Reserve Organization of America

Law Review 26122

NEW YORK: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

New York adds credits to passing state civil service scores: 10 points for disabled veterans and 5 for other veterans on open-competitive exams, and 5 and 2.5 points on promotion exams. Applicants must be honorably discharged New York residents.

Veterans' Preference:
New York

The Federal Veterans' Preference Act (VPA)

The Federal Veterans' Preference Act (VPA), as explained in Law Review 0721 (May 2007), gives certain veterans an advantage in securing federal civil service jobs. The VPA does not apply to state and local government employment, but most states have their own veterans' preference laws that apply to the state and its political subdivisions (counties, cities, school districts, and other units of local government).

New York State Civil Service, Veterans Hiring Preference[1]:

§85. Additional Credit Allowed Veterans in Competitive Examinations; Preference in Retention Upon Abolition of Positions
https://law.justia.com/codes/new-york/cvs/article-6/85/

New York offers Veterans' preference in hiring and promotions for state employment. This preference is granted by adding additional credits to Veterans' scores when passing competitive examinations.

[1] 2023 New York Laws CVS – Civil Service Article 6 §85, Additional Credit Allowed Veterans in Competitive Examinations; Preference in Retention Upon Abolition of Positions.

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Disabled Veterans receive 10 additional points in open-competitive examinations and 5 points in promotion examinations. Non-disabled Veterans are granted 5 points in open-competitive examinations and 2.5 points in promotion examinations.

To be eligible for Veterans' preference, Veterans must meet the following requirements:

1. Be a New York resident Veteran who served on active duty of the U.S. Armed Forces (excluding training purposes).
2. Have received an honorable discharge or will be honorably discharged at the time of appointment.
3. Have a 10% or higher service-connected disability rating and be receiving compensation from the VA (this requirement applies only to disabled Veterans).

The New York State Government Website provides a Veteran's Information Page. What type of jobs are available, how to determine eligibility, and how to submit information are just some of the frequently asked questions addressed on the New York State Government Website.

How to search for upcoming jobs, view competitive and non-competitive job openings, and how to contact by phone or email are also addressed on the Veteran's Information Page. The link to the Veteran's information Page is included below:

https://www.ny.gov/services/find-employment-opportunities-veterans-state-government-0

Q: The great majority of veterans are men. Does a veterans' preference law discriminate against women and violate the Equal Protection Clause of the Constitution's Fourteenth Amendment?

A: In 1979, the Supreme Court considered and rejected that argument, by a 7-2 vote. Even if the effect of a veterans' preference law is to benefit many more men than women, the purpose of the law is to benefit veterans, not to discriminate against women.[2]

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[2] *See Personnel Administrator of Massachusetts v. Feeney*, 442 U.S. 256, 276 (1979). *See generally* Law Review 24055 (December 2024).
[3] *See* https://crsreports.congress.gov/product/pdf/IF/IF10540/. These are the authorized figures as of 9/30/2022.

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If you are not eligible to join, please contribute financially, to help us keep up and expand this effort on behalf of those who serve. Please mail us a contribution to:

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About the Author

Deng received his Juris Doctor from Baylor University School of Law and received his Bachelor of Science in Sociology, his Bachelor of Science in Criminal Justice, and his minor in Political Science, from Abilene Christian University. As a division-1 student-athlete, Deng played cornerback for the Abilene Christian University Football Team from 2015-19, and Pole Vaulted with the Abilene Christian University Track and Field Team in 2015.

[4] Congress recently established the United States Space Force as the eighth uniformed service.
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