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NY HELPS and the End of the History of Competitive Examinations

*An editorial by the PEF Civil Service Enforcement/
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Civil service examinations are among the oldest meritocratic institutions. Their history can be traced back to Imperial China from 605 CE to 1905 CE, where government officials were selected based on merit rather than wealth, family, or political connections. In the early 19th century, administrators of the British East India Company adapted the Chinese model to screen clerks and officers for expanding operations in Asia. Based on the success of this model, the British government adopted merit-based civil service examinations in 1854.^[1]

In the early history of the United States, the power to determine criteria for federal jobs and to make appointments rested solely with the President. Appointments were based on “fitness of character,” commitment to the Constitution, and political party affiliation. The Tenure of Office Act of 1820 transformed this practice into the Spoils System. The Act limited the terms of officials to four years, corresponding to presidential terms. Incumbents in federal positions could be removed with the election of a new President, and appointments were often based on party loyalty and activity. In January 1883, Congress passed the Pendleton Act, which provided that government jobs be awarded on the basis of merit and that employees be selected through competitive examinations.^[2]

In 1883, in light of the Pendleton Act, New York State enacted a landmark civil service reform—the New York Civil Service Act. The first civil service law of the State of New York provided for a merit-based system of competitive examinations for the appointment and promotion of state government employees.^[3] In 1894, merit testing became a constitutional mandate. It was formally enshrined in Article V, Section 6 of the New York State Constitution: “Appointments and promotions in the civil service of the state and all of the civil divisions thereof, including cities and villages,

shall be made according to merit and fitness to be ascertained, as far as practicable, by examination which, as far as practicable, shall be competitive.”^[4]

In 2024, New York State entered a significant new phase in the history of civil service hiring when the Civil Service Commission introduced NY HELPS—New York Hiring for Emergency Limited Placement Statewide—a program that “streamlines the appointment process to allow State agencies to hire diverse, qualified permanent employees quickly and without examinations.”^[5] Yet the significance of this change extends well beyond administrative convenience. Documents archived in the New York Register indicate that the program was initiated by the commissioners themselves and advanced without sustained engagement with the constitutional mandate, without legislative deliberation, and without meaningful consideration of public comment. The Civil Service Commission maintained that “The current exam program and other competitive appointment mechanisms available to agencies are not generating sufficient candidates as quickly as needed to fill critical vacancies. Staffing shortages at State agencies combined with the current national labor market have created an unprecedented hiring crisis in New York State that requires an unprecedented response.”^[6]

Any effective institutional response depends upon an accurate diagnosis of the problem it intends to address. The relevant question, therefore, is what factors produced the hiring crisis apart from external labor-market conditions? A more systematic inquiry might have clarified the extent to which the administration of civil service examinations by the Department of Civil Service constituted a contributing factor, if not the principal cause, of the alleged “crisis.” Issues such as delayed examination rollout, extended waiting periods, dispersed examination sites, and broader staffing and funding deficiencies





were well documented at the time. The infrastructure for administering state examinations was plainly outdated and inefficient; however, this condition was not treated as an emergency, much less as one warranting an official declaration of such emergency that would require the Governor's involvement. Instead, commissioners emphasized causes that directed attention away from deficiencies internal to the state system and framed the situation as one largely beyond the Department's control, citing outside factors such as the "unprecedented labor market," "the immense variety of State jobs," and the "geographically distributed nature of the State workforce,"^[7] thereby reinforcing the asserted "crisis."

Further, by misconstruing the legal meaning of "impracticable," the Commission effectively presented the Department of Civil Service as unable and incapable to administer constitutionally mandated examinations: "At this time, it is impracticable for the Department of Civil Service to create and administer all of the tests necessary to ensure permanent competitive appointments."^[8] On this reading, the difficulty lay not in the constitutional requirement of examination itself but in the state's capacity to administer that requirement efficiently. The practical consequence of this reasoning was profound: rather than reforming a failing administrative system while maintaining to the best of its ability the administration of constitutionally mandated examinations, the Commission chose to suspend the very safeguard the Constitution identifies as the principal means of ensuring merit and fitness in choosing civil servants – the exams themselves.

Such policy response raises broader questions concerning democratic governance and administrative legitimacy. The State is necessarily

complex: its bureaucratic apparatus is extensive, and the mechanisms through which it serves the public are many and intricate. Democratic government is seldom the most streamlined or administratively efficient form of governance, yet its legitimacy derives precisely from its commitment to procedure, accountability, and constitutional restraint. Public confidence in the State depends in substantial part upon the institutions and practices that sustain democratic governance. and multiple and all levels of the state. The decision of the New York State Civil Service Commission to implement NY HELPS as an expedited response to an outdated and inefficient hiring system did more than alter procedure: it bypassed established democratic safeguards in an area where the Constitution expressly demands them. Concerns about the constitutionality of such actions have been raised repeatedly with the Department of Civil Service and the Civil Service Commission over the past three years, yet no sustained, open, and transparent dialogue on these issues between PEF and DCS has occurred.

Up to this point, the NY HELPS program has consistently been characterized by the Commission and the Department of Civil Service as a "success." Such characterization is persuasive only if the program is evaluated primarily in quantitative rather than qualitative terms. Whether the program has generated strong outcomes with respect to fairness in hiring practices, diversity among appointees, the application of merit and fitness-based assessment, the quality of the work environment following the integration of new hires into the long-term civil service workforce, or the qualifications of the candidates themselves remain open to debate. A recent study conducted by PEF suggests mixed results, and PEF has raised numerous concerns since the program's inception, often without substantial





responses. In the eyes of the Commission and the Department of Civil Service, the program's most demonstrable success lies in numerical output, and it is on that basis that its continuation has largely been justified. Since its inception, NY HELPS has expanded substantially in both scope and duration: thousands of titles have been included in the program, hundreds of agencies and administrative units across the state participate in the program and the program itself has been extended three times, currently scheduled to phase out in July 2028.^[9]

In the light of these extensions, and despite PEF taking a strong stand against them supported by arguments, the description of NY HELPS as an "emergency" and a "temporary" program warrants closer scrutiny. No formal emergency declaration appears to underwrite the initiative, and the term no longer describes present conditions in any credible sense. Timothy Hogues, President of the New York State Department of Civil Service, was recently asked by one PEF member to identify the emergency that exists today, in the year 2026, and could not identify one. The program also can no longer plausibly be characterized as temporary. The measure originally designed to last one year will be five years old in 2028 and has, in practical effect, assumed a durable institutional form and became an accepted practice and norm for filling civil service positions. In addition, given the precedent of three extensions of the program so far, there is little basis for assuming that NY HELPS will end in 2028 and will not be extended again or indefinitely. What was initially introduced as a short-term response has become the standard mechanism through which the State fills civil service positions. A temporary exception has, in effect, become the rule.

The Department of Civil Service is presently engaged in efforts to transform and modernize the State's merit-based hiring system, with the

stated aim of making it more equitable, efficient, and technologically advanced in identifying and appointing capable candidates and, in its own words, to "deliver the world-class workforce management strategies by providing innovative solutions based on merit, fitness, and equality of opportunity."^[10] In a recent presentation, the Department stated that, through NY HELPS, it had concluded that the "traditional examination program is a barrier to New York examinations altogether. The Department therefore appears to regard NY HELPS not merely as a temporary expedient but as a transitional mechanism toward a reconfigured model of public-sector hiring.

PEF acknowledges that the NY HELPS program presents both advantages and disadvantages. The program has attracted a new generation of civil service workers; it accelerated the hiring process and created additional opportunities for career advancement. PEF also recognizes the benefits experienced by existing members who obtained career mobility through NY HELPS, as well as by individuals who became first-time members as a result of the program. Those benefits are real. However, PEF represents the full temporal breadth of the civil service workforce: those who entered state service decades ago, those who are retired, those just entering the workforce, and those who will do so in the future. The principles of merit and fitness that, under the State Constitution, are intended to govern state hiring therefore cannot be judged solely by short-term administrative expediency or certain benefits applicable to a selected group of members. They must be measured against institutional continuity, long-term equity, and constitutional integrity and applied across the board encompassing the totality of civil service workers. The technical details and nuances of the program, together with the question of whether NY HELPS truly produces the most diverse and the most qualified civil service





workforce, are matters appropriately subject to debate, and PEF intends to continue that debate.

The more significant concern, however, is whether the future transformation and modernization of the Civil Service can legitimately be pursued through measures that weaken democratic practices, institutions, and procedures under the guise of self-proclaimed quasi-emergencies that justify suspension of established democratic norms and principles and circumvent a constitutional mandate in the name of future improvement. If constitutional safeguards may be set aside whenever administration of the duties of the state becomes difficult, then administrative convenience, not the law and principles of merit and fitness, become the governing principle. This is an area of concern for all state workers, as they are most securely protected when they can rely upon durable democratic norms, institutions, and procedures, which in turn sustain public trust in the State and its operations and support the effective performance of the public service.

By eliminating examinations required by the State Constitution, the Civil Service Commission removed a significant institutional safeguard of democratic administration at the state level. The consequences extend beyond hiring practice itself: such a development weakens public trust in the State and its agencies and sets a troubling precedent for how constitutional constraints may be treated when they are viewed as inconvenient.

PEF will continue scrutinizing the actions of the Department of Civil Service, the Civil Service Commission, and related bodies and agencies involved in the modernization of the civil service. Continued demands for transparency, accountability, and meaningful dialogue are not peripheral to this process; they are essential conditions of legitimate administrative reform and indispensable to preserving public trust in the constitutional order governing civil service.

