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Veterans' preference in Federal hiring in its present form severely limits job opportunities for those who are not veterans. It particularly diminishes the employment chances of women, since they seldom have veteran status. Apportionment of hiring by State populations has no place in a modern merit system, since it has an adverse effect on equal employment opportunity and merit principles and has not achieved its purpose. Findings/Conclusions: The question of whether, and to what extent, one congressional policy objective should take precedence over another is a matter for the Congress to decide. Congress is urged to reconsider whether granting preference to veterans, in its present form, is appropriate in light of the contradiction to equal employment opportunity. If the Congress wishes to lessen this conflict, modifications could be introduced which would diminish the adverse impact of veterans' preference. Suggested modifications include limitation on the application of preference to a one-time use and imposition of a time limit for use of veterans' preference. Recommendations: Legislation which directs that appointments to competitive civil service positions in Federal departments in Washington be apportioned among the States, territories, and the District of Columbia on the basis of population should be repealed.

(Author/SC)

03772



REPORT TO THE CONGRESS

*BY THE COMPTROLLER GENERAL
OF THE UNITED STATES*

Conflicting Congressional Policies: Veterans' Preference And Apportionment Vs. Equal Employment Opportunity

Veterans' preference in Federal hiring has been legislated by the Congress to reward veterans for service to the Nation. This preference in its present form, however, severely limits job opportunities for those who are not veterans. It particularly diminishes the employment chances of women since they seldom have veteran status.

Questions of whether, and to what extent, one congressional policy objective (veterans' preference) should take precedence over another (equal employment opportunity) are for the Congress to decide.

Apportionment of hiring by State populations was enacted to meet the needs of a markedly different period in civil service history and has no place in a modern merit system. It has an adverse effect on equal employment opportunity and merit principles, has not achieved its purpose, and should be repealed. The Civil Service Commission and other Federal agencies agree with this view.



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-167015

To the President of the Senate and the
Speaker of the House of Representatives

This report discusses the effects of veterans' preference and the apportionment requirement on (1) the opportunities of women to compete for and obtain entry employment in the Federal service and (2) the abilities of Federal agencies to hire women to accomplish affirmative action plan goals.

In June 1973, the Chairman, Senate Committee on Labor and Public Welfare, requested that we review the implementation of the Equal Employment Opportunity Act of 1972, as it applied to Federal employees. This report is one of a series resulting from the Chairman's request.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

We are sending copies of this report to the Director, Office of Management and Budget; the Secretaries of Agriculture, Defense, the Air Force, the Army, the Navy, the Interior, Labor, Transportation, the Treasury, and Health, Education, and Welfare; the Administrators of General Services, the National Aeronautics and Space Administration, and the Veterans Administration; the Chairman, Civil Service Commission; and the Chair, Equal Employment Opportunity Commission.

R. F. Kettner
Acting Comptroller General
of the United States

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

CONFLICTING CONGRESSIONAL POLICIES:
VETERANS' PREFERENCE AND
APPORTIONMENT VS. EQUAL EMPLOYMENT
OPPORTUNITY

D I C E S T

This report deals with problems women have in obtaining Federal employment. Because few women have veteran status, their opportunities for Federal employment are diminished by veterans' preference and apportionment. For example:

- Large numbers of highly qualified women cannot be certified by the Civil Service Commission to Federal agencies for employment consideration. (See pp. 8 to 10 and 24 to 26.)
- Individual women who achieve perfect or nearly perfect scores in Commission examinations are ranked behind other applicants with lower scores. (See pp. 11 and 26.)
- Nonveteran women need substantial additional qualifications to compensate for the preference awarded to veterans. Even with these qualifications, the preferences awarded to veterans often are insurmountable barriers for female applicants. (See p. 12.)
- Retired military personnel receiving Government pensions also receive veterans' preference and reduce women's opportunities for Federal employment. (See p. 15.)

These barriers severely limit the ability of Federal agencies to achieve equal employment opportunity goals of increased hires of women.

Insufficient data at the Commission or Federal agencies on the number of women available for work or applying for Federal employment compounds this problem. (See p. 15.) To alleviate the problem in part,

agencies use alternate hiring practices.
(See pp. 19 to 21.)

Veterans' preference represents one effort by the Congress to reward veterans for the sacrifices they have made for the Nation. The question of whether, and to what extent, one congressional policy objective should take precedence over another is a matter for the Congress to decide. GAO urges the Congress to reconsider whether granting preference, in its present form, is appropriate in light of the contradiction to equal employment opportunity.

If the Congress wishes to lessen this conflict, modifications could be introduced that would diminish the adverse impact of veterans' preference. Those most frequently suggested by Federal agencies are:

- Limitation on the application of preference to a one-time use.
- Imposition of a time limit for use of veterans' preference. (See p. 23.)

The Civil Service Act of 1883 directs that appointments to competitive civil service positions in Federal departments in Washington be apportioned among the States, territories, and the District of Columbia on the basis of population as determined at the last census. (See p. 3.) In our view, apportionment has no place in a modern merit system and should be repealed. It was enacted to meet the needs of a markedly different period in civil service history. It has an adverse effect on equal employment opportunity and merit principles and has not achieved its purpose. The Commission and Federal agencies agree. During 1977, legislation was introduced in the House (H.R. 5054) and Senate (S. 386, S. 865, and S. 1133) to repeal the apportionment requirement. (See p. 31.)

AGENCY COMMENTS

Some agency comments were not received in time for evaluation and inclusion in the report. Those that were received were included without an indepth evaluation in order to have the report ready for hearings that have been scheduled for October 4, 1977. Agencies which did respond expressed general agreement that something needs to be done to balance the Nation's obligation to its veterans and its obligation to provide equal employment opportunity for women. All agencies responding agreed with GAO that the apportionment requirement should be repealed.

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ABBREVIATIONS

CSC	Civil Service Commission
EEO	equal employment opportunity
FSEE	Federal Service Entrance Examination
GAO	General Accounting Office
GS	general schedule
HEW	Department of Health, Education, and Welfare
JFA	Junior Federal Assistant
PACE	Professional and Administrative Career Examination
WG	wage grade

CHAPTER 1

INTRODUCTION

EQUAL EMPLOYMENT OPPORTUNITY

The Federal Government, with about 2.8 million civilian employees, is the Nation's largest employer. The Government has long been prohibited from practicing discrimination by the Constitution and by the Civil Service Act of 1883 (Ch. 27, 22 Stat. 403). The Ramspeck Act of 1940 (5 U.S.C. 2102, 3304) provided the first statutory ban on discrimination on the basis of race, color, or creed. Shortly before its passage, President Franklin D. Roosevelt issued the first of a series of Executive orders prohibiting racial, ethnic, and religious discrimination in Federal employment. Subsequent Executive orders followed:

- 1961, Order 10925 established the President's Committee on Equal Employment Opportunity (EEO) and announced a new program emphasis on affirmative action, rather than mere nondiscrimination in Federal employment.
- 1965, Order 11246 transferred Federal equal employment enforcement responsibility from the President's Committee to the Civil Service Commission (CSC).
- 1967, Order 11375 added sex discrimination to the other prohibited forms of discrimination (race, color, religion, and national origin) in Federal employment.
- 1969, Order 11478 emphasized that each Federal agency was responsible for developing an affirmative action plan. ^{1/} Such a plan enables agencies to establish goals and timetables for increasing the number of women and/or minorities within the organization.

In 1972 the Equal Employment Opportunity Act amended the Civil Rights Act of 1964 to cover Federal employees. The 1972 amendments added a provision requiring that all personnel actions affecting Federal employees or applicants for employment be free from discrimination. Section 712 of the 1972 amendment also states, "Nothing contained in this title shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or

^{1/}See glossary, app. I.

preference for veterans." CSC was made responsible for enforcing these conflicting requirements in the Federal service.

PREFERENCES IN EMPLOYMENT

Veterans' preference

The Veterans' Preference Act of 1944 (codified in scattered sections of 5 U.S.C.) was introduced as a measure of national gratitude and compensation for those who had given up their usual occupations and acted in defense of their country. It was felt that the readjustment to civilian life would be difficult for many, that those who had remained at home had acquired a tremendous head start financially over servicemen, and that, therefore, some assistance should be given to the veterans in readjusting and regaining lost ground.

In commenting on the proposed legislation, President Roosevelt stated:

"The problems of readjustment will be difficult for all of us. They will be particularly difficult for those who have spent months and even years at the battle fronts all over the world. Surely a grateful nation will want to express its gratitude in deeds as well as in words."

Before 1966, preference in Federal employment was given to veterans who served during wartime (or in any campaign or conflict), veterans with service-connected disabilities, wives or husbands of disabled veterans unable to use the benefits themselves, unremarried widows or widowers of deceased veterans who served during wartime, and, under certain circumstances, mothers of deceased or totally disabled veterans.

In 1966, the Congress extended preference to veterans who did not serve during a war, campaign, or conflict but were on active duty for over 180 days.

Veterans who pass CSC examinations 1/ receive additional rating points as follows:

1. Five points for wartime or peacetime service.

1/See glossary, app. I.

2. Ten points for service-connected disability of 10 percent or more, and for wives, husbands, widows, widowers, and mothers who qualify.

On October 15, 1976, the Congress enacted Public Law 94-502 which amended 5 U.S.C. 2108(1)(B) to eliminate the five-point preference for individuals entering military service after October 14, 1976. The law preserves the 10-point preference and retains the five-point preference for service in a war, campaign, or expedition for which a campaign badge has been authorized.

Apportionment

The Civil Service Act of 1883 states that appointments to competitive civil service positions in the departmental service in Washington, D.C., shall be apportioned among the States, territories, and the District of Columbia on the basis of population as determined at the last census. The purpose of apportionment 1/ is to

- obtain geographical representation from different areas of the Nation, thus bringing various viewpoints into the Federal service at the national level, and
- help insure that all qualified and interested persons have an opportunity to be considered for appointment to positions at the headquarters offices of the Federal departments.

In 1883, 40 percent of all competitive jobs 1/ were concentrated in the District of Columbia. Apportionment was considered necessary to help insure that this block of jobs would be accessible to citizens isolated from the Capital due to distance and poor transportation. Executive Order 9830, dated February 14, 1947, extended apportionment to the Washington metropolitan area.

The total number of positions subject to apportionment was 52,841 as of December 15, 1976. CSC has exempted many civilian positions and personnel actions from apportionment. By law, all veterans and others eligible for veterans' preference are exempt from apportionment.

An eligible's 1/ position on a register 1/ subject to apportionment is determined to a large extent by veteran

1/See glossary, app. I.

status and by residence. 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. All veterans, regardless of residence, and eligibles from States and territories in arrears of their apportionment quotas, in order of their ratings. 1/ Veterans' preference points and register positioning, as described on pages 2, 3, and 5, are also applicable to apportioned registers.
2. Nonveterans from States and territories in excess of their apportionment quotas in order of their ratings.

CSC RESPONSIBILITY

Responsibility for the Federal personnel system is vested with CSC, an agency established by the Civil Service Act of 1883. CSC was established to bring a merit system to Government service and replace the practice of political patronage. CSC defines a merit system as a complete system of personnel selection and management based on an integrated set of personnel policies, procedures, and practices designed to (1) recruit a competent work force, (2) insure a stable work force, and (3) provide equal opportunity for employment.

In helping Federal agencies fill vacancies, CSC administers provisions of the Civil Service Act of 1883, the Veterans' Preference Act of 1944, and several Executive orders and laws dealing with EEO.

CSC is required to approve annually national and regional affirmative action plans submitted by each Federal agency. Such plans are commonly referred to as EEO plans. CSC must also review and evaluate the operation of all agencies' EEO programs and publish periodic reports reflecting the Federal Government's progress in providing EEO.

CSC conducts its operations at headquarters offices in Washington, D.C., in 10 regional offices, and in area offices in each State. During the transition year ended September 30, 1976, CSC spent about \$20.3 million on examination and referral of applicants. CSC processed 1.6 million applications and referred 1.1 million applicants to Federal agencies, from which about 149,000 selections were made.

1/See glossary, app. I.

The Professional and Administrative Career Examination (PACE) 1/ replaced the Federal Service Entrance Examination (FSEE) 1/ in 1974 as the major written examination for professional and administrative positions used by CSC in its examining function.

About 200,000 applicants sit for PACE annually, making it the source of the largest number of professional and administrative entry-level 1/ hires in the Government. PACE is used to select individuals for about 120 different entry-level positions in a variety of administrative, technical, and professional occupations. It provides entry-level employment at general schedule (GS) 1/ grade 5 or 7 with a normal progression to GS-9 or above. In addition to test requirements, PACE applicants must have a college bachelor's degree or equivalent work experience.

The names of all applicants who have qualified for Federal service are entered on appropriate registers in the following order:

1. For scientific and professional positions in GS-9 or higher in rating order, including points added for preference eligibles. 1/
2. For all other positions--including GS-9 and above administrative and technical positions and all GS-5/7 entry-level positions.

--Veterans with a compensable service-connected disability of 10 percent or more are entered at the top of the register in order of their ratings, including preference points.

--Remaining applicants are listed in order of their ratings, including preference points added.

For all positions the names of preference eligibles are entered ahead of others having the same rating. In addition, initial hires for the positions of guard, elevator operator, messenger, and custodian in the Federal service are restricted by law to preference eligibles.

SCOPE OF REVIEW

Our review of the effect of the Veterans' Preference Act and apportionment requirement was conducted at CSC headquarters

1/See glossary, app. I.

in Washington, D.C., and at CSC regional offices in Atlanta, Dallas, Philadelphia, and San Francisco. At these locations, we examined CSC's policies and procedures for implementing the Veterans' Preference Act. At CSC headquarters and the Washington area office, we examined CSC policies and procedures for implementing the apportionment requirement. We conducted part of our review at CSC area offices under the control of the above CSC regional offices. At these locations, we reviewed Federal employment applications, employment registers, certification 1/ forms, rating schedules, and other records pertaining to the register placement and certification of Federal job applicants. We also interviewed operating and management personnel at these CSC locations.

We interviewed and obtained data from personnel management and EEO officials of 22 other departments and agencies in both Washington, D.C., and field locations. (See app. II.) Our review was made primarily from September 1976 through March 1977.

Our review did not encompass the preference in retention which is afforded to veterans in releasing employees in a reduction in force situation, nor did it encompass the degree or source of disabling condition of veterans receiving the 10-point preference.

Although veterans' preference adversely affects all nonveterans, this report specifically deals with problems qualified women applicants have in competing for Federal employment because, as a group, they lack veteran status. The problems of minorities in competing for and obtaining Federal jobs will be addressed in a subsequent report. This report is one of several resulting from a June 1973 request from the Chairman, Senate Committee on Labor and Public Welfare, that we review the implementation of the EEO Act of 1972 as it applies to Federal employees. (See app. IX for a list of our other reports.)

1/See glossary, app. I.

CHAPTER 2

THE CONFLICT BETWEEN VETERANS'

PREFERENCE AND EEO CAN BE LESSENE

The policy of giving unlimited lifetime employment preference to all veterans conflicts with the policy of EEO for all Federal job applicants. Because of the operation of veterans' preference, nonveterans have fewer opportunities for obtaining Federal employment than veterans. Veterans' preference is particularly burdensome to women because few of them have veteran status. Even retired military personnel already receiving Government pensions who seek a second career with the Government are given the same preference as other veterans and, therefore, stand ahead of women in competing for Federal jobs. This is inconsistent with the notion of compensating veterans for time lost in their careers.

Veterans' preference in its present form is a barrier to agencies' efforts to meet the hiring goals set forth in their affirmative action plans. To partially alleviate this problem, agencies use alternate hiring practices. As women increasingly seek employment opportunities in occupations traditionally held mostly by men, the adverse impact 1/ of veterans' preference on the potential employment of qualified women can, in our opinion, be expected to heighten the conflict between veterans' preference and EEO.

EFFECTS OF VETERANS' PREFERENCE

The Veterans' Preference Act of 1944 requires that an appointing authority select from the highest three available candidates on a CSC certificate, unless objection to one or more candidates is made and sustained by CSC. This procedure is commonly referred to as the "rule of three." An appointing authority who passes over a preference eligible on a certificate and selects an individual who is not a preference eligible must submit written reasons for passing over the preference eligible to CSC for approval. Objections must be made based on reasons which would dis-

1/See glossary, app. I.

qualify the veteran for the job in question. However, showing that a nonveteran has superior qualifications or has served in a temporary capacity in the position is not sufficient reason for passing over a qualified veteran. In many cases the highest three available eligibles will have the same score. In these cases, if any person on the register is entitled to preference and the other two are not, the procedure can be, in effect, a "rule of one." If the top two eligibles are veterans and the third is not, it becomes a "rule of two."

In 1975, more than half of the full-time permanent employees in the Federal competitive service were veterans, whereas veterans constitute only 22 percent of the national work force. If traditionally female-staffed positions, such as clerk-stenographer, clerk-typist, secretary, etc., are not considered, the percentage of veterans in the Federal work force is even higher.

The potential future impact of veterans' preference on Federal employment possibilities can, in part, be measured by the number of veterans in the Nation. As of June 30, 1976, there were 30 million American veterans in civilian life. Of this number, 2.2 million had service-connected disabilities. Practically all the veterans are male, and over 95 percent of all armed service members as of September 30, 1975, were male.

To determine the effect of veteran's preference on the opportunities of women to obtain Federal employment, we reviewed CSC registers, rating schedules, and certifications to agencies. Our review showed that (1) increased opportunities existed for women if veterans' preference was excluded, (2) compensating qualifications were needed by nonveteran women to offset preference to veterans, (3) few women were being certified for certain occupations by CSC, and (4) military retirees were at the top of several CSC registers.

Increased opportunities for women if veterans' preference is modified

Federal agencies that elect to fill a vacancy from outside request CSC to provide a certificate (list) of eligible applicants for appointment. The list is obtained from registers that CSC maintains for each Federal job and grade level. Each register is maintained by one or more CSC offices serving Federal agencies in their geographical areas. A register lists eligible applicants in order of

their ratings attained through written examinations or through evaluation of their education, training, and experience.

We assessed the extent to which women were being displaced from their positions on CSC registers because of the preference afforded to veterans. The registers selected usually contained both male and female applicants. The selection was not based on a statistical sample representative of all registers. After determining the rating a person would need to have a chance of certification from particular registers, the male/female percentage that would be certified to an agency was determined with veterans' preference considered and with veterans' preference excluded.

In 36 of 44 registers examined, the potential for women to be certified increased when all preference was excluded. In eight of the registers examined, there was no change in the potential for women to be certified. The increased representation of women varied from 2 percent on the North Georgia worker trainee register to 300 percent on the Fort Sam Houston, Texas, personnel clerk register. The following page shows some examples of registers examined. (See a complete list of the registers examined in app. III.)

Register	Number of certifiable eligibles (note a)	Certifiable Women on Register				Increase in representation of women (percent) (note b)
		When preference is considered		When preference is excluded		
		Number	Percent	Number	Percent	
Air traffic control specialist, GS-5-- Dallas	208	23	11	32	15	39
Accountant/auditor, GS-7--Arizona, California, and Nevada	279	28	10	69	25	146
Claims and tax examiner, GS-5-- western Pennsylvania	66	20	30	26	39	30
Correctional officer GS-6--southeastern U.S.	225	40	18	74	33	85
Economic development assistant, GS-5-- Oklahoma City	75	22	29	45	60	105
Equal opportunity specialist, GS-7-- Arizona, California, and Nevada	29	4	14	10	35	150
Forestry technician, GS-4--Shasta and Trinity, California forest areas	71	3	4	6	9	100
Personnel staffing specialist, GS-5-- Dallas	123	25	20	60	49	140

a/See glossary, app. I.

b/Calculated as follows: (Column 4 - column 2) ÷ column 2.

The chart on the previous page illustrates significant increased opportunities for women--a doubling on some registers--even though the actual number of certifiable women added by excluding veterans' preference was small for some registers.

Elimination of preference categories results in different impacts on women applicants depending on which examination is in question. With only five-point preference excluded, women still have significant increased opportunity for certification, but to a lesser extent than if all veterans' preference were excluded. (See app. IV.)

We also determined the number of ranking positions women applicants would advance on a register if veterans' preference were excluded. Without preference, women applicants have a better chance of being selected due to their increased representation in the certifiable range, and also because fewer vacancies are needed to reach nonveterans.

The following illustrates how women move up on a register when preference is excluded:

- In San Francisco, four nonveteran women with scores of 99 on the accountant/auditor examination moved up almost 100 positions on the register when preference was excluded. One moved up from 111th to 12th. Excluding only the five-point preference, the four women moved up 80 positions on the register.
- In Dallas, a nonveteran woman scored 100 on the nationwide air traffic control specialist examination and was ranked 147th on the register with veterans' preference included. She would have ranked seventh if all preference had been excluded and 35th if only the five-point preference had been excluded. On this register, the top 83 eligibles were male veterans. However, with preference excluded, 16 of the top 83 eligibles were women.
- In Philadelphia, the PACE register contained numerous women who scored 100 on the written examination. However, with preference included the first woman who had no preference ranked 29th--without preference she would have ranked second, and 13th if only the five-point preference had been excluded.

--In Atlanta, the top 81 persons on the correctional officer register received preference points. The first woman who had no preference was 82nd. If all veterans' preference had been excluded, she would have been first, gaining 81 positions. If only the five-point preference had been excluded she would have ranked 21st.

Compensating qualifications
needed by nonveterans

Another illustration of the effect of veterans' preference on women applicants is the additional qualifications (knowledge, skills, and abilities) a nonveteran needs to compensate for the five-point preference awarded to a veteran. Using CSC's rating techniques, a hypothetical example for the nationwide position of accountant/auditor is presented below, comparing the relative rating of a nonveteran and a veteran with similar basic qualifying education. The nonveteran needs major additional qualifications to compensate for the preference given to the veteran:

Both applicants have earned a bachelor's degree in accounting with an overall grade point average of 2.9, making them eligible for GS-7 positions. The five-point veteran has no job-related experience and received a basic rating of 90. The nonveteran has earned the following points in addition to a basic rating of 90: The nonveteran worked 1 year as an investment analyst, and while working satisfactorily completed 12 semester hours of graduate study in business administration; at the time of application for the GS-7 position, the nonveteran had just completed 6 months of experience in computer science on a new job with a national certified public accounting firm--time on this job was counted as professional auditing experience; further, while in school, the nonveteran had demonstrated leadership qualities as president of the student body. Ratings are assigned as follows:

<u>Veteran</u>	<u>Points</u>	<u>Nonveteran</u>	<u>Points</u>
Bachelor's degree	90	Bachelor's degree	90
		1 year experience in accounting operations (investment analyst)	1
		12 hours graduate work	1
		6 months' exper- ience in computer science and professional auditing	1 1
Veterans' preference	<u>5</u>	President of the student body	<u>1</u>
Final rating	<u>95</u>		<u>95</u>

CSC is required to place veterans on certificates ahead of nonveterans with equal scores, and selecting officials generally cannot pass over a veteran to hire a nonveteran. The additional qualifications of the nonveteran applicant are, therefore, not enough.

On the actual registers we reviewed, it was not uncommon to find veterans and nonveteran female applicants with the same scores. The effect of this on affirmative action for women in Federal hiring is clear: to compete effectively with a five-point veteran, a nonveteran woman would need substantially greater qualifications.

Other examples of additional qualifications needed by a nonveteran to compete with a veteran for the positions of correctional officer and junior federal assistant (JFA) are shown in appendix V.

Lack of women on certificates

Still another indication of the effect of veterans' preference is the composition of CSC certificates sent to

agencies. Some of the numerous examples which agency officials provided of certifications lacking a representative number of female candidates follow:

- In April 1975, the Internal Revenue Service in Atlanta requested a CSC certificate for grade 7 revenue agent positions. The CSC certificate contained a list of 48 individuals, all of whom were male veterans.
- In 1975 and 1976, the General Services Administration in Kansas City received eight different certificates for accounting positions. A total of 77 names were referred--70 were veterans, only 1 of whom was female. Three of the nonveterans were women.
- In August 1975, a grade 7 air traffic controller specialist certificate in Dallas was made up of 165 males (134 with preference) and 6 women (none with preference).
- An August 1975 "equal opportunity specialist" grade 5 certificate requested by the Equal Employment Opportunity Commission in Los Angeles was returned to CSC unused. The certificate referred 10 individuals (9 men and 1 woman), all of whom had preference.

Status of women in Government

During 1976, total Federal employment averaged about 2.7 million. About 808,000, or 30 percent of the 1976 Federal work force, was female. However, the majority of women are concentrated in lower-graded, nonprofessional positions. A recent staff report of the Subcommittee on Equal Opportunities (now the Subcommittee on Employment Opportunities), House Committee on Labor and Education, noted that over 82 percent of all women are concentrated in GS grades 1 through 7 and receive salaries of \$11,000 or less. On the other hand, white males hold most of the upper-level positions (GS-11 and above), including 90 percent of all managerial and decisionmaking positions. Only 23.5 percent of all white males are in GS grades 1 through 7. Women are underrepresented in most professional occupations. Gains in numbers of women employed have primarily occurred in lower grades.

For women to increase their representation in upper-level positions, they must have an increase in number of hires in entry-level professional positions because many agencies' higher-level professional and management positions are filled through internal promotions.

CSC does not maintain complete data on the sex of applicants hired from most of the 44 CSC registers included in our analysis. CSC also does not compile data on the number of women on CSC registers or the availability of women in the labor force or graduating from college.

Without such data, we were unable to ascertain whether women were represented on CSC registers in proportion to their availability. However, in our opinion, the adverse effects of veterans' preference are demonstrated by the (1) displacement of women on CSC registers, (2) loss in ranking position of women on CSC registers, (3) additional qualifications needed by nonveteran women to compete with veterans, and (4) lack of women on some CSC certificates. This strongly indicates that veterans' preference is a formidable barrier to employment of qualified women who do appear on many registers.

Retired military personnel adversely affect women's employment opportunities

According to CSC, there were about 140,000 individuals employed in the Federal civilian service as of June 30, 1975, who had retired from military service and were receiving Government pensions. These individuals accounted for about 5 percent of the total Federal work force of 2,809,541. Sixty-eight percent of the retirees were serving in white-collar occupations. If traditionally female-staffed positions such as clerk-stenographer (32,800), clerk-typist (66,448), secretary (60,296), etc., were not included in the total number of employees, the percentage of retired military personnel in the Federal work force would be even higher.

Because agency and CSC officials claimed that there were large concentrations of retired military applicants, especially 10-point compensables, on the top of many CSC registers, we analyzed selected registers maintained by the Dallas and San Francisco CSC regions. In the Dallas region, the PACE registers for the positions of economic development assistant and personnel staffing specialist were analyzed to determine the number of 10-point compensable veterans on the top of the register and the years each served in the

military. For the position of economic development assistant, 8 of 20 eligibles, or 40 percent of the top of the register, were individuals who had served in the military 20 or more years. For the position of personnel staffing specialist, 16 of 41 eligibles, or 39 percent, had served in the military for 20 or more years. (While the number of individuals who were actually retired was not determined, we believe 20 or more years in the military service is a good indicator of military retirement.)

In the San Francisco region, 7 of the 10 registers we analyzed had retired military personnel among the top 10 register positions. Retired veterans with compensable preference held the number one position on six of the seven registers. On the seventh register, a retired veteran with a five-point preference was second on the list.

Some agencies believe that the concentration of military retirees blocking the top of many CSC registers has prevented nonveterans, particularly women, and even other veterans from gaining Federal employment.

Some examples of agency comments follow:

- The Department of Labor has received regional reports that retired military personnel (mostly males) represent a large part of the supply of applicants at the top of CSC registers because of their veterans' preference. In this regard, the Labor Atlanta region reported there are numerous retired military personnel in the Jacksonville, Florida, area who are blocking registers to the point that nonveterans could not possibly have a chance of ever being selected.
- The Assistant Secretary of the Navy, Manpower and Reserve Affairs, in a July 1976 memorandum to CSC, noted that preference to retired veterans on mid-level 1/ and PACE registers was preventing agencies from being able to reach women. Concluding that permanent preference in appointment was not warranted, the Assistant Secretary urged legislation eliminating preference in appointment to nondisabled veterans who retired after 20 years' service.

1/See glossary, app. I.

--The Assistant Secretary of the Air Force, Manpower and Reserve Affairs, in a July 1976 memorandum to the Assistant Secretary of Defense, Manpower and Reserve Affairs, reported that major commands had experienced problems in obtaining women on PACE certificates "due primarily to the fact that the ten-point eligibles at the top of the register are usually males and often military retirees."

Other departments and agencies expressing concern about military retirees blocking CSC registers included the Department of the Army, the Department of Health, Education, and Welfare (HEW), the U.S. Geological Survey, the U.S. Forest Service, the General Services Administration, the National Aeronautics and Space Administration, the Equal Employment Opportunity Commission, and the Defense Logistics Agency.

CSC does not maintain data on the number of military retirees on CSC registers. However, we were advised that there are large concentrations of retired military applicants, especially compensable preference eligibles, on many registers who place women applicants at a disadvantage in certification for Federal employment, especially on entry-level registers. The Chairman of CSC recently stated that the extension of preference to so many veterans who no longer need special employment help has effectively diluted the benefits for those who do.

Veterans' preference for retired military personnel is, in our opinion, contrary to the idea of compensating veterans for time lost in their careers.

AGENCY AND CSC OPINIONS ON VETERANS' PREFERENCE

Veterans' preference, in the opinion of many agencies, has caused problems in hiring women from CSC registers. Several officials stated that veterans' preference also adversely affects their ability to meet the goals set forth in their affirmative action plans.

Problems in obtaining women from CSC registers

Agency problems in obtaining women employees exist at several grade levels and on many CSC registers. The impact on women of preference points and preferred register placement afforded to veterans may be severe or minimal depending

on the sex composition and range of ratings on the particular register. The addition of preference points severely restricts the opportunities of women on registers with a mix of male-female/veteran-nonveteran applicants. This problem has been encountered in preparing certificates from PACE and mid-level registers.

The Chairman of CSC recently reported that veterans have represented nearly 60 percent of the selections for both the senior-level 1 and mid-level exams and about 40 percent of all selections for nationwide exams. On the PACE exam in 1976 veterans comprised 19 percent of the eligibles, but 29 percent of the selections. Women were 41 percent of the eligibles and 31 percent of the selections. Agencies stated that since many higher-level professional and management positions are filled through internal promotion, the blockage of women on professional entry-level registers by veterans also prevents women from attaining higher-level positions.

As described on page 5, 10-point compensable veterans who pass CSC examinations are placed at the top of registers, except for scientific and professional jobs in grades GS-9 and higher. Several agencies perceived compensable veterans' preference as an impediment to effective staffing of their operations, not because they consider such veterans to be unqualified, but rather as less than the best qualified among available applicants.

An example we found which might prompt such a view is that of a minimally qualified male veteran who scored 71 on the PACE examination for GS-5 in eastern Pennsylvania, but received 10-point compensable preference. This veteran had a rating of 81 with preference points added. The preference entitled the veteran to be certified and to be ranked on a certificate above several women who had perfect examination scores of 100. Only in rare cases can a selecting official pass over such a veteran to choose a higher-scoring woman.

Veterans' preference creates an exception to ranking the best-qualified applicant first on a register and is predominantly a male preference because few women are veterans. Further, a hiring official's ability to select nonveterans is severely restricted. This weakens the credibility and workability of the examining system because agencies are reluctant to accept veteran status as a job-related factor.

1/See glossary, app. I.

Problems in accomplishing
affirmative action plan goals

Agencies stated that problems in obtaining women from CSC registers, the primary source of applicants for Federal jobs, have hampered them in meeting the hiring goals set forth in their affirmative action plans.

Some examples of problems cited by agencies follow:

--The Internal Revenue Service informed CSC that

" * * * our recent experience with Civil Service registers indicates that these lists of eligibles predominantly contain preference eligibles. This, of course, severely limits our ability to implement our EEO Affirmative Action Plan * * * ."

--The Department of the Air Force, commenting on problems in meeting EEO goals, stated that the chances of having women certified for entry-level PACE positions are "practically nil" because eligibles at the top of registers are generally male veterans.

--The Defense Contract Audit Agency stated that at present hiring rates it would be years before women filled many upper-level positions. Although the agency is actively recruiting women, it is finding it difficult to hire them. For this reason, affirmative action goals in the agency are thought to be unrealistic.

Women are more frequently enrolling in college majors that were almost exclusively male staffed in the past. According to some agencies, women are showing a declining interest in applying for some Federal jobs because they are aware of the difficulty in receiving consideration because of veterans' preference. While intensive recruiting may increase the number of women on registers, their opportunities to be certified and the agencies' ability to accomplish affirmative action plan goals will not improve if veterans are at the top of the register.

Alternate hiring practices

CSC encourages agencies to make use of a variety of hiring practices when problems are encountered in obtaining

women eligibles from CSC registers. Agencies use these practices to improve their representation of women, although the practices are not designed exclusively for that purpose. The practices usually permit agencies to recruit and hire directly without the normal competitive register/certification process.

The following are alternate hiring practices frequently used by agencies. (Other alternate hiring practices used by agencies and approved by CSC are described in app. VI.)

--Cooperative education program. Under this program, agencies recruit, hire directly, and develop students in administrative and managerial career fields. The program is built around alternating periods of academic study at the university level and related work experience. The following figures for the past 5 fiscal years show a continuing upward trend in employment under the cooperative education program, despite some fluctuation in the numbers of participating campuses and Federal agencies.

	<u>1976</u>	<u>1975</u>	<u>1974</u>	<u>1973</u>	<u>1972</u>
Students employed	8,952	7,287	6,689	5,705	4,669
Employing agencies	33	27	25	34	29
Participating campuses	538	479	540	504	245

--Upward mobility program. Under this program paraprofessional "bridge" jobs provide avenues to the professional ranks for secretarial, clerical, and technical employees. We were advised that accurate statistics are not maintained on the number of individuals enrolled under the upward mobility program.

Agencies informed us that they sometimes use questionable procedures to obtain women who cannot be reached on CSC registers. These include:

- Writing job descriptions to fit the qualifications of particular applicants.
- Listing jobs with CSC as "intermittent" employment to discourage veteran applications.
- Requesting and returning certificates unused until veterans who are blocking the register have been hired by another agency or for other reasons are no longer blocking the register.

--Hiring a veteran whom the agency did not necessarily want in order to reach and hire an individual ranked below the veteran on the certificate.

CSC, in its June 8, 1976, report to the House Committee on Post Office and Civil Service, "A Self-Inquiry Into Merit Staffing," recognized that veterans' preference is a restrictive factor in the Federal hiring process which leads agencies to questionable practices. It stated,

"Agencies are, however, reluctant to accept residence or veteran status as job-related factors, and are therefore encouraged to try to manipulate the ranking and certification process through such avenues as the introduction of selective and quality ranking factors, objections to high-ranking candidates, misrepresentation of positions, solicitation of declinations, and 'phony' requests for certifications to clear unwanted candidates from the register."

During 1976, CSC established a task force to study problems relative to the interrelationship of EEO and Federal merit system requirements. The task force noted that "claims that veterans' preference and apportionment provisions severely straight-jacket equal employment opportunity are growing in number and intensity."

Problems in using alternatives
to accomplish affirmative action
plan goals

The success of Federal agencies in employing women in some types of jobs has been attributed to alternate hiring practices. However, the alternates usually offer limited hiring opportunities. According to some agencies, even if all the alternate hiring practices available to agencies were used, the agencies would still fall short of hiring a sufficient number of women to meet affirmative action plan goals in career ladder positions.

Alternate hiring programs were not established to increase female hires at the expense of excluding other eligibles. CSC distinguishes between using these special programs to increase the possibility of hiring women and using such programs specifically to hire women.

While agencies can emphasize alternate hiring practices to obtain women applicants, these practices can be costly and time consuming, and smaller agencies may find such programs to be an inefficient use of resources. Even larger agencies with many positions to fill might also have to rely primarily on registers because the alternates cannot provide the needed supply of applicants.

There is also the problem that using alternate practices to hire women noncompetitively can be perceived as an affront to employees hired competitively from registers. Employees hired from registers may be resentful of the special attention given to noncompetitively selected new hires. Alternate practices may also damage the credibility of the formal competitive process to the extent they supplant registers as a source of applicants.

Suggested modifications to veterans' preference

Agencies suggested various modifications to alleviate the impact of veterans' preference. Most frequently suggested were (1) imposition of a time limit for possible use of veterans' preference and (2) limitation on the application of preference to a one-time use, such as first civilian employment. Numerous other proposed modifications are listed in appendix VII.

CONCLUSIONS

Veterans' preference in Federal employment, as a public policy, has been successful in rewarding veterans for the sacrifices they have made for the Nation. However, veterans' preference presents a dilemma since it is in conflict with the policy of providing EEO to the women of the Nation. Veterans' preference hampers Federal agencies from accomplishing their affirmative action plan goals.

Public Law 94-502, which eliminated the five-point veterans' preference for individuals entering military service after October 14, 1976, should have a positive impact on the Federal job opportunities of women in the future. However, the law retained the 10-point preference. Furthermore, there remain millions of veterans and present military personnel who are not subject to this law. Therefore, veterans' preference could have an adverse impact on EEO and merit principles for years to come. This would be especially true for a male who enlisted in the military in 1976 and subsequently retired after completing a 20-year career. He could still block a CSC register in 1996.

Agencies have and will continue to have problems in hiring women to accomplish their affirmative action plan goals because of the current policy of awarding preference to veterans who seek Federal employment. We are not suggesting that total elimination of veterans' preference is necessary or desirable. However, the conflict between veterans' preference and EEO could be minimized.

AGENCY COMMENTS

Some agency comments were not received in time for evaluation and inclusion in the report. Those that were received were included without an indepth evaluation in order to have the report ready for hearings that have been scheduled for October 4, 1977. Agencies which responded expressed general agreement that something needs to be done to balance the Nation's obligation to its veterans and its obligation to provide EEO for women.

MATTERS FOR CONGRESSIONAL CONSIDERATION

The question of whether and to what extent one congressional policy objective should take precedence over another is a matter for the Congress to decide. However, GAO urges the Congress to reconsider whether granting preference in its present form is appropriate in light of its contradiction to EEO. If the Congress wishes to lessen the existing conflict between veterans' preference and EEO, modifications could be implemented that would diminish the adverse impact of veterans' preference. Those most frequently suggested by Federal agencies are:

--Limitation on the application of preference to a one-time use.

--Imposition of a time limit for use of veterans' preference.

Other modifications suggested by CSC and agency officials are listed in appendix VII.

CHAPTER 3

REPEAL OF APPORTIONMENT WOULD ENHANCE

EEO AND MERIT PRINCIPLES

Apportionment requires that consideration be given to an applicant's residence when making appointments to competitive positions in Federal headquarters offices located in the metropolitan area of Washington, D.C. (See p. 3.) Apportionment is contrary to the basic principles of the merit system. It operates as a barrier to achievement of EEO objectives. 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.

The apportionment requirement does not apply to veterans. On apportioned registers, all veterans and nonveterans from States in arrears are ranked ahead of all nonveterans from States in excess. The combination of apportionment and the exemption of veterans from the requirement means that well-qualified nonveterans from States in excess of their apportionment quotas have little chance of appointment to departmental positions in the Washington metropolitan area. The fact that our exempted veteran population is mostly male has meant that the burden of apportionment falls most heavily on qualified women applicants.

EFFECTS OF APPORTIONMENT

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 apportioned registers maintained by CSC. Our review showed that increased employment opportunities existed for women if apportionment was not a factor in ranking applicants on registers. By excluding both the apportionment requirement and veterans' preference, the opportunities for women to be certified and receive consideration for appointments was increased to an even greater extent.

Increased opportunities for women if apportionment is repealed

To find out if women were being displaced from certifiable score ranges, we determined the number and percentage of males and females that could be certified with apportionment considered and with apportionment excluded. For each

register examined, apportionment had an adverse impact on the employment opportunities for women. With apportionment excluded, the potential for women applicants to be certified increased. The registers examined showed the following increases:

Register	Number of certifiable eligibles	Certifiable women				Increase in representation of women (percent) (note a)
		When apportionment is considered		When apportionment is excluded		
		Number	Percent	Number	Percent	
PACE, GS-5 Accounting clerk, GS-4	1,773	449	25	469	26	5
Junior federal assistant, GS-4	265	44	17	74	28	68
Management analyst, GS-4	<u>b/105</u>	35	33	55	52	57
GS-9	10	0	0	1	10	*

a/Calculated as follows: (column 4-column 2) ÷ column 2.

b/Includes only certifiable eligibles at the top of the register.

*Division by zero.

We also assessed the extent to which women were being displaced from certifiable score ranges on registers because of the combination of apportionment and veterans' preference. By excluding the apportionment requirement and veterans' preference, the potential for women applicants to be certified increased as follows:

<u>Register</u>	Number of certi- fiable eligibles	<u>Certifiable women</u>				Increase in repre- sen- tation of women (percent) (note a)
		<u>When preference and apportionment are considered</u>		<u>When preference and apportionment are excluded</u>		
		<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	
PACE, GS-5 Accounting clerk, GS-4	1,773	449	25	626	35	39
Junior fed- eral as- sistant, GS-4	265	44	17	91	34	107
Management analyst, GS-9	<u>b</u> /105	35	33	59	56	69
	10	0	0	3	30	*

a/Calculated as follows: (Column 4 - column 2) ÷ column 2.

b/Includes only certifiable eligibles at the top of the register.

*Division by zero.

Finally we determined the approximate number of positions women would advance on a register if apportionment were excluded. For the registers reviewed, nonveteran eligibles from States in excess of their quotas would advance hundreds of positions and the overall quality of applicants certified to fill departmental positions in the Washington, D.C., area would improve if apportionment did not affect register ranking.

In each example below, excluding apportionment as a ranking factor in register placement enhanced the job opportunities of women, but to a lesser extent than if both apportionment and veterans' preference were excluded.

--On the PACE register, there were 116 women from States in excess of their quotas with perfect scores of 100 on the PACE examination. However, the first of these women ranked 16,606th with apportionment included as a ranking factor. This woman would have ranked 432nd on the register if apportionment had been excluded. If both veterans' preference and apportionment had been excluded, she would have ranked eighth on the register.

--On the accounting clerk register, three nonveteran women from States in excess of their quotas were in register positions 479, 480, and 481 with apportionment used as a ranking factor. They would have ranked 17th, 18th, and 19th if apportionment had been excluded. If both veterans' preference and apportionment had been excluded, they would have ranked ninth through 11th.

--On the junior federal assistant register, the first nonveteran woman from a State in excess of its quota was in register position 2,378 with apportionment used as a ranking factor. She would have ranked 11th if apportionment had been excluded. If both veterans' preference and apportionment had been excluded, she would have ranked sixth.

AGENCY AND CSC OPINIONS ON
PROBLEMS CAUSED BY APPORTIONMENT

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 EEO objectives and because it is outmoded, ineffective, and cumbersome to administer. CSC has established a task force to study EEO problems caused by apportionment. (See p. 21.)

In 1973, we reviewed and reported on the apportionment requirement. ^{1/} During the review, 15 agencies and departments advised us that the apportionment requirement should be repealed for various reasons.

EEO problems

Agencies have experienced specific EEO problems because of apportionment. The Internal Revenue Service had "extreme difficulties" with the constraints placed upon the agency's recruiting and selection program by apportionment. In a July 1975 letter to the Director, Office of Management and Budget, the Internal Revenue Service Commissioner stated that the Service was unable to hire residents of Virginia, Maryland, the District of Columbia, and Pennsylvania for positions covered by apportionment. The Commissioner indicated that apportionment had forced the agency to hire less-qualified

^{1/}"Proposed Elimination of the Apportionment Requirement for Appointments in the Departmental Service in the District of Columbia," B-84939, Nov. 30, 1973.

applicants from States in arrears and prohibited filling positions with individuals who ranked higher on competitive CSC registers, solely because they lived in States over their quotas.

Similarly, the Department of Labor stated that because of apportionment, it was "almost impossible" to obtain the certification of women claiming legal residence in the District of Columbia, Maryland, or Virginia, no matter what score they made on the PACE examination or how well qualified they might be. As a result, Labor has sometimes hired candidates for entry-level positions who, in its opinion, were not the best qualified.

CSC is critical of apportionment because of its negative impact on the employment opportunities of women. It is an obstacle to the fulfillment of the Government's EEO responsibilities.

Impact on quality of applicants

CSC is particularly critical of the adverse effects apportionment has on the quality of applicants referred to fill apportioned departmental positions. CSC noted that the main effect of apportionment has been at times to deny employment to better-qualified candidates since a minimally qualified eligible with a rating of 70 can be placed ahead of an outstanding eligible with a rating of 100 solely on the basis of residence. The quality of candidates referred to positions not subject to apportionment can be substantially higher than the quality of candidates certified to fill apportioned positions. In CSC's opinion, this is not only contrary to merit principles, but potentially costly to the Government in lowered quality and productivity.

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 quotas have little chance of appointment to departmental positions in the Washington metropolitan area. CSC 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 100 administrative, technical, and professional occupations, apportionment can represent a significant employment barrier to many highly qualified candidates.

Other problems

Besides acting as a barrier to EEO and merit, apportionment has not achieved its purpose of distributing Federal headquarters jobs on the basis of population among the States, territories, and the District of Columbia. Forty-three States and territories at December 15, 1976, were in arrears and 13, including the District of Columbia, were in excess of their apportionment quotas. For the approximately 52,840 jobs in the Washington metropolitan area to which apportionment is applied, the States, territories, and the District of Columbia have tended to maintain their same relative rank in the number of apportioned positions occupied. The status of apportionment among the States is shown in appendix VIII.

For several years, CSC has urged the repeal of apportionment, claiming that it is outmoded, ineffective, cumbersome to administer, and contrary to merit principles and EEO. Legislation to repeal apportionment was introduced in 1973. In our November 30, 1973, report on apportionment, we recommended that the Congress act favorably on the legislation since apportionment had been ineffective and had outlived its usefulness. The report concluded that nationwide competitive examinations and agency rotation policies, to a large extent, had probably accomplished the representational mix which apportionment was to bring about. CSC has stressed that apportionment is unnecessary since the Federal population in the Washington, D.C., area reflects a good geographic cross section.

CSC also points out that the Washington area no longer accounts for a large percentage of all Federal jobs. Today only about one out of eight jobs in the competitive service is located in Washington. There are many Federal jobs in each State: California, for example, has about 300,000 Federal positions within its borders--almost as many as there are in all of the Washington metropolitan area. 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 should be considered in evaluating the number of employment opportunities offered by the Federal service.

CSC is also concerned that apportionment prompts agencies to misrepresent their personnel actions in efforts to avoid using apportioned registers. Agencies may improperly classify 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 EEO. The most objectionable aspect of apportionment is its adverse effect on the Federal merit system and the achievement of EEO 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, territories, 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.

AGENCY COMMENTS

Some agency comments were not received in time for evaluation and inclusion in the report. Those that were received were included without an indepth evaluation in order to have the report ready for hearings that have been scheduled for October 4, 1977. All agencies which did respond agreed with our findings and recommendation that the apportionment requirement be repealed.

RECOMMENDATION TO THE CONGRESS

Because of its negative impact on merit and EEO and its obsolescence and ineffectiveness, we believe repeal of apportionment is justified. During 1977, legislation was introduced in the House (H.R. 5054) and Senate (S. 386, S. 865, and S. 1133) to repeal the apportionment requirement. We recommend enactment of one of these bills.

GLOSSARY

Adverse impact	A lower rate of selection for a racial, ethnic, or sex group compared to all other groups.
Affirmative action plan	An EEO plan for development of employment goals for minorities and women and timetables for their accomplishment.
Apportionment	A requirement that appointments to competitive civil service positions in the departmental service in Washington, D.C., be distributed on the basis of population among the States, territories, and the District of Columbia.
Certifiable eligible	An eligible who ranks high enough on a register to be within reach for certification to agencies for appointment consideration.
Certification	The process by which a CSC area office prepares a list, or certificate, of the names of eligible applicants from a register and sends it to an agency for appointment consideration.
Competitive position	A position in which relative qualifications of applicants are measured.
Departmental service	An organizational unit of a Federal agency which has responsibility for the general administration of the agency functions.
Eligible	Any applicant who meets the minimum entrance requirements and is rated "eligible" for Federal employment or receives a numerical rating of 70 points or more on a CSC examination.

Entry-level positions	A variety of career-trainee positions.
Examination	A means of measuring, in a practical and suitable manner, the qualifications of applicants for employment in specific positions in the Federal service.
Federal Service Entrance Examination (FSEE)	A written test used by CSC as a predecessor to PACE (see below) from 1955 to 1974. It was used to select individuals for about 200 entry-level managerial, technical, and professional positions.
General schedule (GS)	The graded pay system for Federal employees established under the Classification Act of 1949, as amended.
Junior Federal Assistant Examination	A written test used by CSC for a wide range of occupations at the GS-4 level. These positions have promotions for successful performance leading to the GS-6/9 level.
Mid-level positions	A variety of administrative, staff, and technical positions at grades GS-9 through GS-12.
Preference eligible	An individual who has been honorably discharged from a period of active military service; also certain wives, husbands, widows, widowers, and mothers of veterans.
Professional and Admin- istrative Career Examination (PACE)	A written test introduced by CSC during the fall of 1974--used to select individuals for about 120 different entry-level positions in a variety of occupations which are administrative, technical, or professional in nature, have entry-levels of GS-5 or GS-7, and have a normal progression for successful employees to a full performance level of GS-9 or above.

Rating	A measure of merit of an applicant in an examination. It is expressed as "eligible," "ineligible," or, if eligible, on a scale of 70 to 100.
Register	A list of eligible applicants compiled in order of relative standing for certification. Same as "eligible" list.
Selective certification	Certifying only the names of eligibles who have special qualifications required to fill particular positions.
Senior-level positions	A variety of positions at grades GS-13 through GS-15.
Wage grade (WG)	Positions in trades, crafts, or labor occupations covered by the Coordinated Federal Wage System with pay fixed and adjusted administratively from time to time in accordance with prevailing rates.

DEPARTMENT AND AGENCY LOCATIONS CONTACTED

Civil Service Commission	Headquarters, Washington, D.C. Atlanta Region, Atlanta Dallas Region, Dallas Philadelphia Region, Philadelphia San Francisco Region, San Francisco Selected area offices in each of these regions and Washington, D.C.
Army Corps of Engineers	San Francisco District, San Francisco
Center for Disease Control (HEW)	Atlanta
Defense Contract Audit Agency	San Francisco Regional Office, San Francisco
Defense Logistics Agency	Headquarters, Washington, D.C. Defense Contract Administration Services Region, Atlanta
Department of the Air Force	Headquarters, Washington, D.C. Warner Robins Air Logistics Center, Robins Air Force Base, Ga.
Department of the Army	Headquarters, Washington, D.C. U.S. Army Forces Command Headquarters, Fort McPherson, Ga.
Department of Health, Education, and Welfare	Headquarters, Washington, D.C. Region III, Philadelphia Region VI, Dallas Region IX, San Francisco
Department of the Interior	Headquarters, Washington, D.C.
Department of Labor	Headquarters, Washington, D.C. Region III, Philadelphia Region IV, Atlanta Region VI, Dallas

Department of the Navy	Headquarters, Washington, D.C. Naval Aviations Supply Office, Philadelphia
Department of the Treasury	Headquarters, Washington, D.C.
Equal Employment Opportunity Commission	Region II, Philadelphia Region VII, San Francisco
Federal Aviation Administra- tion (Transportation)	Southwest Regional Office, Fort Worth, Tex.
General Services Administra- tion	Headquarters, Washington, D.C.
Internal Revenue Service	Headquarters, Washington, D.C. Mid-Atlantic Region, Philadel- phia Southeast Region, Atlanta Southwest Region, Dallas Western Region, San Francisco
National Aeronautics and Space Administration	Ames Research Center, San Francisco
National Park Service (Interior)	Headquarters, Washington, D.C. Mid-Atlantic Region, Philadel- phia
U.S. Customs Service (Treasury)	Headquarters, Washington, D.C.
U.S. Fish and Wildlife Services (Interior)	Headquarters, Washington, D.C. Atlanta Region, Atlanta
U.S. Forest Service (Agriculture)	Region V, San Francisco
U.S. Geological Survey (Interior)	Western Region, Menlo Park, Calif.
Veterans Administration	VA Hospital, San Francisco

DISPLACEMENT OF
WOMEN CAUSED BY VETERANS' PREFERENCE

<u>Register and location</u>	<u>Number of certifiable eligibles</u>	<u>Certifiable women on register</u>				<u>Increase in representation of women (percent) (note a)</u>
		<u>When preference is considered</u>		<u>When preference is excluded</u>		
		<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	
Accountant/auditor, GS-7-- Arizona, California, and Nevada	279	28	10	69	25	146
Accountant/auditor, GS-7--Pittsburgh	45	4	9	6	13	50
Accounting/auditor, GS-7--San Antonio, Tex.	71	5	7	14	20	180
Accountant/auditor, GS-7--southeastern U.S.	156	27	17	41	26	52
Aids in engineering and science, GS-3--12 counties in California	51	10	20	10	20	0
Air traffic control specialist, GS-5-- Dallas	208	23	11	32	15	39
Apprentice, WG (note b)-- Philadelphia	183	1	1	1	1	0
Biological lab technician, GS-5-- California and Nevada	73	16	22	17	23	6
Business and commercial (JFA), GS-4-- Waco, Tex.	15	2	13	5	33	150
Claims and tax examiner, GS-5-- western Pennsylvania	66	20	30	26	39	30
Clerk, GS-2-- north Georgia	76	37	49	37	49	0
Computer aid, GS-2-- Macon, Ga.	43	31	72	33	77	6
Correctional officer, GS-6-- southeastern U.S.	225	40	18	74	33	85
Economic development assistant, GS-5-- Oklahoma City	75	22	29	45	60	105
Equal opportunity specialist, GS-7-- Arizona, California, and Nevada	29	4	14	10	35	150

a/Calculated as follows: (column 4 - column 2) ÷ column 2.

b/See glossary, app. I.

APPENDIX III

APPENDIX III

<u>Register and location</u>	<u>Number of certifiable eligibles</u>	<u>Certifiable women on register When preference is considered</u>		<u>Certifiable women on register When preference is excluded</u>		<u>Increase in representation of women (percent)</u>
		<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	
Equal opportunity specialist, GS-7-- Oklahoma City	6	4	67	4	67	0
Equal opportunity specialist, GS-5-- Maryland, Pennsylvania, Delaware, Virginia, and West Virginia	20	5	25	6	30	—
Forestry technician, GS-4-- Shasta and Trinity California forest areas	71	3	4	6	9	100
General clerical and administrative, GS-4-- Fort Worth, Tex.	25	6	24	17	68	183
Information specialist, GS-5-- southeastern U.S.	50	34	68	40	80	18
JFA, GS-4-- north Georgia	134	57	43	75	56	32
JFA, GS-4-- San Francisco	217	77	36	109	50	42
JFA, GS-4 Philadelphia and nearby counties	123	48	39	64	52	33
JFA, GS-4-- Philadelphia	61	17	28	19	31	12
JFA, GS-4-- Philadelphia (center city only)	29	15	52	17	59	13
Management specialist GS-5-- southeastern U.S.	54	37	69	44	82	19
Medical records technician, GS-4-- San Antonio, Tex.	22	11	50	15	68	36
Medical technician, GS-5-- northern California and Nevada	117	59	50	59	50	0
Nursing assistant, GS-3-- counties in central and western Pennsylvania	42	32	76	32	76	0
PACE, GS-5-- eastern Pennsylvania	184	57	31	71	39	25
Park technician, GS-4-- 12 counties in California	87	15	17	19	22	27
Personnel clerk, GS-4-- Dallas	12	2	17	4	33	100

APPENDIX III

APPENDIX III

<u>Register and location</u>	<u>Number of certifiable eligibles</u>	<u>Certifiable women on register</u>				<u>Increase in representation of women (percent)</u>
		<u>When preference is considered</u>		<u>When preference is excluded</u>		
		<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	
Personnel clerk, GS-4-- Fort Sam Houston, Tex.	12	1	8	4	33	300
Personnel staffing specialist, GS-5-- Dallas	123	25	20	60	49	140
Physical science technician, GS-4-- central and northern California and Nevada	65	14	22	18	28	29
Psychology technician, GS-5-- south Georgia	34	16	47	22	65	38
Recreation aide, GS-2-- south Georgia	72	22	31	24	33	9
Social insurance representative, GS-5-- Los Angeles	169	44	26	61	36	39
Social insurance representative, GS-5-- San Francisco	174	55	32	70	40	27
Social service assistant, GS-5-- Columbus, Ga.	47	32	68	32	68	0
Social work associate, GS-5-- San Antonio, Tex.	14	4	29	4	29	0
Technical assistant, GS-4-- Philadelphia and nearby counties	140	29	21	30	21	3
Treasury enforcement agent, GS-5-- Philadelphia and nearby counties	57	0	0	1	2	*
Worker trainee, GS-1, WG-1/2-- north Georgia	278	160	58	163	59	2

*Division by zero.

DISPLACEMENT OF WOMEN
CAUSED BY FIVE-POINT PREFERENCE

<u>Register and location</u>	<u>Number of certifiable eligibles</u>	<u>Certifiable women on register</u>				<u>Increase in representation of women (percent) (note a)</u>
		<u>When preference is considered</u>		<u>When preference is excluded</u>		
		<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	
Accountant/auditor, GS-7-- Arizona, California, and Nevada	279	28	10	68	24	143
Accountant/auditor, GS-7-- Pittsburgh	45	4	9	4	9	0
Accountant/auditor, GS-7-- San Antonio, Tex.	71	5	7	10	14	100
Accountant/auditor, GS-7-- southeastern U.S.	156	27	17	41	26	52
Aides in engineering and science, GS-3-- 12 counties in California	51	10	20	10	20	0
Air traffic control specialist, GS-5-- Dallas	208	23	11	29	14	26
Apprentice, WG-- Philadelphia	183	1	1	1	1	0
Biological lab technician, GS-5-- California and Nevada	73	16	22	16	22	0
Business and commercial (JFA), GS-4-- Waco, Tex.	15	2	13	4	27	100
Claims and tax examiner, GS-5-- western Pennsylvania	66	20	30	22	33	10
Clerk, GS-2-- north Georgia	76	37	49	37	49	0
Computer Aid, GS-2-- Macon, Ga.	43	31	72	33	77	6
Correctional officer, GS-6-- southeastern U.S.	225	40	18	68	30	70
Economic development assistant, GS-5-- Oklahoma City	75	22	29	34	45	55
Equal opportunity specialist, GS-7-- Arizona, California, and Nevada	29	4	14	5	17	25
Equal opportunity specialist, GS-7-- Oklahoma City	6	4	67	4	67	0

a/Calculated as follows: (column 4 - column 2) ÷ column 2.

APPENDIX IV

APPENDIX IV

<u>Register and location</u>	<u>Number of certifiable eligibles</u>	<u>Certifiable women on register</u>				<u>Increase in representation of women (percent)</u>
		<u>When preference is considered</u>		<u>When preference is excluded</u>		
		<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	
Equal opportunity specialist, GS-5-- Maryland, Pennsylvania, Delaware, Virginia, and West Virginia	20	5	25	6	30	20
Forestry technician, GS-4-- Shasta and Trinity, California forest areas	71	3	4	5	7	67
General clerical and administrative, GS-4-- Fort Worth, Tex.	25	6	24	12	48	100
Information specialist, GS-5-- southeastern U.S.	50	34	68	38	76	12
JFA, GS-4-- north Georgia	134	57	43	70	52	23
JFA, GS-4-- San Francisco	217	77	36	95	44	23
JFA, GS-4-- Philadelphia and nearby counties	123	48	39	60	49	25
Psychology technician, GS-5-- south Georgia	34	16	47	21	62	31
Recreation aide, GS-2-- south Georgia	72	22	31	25	36	14
Social insurance representative, GS-5-- Los Angeles	169	44	26	53	31	20
Social insurance representative, GS-5-- San Francisco	174	55	32	62	36	13
Social service assistant, GS-5-- Columbus, Ga.	47	32	68	32	68	0
Social work associate, GS-5-- San Antonio, Tex.	14	4	29	4	29	0
Technical assistant, GS-4-- Philadelphia and nearby counties	140	29	21	30	21	3
Treasury enforcement agent, GS-5-- Philadelphia and nearby counties	57	0	0	1	2	*
Worker trainee, GS-1, WG-1/2-- north Georgia	270	160	58	160	58	0

*Division by zero.

EXAMPLES OF COMPENSATINGQUALIFICATIONS NEEDED BY WOMENCORRECTIONAL OFFICER

Applicants for a correctional officer position included a male veteran with a five-point preference and a female nonveteran. Both applicants had a college degree and 6 months of experience working in social case work for a welfare agency. These factors made them eligible for GS-6 positions and gave them a basic qualifying rating of 70. The applicants had differing combinations of additional education and experience. Ratings were assigned to the applicants as follows:

<u>Male veteran</u>	<u>Points</u>	<u>Female nonveteran</u>	<u>Points</u>
Basic education and experience	70	Basic education and experience	70
Undergraduate degree included a major field of study in geography (completed 24 semester hours in geography)	8	Undergraduate degree included a major field of study in psychology (completed 30 semester hours in psychology)	8
Taught successfully in an inner-city high school	6	Successfully worked directly with volatile inmates in a correctional institute	8
Taught individuals with behavioral problems	6	Successfully performed as a parole officer	8
		Recently obtained a master's degree in criminology and corrections and had 1-year experience as a court services worker with a State probation department. During this period, the applicant recruited and trained volunteers to work with juvenile probationers	1
Veterans' preference	<u>5</u>		
Final rating	<u>95</u>		<u>95</u>

The additional qualifications of the woman are insufficient since the male veteran would have an equal score and would be certified ahead of the woman.

Junior federal assistant

JFA positions include a wide range of occupations at the GS-4 level with promotions leading to GS-6/9. Two years of experience or education above high school level meet the experience and education requirements for JFA positions. A written examination is used to rank applicants who meet these requirements. The written examination contains 145 questions which test office skills, verbal skills, abstract reasoning, and arithmetic reasoning. A table is used to convert raw test scores to single ratings ranging from 70.0 to 100.0.

A five-point veteran who had as few as 117 correct answers in this exam would receive a converted final rating of 100.5 after preference points were added. This would place him on the register in front of a nonveteran woman who correctly answered all 145 questions and received a converted rating of 100.0, even though the woman correctly answered 19 percent more questions than the five-point veteran.

OTHER ALTERNATE HIRING PRACTICES

Graduate intern program. This program pays salary and tuition to students who work part time while attending graduate school.

Work-study program. This program gives students practical work experience on a part-time basis while they are attending school. Upon graduation, students participating in the program must compete with others on applicable registers. However, their competitive position is enhanced because of the experience gained.

Selective outreach efforts. This is an interagency program to transfer minorities and women between agencies.

Handicapped worker program. Under this program individuals with severe physical impediments are not subject to the normal competitive process.

Displaced employee program. Federal employees who, through no fault of their own, are being displaced from their current positions in the Federal service are given special placement assistance from CSC as displaced employees.

Direct hiring by agencies for certain positions in which there is a shortage of applicants.

Direct hiring of Peace Corps and Vista graduates for up to 1 year following their completion of these programs.

Hiring applicants for professional positions at part-time, technical, or paraprofessional levels with subsequent conversion to professional levels.

Promoting internally to fill positions normally filled from a CSC register.

Special training programs for the internal development of present employees.

Direct hiring of temporary summer employees.

OTHER PROPOSED MODIFICATIONSTO VETERANS' PREFERENCE

Limitation on the application of preference to one register.

Reduction in number of preference points added (possibly on a sliding scale from date of discharge to a limited time in the future).

Elimination of the rule of three. All eligibles with the same rating or nearly the same rating could be grouped for certification, or all eligibles above a predetermined rating could be certified.

Allowance for appointing authorities to select a nonveteran over a veteran without CSC approval.

Continuation of preference points but elimination of placement of veterans ahead of others with the same rating.

Opening positions of guard, elevator operator, custodian, and messenger to all persons on the basis of merit, not military service.

Waiver of preference in all positions in which overall race-sex employment parity has not been accomplished.

Waiver of preference on an individual agency/entity basis when the agency or entity has parity or affirmative action plan problems with particular positions or salary levels.

Elimination of all five-point preference for military retirees.

Reduction in preference awarded to military retirees relative to preference awarded to other veterans.

Placement of compensable disability preference eligibles on registers in the order of their ratings, including preference points.

Limitation on top of the register placement to only the severely disabled veteran.

Award of compensable preference register placement for combat-related disability only, rather than all "service-connected" disability.

Elimination of restrictions placed on selecting officials in passing over preference eligibles.

Elimination of all past and future peacetime preference and past and future preference for volunteer enlistees.

Addition of preference points to minorities and women for a limited period of time so that employment imbalances could be overcome.

Elimination of all preference to military retirees.

Reduction in preference awarded to military retirees compared to preference awarded to other veterans.

Elimination of all top-of-the-register placement.

Requirements for higher qualifying scores on written examinations so that fewer marginally qualified compensable veterans would receive top-of-the-register placement.

Review of the criteria used for awarding compensable preference.

Elimination of veterans' preference so that all applicants are evaluated on the basis of qualification.

STATUS OF APPORTIONMENT AMONG
STATES AS OF DECEMBER 15, 1976

<u>States in arrears</u>	<u>Number of positions</u>		<u>States in excess</u>	<u>Number of positions</u>	
	<u>Entitlement</u>	<u>Occupied</u>		<u>Entitlement</u>	<u>Occupied</u>
1. American Samoa	6	0	44. Iowa	723	744
2. Virgin Islands	16	0	45. Kansas	576	617
3. Guam	21	1	46. North Dakota	158	175
4. Puerto Rico	694	41	47. North Carolina	1,301	1,492
5. Alaska	77	7	48. Pennsylvania	3,021	3,638
6. Hawaii	197	24	49. Vermont	113	139
7. Arizona	454	60	50. Maine	254	333
8. California	5,111	683	51. Nebraska	380	586
9. Nevada	125	23	52. South Dakota	170	266
10. Michigan	2,273	494	53. West Virginia	446	1,095
11. Washington	873	214	54. Maryland (note a)	689	2,334
12. Oregon	535	133	55. Virginia (note a)	954	4,041
13. Panama Canal Zone	11	3	56. Metropolitan		
14. Texas	2,868	802	area of the		
15. Louisiana	933	305	District of		
16. New Mexico	260	85	Columbia	745	15,021
17. Florida	1,739	711			
18. Idaho	182	85	Total positions		
19. Indiana	1,330	653	occupied		52,841
20. Utah	271	136			
21. New Jersey	1,836	958			
22. Illinois	2,847	1,515			
23. Colorado	565	302			
24. Ohio	2,728	1,476			
25. Connecticut	776	421			
26. Delaware	140	80			
27. Wisconsin	1,131	649			
28. Georgia	1,175	695			
29. Montana	177	111			
30. Kentucky	824	530			
31. Alabama	882	586			
32. Wyoming	85	64			
33. Mississippi	567	432			
34. Arkansas	492	392			
35. South Carolina	663	532			
36. Tennessee	1,005	840			
37. Missouri	1,198	1,014			
38. New York	4,673	3,991			
39. Rhode Island	243	208			
40. New Hampshire	188	161			
41. Minnesota	974	911			
42. Oklahoma	655	615			
43. Massachusetts	1,457	1,417			

a/Except for areas within the metropolitan area of the District of Columbia.

GAO REPORTS ISSUED ON THE SUBJECT
OF THE EEO ACT OF 1972 AS IT RELATES
TO FEDERAL EMPLOYEES AND JOB APPLICANTS

- "National Aeronautics and Space Administration's Equal Employment Opportunity Program Could Be Improved," FPCD-75-107, Apr. 16, 1975.
- "Upward Mobility Programs in the Federal Government Should Be Made More Effective," FPCD-75-84, Apr. 29, 1975.
- "Equal Employment Opportunity Discrimination Complaint Systems for Civilian Employees at Selected Army Installations," FPCD-75-118, May 28, 1975.
- "Report on Management Information Needs of the Equal Employment Opportunity Program of the Federal Government," U.S. Civil Service Commission, FPCD-76-71. Sept. 3, 1976.
- "General Services Administration's Upward Mobility Program," FPCD-76-84A, Sept. 13, 1976.
- "Review of Upward Mobility Using Job Restructuring," Department of the Interior, FPCD-76-84, Nov. 2, 1976.
- "Review of the Department of the Army's Upward Mobility Program," FPCD-77-3, Dec. 13, 1976.
- "Upward Mobility Using Job Restructuring," Department of the Navy, FPCD-77-9, Jan. 7, 1977.
- "Upward Mobility Using Job Restructuring," Department of the Air Force, FPCD-77-8, Jan. 10, 1977.
- "Upward Mobility Program Can Be Improved," Department of Agriculture, FPCD-77-2, Mar. 21, 1977.
- "Progress Made by Agencies in Implementing Upward Mobility Programs," U.S. Civil Service Commission, FPCD-77-10, Mar. 28, 1977.
- "System for Processing Individual Equal Employment Opportunity Discrimination Complaints: Improvements Needed," FPCD-76-77, Apr. 8, 1977
- "Problems of the Federal Employee Equal Employment Opportunity Program Need to Be Resolved," U.S. Civil Service Commission and other Federal Agencies, FPCD-76-85, Sept. 9, 1977.



OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

ASSISTANT SECRETARY
FOR ADMINISTRATION

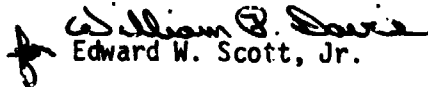
August 22, 1977

Mr. Henry Eschwege
Director, Community and Economic
Development Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Eschwege:

We have reviewed your draft report "Veterans' Preference and Apportionment Conflict with Equal Employment Opportunity" and concur in your conclusion and recommendations.

Sincerely,


Edward W. Scott, Jr.

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

OFFICE OF PERSONNEL

AUG 30 1977

Mr. Henry Eschwege
Director, Community and Economic
Development Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Eschwege:

The U.S. Department of Agriculture has reviewed the draft report entitled "Veterans' Preference and Apportionment Conflict With Equal Employment Opportunity." Officials of the U.S. Forest Service have also reviewed the draft and have provided their comments to this office for inclusion in the Department's response, as you requested.

We have found the report to be a thorough exposition of the many ways the current Veterans' Preference and Apportionment laws act as bars to achieving equal employment opportunity in the Federal Civil Service.

With regard to Apportionment, we are in total agreement with the substance of the report, and believe the time for its repeal has come. This Department supports the draft report's recommendation concerning enactment of S.386 or H.R. 5054.

With regard to Veterans' Preference, there is disagreement within the Department concerning the extent to which it should be changed, balanced by unanimous agreement that changes are needed. Specific points on which this agreement focuses include:

- imposing a time limit on use of the preference
- limiting preference to a one-time use for initial employment
- opening positions of guard, elevator operator, custodian, and messenger to all persons on the basis of merit, not military service
- elimination of 5-point preference for military retirees
- limitation on top of the register placement to only the severely handicapped veterans.

A modification to existing Veterans' Preference legislation not suggested in the draft but which we believe should be considered is making provision for the appointment, without CSC approval, of nonveterans with superior qualifications over qualified veterans who would otherwise block the register.

Veterans' Preference does effectively bar large numbers of well qualified applicants from legitimate equal employment opportunity. Conditions in this country have changed significantly since original passage of the Act, and have further changed since its subsequent amendments. The U.S. Department of Agriculture believes the Congress should revise the present Veterans' Preference law to diminish its adverse impact on equal employment opportunity.

Thank you for this opportunity to comment on the draft report.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. B. Rauge".

Director of Personnel



General
Services
Administration Washington, DC 20405

August 31, 1977

Honorable Elmer B. Staats
Comptroller General of the United States
General Accounting Office
Washington, DC 20548

Dear Mr. Staats:

We appreciate the opportunity to comment on the draft report of the General Accounting Office (GAO) review on the impact of veterans preference and apportionment on Federal employment opportunities for women.

Veterans preference was originally enacted after World War II to compensate veterans for the time they sacrificed which under normal conditions would have been used to pursue the educational and career opportunities men their age usually enjoy. In other words, it was a boost up the career ladder to help make up for lost time. Today, in a time of peace and volunteer armed services, compensation for a choice freely made does not seem necessary. For retired military preference may be not only unnecessary but inappropriate since the military was the career, not time away from a career.

The report contains some staggering examples of how veterans preference and/or apportionment can adversely impact on the opportunities for women to compete with veterans for Federal jobs and can be a major obstacle to the merit system and equal employment opportunity (EEO).

[See GAO note 1, p. 53.]

With one exception, the award of points for combat-related disabilities which place a veteran at a severe disadvantage in the labor market, the elimination of veterans preference may be the only way to achieve EEO and merit principles.

[See GAO note 1, p. 53.]

Unfortunately, GAO apparently did not test its assumption that a time limit would minimize the adverse affects of veterans preference. For example, in examining registers GAO did not determine the relative standing of women if veterans who were discharged more than two years ago or five years ago were to lose their extra points. Also, in terms of numbers, there were over 30 million veterans in civilian life as of June 30, 1976, yet there are only approximately 2.7 million Federal Civil Service jobs nationwide and there were only 149,000 new selections made during Fiscal Year 1976. This would be a key consideration in the feasibility of implementing a time limit provision. Thus, until this alternative is tested we do not feel that GSA can support it as the best alternative.

Alternatives listed on p. 30 of the report are questionable as described. Three may conflict with established EEO guidelines, laws, and efforts to provide equitable consideration of all applicants for Federal employment: waiver of preference in all positions where overall race/sex employment parity has not been accomplished; waiver of preference on an individual agency/entity basis when the agency or entity has parity or AAP problems with particular positions or salary levels;

[See GAO note 1, below]

The practicability and feasibility of two alternatives need to be considered. It may not be feasible for the U.S. Civil Service Commission to implement a modification which places a limitation on the application of preference to one register. To implement top of the register placement of severely disabled veterans, the extent of severity of disability must be clarified and the rallying of veterans groups in support of other disabled veterans excluded from this suggested alternative must be anticipated.

GSA agrees with GAO's recommendation that the apportionment requirement be repealed.

Sincerely,



Robert T. Griffin
Acting Administrator

- GAO notes:
1. The deleted comments relate to matters which were discussed in the draft report but omitted in this final report.
 2. Page numbers mentioned refer to the draft report and may not correspond to those in this final report.
 3. The deleted comments relate to matters that were not discussed in the draft report or final report.



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D. C. 20506

September 2, 1977

OFFICE OF THE CHAIR

Ms. Patricia Slocum
General Accounting Office
441 G Street, N.W.
Room 4100
Washington, D.C. 20548

RE: GAO Draft Report on
Veterans' Preference
and Apportionment

Dear Ms. Slocum:

Enclosed you will find a copy of the resolution, approved unanimously by the Equal Employment Opportunity Commission today, supporting the recommendations of the General Accounting Office in its draft report entitled "Veterans' Preference and Apportionment Conflict with Equal Employment Opportunity." If you have any questions regarding the resolution, do not hesitate to give me a call. Please keep us apprised of any developments on this matter.

Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Terry Michael Banks".

Terry Michael Banks
Executive Assistant to the Chair

Enclosure

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D.C. 20508



RESOLUTION

The Equal Employment Opportunity Commission has been asked to comment on a draft report by the General Accounting Office, entitled "Veterans' Preference and Apportionment Conflict with Equal Employment Opportunity."

The veterans' preference mandated by the Veterans Preference Act has served the useful and necessary purpose of compensating veterans for employment experience lost while serving in the armed forces. Unfortunately, however, the veterans' preference has had the effect of excluding women from the proportion of entry-level Federal positions they would have obtained if judged solely on merit principles, such as scores on tests, their education, and their job experience. The veterans' preference has also adversely affected the promotion of women to higher grade levels in the competitive service, both by reducing the number of female eligibles and by placing them at a competitive disadvantage. Therefore, the Equal Employment Opportunity Commission strongly endorses the General Accounting Office's recommendation that the Act be amended to provide a time limit for use of the preference. In this way, an appropriate

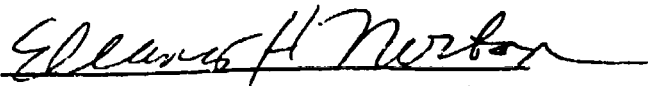
and justifiable recognition of military service can be made without so drastic an adverse effect on female employment opportunities.

[See GAO note 3, p. 53.]

In addition, the Commission is concerned about the possible effects of veterans' preference on other issues dealing with equal employment opportunities, including reductions in force and the employment status of veterans drawing government pensions based on military service.

The Equal Employment Opportunity Commission also concurs with the General Accounting Office's finding that the statutory requirement for apportionment of Federal positions be repealed. Apportionment has outlived its usefulness since all states now have Federal positions, and the percentage of Federal competitive positions in the Washington, D. C., metropolitan area has decreased from 40% to 13% since enactment of the Civil Service Act. Moreover, apportionment has had a deleterious effect on the recruitment of women and on the merit selection system. Hence, the Equal Employment Opportunity Commission urges the passage of H. R. 5054.

APPROVED





VETERANS ADMINISTRATION
OFFICE OF THE ADMINISTRATOR OF VETERANS AFFAIRS
WASHINGTON, D.C. 20420

September 2, 1977

Mr. Gregory J. Ahart
Director, Human Resources Division
U.S. General Accounting Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Ahart:

We have reviewed the recent draft report, "Veterans' Preference and Apportionment Conflict with Equal Employment Opportunity," and are deeply concerned about the veteran's preference aspects of this proposal. Although the report indicates that veterans' preference has a negative effect on employment opportunities for women, the data focused on one aspect to the exclusion of all others and, therefore, do not provide all pertinent information to arrive at a balance between the nation's obligation to its veterans and its obligation to provide equal opportunity for women.

Women who have served in the armed forces are granted preference in exactly the same manner and under the same circumstances as male veterans. The underlying cause for the difference in federal employment opportunities related to veterans' preference is the inequity of entry, by sex, into the armed forces. Since this practice, based in legal, historical and sociological concepts, is unlikely to change in the near future, the major consideration should be to arrive at an equitable solution by evaluating all the pertinent facts inherent in the problem. This report does not mention the unparalleled sacrifices of veterans in combat, the recent existence of an armed services draft resulting in the interruption of education or careers, the increased employment and advancement opportunities for those not required to serve in the military during periods of large military personnel requirements and the possibility of a draft reimposition.

Equal employment opportunity is not necessarily incompatible with the veterans' preference system. On June 30, 1977, the VA employed 103,843 women on a full-time basis, which is 51.8 percent of the total full-time work force. Thirty-five percent of VA full-time supervisors were women, and 50.6 percent were in positions equivalent to GS-7 or above. In addition, women comprised 53.7 percent of all full-time accessions during the second quarter of calendar year 1977. This is indicative of what can be done in balancing the rights and entitlements of both groups.

Part of the report specifically treats the problem of 10-point compensable veterans and attributes to unnamed agency officials the conclusion that it is, "...an impediment to effective staffing of their agency's operations,"

[See GAO note 1, p. 53.]

Mr. Gregory J. Ahart
Director, Human Resources Division
U.S. General Accounting Office

The criticism of these officials--that effective staffing is impeded by 10-point preference--is not supported by any statistical evidence in the report; therefore, the validity of the criticism is suspect. Experience in this agency with disabled employees indicates that, contrary to the assertions expressed in this report, these employees, as a group, perform in an outstanding manner. An employment preference for a veteran who has suffered grievous injury is small recognition for the sacrifice endured by that individual.

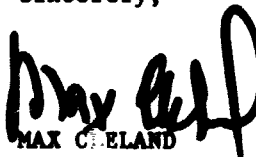
We are aware that the Civil Service Commission is considering some modification to the concept of veterans' preference, and legislative action may be proposed. As mentioned earlier, we strongly urge that all relevant factors be thoroughly evaluated in order to reach a just resolution to this problem.

Inasmuch as the entire subject of veterans' preference is now under serious consideration by the Civil Service Commission as well as by the Administration, and a VA task force is currently studying the matter, we defer commenting at this time.

We support the conclusion and recommendation concerning apportionment. The purpose served by apportionment no longer exists because of present day society's high mobility. Consequently, apportionment appears to be a historical anachronism, and no persuasive argument exists to justify its retention.

We appreciate the opportunity to review and comment on this report.

Sincerely,


MAX BELAND
Administrator



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

SEP 2 1977

Mr. Gregory J. Ahart
Director, Human Resources
Division
United States General
Accounting Office
Washington, D.C. 20548

Dear Mr. Ahart:

The Secretary asked that I respond to your request for our comments on your draft report entitled, "Veterans' Preference and Apportionment Conflict With Equal Employment Opportunity." The enclosed comments represent the tentative position of the Department and are subject to reevaluation when the final version of this report is received.

We appreciate the opportunity to comment on this draft report before its publication.

Sincerely yours,

Thomas D. Morris
Inspector General

Enclosure

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
COMMENTS ON DRAFT GAO PROPOSED REPORT ON
"VETERANS' PREFERENCE AND APPORTIONMENT
CONFLICT WITH EQUAL EMPLOYMENT OPPORTUNITY"

A. Veterans' Preference

The Department strongly supports the report's conclusion that veterans' preference should be restructured. Unwarranted discriminatory provisions should be eliminated. But in the process, provisions that can be justified in fairness to veterans should not be weakened in spite of their discriminatory effect. Also, we believe the report should take into account the inordinately high rate of unemployment among disabled and Vietnam era veterans as an EEO consideration.

To explain our position:

We favor modifications that would:

- Eliminate veterans' preference for military retirees who have completed military careers of 20 or more years of active duty, whether disabled or not.
- Distinguish between the nominally and the seriously disabled veteran.
- Make most veterans' preference temporary, to provide assistance during readjustment to an interrupted civilian career.

We do not favor changes that would make temporary or otherwise reduce preference for the veteran with less than 20 years of active duty, who has a service-connected disability severe enough to be a real handicap to getting or retaining employment.

B. Apportionment

The Department agrees with the report's analysis of the effects of apportionment and supports the recommendation that it be repealed.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

SEP 6 1977

Mr. Henry Eschwege
Director
U. S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Eschwege:

This is in response to your Draft of Proposed Report "Veterans Preference and Apportionment Conflict with Equal Employment Opportunity" for our review and comment.

We agree with the report's recommendation to Congress to repeal apportionment and we would support modification in the manner in which veterans preference is administered. We do, however, feel that several of the report's proposed alternatives for administering veterans preference as listed on pages 29 and 30, have severe drawbacks. [See GAO note 2, p. 53.]

The enclosed sheets contain our detailed comments on these alternatives.

In summary we believe that regardless of the merits of other alternatives two actions are essential to an effective and balanced revision to Veterans Preference.

1. Allowance for appointing authorities to select a non-veteran over a veteran without CSC approval, and
2. Elimination of the Rule of Three.

Sincerely yours,

Assistant Secretary - Policy, Budget
and Administration

Enclosures



COMMENTS

PROPOSED REPORT VETERAN'S PREFERENCE AND APPORTIONMENT
CONFLICT WITH EQUAL EMPLOYMENT OPPORTUNITY

- Limitation on the application of preference to a one-time use. - If the one-time use of preference is for initial competitive appointment, it would not serve to mitigate the effect of veterans preference in terms of furtherance of equal employment opportunity. An alternative could be to limit preference to a specific period, e.g. within five years following the end of a National Crisis. Consideration might also be given to terminating preference eligibility should a veteran turn down a legitimate offer of employment.
- Limitation on the application of preference to one register. - The proposal would be exceedingly difficult to administer due to the large number of geographically dispersed registers. In addition, it would mandate a much more thorough counseling of veterans in terms of what register would offer the best employment opportunities and which register should be selected for applying the preference. Although the data is not furnished in the report, it does not appear probable to us that the majority of veterans have dual register eligibility. Consequently, this option may not serve to increase the probability of reaching an "equal employment opportunity" eligible.
- Reduction in number of preference points added (possibly on a sliding scale from date of discharge to a limited time in the future). - This proposal would appear to mandate an exceedingly frequent review of the rating assigned veteran eligibles on the register. In addition, the gradual reduction of five points preference would not serve, in the immediate future, to enhance the employment prospects for non-veterans, due to the amount of qualifications required for an eligible to rate in excess of a veteran.
- Elimination of the rule of three. All eligibles with the same rating or nearly the same rating could be grouped for certification or all eligibles above a predetermined rating could be certified. This proposal deserves a very serious consideration as it would be more equitable than the current CSC register practices of placing a veteran first when scores are tied. It would also be more equitable than the current "spinning" of the register that occurs when large numbers of eligibles have received the same rating.
- Allowance for appointing authorities to select a non-veteran over a veteran without CSC approval. - Assuming the appointing authority refers to those instances when it can be demonstrated that the veteran is not selected for a job-related reason, we would favor authorization to be able to passover a veteran provided uniform guidelines are issued by CSC concerning the documentation required to be maintained concerning the "passover".
- Continuation of preference points but elimination of placement of veterans ahead of others with the same rating. - This would be more equitable than the current practice, however, it does not address the current practice of "randomly" selecting the order of eligibles on a certificate with tie scores.

--Opening positions of guard, elevator operator, custodian, and messenger to all persons on the basis of merit, not military service. The introduction of merit principles into the selection of candidates for these positions would serve to broaden competition and could lessen the difficulty in obtaining interested candidates for these positions.

--Waiver of preference in all positions where overall race/sex employment parity has not been accomplished. Inasmuch as parity has never been directly affirmed as a policy, it would appear to be difficult to "negate" veterans preference unless the issue of Affirmative Action Programs are stated in terms of stated numbers or goals.

--Waiver of preference on an individual agency/entity basis when the agency or entity has parity or AAP problems with particular positions or salary levels. Inasmuch as parity has never been directly affirmed as a policy, it would appear to be difficult to "negate" veterans preference unless the issue of Affirmative Action Programs are stated in terms of stated numbers or goals.

[See GAO note 1, p. 53.]

--Elimination of all 5-point preference for military retirees. Although we agree with this proposal, it does not seem to directly relate to the objective of the report inasmuch as the report's statistics seem to indicate that all veterans preference impacts on the standing of equal opportunity candidates. This objective seems to be more in line with concerns regarding "double dipping."

--Reduction in preference awarded to military retirees relative to preference awarded to other veterans. Eliminations rather than reduction would appear more appropriate. The comments for above also apply.

--Placement of compensable disability preference eligibles on registers in the order of their ratings including preference points. This alternative could pose difficulties in reaching Affirmative Action Objectives for Disabled Veterans.

--Limitation on top of the register placement to only the severely disabled veteran. Assuming that the concept of veterans preference is retained, it would appear that the placement of the severely disabled veteran at the top of the register would be in accord with specialized placement efforts for disabled veterans while providing more equity for placement of non-veterans.

--Award of compensable preference register placement for combat-related disability only rather than all "service-connected" disability. It appears more equitable to follow the above proposal rather than to differentiate between disabled veterans on the basis of a combat or non-combat situation.



UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D.C. 20415

IN REPLY PLEASE REFER TO

YOUR REFERENCE

SEP 9 1977

Mr. H.L. Krieger
 Director, Federal Personnel and
 Compensation Division
 U.S. General Accounting Office
 Washington, DC 20548

Dear Mr. Krieger:

Thank you for giving us the opportunity to review and comment on the draft of your report to the Congress on "Veterans' Preference and Apportionment Conflict with Equal Employment Opportunity."

The purpose of your review was to consider the effect of veteran preference and apportionment laws on employment opportunities for women in the Federal service and make recommendations to the Congress. The report concludes that:

- (1) Veteran preference has been effective in rewarding veterans, but conflicts with the policy of providing equal opportunity for women; and
- (2) Apportionment is an ineffective and obsolete requirement which runs counter to merit and to equal opportunity.

You recommend that veteran preference be modified and apportionment repealed.

We also believe the time has come to reexamine the veteran preference laws in light of today's conditions, and to recommend modifications in line with today's needs--for veterans and the job seeking public generally.

We also strongly advocate the repeal of apportionment because it is, as you point out, an outmoded requirement which not only has not achieved its purpose, but serves as a barrier to equal employment opportunity. A bill to repeal this requirement (H.R. 5054) recently cleared the Post Office and Civil Service Committee; similar measures (S. 386, S. 865, and S.1133) are scheduled for hearings this month in the Senate.

THE MERIT SYSTEM—A GOOD INVESTMENT IN GOOD GOVERNMENT

Your review of these two issues is therefore timely and welcome.

Your draft highlights the adverse impact that veteran preference can have on employment opportunities for women, and points to problems that should be addressed by the Administration and the Congress. Of course, the effects of the preference laws are so pervasive and have such a profound impact on virtually every aspect of Federal employment that an examination of this subject requires consideration of many interrelated issues in addition to the relationship of preference to equal opportunity for women. These include whether the preference laws:

- (1) go farther than is necessary in helping veterans readjust;
- (2) help those veterans who are most in need of assistance; and
- (3) have an adverse impact on the quality of the Federal service as a whole.

The Federal Personnel Management Project of the President's Reorganization Project is now considering these issues along with many others. The material contained in your draft will be useful as the review continues.

Turning to the contents of the report itself, we note that some of the options are more concerned with affirmative action issues than veteran preference. [See GAO note 1, p. 53.]

Since these are topics for consideration in their own right they should more appropriately be reserved for separate treatment rather than included in this report.

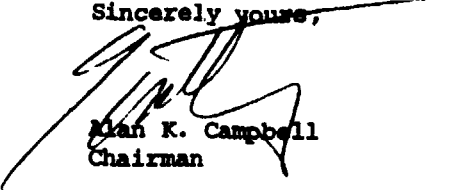
The options that appear to preserve the basis of preference while at the same time promoting equal opportunity and management flexibility should be culled out and highlighted. These include:

- Imposition of a time limit on the use of preference.
- Limitation on the use of preference to a one-time use.
- Allowance for appointing officials to select a nonveteran over a veteran.
- Continuation of preference points, but elimination of placement of veterans ahead of others with the same rating.
- Elimination of 5 point preference for military retirees.
- Limitation of top of the register placement to only severely disabled veterans.

We would also prefer that quotes not be attributed to unnamed "Commission officials." Those individuals may be expressing personal opinions which may or may not be correct and may or may not reflect the official Commission position. Such references could readily be removed without in any way weakening the report.

The staff has made specific suggested revisions and comments on the enclosed copy of your draft. If we can be of any further assistance, please do not hesitate to contact us. We look forward to seeing the final version.

Sincerely yours,



Alan K. Campbell
Chairman

Enclosure



MANPOWER,
RESERVE AFFAIRS
AND LOGISTICS

ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

19 SEP 1977

Mr. H. L. Krieger
Director, Federal Personnel
and Compensation Division
U.S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Krieger:

This is in response to your letter of July 26, 1976 to the Secretary of Defense transmitting copies of your draft report entitled, "Veterans Preference and Apportionment Conflict with Equal Employment Opportunity," Code 964095, OSD Case 4678.

We concur with the facts as presented in your draft report. The apportionment and preference laws apparently have a negative impact on equal opportunity goals. We agree with your recommendation that the Congress review the legislation regarding its application to current social needs.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Pirie, Jr.", with a large, stylized flourish at the end.

ROBERT B. PIRIE, JR.
Principal Deputy Assistant Secretary
of Defense (MRA&L)

(964095)