

HOUSE BILL No. 1180

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-5-9.

Synopsis: Public employers. Prohibits a public employer from requiring or stating a preference for a postsecondary degree for employment, rejecting an applicant solely on the basis of the applicant lacking a postsecondary degree, or giving preferential treatment to an applicant who holds a postsecondary degree. Provides an exemption if the job duties require a postsecondary degree and the public employer demonstrates the necessity of a specific postsecondary degree in the job posting. Requires a public employer to provide written notice to each applicant who has been eliminated from hiring consideration. Allows an applicant to appeal a hiring decision to the department of labor (department) if the applicant believes the decision was based on the applicant's lack of a postsecondary degree. Allows any person to report to the department a job posting that includes a requirement or preference for a postsecondary degree and fails to include an explanation of the necessity of the postsecondary degree. Requires the department to take certain actions if an appeal or a report is substantiated by the department.

Effective: July 1, 2024.

Criswell, Teshka, Hall

January 9, 2024, read first time and referred to Committee on Employment, Labor and Pensions.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1180

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-5-9 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]:
4 **Chapter 9. Postsecondary Degree Requirements for Public**
5 **Employment**
6 **Sec. 1. This chapter does not apply to a job if:**
7 **(1) the job duties require a postsecondary degree; and**
8 **(2) the public employer dedicates a portion of the job posting**
9 **to clearly demonstrate the necessity of the specific**
10 **postsecondary degree.**
11 **Sec. 2. As used in this chapter, "applicant" means an individual**
12 **seeking gainful employment from a public employer.**
13 **Sec. 3. As used in this chapter, "department" refers to the**
14 **department of labor created by IC 22-1-1-1.**
15 **Sec. 4. As used in this chapter, "hiring consideration" means**
16 **any of the following:**
17 **(1) A decision to move an applicant to a subsequent round in**



- 1 the hiring process.
- 2 (2) A decision to include the applicant on a list of applicants
- 3 for consideration by another member of the public employer's
- 4 team.
- 5 (3) A decision to offer an applicant an interview.
- 6 (4) An interview held in good faith between the public
- 7 employer and the applicant.
- 8 (5) A final offer of employment.
- 9 **Sec. 5. As used in this chapter, "postsecondary degree" means:**
- 10 (1) an associate;
- 11 (2) a bachelor's;
- 12 (3) a graduate;
- 13 (4) a professional; or
- 14 (5) a doctoral;
- 15 degree from a postsecondary educational institution.
- 16 **Sec. 6. As used in this chapter, "public employer" means:**
- 17 (1) a state agency (as defined in IC 4-13-1-1(b)); or
- 18 (2) a political subdivision (as defined in IC 36-1-2-13).
- 19 **Sec. 7. A public employer may not do the following:**
- 20 (1) Require a postsecondary degree for employment with the
- 21 public employer.
- 22 (2) State a preference for a postsecondary degree for
- 23 employment with the public employer.
- 24 (3) Reject an applicant for hiring consideration solely on the
- 25 basis of the applicant lacking a postsecondary degree.
- 26 (4) Explicitly or implicitly give preferential treatment to an
- 27 applicant who holds a postsecondary degree.
- 28 **Sec. 8. (a) A job posting by a public employer must include a list**
- 29 **of:**
- 30 (1) qualifications;
- 31 (2) skills;
- 32 (3) capabilities;
- 33 (4) expertise; or
- 34 (5) relevant work or volunteer experience;
- 35 necessary to perform the job.
- 36 **(b) An applicant may demonstrate qualification to perform the**
- 37 **job by using relevant and comparable:**
- 38 (1) work or volunteer experience;
- 39 (2) education;
- 40 (3) skills;
- 41 (4) capabilities;
- 42 (5) expertise; or



1 **(6) nondegree credentials, including skill based:**
2 **(A) certificates;**
3 **(B) badges; or**
4 **(C) professional certifications.**
5 **Sec. 9. The department shall enforce this chapter.**
6 **Sec. 10. (a) A public employer shall provide written notice to**
7 **each applicant who has been eliminated from hiring consideration.**
8 **The written notice must identify the reason why the applicant did**
9 **not meet the requirements for the job posting.**
10 **(b) An applicant who:**
11 **(1) was eliminated from hiring consideration; and**
12 **(2) reasonably believes the decision was based on the**
13 **applicant's lack of a postsecondary degree;**
14 **may appeal the decision to the department.**
15 **Sec. 11. Any person may report to the department a job posting**
16 **that:**
17 **(1) includes a:**
18 **(A) requirement; or**
19 **(B) preference;**
20 **for a postsecondary degree; and**
21 **(2) fails to include an explanation of the necessity of the**
22 **postsecondary degree as described in section 1 of this chapter.**
23 **Sec. 12. If an appeal under section 10(b) of this chapter or a**
24 **report under section 11 of this chapter is substantiated by the**
25 **department, the department shall require the public employer to:**
26 **(1) reopen the hiring process;**
27 **(2) modify the job posting; and**
28 **(3) take any other action necessary to comply with this**
29 **chapter.**

