

SENATE BILL No. 166

AN ACT concerning state employees; enacting the fostering competitive career opportunities act; removing postsecondary degree requirements from state employment considerations.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) The provisions of sections 1 through 4, and amendments thereto, shall be known and may be cited as the fostering competitive career opportunities act.

(b) The fostering competitive career opportunities act removes unnecessary postsecondary degree requirements from hiring considerations for state employment positions. Many such positions have experienced a phenomenon called degree inflation as more employers rely on a postsecondary degree as an indicator of career readiness, instead of using relevant work experience. These requirements limit opportunities for hard-working Americans and encourage unnecessary student debt. This act does not apply to positions for which a postsecondary degree is a justifiable necessity.

New Sec. 2. As used in sections 1 through 4, and amendments thereto:

(a) "Applicant" means any individual seeking gainful employment from a state employer;

(b) "baseline requirement" means the minimum skills, prior training or prior experience necessary to perform the primary duties of a position;

(c) "postsecondary degree" means an associate's, bachelor's or graduate degree from an accredited postsecondary educational institution;

(d) "direct experience" means any verifiable, previous work experience during which:

(1) The applicant's primary duties were consistent with the primary duties of the position currently sought; or

(2) the skills necessary to perform the applicant's primary duties are transferable to the position currently sought;

(e) "hiring consideration" means:

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

(2) a decision to include the applicant on a list of applicants for consideration by another member of the employer's team;

(3) a decision to offer an applicant an interview for a position;

(4) a decision to promote, retain, increase compensation or provide some other benefit to an employee of the state employer;

(5) an interview conducted in good faith between the state employer and the applicant; or

(6) a decision to make a final offer of employment; and

(f) "state employer" means any state office or officer, department, board, commission, institution, bureau, society or any agency, division or unit within any state office, department, board, commission or other state authority. "State employer" does not include any state office or officer, department, board, commission, institution, bureau or society in the legislative or judicial branches of government.

New Sec. 3. (a) For all hiring considerations, a state employer shall not make any decision based solely on an applicant's lack of a postsecondary degree.

(b) State employers shall determine the baseline requirements for applicants for each job posting. Baseline requirements may include prior direct experience, specific certifications or specific courses of instruction, but shall not include a postsecondary degree requirement except as provided in subsection (c). In all hiring considerations, no state employer shall impose any additional requirements on applicants for a job posting that exceed the baseline requirements.

(c) State employers may require a postsecondary degree for a position if the state employer demonstrates that such degree is necessary for the position based on specific skills required for the position that can only be obtained through the attainment of a degree. For any job posting that requires a postsecondary degree, a state employer shall include information in such job posting substantiating the necessity of the specific postsecondary degree required. Such information shall demonstrate that the postsecondary degree is the only possible measure to determine if an applicant possesses the specific skills required for the position or that the position requires accreditation or licensure that is only available to holders of specific postsecondary degrees.

(d) Each job posting shall include any tests, training, apprenticeships or other forms of assessment that may validate the competencies of a candidate for such position.

(e) For any position in which direct experience may be considered in lieu of a postsecondary degree, the state employer shall not require more years of direct experience than:

- (1) Two years for an associate's degree;
- (2) four years for a bachelor's degree;
- (3) six years for a master's degree;
- (4) seven years for a professional degree; or
- (5) nine years for a doctoral degree.

(f) Nothing in this section shall apply to any position that is filled by political appointment.

New Sec. 4. Any state employer that issues a request for proposal or other solicitation for any goods or services shall not require any minimum experience or postsecondary educational attainment for any contractor personnel as a prerequisite for consideration for an award of a contract unless the state employer includes in the request for proposal or solicitation a statement describing why the needs of the state employer cannot be met without such requirement and how such requirement ensures that such needs will be met.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.