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

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

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

A. Public employers may not reject an applicant solely for not having a postsecondary degree. Public employers must determine the baseline requirements for applicants for each job posting and may include previous direct experience, certifications and courses as baseline requirements. Public employers may include a postsecondary degree as a baseline requirement only as an alternative to a particular number of years of direct experience that may not be more than:

1. Two years for an associate degree.
2. Four years for a bachelor's degree.
3. Six years for a master's degree.
4. Seven years for a professional degree.
5. Nine years for a doctoral degree.

B. A public employer is exempt from this section if the public employer clearly demonstrates that a job's duties require a postsecondary degree. If exempt, the public employer's job posting must describe the necessity for a postsecondary degree and explain why a postsecondary degree is the best measure to determine if an applicant possesses the specific skills necessary for the position or must indicate that the position requires advanced accreditation or licensure that is only available to holders of specific postsecondary degrees.

C. The State Personnel Board shall enforce this section to ensure compliance.

D. Public employers must provide written notice to each applicant who is eliminated from hiring consideration. The notice must identify the reason the applicant did not meet the baseline requirements for the job posting. An applicant who is eliminated from hiring consideration and who reasonably believes the decision was based on the applicant's lack of a postsecondary degree may appeal this decision to the State Personnel Board.

E. Any person may report to the State Personnel Board a public employer that posts open positions that require a postsecondary degree and that fails to include the explanation required by subsection B of this section.

F. If an appeal or report is substantiated, the State Personnel Board may require the public employer to do all of the following:

1. Reopen the hiring process.
2. Modify the job posting.
3. Take any other actions as necessary to comply with this section.

G. This section does not apply to political appointments.
H. FOR THE PURPOSES OF THIS SECTION:

1. "APPLICANT" MEANS AN INDIVIDUAL WHO SEEKS GAINFUL EMPLOYMENT
   FROM A PUBLIC EMPLOYER.
2. "BASELINE REQUIREMENT" MEANS THE MINIMUM SKILLS, PREVIOUS
   TRAINING OR PREVIOUS EXPERIENCE THAT IS NECESSARY TO PERFORM THE PRIMARY
   DUTIES OF THE POSITION.
3. "DIRECT EXPERIENCE" MEANS ANY VERIFIABLE WORK EXPERIENCE WHERE
   AN APPLICANT'S PRIMARY DUTIES WERE CONSISTENT WITH THE PRIMARY DUTIES OF
   THE POSITION CURRENTLY SOUGHT OR WHERE AN APPLICANT'S CURRENT SKILLS ARE
   APPLICABLE TO THE POSITION CURRENTLY SOUGHT.
4. "HIRING CONSIDERATION" MEANS ANY OF THE FOLLOWING:
   (a) A DECISION TO MOVE AN APPLICANT TO A SUBSEQUENT ROUND IN THE
       HIRING PROCESS.
   (b) A DECISION TO INCLUDE AN APPLICANT ON A LIST OF APPLICANTS FOR
       CONSIDERATION BY ANOTHER MEMBER OF THE EMPLOYER'S TEAM.
   (c) A DECISION TO OFFER AN APPLICANT AN INTERVIEW.
   (d) AN INTERVIEW HELD IN GOOD FAITH BETWEEN THE EMPLOYER AND THE
       APPLICANT.
   (e) A FINAL OFFER OF EMPLOYMENT.
5. "POSTSECONDARY DEGREE" MEANS AN ASSOCIATE DEGREE, BACHELOR'S
   DEGREE OR GRADUATE DEGREE FROM AN ACCREDITED INSTITUTION.
6. "PUBLIC EMPLOYER" MEANS ANY STATE AGENCY, BOARD OR COMMISSION.

Sec. 2. Legislative findings

The legislature finds that:
1. Many 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.
2. Postsecondary degree requirements limit opportunities for hard
   working Americans and encourage unnecessary student debt.
3. There are over three million six hundred thousand workers in
   this state and approximately sixty-five percent of the workforce in this
   state does not have a postsecondary degree.
4. There are approximately seven hundred seventy-three vacant
   government positions in this state.
5. Public employers in this state are having a hard time finding
   quality applicants.

Sec. 3. Effective date

This section is effective from and after December 31, 2023.

Sec. 4. Short title

This act may be cited as the "Expanding Public Sector Career
Opportunities Act".