

Fostering Competitive Career Opportunities Act; SB 166

SB 166 enacts the Fostering Competitive Career Opportunities Act, which prohibits state employers from making hiring decisions based solely on an applicant's lack of a postsecondary degree. The bill does not apply to positions for which a postsecondary degree is justifiably necessary.

For purposes of the bill, employers in the Legislative or Judicial branches of government are excluded from the definition of "state employer." The provisions do not apply to any position that is filled by political appointment.

Job Posting Requirements

The bill requires state employers to determine baseline requirements for applicants for each job posting. These requirements can include prior direct experience, specific certifications, specific courses of instruction, or postsecondary degree requirements, provided the state employer demonstrates such degree is necessary for the position. State agencies are prohibited from imposing any additional requirements on applicants in all hiring considerations.

Each job posting is required to include any tests, training, apprenticeships, or other forms of assessment that may show the applicant is competent for the position. The bill requires a job posting requiring a postsecondary degree to include information substantiating the necessity of such degree.

Direct Experience Consideration

If direct experience is considered in lieu of a postsecondary degree, the years of experience required cannot be more than:

- Two years for an associate's degree;
- Four years for a bachelor's degree;
- Six years for a master's degree;
- Seven years for a professional degree; or
- Nine years for a doctoral degree.

Solicitation for Goods or Services

The bill prohibits minimum experience or postsecondary educational attainment for any contractor personnel as a prerequisite for the awarding of a contract for any goods or services unless the state employer includes substantiation for such requirements in the request for proposal or solicitation.