Reserve Organization of America

Law Review 26128

PENNSYLVANIA: VETERANS' PREFERENCE

By Deng Majok

RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

Pennsylvania adds 10 points to passing state and municipal exam scores for eligible veterans, including currently serving Guard and Reserve members, and gives them preference in appointments, promotions, and layoffs. Certain spouses and surviving spouses also qualify.

Veterans' Preference:
Pennsylvania

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).

Pennsylvania Veterans' Preference when Hiring for State Employment[1]:

§7101 – §7111. Veterans' Preference

https://law.justia.com/codes/pennsylvania/title-51/chapter-71/

[1] 2023 Pennsylvania Consolidated & Unconsolidated Statutes Title 51 Chapter 71 §7101 – §7111, Veterans' Preference. Pennsylvania Consolidated Statutes Title 11 Pa.C.S. Part V Chapter 144 §14405.1, Veterans' preference.

1 Constitution Avenue N.E., Washington, D.C. 20002
(202) 479-2200 • roainfo@roa.org • roa.org

§14405.1. Veterans' preference

In accordance with 51 Pa.C.S. Ch. 71 (relating to veterans' preference), the following shall apply to the appointment of a uniformed civil service position:

(1) A veteran who meets the qualifications for and conditions of the position under uniform eligibility rules, which include successful passage of an examination, shall receive an additional 10 points on the examination pursuant to 51 Pa.C.S. § 7103(a) (relating to additional points in grading civil service examinations).

(2) If, after the additional 10 points are granted, a veteran is on the list of three eligible applicants, the veteran shall receive a preference in hiring over nonveterans on that list.

(3) The preference provided by this section shall constitute the only preference with regard to a uniformed civil service position to which a veteran is entitled under this chapter.

Pennsylvania offers a Veterans' preference when hiring for state employment. Eligible applicants receive several benefits, including:

- 10 additional points added to their passing scores on the state and municipal employment examinations.

- Preference for all appointments and promotions.

- Preference during a reduction in force.

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

- They must be a service member who served in an active or reserve component of the U.S. Armed Forces, completed their initial service obligation, and received a discharge other than dishonorable.

- They must be an active or reserve component service member who served on active duty (other than for training) during any war or armed conflict and received a discharge other than dishonorable.

- They must be a service member serving in a reserve component of the U.S. Armed Forces who continues to serve.

- They must be an active duty service member who served for at least three years, is within 90 days of discharge, and is projected to receive a discharge other than dishonorable.

- They must be an unremarried surviving spouse of a deceased Veteran who was eligible for preference.

- They must be the spouse of a Veteran who has a total and permanent disability rating.

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.
[4] Congress recently established the United States Space Force as the eighth uniformed service.
[5] Spouses, widows, and widowers of past or present members of the uniformed services are also eligible to join.

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:

Reserve Organization of America
1 Constitution Ave. NE
Washington, DC 20002[6]

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.

[6] You can also contribute on-line at www.roa.org.