Model Executive Order:
Expanding Public Sector Career Opportunities

WHEREAS There are [XX] adults in this state’s workforce without a postsecondary degree; and

WHEREAS There are [XX] vacant public positions in this state; and

WHEREAS Public employers in our state are having a hard time finding quality applicants; and

WHEREAS College degree requirements for jobs often have little, if any, relationship to the requirements for performing that job, as twenty-seven percent of jobs that require a college degree require core skills that are generally not learned in the college degree program of study; and

WHEREAS This executive order will enable public employers to hire skilled applicants more efficiently, while removing the barrier for qualified candidates without a college degree to become employed in this state; and

WHEREAS By expanding the pool of “qualified” workers, state governments can hire more skilled labor at lower costs; and

WHEREAS Under Section [XXX] of the [state code], “[the governor may issue executive orders…having the force and effect of law];” and

NOW, THEREFORE I, [Name], GOVERNOR OF THE STATE OF [STATE], by virtue of the authority vested in me by the Constitution and laws of the State of [state], do hereby order the following on a statewide basis effective at [time] on [date]:

1. For the purposes of this executive order, the terms:
   a. “Applicant” means any individual seeking gainful employment from a public 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 institution;
   d. “Direct experience” means any verifiable, previous work experience during which:
      i. the applicant’s primary duties were consistent with the primary duties of the position currently sought, or
ii. the skills necessary to perform the applicant’s primary duties are transferable to the position currently sought;

e. “Hiring consideration” means any and all of the following:
   i. a decision to move an applicant to a subsequent round in the hiring process,
   ii. a decision to include the applicant on a list of applicants for consideration by another member of the employer’s team,
   iii. a decision to offer an applicant an interview,
   iv. an interview held in good faith between the employer and the applicant, or
   v. a final offer of employment;

f. “Public Employer” means any public municipal, county, or state agency or division.

2. For all hiring considerations, public employers may not reject an applicant solely on the basis of the applicant lacking a postsecondary degree.

3. Public employers must determine baseline requirements for applicants for each job posting.
   a. Public employers may include prior direct experience as a baseline requirement.
   b. Public employers may include particular certifications and courses as a baseline requirement, but may not include a postsecondary degree as a baseline requirement.

4. For hiring considerations, public employers must follow the baseline requirements.

5. Public employers are exempt from this executive order only upon clear demonstration that the job duties require a postsecondary degree.
   a. As a prerequisite to being exempt under this section, public employers must dedicate a portion of the job posting to substantiating the necessity of a specific postsecondary degree, on the basis that:
      i. The postsecondary degree is the best measure to determine an applicant possesses specific skills; or
      ii. The position requires advanced accreditation or licensure which is only available to holders of specific postsecondary degrees.

6. Public employers may include a baseline requirement with a postsecondary degree only as an alternative to a particular number of years of direct experience not to exceed:
   a. 2 years of direct experience for an associate's degree;
   b. 4 years of direct experience for a bachelor’s degree;
   c. 6 years of direct experience for a master’s degree;
   d. 7 years of direct experience for a professional degree; or
   e. 9 years of direct experience for a doctoral degree.

7. Nothing in this executive order shall apply to political appointments, [schedule XX].
8. This executive order shall be enforced by [oversight agency - the state’s labor agency or state’s office of personnel management] to ensure compliance.

   a. Public employers must provide written notice to each applicant eliminated from hiring consideration that identifies the reason the applicant did not meet the baseline requirements for the job posting.

   b. Applicants eliminated from hiring consideration who reasonably believe the decision was based on the applicant’s lack of a postsecondary degree may appeal this decision to the [oversight agency].

   c. Any person may report open positions with public employers in this state that require a postsecondary degree and fail to include an explanation as required under section 5 this executive order.

   d. If the appeal or report is substantiated, [oversight agency] shall require the public employer to re-open the hiring process, require the public employer to modify the job posting, and take other action as necessary to comply with this executive order.