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STATEMENT OF CLIFFORD I. GOULD

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BEFORE THE SUBCOMMITTEE ON CIVIL SERVICE AND GENERAL SERVICES

ON S. 386, S. 865, AND S. 1133 - BILLS 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 S. 386, S. 865, and S. 1133, bills 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 30, 1973 report on apportionment, we recommended that the Congress enact the legislation. In June 1975 and May 1977, 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 requires that consideration be given to an applicant's residence when making appointments to competitive

positions in the headquarters offices of agencies in the Washington metropolitan area. 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. 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. The apportionment requirement has not accomplished its original purpose of distributing jobs proportionately on the basis of population. 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.

Our 1973 report also concluded that the apportionment requirement had outlived its usefulness. The Washington area no longer accounts for a large percentage of Federal jobs. Today, fewer than one out of seven jobs in the competitive service is located in Washington. There are many Federal jobs in each state. Those jobs do not count against the apportionment quotas of the States in which those jobs are located. This vast segment of the Federal work force employed within the States themselves should be considered in evaluating the number of employment opportunities offered by the Federal service.

We recently completed a detailed review of the impact of veterans' preference and apportionment on the achievement of equal employment opportunity objectives. We plan to issue the final report to the Congress in about 3 weeks. Our work showed that apportionment is contrary to the basic principles of the merit system. It operates as a barrier to achievement of equal employment opportunity. Under apportionment, applicants who are marginally qualified, but who are from States in arrears (having fewer appointments than their allocated quotas) receive consideration for headquarters employment before exceptionally well-qualified applicants from States in excess of their quotas. As I mentioned earlier, the apportionment requirment does not apply to veterans. Since our veteran population is mostly male, the exemption of veterans has meant that the burden of apportionment falls most heavily on qualified women applicants.

To determine the effects of apportionment on the opportunities of women to obtain appointments to headquarters positions in the Washington, D.C. area, we reviewed CSC apportioned job registers. Our review showed that increased employment opportunities existed for women if apportionment was not a factor in ranking applicants on registers.

For example, on the apportioned accounting clerk register (GS-4) 265 eligibles had certifiable ratings. With apportionment considered, 44 (17%) of the 265 eligibles were women. By excluding apportionment, there were 74 women eligibles available for certification. By eliminating apportionment, the representation of women within certification range on the register increased 68 percent.

A second way we determined the impact of apportionment on women was to calculate the number of positions a woman would advance on a register if apportionment was not considered in ranking applicants. The registers reviewed indicated that the job opportunities for women and the overall quality of applicants certified to fill departmental positions would improve if apportionment did not affect register ranking.

For example:

--On the PACE (Professional and Administrative Career Examination) register 116 non-veteran women from states in excess of their apportioned quotas had perfect scores of 100 in the PACE examination.

However, the first of these women ranked 16,606 with apportionment used as a ranking factor. Excluding only apportionment, the first woman would have held position 432 on the register. CSC officials stated that since PACE'S inception, no non-veteran 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.

--On the accounting clerk (GS-4) register three women from states in excess of their apportioned quotas were in register positions 479, 480, and 481, with apportionment and veterans' preference used as ranking factors. Excluding only apportionment, they ranked 17th, 18th, and 19th.

Federal agencies and CSC support repeal of the apportionment requirement. Agencies and CSC object to apportionment because of its adverse effect on the merit system and the achievement of equal employment opportunity objectives and because it is outmoded, ineffective, and cumbersome to administer.

CSC officials are also concerned that apportionment prompts agencies to misrepresent their personnel actions in efforts to avoid using apportioned registers. A CSC official stated that in 1976, there was an increase in agency requests for PACE certificates to fill

field service vacancies in the Washington metropolitan area while requests for PACE certificates for headquarters positions decreased. The official indicated that agencies may have improperly classified many positions as field service in order to avoid apportioned registers and thereby obtain certificates with higher rated eligibles.

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 quotas. Consequently, an agency needing quickly to fill a position hesitates to use a certificate from an apportioned 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 Washington for an interview.

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. Apportionment has not achieved its purpose of distributing Federal headquarters jobs on the basis of population among the States, territorie and the District of Columbia. The nationwide competitive examinations and rotation policies of agencies, to a large extent, have probably served the original purpose of the apportionment requirement.

RECOMMENDATION TO THE CONGRESS

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 S. 386, S. 865, or S. 1133.