

**1. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.)**

**Section 703. Veterans Preference in Employment**

(a) For appointment under the provisions of titles VIII and VIII-A, persons who have served on active duty in the armed forces of the United States for more than 180 consecutive days, not including service under honorable conditions as provided under § 511(d) of Title 10 of the United States Code and have separated from the armed forces under honorable conditions may receive an additional 5 points on any register established under the authority of subchapters VIII and VIII-A of this act.

**Section 608. Creation of Career Service**

(e)(1) Notwithstanding any provision in section 101 of the Human Rights Act of 1977 (D.C. Law 2-38; D.C. Code, sec. 201, each person who is appointed to a position in the Career Service after the date this act becomes effective as provided in section 3602 of this act, shall be a bona fide resident of the District of Columbia at the time of his or her appointment, except as otherwise provided in this section.

(2) Persons who apply for a position in the Career Service and who accept appointment or who are hired to fill [the person who photocopied this dropped the last line] District of Columbia within one hundred eighty (180) days of the effective date of such appointment and shall maintain the residence for the duration of such person's employment. Failure to become a District resident or to maintain District residency shall result in forfeiture of the position to which said person has been appointed.

**2. L7-203, the Residency Preference Amendment Act of 1988**

Long title: "To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to revise the residency requirement provisions to create a system to give District residents a preference for District government employment in the Career and Educational Services.

D.C. Code sec. 1-608.1(e) is amended to read as follows:

“(e)(1) Notwithstanding any provision of Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2501 et seq.) an applicant for District government employment in the Career Service who is a bona fide resident of the District at the time of application shall be given a hiring preference over a nonresident applicant. This preference shall be in addition to, and not instead of, qualifications established for the position.

**3. PR 8-253, the Residency Preference System for District Residents for Employment in the Career Service Rules Approval Resolution of 1989**

301.8 Except as provided in § 301.9, residency preference shall be given by adding five (5) points to the rating and ranking score of each qualified applicant claiming or entitled to residency preference.

301.9 When all applicants are employees of the District government or when there are no qualified outside candidate who claim preference, no points shall be afforded to any qualified applicant who claims or is entitled to preference.

301.10 To fill a position in the Career Service, where two or more applicants are equally qualified, the applicant with residency preference shall be listed and selected ahead of the non-preference candidate, with the determination as to equal qualifications made as follows:

(a) For an unassembled examining procedure, all applicants with the same categorical ranking; and

(b) For an assembled examining procedure, all applicants with the same numerical rating.

4. Public Law 101-168 — November 21, 1989 103 STAT. 1276

Sec. 110B. (a) APPLICATION FOR EMPLOYMENT, PROMOTIONS, AND REDUCTIONS IN FORCE.—

(1) IN GENERAL.—The rules issued pursuant to the amendments to the District of Columbia Government Comprehensive Merit Personnel Act of 1978 made by the Residency Preference Amendment Act of 1988 (D.C. Law 7-203) shall include the provisions described in paragraph (2).

(2) DESCRIPTION OF POLICIES.—

(A) POLICY REGARDING APPLICATION FOR EMPLOYMENT.—

The Mayor of the District of Columbia may not give an applicant for District of Columbia government employment in the Career Service who claims a District residency preference more than a 5 point hiring preference over an applicant not claiming such a preference, and, in the case of equally qualified applicants, shall give an applicant claiming such a preference priority in hiring over an applicant not claiming such a preference.

(B) POLICY REGARDING PROMOTIONS AND REDUCTIONS IN FORCE FOR CAREER SERVICE EMPLOYEES.—In Calculating years of service for the purpose of implementing a reduction-in-force, the Mayor may not credit an employee in the Career Service who claims a District residency preference with more than 1 year of additional service credit, and in the case of equally qualified employees, shall give an employee claiming such a preference priority in promotion over an employee not claiming such a preference.

(C) INDIVIDUALS SUBJECT TO PROVISIONS.—The amendments to the District of Columbia Government Comprehensive Merit Personnel Act of 1978 made by the Residency Preference Amendment Act of 1988 shall apply only with respect to individuals claiming a District residency preference or applying for employment with the District of Columbia on or after March 16, 1989.

(b) SCOPE OF 5-YEAR DISTRICT RESIDENCY REQUIREMENT FOR EMPLOYEES CLAIMING PREFERENCE.—

(1) CAREER SERVICE EMPLOYEES.—Section 801(e) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (section 1-608.1(e), D.C. Code), as amended by the Residency Preference Amendment Act of 1988 (D.C. Law 7-203), is amended by adding at the end the following new paragraph:

"(7)(A) Except as provided in subparagraph (B), the Mayor may not require an individual to reside in the District of Columbia as a condition of employment in the Career Service.

"(B) The Mayor shall provide notice to each employee in the Career Service of the provisions of this subsection that require an employee claiming a residency preference to maintain District residency for 5 consecutive years, and shall only apply such provisions with respect to employees claiming a residency preference on or after March 16, 1989."

**5. D.C. Law 17-108, the Jobs for D.C. Residents Amendment Act of 2007 (Act), effective February 6, 2008 (D.C. Act 17-172; 54 DCR 10993, November 16, 2007)**

Long title: To require that all agencies and instrumentalities use a 100-point scale for evaluating potential employees and give qualified District resident applicants a 10-point preference over qualified non-District resident applicants;

**TITLE I. DISTRICT RESIDENCY PREFERENCES AND REQUIREMENT.**

Sec. 101. District residency preference for employees; District residency requirement for agency heads.

(a) Notwithstanding any other provision of law, all District subordinate agencies, independent agencies, and instrumentalities shall use a ranking system based on a scale of 100 points for all employment decisions for positions equivalent to Career Service, educational employee, Legal Service, and Management Supervisory Service positions, as defined under section 301(3), (6), (13A), and (13B) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 2-139; D.C. Official Code § 1-603.01(3), (6), (13A), and (13B)), and shall award each District resident applicant a preference of 10 points unless the resident declines the preference points. The 10 preference points shall be in addition to any points awarded on the 100-point scale.

Sec. 203. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 et seq.), is amended as follows:

(d) Section 801 (D.C. Official Code § 1-608.01) is amended as follows:

(1) Subsection (e) is amended as follows:

(A) Paragraphs (1) and (2) are amended to read as follows:

“(e)(1) Notwithstanding any provision of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 et seq.), an applicant for District government employment in the Career Service who is a bona fide resident of the District at the time of application shall be given a 10-point hiring preference over a

nonresident applicant unless the applicant declines the preference. This preference shall be in addition to, and not instead of, qualifications established for the position.

PLEASE NOTE: L17-108 as introduced included the following Section 709(c), which although supported by the Administration for cases “only in exceptional circumstances for hard to fill positions” was rejected by the Council and excised from the final law.

“Section 709. District Residents Preference in Employment.

“(c) Each subordinate agency head shall be authorized to grant non-resident employment waivers. Waivers of the hiring preference shall be exercised only in exceptional circumstances for hard to fill positions.”

Residency waivers only apply to the Excepted and Executive Services, with D.C. Code § 1-603.01 (8A) defining “exceptional circumstances” as “conditions or facts that are uncommon, deviate from or do not conform to the norm, or are beyond willful control...” and (10A) defining “hard to fill position” as “a position so designated by the personnel authority on the basis of demonstrated recruitment and retention problems inherent in the position due to the uniqueness of the duties and responsibilities and the unusual combination of highly specialized qualification requirements for the position.”

Committee Report:

Page 2, para 3: Bill amends CMPA “in order to promote the hiring of qualified District residents for jobs in subordinate agencies to the District as well as jobs in independent agencies of the District government.”

Page 3, para 2: “... where possible, the District government should seek to ensure that it is employing more District residents overall and certainly in the higher income brackets.”

Page 3, para 3: “Chair Schwartz concluded by indicating that she thought [the] bill was an excellent start in ensuring that District residents hold a greater number of District government jobs.”

Page 4, para 1: “In closing, Councilmember Barry clarified that the measure would not require the city hire an unqualified District resident; it would only give a preference to a District resident when competing against a non-District resident.”

Testimony, Brender Gregory, Director DC HR:

“Under the current residency preference rules and procedures:

“Residency preference is given by adding 5 points to the “*rating and ranking score*” of each qualified applicant claiming or entitled to residency preference. The *rating and ranking score* is used to determine if applicants who meet the minimum qualifications for the position being advertised are “Qualified” (Q), “Well Qualified” (WQ), or “Highly Qualified” (HQ).” This is known as *categorical ranking*.”

“... This proposed bill would add “an additional five preference points over and above the 5 points currently added through the rating and ranking score process under the system that I just described. In addition, an applicant would also be able to invoke the residency preference standard in the case where a DC resident and a non-District resident have equal or similar qualifications.”

“... While I support the ability to provide additional preference points to DC residents, think adding five points at the rating and ranking stage and then an additional five points **once the register is established will lead to confusion and will result in mistakes**... For this reason, I recommend that the 10-point preference be applied at the rating and ranking stage.”

“... If passed, this bill would greatly increase the chances of District residents being placed on the certificate of eligibles and also have the opportunity to be interviewed for positions.”

“... I also support section 709(c) of the proposed bill limiting the issuance of waivers to those positions designated as hard to fill and only in exceptional circumstances.

6. **Current regulation** (District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-608.01 (e), 1-608.59 (a), 1-609.06 (f), and 1-609.57) (2006 Repl.), D.C. Law 17-108, the Jobs for D.C. Residents Amendment Act of 2007 (Act), effective February 6, 2008 (D.C. Act 17-172; 54 DCR 10993, November 16, 2007), and Council Resolution No. 18-75, deemed approved on April 2, 2009, Final Rulemaking at 56 DCR 3667 (May 8, 2009)):

6-B301. RESIDENCY PREFERENCE FOR EMPLOYMENT IN THE CAREER, EDUCATIONAL, LEGAL, AND MANAGEMENT SUPERVISORY SERVICES.

301.1 Pursuant to D.C. Law 17-108, the Jobs for D.C. Residents Amendment Act of 2007, effective February 6, 2008 (D.C. Act 17-172; 54 DCR 10993, November 16, 2007), a person who applies for competitive employment in the Career Service, Educational Service, Legal Service other than the Senior Executive Attorney Service, or Management Supervisory Service and who is a bona fide resident of the District of Columbia **may be awarded a residency preference of ten (10) points at the time of application**, unless the person declines the preference points.

301.2 An employee who applies for a competitive promotion in the services listed in section 301.1 of this section who is a bona fide resident of the District of Columbia **may be awarded a residency preference of ten (10) points at the time of application**, unless the employee declines the preference points.

301.8 The personnel authority shall use a ranking system based on a scale of one hundred (100) points (scale) for all competitive employment decisions; and **the ten (10) preference points shall be in addition to any points awarded on the scale**.

301.9 To fill a position in any of the services listed in section 301.1 of this section **where two (2) or more applicants are equally qualified, the applicant awarded the ten-point (10-point) preference shall be listed and selected ahead of the non-preference candidate**, with the determination as to equal qualifications made as follows:

(a) For an unassembled examining procedure, **all applicants with the same categorical ranking**; and

(b) For an assembled examining procedure, all applicants with the same numerical rating.

7. **Implementing Guidance and Procedures, Chapter 3 of the E-DPM – Residency**

### 3.4

A. When a selecting official receives a selection certificate containing residency preference (RP) candidates and non-residency preference (NRP) candidates, the selecting official must either:

1. Select a RP candidate; or

2. Return the selection certificate to the personnel office without action for cancellation of the vacancy announcement.

B. **While there are no provisions for a waiver of the residency preference**, in cases of suitability, or when there are clear qualifications issues, a hiring official may submit written justification to the personnel authority requesting selection of a NRP candidate.

#### 8. B20-59, the D.C. Residents Point Preference Amendment Act of 2013

Long title: “To amend the Jobs for D.C. Residents Amendment Act of 2007 to require that all agencies and instrumentalities give qualified District resident applicants a 20-point preference over qualified non-District resident applicants.”

Sec. 2. Section 101(a) of the Jobs for D.C. Residents Amendment Act of 2007, effective February 6, 2008 (D.C. Law 17-108; D.C. Official Code § 1-515.01(a)), is amended by striking the number “10” wherever it appears and inserting the number “20” in its place.

#### Hearing on B20-59, July 8, 2013

**Kimberly D. Williams, Deputy Director DC HR:** Points for preference, including District residency, cannot change an applicant’s categorical ranking. The proposed DC Residents point preference Amendment Act of 2013, seeks to increase the existing 10-point preference for qualified District resident applicants, to a 20-point preference over qualified non-District residents. This amendment of the hiring preference point system may not have the desired impact on District residents if they are not qualified for the positions available.

**CM McDuffie:** So is it the position of DC HR that by doing... enacting this legislation and moving towards a 20-point preference, there would potentially put District Residents in a position... a category of “Qualified” when they are otherwise not qualified for the position?

**Ms. Williams:** It will not. So the preference points are only applied once a DC Resident has qualified in one of those categories, of “qualified”, “Well Qualified”, or “Highly Qualified”.

**CM McDuffie:** So I’m still not clear on you think this might not have the desired impact. If you could provide any clarification on that.

**Ms. Williams:** I’ll say it this way and then I’ll ask the Associate Director, Carla Kirby if she has any other point to make. What’s key in the preference point process is making sure first that candidates, D.C. residents are qualified. So, once a D.C. resident is qualified, the preference points are applied... to the category in which they were qualified. Adding additional points would support it, in that it would just add more points, to the qualified category, and raise them higher on the list, of the qualified category.

**(later) CM McDuffie:** What is the Mayor’s, the executive’s position on this particular bill? Does the executive support it or do they oppose it?

**Ms. Williams:** DC HR and the Administration does support the preference points... and we also support the continuous education and training of District residents so that they can be in the qualified status and that is something we are stressing so much because the preference points matter when they are in a qualified category.

**CM McDuffie:** So the Department of Human Resources and the Executive support the increase from the existing 10-point preference to a 20-point preference?

**Ms. Williams:** It will add additional points to the District resident's score in that category.

**CM McDuffie:** So that's a "yes"?

**Ms. Williams:** That is a "yes".

**(later) Ms. Williams:** ...the Administration is committed to hiring more D.C. residents to jobs, and I know we talked a lot about "qualified" and that's really key for us, in order for the preference points and making sure that we bring more D.C. residents into jobs, we must have programs in place to help them qualify for jobs.