

HOUSE BILL NO. 733

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOGGS.

1712H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 37, RSMo, by adding thereto one new section relating to the expanding public sector career opportunities act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 37, RSMo, is amended by adding thereto one new section, to be known as section 37.1340, to read as follows:

37.1340. 1. For the purposes of this section, the following terms mean:

(1) "Applicant", any individual seeking gainful employment from a public employer including any municipal, county, or state agency or division;

(2) "Baseline requirement", the minimum skills, prior training, or prior experience required to satisfactorily perform the primary duties of a position;

(3) "Direct experience", any verifiable, previous work experience during which:

(a) The applicant's primary duties were consistent with the position currently sought; or

(b) The skills required to meet those primary duties are transferable to the position currently sought;

(4) "Hiring consideration", any of the following actions:

(a) A decision to move an applicant to a subsequent round in the hiring process;

(b) A decision to include the applicant on a list for consideration by another member of the employer's team;

(c) A decision to offer an applicant an interview;

(d) An interview held in good faith between the employer and the applicant; and

(e) A final offer of employment;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 **(5) "Postsecondary degree", an associate's, bachelor's, or graduate degree from**
19 **an accredited institution;**

20 **(6) "Public Employer", any public, municipal, county, or state agency or**
21 **division.**

22 **2. For all hiring considerations:**

23 **(1) Public employers shall not deny consideration to an applicant solely on the**
24 **basis of the applicant's lack of a postsecondary degree;**

25 **(2) Public employers shall determine the baseline requirements for applicants,**
26 **which may include prior direct experience and particular certifications and courses but**
27 **shall not include a postsecondary degree.**

28 **3. A public employer may be exempt from the requirements of this section upon**
29 **a clear demonstration that the duties require a postsecondary degree. To use this**
30 **exception, a portion of the job posting shall be dedicated to substantiating the necessity**
31 **of a specific postsecondary degree on the basis that:**

32 **(1) The postsecondary degree is the best measure to determine that an applicant**
33 **possesses specific skills; or**

34 **(2) The position requires advanced accreditation or licensure that is only**
35 **available to holders of specific postsecondary degrees.**

36 **4. Public employers may include a baseline requirement with a postsecondary**
37 **degree only as an alternative to a particular number of years of direct experience, not to**
38 **exceed the following:**

39 **(1) Two years of direct experience for an associate's degree;**

40 **(2) Four years of direct experience for a bachelor's degree;**

41 **(3) Six years of direct experience for a master's degree;**

42 **(4) Seven years of direct experience for a professional degree; or**

43 **(5) Nine years of direct experience for a doctoral degree.**

44 **5. Nothing in this section shall apply to political appointments or other positions**
45 **hired by elected representatives.**

46 **6. This act shall be enforced by the office of administration to ensure**
47 **compliance.**

48 **(1) Any applicant who believes he or she was eliminated from hiring**
49 **consideration solely because the applicant lacks a postsecondary degree may appeal**
50 **the decision to the office of administration.**

51 **(2) Any citizen of this state may report job listings from public employers that**
52 **require a postsecondary degree but fail to dedicate a portion of the job posting to**
53 **substantiating the necessity for a postsecondary degree to the office of administration.**

54 **(3) If an appeal or report made under subdivision (1) or (2) of this subsection is**
55 **substantiated, the office of administration shall require the public employer to reopen**
56 **the hiring process, modify the job posting, or perform any other action necessary to**
57 **comply with this section.**

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