

**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.