

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

District Personnel Manual Issuance System

E-DPM Instruction No. 3-11

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SUBJECT: Residency Preference for Employment

Date: September 28, 2010

NOTE: This Electronic-District Personnel Manual (E-DPM) instruction supersedes DPM Instruction No. 3-8, *Applying Residency Preference for Employment*, dated May 27, 2008, for the main purpose of adding examples on the application of residency preference in the competitive recruitment process.

1. Purpose

The purpose of this E-DPM instruction is to provide information on the application of residency preference in the competitive recruitment process.

2. Applicability and Authority

a. The residency preference provisions apply to competitive appointments, including competitive promotions, to the:

- (1) Career Service;
- (2) Legal Service (line attorney positions only); and
- (3) Management Supervisory Service.

b. The statutory (legal) authority for the residency preference system is contained in:

- (1) D.C. Official Code § 1-515.01 – Residency Preference and Requirements for Government Employees (General)
- (2) D.C. Official Code § 1-608.01(e) – Career Service;
- (3) D.C. Official Code § 1-608.59(a) – Legal Service line attorneys; and
- (4) D.C. Official Code § 1-609.59 – Management Supervisory Service.

Note: E-DPM instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employee under their respective jurisdictions.

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- c. The regulatory authority for residency preference is Chapter 3 of the D.C. personnel regulations, Residency.
- d. The residency preference provisions were amended by D.C. Law 17-108, the *Jobs for D.C. Residents Amendment Act of 2007*, effective **February 6, 2008**.

CHART I – MAIN PROVISIONS OF D.C. LAW 17-108:

- A bona-fide District resident may be awarded a residency preference of 10 points at the time of application for competitive employment, unless the person declines the preference points. **See D.C. Official Code § 1-515.01(a)**
- A ranking system based on a scale of 100 points shall be used for all competitive employment decisions. **See D.C. Official Code § 1-515.01(a)**
- The 10 preference points are in addition to any points awarded on the 100-point scale. **See D.C. Official Code § 1-515.01(a)**
- A person who is awarded the 10-point residency preference and is selected for the position must agree in writing at the time of appointment to maintain bona-fide District residency for a period of 7 consecutive years from the effective date of appointment. **See D.C. Official Code § 1-515.01(b)**
- Failure to maintain bona-fide District residency for the consecutive 7-year period shall result in forfeiture (loss) of employment. **See D.C. Official Code § 1-515.01(b)**
- A person who is awarded the 10-point residency preference and is selected for the position shall submit no less than 8 proofs of bona-fide District residency to the personnel authority. **See D.C. Official Code § 1-515.01(b)**

3. Claiming Residency Preference

- a. Online Applications – The information contained in *Form DC-2000RP* has been incorporated into the electronic *DC 2000 Employment Application*. Thus, District of Columbia residents who apply online for positions in any of the services to which the residency preference system applies are not required to complete the paper *Form DC-2000RP* but shall, in order to claim/receive the preference, complete the appropriate section of the online application pertaining to residency preference.
- b. Paper Applications – District of Columbia residents who apply for positions in any of the services to which the residency preference system applies by completing the paper *DC 2000 Employment Application* shall, in order to claim/receive the preference, complete (and sign) *Form DC-2000RP* and submit the form with their application.
- c. Except as provided in Paragraph 4 below, preference will be applied **ONLY** to qualified applicants who check residency preference statement **I, II, or V** on the *Form DC-2000RP* when applying for a position (online or paper application).

4. Determination of Entitlement to and Application of the Residency Preference

- a. Preference is applied ONLY to: (1) an “*outside applicant*” (non-District government applicant) who is a bona-fide resident of the District of Columbia at the time of application and claims the preference when applying for the position; (2) a *current District government employee* who is a bona-fide resident of the District of Columbia at the time of application and claims the preference when applying for the position; **OR** (3) a *District government employee* with an entitlement (right) to the preference.
- b. **ENTITLEMENT** to a residency preference will be afforded to:
 - (1) **Pre-January 1, 1980** District government employees who have not had a break-in-service since that date; and
 - (2) **Former St. Elizabeths Hospital employees** who accepted employment with the District government on **October 1, 1987** and who have not had a break in service since that date.
- c. While the two (2) groups of District government employees described in Paragraph 4b(1) and (2) above are “entitled” to the preference, they will actually be afforded it **ONLY WHEN** at least one (1) *outside applicant* claims the preference.
- d. To minimize the possibility of the loss of the entitlement to preference, the human resources (HR) staff person rating/ranking the applicants is responsible for determining whether an applicant who did not fill out *Form DC-2000RP* is either a pre-January 1, 1980 employee or a St. Elizabeths employee as described in Paragraph 4b(1) and (2) above.
- e. Verification of an entitlement to preference is to be accomplished by reviewing the applicant’s official personnel folder (OPF), or requesting verification of the entitlement from the D.C. Department of Human Resources (DCHR) or other personnel authority, as applicable.
- f. An employee entitled to preference who does not claim residency preference when applying for a position will be afforded preference as specified herein upon verification of entitlement through a review of his or her OPF.
- g. **Application of Residency Preference in the Competitive (Merit) Recruitment Process**
 - (1) **Unassembled Examinations (DC 2000 Employment Application or Résumé)**
 - (a) **Preference will be applied as follows to *outside applicants* and *District government employees* who claim preference on the basis of their current District of Columbia residency:**
 1. If at least one (1) qualified *outside applicant* claims preference – 10 points are to be added to the 100-point scale score of each qualified

outside applicant who claims preference, and to each qualified *District government employee* who claims preference **(10 Points + RP)**.

2. If no qualified *outside applicant* claims preference – no points are to be applied to qualified *District government employees* who claim preference **(No Points, Only RP)**.
3. If all applicants are current *District government employees* only – no points are to be applied to the score of qualified candidates who claim preference **(No Points, Only RP)**.

(b) Preference will be afforded as follows to pre-January 1, 1980 employees without a break in service and former St. Elizabeths Hospital employees with an entitlement (right) to the preference:

1. If at least one (1) *outside applicant* claims preference – 10 points are to be added to the 100-point scale score of each qualified employee who is entitled to receive preference **(10 Points + RP)**.
2. If no *outside applicant* claims preference and at least one (1) post-January 1, 1980 employee claims preference – no points are to be applied to qualified employees who are entitled to receive preference **(No Points, Only RP)**.
3. If no District of Columbia resident (*outside applicant* or *post-January 1, 1980 employee*) claims preference – no preference credit is to be applied **(Neither Points nor RP)**.

(c) Candidates ranked in the highest categorical ranking who claim the preference or are afforded the preference as specified in Subparagraphs 4g(1)(a) and 4g(1)(b)1 and 2 above, respectively, will have the designation “RP” placed next to their names and will be listed ahead of non-preference candidates on the selection certificate. When there is more than one (1) RP candidate, their names are to be listed alphabetically.

(2) Assembled Examinations (e.g., police officer, firefighter, and correctional officer positions)

- (a)** Preference is applied in the hiring process for entry-level assembled examinations as follows:
 1. Ten (10) points are to be added to the score of qualified applicants who claim preference.
 2. When there is a tie in the numerical score, the preference candidates will have the designation “RP” placed next to their names and will be listed ahead of the non-preference candidates with the same score.

- (b) Preference is applied in the assembled promotion process (promotional examinations) as follows:
1. No points are to be added to the score of preference candidates.
 2. When there is a tie in the numerical score, the preference candidates will have the designation *RP* placed next to their names and will be listed ahead of the non-preference candidates with the same score.
 3. In the case of preference candidates with identical numerical scores or non-preference candidates with identical numerical scores, ties will be broken as follows:
 - (i) In accordance with the provisions of any applicable collective bargaining agreement; or
 - (ii) In descending order beginning with the candidate whose Social Security Number has the highest last digit.

**CHART II – *IMPORTANT RESIDENCY PREFERENCE
FACTS TO REMEMBER:***

- | |
|---|
| <ul style="list-style-type: none"> • The preference is <u>in addition to and not instead of qualifications established for a position</u> (D.C. Official Code § 1-608.01(e)(1)). Accordingly, legally, <i>if “all things are equal” qualifications-wise</i>, a qualified applicant who claimed the preference <u>shall</u> be selected over a qualified non-resident applicant. |
| <ul style="list-style-type: none"> • <i>Conversely, if a non-resident applicant is the best candidate qualifications-wise</i>, selecting the <i>best-qualified non-resident candidate over a less qualified preference-candidate</i> <u>does not</u> violate the residency preference law. [The official rating/ranking/interview records <u>must</u> reflect that a non-resident candidate is the <i>best candidate</i> qualifications-wise.] |
| <ul style="list-style-type: none"> • For all merit recruitment decisions, including those involving residency-preference applicants, and in order to ensure compliance with the residency preference law, <u>the rating/ranking/interview records maintained by HR staff must accurately reflect the qualifications decisions made as part of the competitive selection process.</u> |

5. Waivers of Residency Preference; Justifications for Non-Selection

- a. Generally, if the highest available categorical ranking candidates referred to management for selection includes a *RP* candidate and no selection is made, the selection certificate is to be cancelled, as there are no provisions for waivers of the residency preference requirement. However, in cases of *suitability* or when there are *qualifications issues*, a hiring (selecting) official may be allowed to select a non-*RP*-candidate over a *RP*-candidate.

- (1) The phrase “*waiver of the residency requirement*” means allowing the selection of a non-*RP* candidate over a *RP*-candidate referred to management for consideration.
 - (2) The term “*suitability*” refers to the quality or state of being acceptable for District government employment with respect to the character, reputation, and fitness of the person under consideration.
 - (3) The phrase “*qualifications issues*” refers to cases in which a hiring (selecting) official claims and is able to demonstrate that the reason for non-selection of a *RP*-candidate is because the candidate lacks a particular knowledge, skill, or ability to perform successfully the duties of the position when compared to a *non-RP* candidate referred to management for consideration.
- b. If no selection is made from the candidates in the highest categorical ranking on a selection certificate that does not include *RP*-candidates, the selecting official must return the selection certificate to the HR representative(s) along with a written justification (explanation) for non-selection. If the justification is accepted, another selection certificate may be forwarded to the hiring official from the same or next lower category of eligible candidates, as applicable.

CHART III – OTHER FACTORS TO CONSIDER WHEN APPLYING RESIDENCY PREFERENCE FOR EMPLOYMENT:

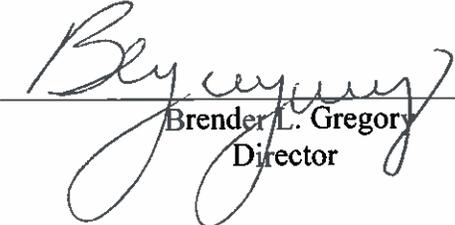
<p>√ <u>RANKING SYSTEM:</u> A ranking system based on a <u>100-POINT SCALE</u> shall be used for <u>ALL competitive employment decisions</u>. See D.C. Official Code § 1-515.01(a)</p>
<p>√ <u>CATEGORICAL RANKING SYSTEM:</u> Based on the 100-point scale, the categorical rankings are as follows:</p> <ul style="list-style-type: none"> • 90 to 100 Points – <i>Highly Qualified</i> or “<i>HQ;</i>” • 80 to 89 Points – <i>Well Qualified</i> or “<i>WQ;</i>” and • 70 to 79 Points – <i>Qualified</i> or “<i>Q.</i>”
<p>√ <u>APPLICATION OF THE 10-POINT PREFERENCE:</u> The 10-points are <u>in addition</u> to any points awarded on the 100-point scale.</p>
<p>√ <u>IMPACT OF THE 10-POINT PREFERENCE ON THE CATEGORICAL RANKING</u></p> <p>Because the preference shall be <u>in addition to and not instead of*</u> the <u>qualifications established for the position</u>, the addition of the 10-point preference shall not impact a candidate’s categorical ranking. For example, the application of the 10-point preference to a candidate whose categorical ranking on the <u>100-point scale</u> was determined to be “87” (<i>WQ</i>) shall not boost the candidate’s ranking to 97 (<i>HQ</i>).</p> <p>*See D.C. Official Code § 1-515.01(a) and Chart I (Page 2)</p>

CHART III – OTHER FACTORS TO CONSIDER WHEN APPLYING RESIDENCY PREFERENCE FOR EMPLOYMENT (Continued):

√ **SELECTION CERTIFICATES:** (1) Add the acronym “RP” after the name of a *residency-preference (RP)* candidate, and the acronym “NRP” after the name of a *non residency-preference* candidate; and (2) Only 1 category of candidates should be referred at a time (either *HQ*, *WQ*, or *Q*) (there may be some exceptions when the recruitment activity is for more than 1 position).

CHART IV – IMPORTANT RESIDENCY PREFERENCE FACT TO REMEMBER [Outside Applicants and Post-January 1, 1980 Employees]:

- Regardless of the number of *outside applicants and post-January 1, 1980 employees* who claim preference, and regardless of the number of *RP-candidates* referred on a selection certificate, if an *outside applicant* or *post-January 1, 1980 RP candidate* is selected for the position, he or she shall agree in writing to maintain bona-fide District residency for 7 consecutive years. Failure to maintain bona-fide District residency for the consecutive 7-year period shall result in forfeiture (loss) of employment


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Director

Attachments:

- *Examples on the Application of Residency Preference in the Competitive Recruitment Process*
- *Quick Reference Guide – Application of the Residency Preference in the Competitive Recruitment Process*

Examples on the Application of Residency Preference in the Competitive Recruitment Process

Example 1:

Four (4) individuals met the minimum qualifications for the Management Supervisory Service (MSS) position of Chief Operating Officer, MS-15. Applicants A and B claimed the residency preference (*RP*). There is one (1) vacant position being filled. The following categorical rankings were determined:

Applicants	Categorical Ranking Score/ Qualifications Analysis (Based on 100-Point Scale)	Application of Residency Preference: Preference Points/ Residency Preference (“RP”) Designation	Final Categorical Ranking [As shown on Selection Certificate]	Refer to Selecting Official
Applicant A (Outside Applicant/ DC Resident; Claimed <i>RP</i>)	<i>HQ</i> (98)	<i>10 Points/RP</i>	<i>HQ</i>	Yes
Applicant B (Outside Applicant/ DC Resident; Claimed <i>RP</i>)	<i>WQ</i> (88)	<i>10 Points/RP</i>	<i>WQ</i>	No
Applicant C (Outside Applicant/ Non-Resident)	<i>WQ</i> (85)	<i>No Points/NRP</i>	<i>WQ</i>	No
Applicant D (Outside Applicant/ Non-Resident)	<i>Q</i> (72)	<i>No Points/NRP</i>	<i>Q</i>	No

*Because the 10-point preference is in addition to the points awarded on the 100-point scale, the 10 points shall not impact (change) Applicant B’s score/categorical ranking. That is, Applicant B’s score and categorical ranking shall remain *88/WQ* upon the application of the 10-point preference. For that reason, and because Applicant A has the highest categorical rating, Applicant A’s name will be referred first (1st) to the selecting official for consideration. See Chart II of this E-DPM instruction (page 5)

Example 2:

Three (3) individuals met the minimum qualifications for the Career Service position of Management Analyst, CS-14. There are two (2) vacant positions being filled. Applicant B claimed residency preference. The following categorical rankings were determined:

Applicants	Categorical Ranking Score/Qualifications Analysis (Based on 100-Point Scale)	Application of Residency Preference: Preference Points/Residency Preference (“RP”) Designation	Final Categorical Ranking [As shown on the Selection Certificate]	Refer to Selecting Official
Applicant A (Outside Applicant/ DC Resident; Declined RP)	<i>Q</i> (75)	<i>No Points/NRP</i>	<i>Q</i>	No
Applicant B (Outside Applicant/ DC Resident; Claimed RP)	<i>WQ</i> (85)	<i>10 Points/RP</i>	<i>WQ</i>	Yes
+Applicant C (Outside Applicant; Non-Resident)	<i>HQ</i> (92)	<i>No Points/NRP</i>	<i>HQ+</i>	Yes

*Because the 10-point preference is **in addition to the points awarded on the 100-point scale**, the 10 points **shall not impact (change)** Applicant B’s score/categorical ranking. That is, Applicant B’s score and categorical ranking shall remain *85/WQ* upon the application of the 10-point preference.

+**Applicant C**, a non-RP candidate and the applicant with the highest categorical ranking (*HQ*) of all 3 candidates, is to be referred to management for consideration **AHEAD** of RP-candidate Applicant B. However, because the recruitment is for 2 positions, the name of Applicant B (*WQ*) will also be referred to the selecting official for consideration.

Example 3:

Two (2) individuals met the minimum qualifications for the Management Supervisory Service (MSS) position of Management Analyst, MS-13. There is one (1) vacant position being filled. Applicant A is a non-resident; Applicant B is a Maryland resident and St. Elizabeths Hospital employee since October 1, 1987:

Applicants	Categorical Ranking Score/ Qualifications Analysis (Based on 100-Point Scale)	Application of Residency Preference: Preference Points/ Residency Preference (“RP”) Designation	Final Categorical Ranking [As shown on the Selection Certificate]	Refer to Selecting Official
Applicant A (Outside Applicant/ Non-Resident)	<i>HQ (95)</i>	No Points/Do Not Add “NRP” Designation	<i>HQ</i>	Yes
Applicant B (St. Elizabeths Hospital Employee)	<i>HQ (95)</i>	No Points/Do Not Add “RP” Designation *	<i>HQ</i>	Yes

*Because Applicant A is a non-resident, there is no need to award the *RP* to Applicant B, a St. Elizabeths Hospital employee who would have otherwise been **entitled** to the residency preference. Both applicants are referred to the selecting official for consideration.

Example 4:

Four (4) individuals met the minimum qualifications for the Career Service position of Management Analyst, CS-14. There are two (2) vacant positions being filled. The following categorical rankings were determined:

Applicants	Categorical Ranking Score/ Qualifications Analysis (Based on 100-Point Scale)	Application of Residency Preference Preference Points/ Residency Preference (“RP”) Designation	*Final Categorical Ranking [*As shown on the Selection Certificate]	Refer to Selecting Official
Applicant A (DC Resident/ Declined RP)	WQ (85)	No Preference Credit (Neither Points nor RP)	WQ	Yes
Applicant B (VA Resident/ Pre-1/1/80 Employee)	WQ (88)	No Preference Credit (Neither Points nor RP)+	WQ	Yes
Applicant C (Non-Resident)	HQ (95)	No Points/NRP	HQ	Yes
Applicant D (DC Resident/ Declined RP)	Q (75)	No Preference Credit (Neither Points nor RP)	Q	No

Applicant A, a post-January 1, 1980 employee and District of Columbia resident, did not claim the preference, and therefore, will not receive preference credit (**Neither Points nor RP**). Applicant A’s score and categorical rating remain at 85/WQ.

Applicant B, a pre-January 1, 1980 employee otherwise entitled to the preference (continuously employed since before January 1, 1980 without a break in service), will not receive preference credit (**Neither Points nor RP**), because no District resident (outside applicant or post-January 1, 1980 employee) claimed the preference. Applicant B’s score and categorical rating remain at 88/WQ.

Applicant C, a non-District resident candidate with the highest categorical ranking (HQ), is to be referred to management for consideration AHEAD of the other applicants. However, because the recruitment is for 2 positions, Applicants A and B (WQ) will also be referred to the selecting official for consideration.

Applicant D, a post-January 1, 1980 employee and District of Columbia resident, did not claim the preference, and therefore, will not receive preference credit (**Neither Points nor RP**). Applicant A’s score and categorical rating remain at 75/Q.

***Quick Reference Guide – APPLICATION OF THE RESIDENCY
PREFERENCE IN THE COMPETITIVE RECRUITMENT PROCESS***

I. RANKING SYSTEM:

All subordinate and independent District government agencies SHALL use a RANKING SYSTEM based on a SCALE OF 100 POINTS for all competitive employment decisions.

II. CATEGORICAL RANKING SYSTEM:

Based on the 100-POINT SCALE, the categorical rankings are as follows:

- 90 to 100 Points – *Highly Qualified* or “HQ;”
- 80 to 89 Points – *Well Qualified* or “WQ;” and
- 70 to 79 Points – *Qualified* or “Q.”

III. APPLICATION OF THE 10-POINT PREFERENCE:

THE 10 PREFERENCE POINTS SHALL BE IN ADDITION TO ANY POINTS AWARDED ON THE 100-POINT SCALE

**IV. IMPACT OF THE 10-POINT PREFERENCE ON THE
CATEGORICAL RANKING OF APPLICANTS:**

(a) Because the 10 points for the preference shall be in addition to any points awarded on the 100-point scale, the 10 points shall not have an impact on the categorical ranking score* of applicants

[*For example, awarding the 10-point preference to an applicant whose categorical ranking on the 100-point scale was determined to be 87 (WQ), shall not “boost” the applicant’s ranking score from 87 to 97 (HQ) (in other words, the person’s categorical ranking score will remain at 87 (WQ))

(b) While **pre-January 1, 1980 employees and **former St. Elizabeths Hospital employees are entitled to the preference, there is no need to award the 10-points; however, if certified for consideration, they shall be awarded the preference and the acronym “RP” shall be added after their name on the selection certificate **IF at least 1 applicant CLAIMS the preference**

**The categorical ranking score is based on the applicant’s qualifications for the position*

***Please refer to E-DPM Instruction No. 3-11, Residency Preference for Employment, dated September 28, 2010, for specific information on which employees are considered “pre-January 1, 1980” and “St. Elizabeths Hospital employees”*

V. SELECTION CERTIFICATE:

(a) Add the acronym “RP” after the name of a residency-preference (RP) candidate (and applicants entitled to the preference, as applicable (See Section IV (b) above)), and the acronym “NRP” after the name of a *non-residency-preference (NRP) candidate; and

(b) Refer only 1 category of candidates at a time (either HQ, WQ, or Q) (there may be some exceptions when the recruitment activity is for more than 1 position)

* “NRP candidate” means either a District resident who declines the preference points (in writing); or a non-District resident