

## **MEMORANDUM**

**To:** Senate Committee on Commerce

**From:** The Office of Revisor of Statutes

**Date:** 2/10/2025

**Re:** S.B. 166, as Introduced: Enacting the fostering competitive career opportunities act to remove postsecondary degree requirements from state employment considerations.

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### **Introduction**

Sections 1-5 would be titled the "fostering competitive career opportunities act." The stated aim of the act would be to remove unnecessary postsecondary degree requirements from state employment considerations.

### **Hiring Considerations<sup>1</sup>**

State employers<sup>2</sup> would be prohibited from making hiring decisions based solely on the lack of a postsecondary degree<sup>3</sup>. Baseline requirements<sup>4</sup> would be determined for each job posting and could include direct experience or certifications but not a degree requirement unless justified. However, a postsecondary degree could be required if it is necessary for specific skills that can only be obtained through the degree.<sup>5</sup> Additionally, the provisions of section 3 would not apply to any position filled by political appointment.<sup>6</sup> For any job posting that requires a postsecondary degree, a state employer would be required to include information in the job posting that substantiates the necessity of the specific postsecondary degree. Job postings would be required

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<sup>1</sup> New Sec. 3.(a)

<sup>2</sup> "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. (pg. 2, line 8)

<sup>3</sup> "postsecondary degree" means an associate's, bachelor's or graduate degree from an accredited postsecondary educational institution; (pg. 1, line 25)

<sup>4</sup> "baseline requirement" means the minimum skills, prior training or prior experience necessary to perform the primary duties of a position; (pg. 1, line 23)

<sup>5</sup> Pg. 2, line 24

<sup>6</sup> Pg. 3, line 3

include any tests or assessments that validate candidate competencies.<sup>7</sup> Direct experience could substitute for a degree, with specific years of experience required for different degree levels.<sup>8</sup>

### **Contracting and Solicitations<sup>9</sup>**

State employers would be prohibited from requiring minimum experience or educational attainment for contractor personnel unless justified in the solicitation.

### **Appeals and Violations<sup>10</sup>**

Applicants could appeal adverse hiring decisions believed to be based solely on the lack of a degree to the state civil service board<sup>11</sup> and any person could report an applicable job posting that requires a post-secondary degree that does not include the proper justification for such a requirement. Violations of the act by state employers would require corrective actions, including reopening the hiring process. Administrative proceedings would follow the Kansas administrative procedure act.

### **Amendments**

The bill would amend K.S.A. 75-2929d to require the state civil service board to hear appeals taken to it pursuant to the act.

S.B. 166 would become effective upon publication in the statute book.

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<sup>7</sup> Pg. 2, line 35

<sup>8</sup> Pg. 2, line 38

<sup>9</sup> New Sec. 4.

<sup>10</sup> New. Sec. 5.

<sup>11</sup> The state civil service board is established in [K.S.A. 75-2929a](#)