

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 476

AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to public employment.

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

Section A. Chapter 105, RSMo, is amended by adding thereto one new section, to be known as section 105.1600, to read as follows:

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

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

(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 and all of the following:

(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 of applicants 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;

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

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

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

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

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

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

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

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

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

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

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

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

5. (1) This act shall be enforced by the department of labor and industrial relations. Applicants eliminated from hiring consideration solely because the applicant lacks a postsecondary degree may appeal this decision to the labor and industrial relations commission.

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

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