

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 733
102ND GENERAL ASSEMBLY

1712H.02P

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.**

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