

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.