirement was ineffective and had outlived its usefulness.

In July 1976, we began a detailed review of the effects of veterans' preference and apportionment on the Federal job opportunities of women and minorities. Our work indicates that the apportionment requirement severely restricts and, in some cases prevents, highly qualified eligibles from States in excess of their apportionment quotas from being certified to agencies for apportioned positions. Apportionment has a particularly harsh impact on the employment potential of women applicants.

Apportionment also has a particularly harsh impact on the employment opportunities of the large minority population residing in the Washington, D.C. area. Few local minority

eligibles can obtain apportioned positions because the Washington area is always listed in excess of its quota.

During the 1973 review of the apportionment requirement, 15 major agencies and departments advised GAO that the apportionment requirement should be eliminated.

The combination of apportionment and the exemption of veterans from the requirement means that well-qualified non-veterans from States in excess of their apportionment quota have little chance of appointment to departmental positions in the Washington metropolitan area. CSC officials stated that, since PACE's inception no nonveteran eligible from a State in excess of its quota has ever been certified to fill an apportioned PACE position regardless of accomplishment in the PACE examination. Since PACE is used to select individuals for entry-level positions in more than one hundred occupations which are administrative, technical, or professional in nature, apportionment represents a significant employment barrier to many candidates from States in excess of apportionment quotas.

Agencies are reducing their use of apportioned registers for departmental service positions because eligibles from distant States in arrears often decline or are unavailable for entry-level positions in the Washington area. The declination rate runs as high as 80 percent among PACE eligibles from distant States in arrears of their apportionment quota. Consequently,

an agency needing to fill a position quickly hesitates to use a certificate from an apportioned PACE register. Agencies are increasingly reluctant to use apportioned registers if they intend to interview applicants before making a selection. Applicants from distant States in arrears often cannot or will not pay expenses to go to Washington for an interview.

Besides acting as a barrier to EEO and merit and not achieving its purpose of distributing jobs on the basis of population, apportionment has caused other problems. In supporting proposed legislation to repeal apportionment, CSC has stressed that apportionment (1) is unnecessary since the Federal population in Washington reflects a good geographic cross section, accounted for by the greater mobility of the work force, nationwide competitive examining, and rotation policies of agencies and (2) is cumbersome to administer since the process of keeping track of apportionment and applying it in the examining system is at variance with a modern appointment system.

#### CONCLUSION

Apportionment conflicts with equal employment opportunity. The most objectionable aspect of apportionment is its adverse effect on the Federal merit system and the achievement of equal employment opportunity objectives, especially for women. Apportionment was enacted to meet the needs of a markedly different period in civil service history, and is based on

quotas that do not take into consideration the relative qualifications of applicants in CSC examinations. It has outlived its usefulness in that comparable representation has not been achieved for apportioned positions. The nationwide competitive examinations and rotation policies of agencies, to a large extent, have probably served the original purpose of the apportionment requirement.

Because of its negative impact on merit and equal employment opportunity and its obsolescence and ineffectiveness, we believe repeal of apportionment is justified. We strongly recommend enactment of H.R. 5054