

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/HCS/House Bill No. 417, Page 1, Section A, Line 12,

2 by inserting after all of said line the following:

3 "105.1600. 1. For the purposes of this section, the  
4 following terms mean:

5 (1) "Applicant", any individual seeking gainful  
6 employment from a state agency;

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

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

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

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

16 (4) "Hiring consideration", any and all of the  
17 following:

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

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

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

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

26 (e) A final offer of employment;

27           (5) "Postsecondary degree", an associate's,  
28 bachelor's, or graduate degree from an institution of higher  
29 education;

30           (6) "State agency", the same meaning as in section  
31 36.020.

32           2. (1) For all hiring considerations, state agencies  
33 shall not deny consideration to an applicant solely on the  
34 basis of the applicant lacking a postsecondary degree.

35           (2) For all hiring considerations, state agencies  
36 shall determine baseline requirements for applicants.

37           (3) State agencies may include prior direct experience  
38 and particular certificates and courses as baseline  
39 requirements, but may not include a postsecondary degree as  
40 a baseline requirement.

41           3. This section shall not apply in the case of the  
42 following positions with a state agency:

43           (1) Those for which a clear demonstration is made that  
44 the duties of the position require a postsecondary degree.  
45 For such positions, the state agency shall dedicate a  
46 portion of the job posting to substantiating the necessity  
47 of a specific postsecondary degree, on the basis that:

48           (a) The postsecondary degree is the best measure to  
49 determine an applicant possesses specific skills; or

50           (b) The position requires advanced accreditation or  
51 licensure which is only available to holders of specific  
52 postsecondary degrees;

53           (2) Those for which a professional or occupational  
54 license is required pursuant to state law; and

55           (3) Any position as a director with a state agency.

56           4. Nothing in this section shall apply to appointments  
57 made or other positions hired by elected officials.

58           5. (1) This act shall be enforced by the department  
59 of labor and industrial relations. Applicants eliminated

60 from hiring consideration solely because the applicant lacks  
61 a postsecondary degree may appeal this decision to the labor  
62 and industrial relations commission.

63 (2) Any person may report open positions with state  
64 agencies that require a postsecondary degree and fail to  
65 include an explanation as required pursuant to this section.

66 (3) If an appeal or report is substantiated, the labor  
67 and industrial relations commission shall require the state  
68 agency to reopen the hiring process, require the state  
69 agency to modify the job posting, and take other action as  
70 necessary to comply with this section."; and

71 Further amend the title and enacting clause accordingly.