

Senate Engrossed

public employers; postsecondary degree requirements

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1166

AN ACT

AMENDING TITLE 41, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-755; RELATING TO THE STATE PERSONNEL BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 4, article 4, Arizona Revised
3 Statutes, is amended by adding section 41-755, to read:

4 41-755. Public employers; postsecondary degree requirements;
5 exemption; notice; definitions

6 A. PUBLIC EMPLOYERS MAY NOT REJECT AN APPLICANT SOLELY FOR NOT
7 HAVING A POSTSECONDARY DEGREE. PUBLIC EMPLOYERS MUST DETERMINE THE
8 BASELINE REQUIREMENTS FOR APPLICANTS FOR EACH JOB POSTING AND MAY INCLUDE
9 PREVIOUS DIRECT EXPERIENCE, CERTIFICATIONS AND COURSES AS BASELINE
10 REQUIREMENTS. PUBLIC EMPLOYERS MAY INCLUDE A POSTSECONDARY DEGREE AS A
11 BASELINE REQUIREMENT ONLY AS AN ALTERNATIVE TO A PARTICULAR NUMBER OF
12 YEARS OF DIRECT EXPERIENCE THAT MAY NOT BE MORE THAN:

- 13 1. TWO YEARS FOR AN ASSOCIATE DEGREE.
- 14 2. FOUR YEARS FOR A BACHELOR'S DEGREE.
- 15 3. SIX YEARS FOR A MASTER'S DEGREE.
- 16 4. SEVEN YEARS FOR A PROFESSIONAL DEGREE.
- 17 5. NINE YEARS FOR A DOCTORAL DEGREE.

18 B. A PUBLIC EMPLOYER IS EXEMPT FROM THIS SECTION IF THE PUBLIC
19 EMPLOYER CLEARLY DEMONSTRATES THAT A JOB'S DUTIES REQUIRE A POSTSECONDARY
20 DEGREE. IF EXEMPT, THE PUBLIC EMPLOYER'S JOB POSTING MUST DESCRIBE THE
21 NECESSITY FOR A POSTSECONDARY DEGREE AND EXPLAIN WHY A POSTSECONDARY
22 DEGREE IS THE BEST MEASURE TO DETERMINE IF AN APPLICANT POSSESSES THE
23 SPECIFIC SKILLS NECESSARY FOR THE POSITION OR MUST INDICATE THAT THE
24 POSITION REQUIRES ADVANCED ACCREDITATION OR LICENSURE THAT IS ONLY
25 AVAILABLE TO HOLDERS OF SPECIFIC POSTSECONDARY DEGREES.

26 C. THE STATE PERSONNEL BOARD SHALL ENFORCE THIS SECTION TO ENSURE
27 COMPLIANCE.

28 D. PUBLIC EMPLOYERS MUST PROVIDE WRITTEN NOTICE TO EACH APPLICANT
29 WHO IS ELIMINATED FROM HIRING CONSIDERATION. THE NOTICE MUST IDENTIFY THE
30 REASON THE APPLICANT DID NOT MEET THE BASELINE REQUIREMENTS FOR THE JOB
31 POSTING. AN APPLICANT WHO IS ELIMINATED FROM HIRING CONSIDERATION AND WHO
32 REASONABLY BELIEVES THE DECISION WAS BASED ON THE APPLICANT'S LACK OF A
33 POSTSECONDARY DEGREE MAY APPEAL THIS DECISION TO THE STATE PERSONNEL
34 BOARD.

35 E. ANY PERSON MAY REPORT TO THE STATE PERSONNEL BOARD A PUBLIC
36 EMPLOYER THAT POSTS OPEN POSITIONS THAT REQUIRE A POSTSECONDARY DEGREE AND
37 THAT FAILS TO INCLUDE THE EXPLANATION REQUIRED BY SUBSECTION B OF THIS
38 SECTION.

39 F. IF AN APPEAL OR REPORT IS SUBSTANTIATED, THE STATE PERSONNEL
40 BOARD MAY REQUIRE THE PUBLIC EMPLOYER TO DO ALL OF THE FOLLOWING:

- 41 1. REOPEN THE HIRING PROCESS.
- 42 2. MODIFY THE JOB POSTING.
- 43 3. TAKE ANY OTHER ACTIONS AS NECESSARY TO COMPLY WITH THIS SECTION.

44 G. THIS SECTION DOES NOT APPLY TO POLITICAL APPOINTMENTS.

1 H. FOR THE PURPOSES OF THIS SECTION:
2 1. "APPLICANT" MEANS AN INDIVIDUAL WHO SEEKS GAINFUL EMPLOYMENT
3 FROM A PUBLIC EMPLOYER.
4 2. "BASELINE REQUIREMENT" MEANS THE MINIMUM SKILLS, PREVIOUS
5 TRAINING OR PREVIOUS EXPERIENCE THAT IS NECESSARY TO PERFORM THE PRIMARY
6 DUTIES OF THE POSITION.
7 3. "DIRECT EXPERIENCE" MEANS ANY VERIFIABLE WORK EXPERIENCE WHERE
8 AN APPLICANT'S PRIMARY DUTIES WERE CONSISTENT WITH THE PRIMARY DUTIES OF
9 THE POSITION CURRENTLY SOUGHT OR WHERE AN APPLICANT'S CURRENT SKILLS ARE
10 APPLICABLE TO THE POSITION CURRENTLY SOUGHT.
11 4. "HIRING CONSIDERATION" MEANS ANY OF THE FOLLOWING:
12 (a) A DECISION TO MOVE AN APPLICANT TO A SUBSEQUENT ROUND IN THE
13 HIRING PROCESS.
14 (b) A DECISION TO INCLUDE AN APPLICANT ON A LIST OF APPLICANTS FOR
15 CONSIDERATION BY ANOTHER MEMBER OF THE EMPLOYER'S TEAM.
16 (c) A DECISION TO OFFER AN APPLICANT AN INTERVIEW.
17 (d) AN INTERVIEW HELD IN GOOD FAITH BETWEEN THE EMPLOYER AND THE
18 APPLICANT.
19 (e) A FINAL OFFER OF EMPLOYMENT.
20 5. "POSTSECONDARY DEGREE" MEANS AN ASSOCIATE DEGREE, BACHELOR'S
21 DEGREE OR GRADUATE DEGREE FROM AN ACCREDITED INSTITUTION.
22 6. "PUBLIC EMPLOYER" MEANS ANY STATE AGENCY, BOARD OR COMMISSION.
23 Sec. 2. Legislative findings
24 The legislature finds that:
25 1. Many positions have experienced a phenomenon called degree
26 inflation as more employers rely on a postsecondary degree as an indicator
27 of career readiness instead of using relevant work experience.
28 2. Postsecondary degree requirements limit opportunities for hard
29 working Americans and encourage unnecessary student debt.
30 3. There are over three million six hundred thousand workers in
31 this state and approximately sixty-five percent of the workforce in this
32 state does not have a postsecondary degree.
33 4. There are approximately seven hundred seventy-three vacant
34 government positions in this state.
35 5. Public employers in this state are having a hard time finding
36 quality applicants.
37 Sec. 3. Effective date
38 This section is effective from and after December 31, 2023.
39 Sec. 4. Short title
40 This act may be cited as the "Expanding Public Sector Career
41 Opportunities Act".