

FIRST REGULAR SESSION

SENATE BILL NO. 476

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

1809S.01I

KRISTINA MARTIN, Secretary

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

2 one new section, to be known as section 105.1600, to read as
3 follows:

105.1600. 1. For the purposes of this section, the

2 following terms mean:

3 (1) "Applicant", any individual seeking gainful
4 employment from a public employer;

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

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

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

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

14 (4) "Hiring consideration", any and all of the
15 following:

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

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

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

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

24 (e) A final offer of employment;

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

28 (6) "Public employer", the state of Missouri, any
29 department, division, or agency of the state of Missouri, or
30 any political subdivision.

31 2. (1) For all hiring considerations, public
32 employers shall not deny consideration to an applicant
33 solely on the basis of the applicant lacking a postsecondary
34 degree.

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

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

41 3. (1) This section shall not apply in the case of
42 positions with a public employer for which a clear
43 demonstration is made that the duties of the position
44 require a postsecondary degree. For such positions, the
45 public employer shall dedicate a portion of the job posting
46 to substantiating the necessity of a specific postsecondary
47 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) Public employers may include a baseline
54 requirement with a postsecondary degree only as an
55 alternative to a particular number of years of direct
56 experience not to exceed:

57 (a) Two years of direct experience for an associate's
58 degree;

59 (b) Four years of direct experience for a bachelor's
60 degree;

61 (c) Six years of direct experience for a master's
62 degree;

63 (d) Seven years of direct experience for a
64 professional degree; or

65 (e) Nine years of direct experience for a doctoral
66 degree.

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

69 5. (1) This act shall be enforced by the department
70 of labor and industrial relations. Applicants eliminated
71 from hiring consideration solely because the applicant lacks
72 a postsecondary degree may appeal this decision to the labor
73 and industrial relations commission.

74 (2) Any person may report open positions with public
75 employers that require a postsecondary degree and fail to
76 include an explanation as required pursuant to this section.

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

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