

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 733**  
**102ND GENERAL ASSEMBLY**

1712H.02C

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 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) "State agency", as defined under section 37.013.**

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

22           **(1) State agencies and divisions shall not deny consideration to an applicant**  
23 **solely on the basis of the applicant's lack of a postsecondary degree;**

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

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

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

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

35           **4. State agencies and divisions may include a baseline requirement with a**  
36 **postsecondary degree only as an alternative to a particular number of years of direct**  
37 **experience, not to exceed the following:**

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

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

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

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

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

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

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

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

50           **(2) Any citizen of this state may report job listings from state agencies and**  
51 **divisions that require a postsecondary degree but fail to dedicate a portion of the job**  
52 **posting to substantiating the necessity for a postsecondary degree to the office of**  
53 **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 state agency or division to**  
56 **reopen the hiring process, modify the job posting, or perform any other action necessary**  
57 **to comply with this section.**

58           **7. Nothing in this section shall apply to a teaching role at a primary or secondary**  
59 **school in this state or to a teaching role at a state institution of higher education in this**  
60 **state.**

✓