

“TEARING THE PAPER CEILING” IN TEXAS: EQUAL OPPORTUNITY IN STATE EMPLOYMENT

WRITTEN BY Thomas K. Lindsay, Ph.D.

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KEY POINTS

- Specifically, Texas law should be updated to end the practice of excluding prior work experience as a valid basis for eligibility for state employment in all fields except for those with employees in regulated occupations or professions such as law, accounting, and engineering, which require degrees.
- Texas law should also be updated to reflect the fact that the rapidly changing employment culture in the United States—as well as across the world—will reward the nimble employees who can best leverage their prior work experience and adapt fastest to market changes.
- Texas state employment practices need to ensure that applicants with work-based skills are not placed at the back of the line behind those with degrees.
- Other states are moving in this direction, and the Biden administration has announced its intention to do likewise.

STATE JOBS WITHOUT BACHELOR’S DEGREES: THE TIDE TURNS

Today, Texas requires postsecondary degrees, certificates, or both for state jobs, and does not credit prior work experience as a legitimate substitute. While omitting experienced candidates without degrees is in itself unjust, this practice also exacerbates a statewide public-employee labor shortage. According to “A Report on the Texas State Employee Workforce” by the Texas Comptroller of Public Accounts, “[a] smaller pool of applicants is feeding the hiring pipeline... Applicants for state employment have significantly declined, requiring hiring personnel to use more innovative job marketing, and hiring practices” (Hegar, 2023).

To attract an adequate number of qualified state employees—and, more importantly, to ensure that never again are the most experienced, best-qualified individuals barred from pursuing their dream occupation due to lacking a college degree—this omission needs to be rectified, and a growing number of states nationwide are in the process of doing just that.

Specifically, Texas law should be updated to do two things: (1) end the practice of excluding prior work experience as a valid basis for eligibility for state employment in all fields except for those with employees in regulated occupations or professions such as law, accounting, and engineering, which require degrees; and (2) reflect the fact that the rapidly changing employment culture in Texas and the other 49 states (as well as across the world) should reward the nimble employees who can best leverage their prior work experience and adapt the

continued

fastest to market changes. Texas state employment practices must ensure that applicants with those skills are not placed at the back of the line behind those with degrees, or that those candidates are omitted from consideration altogether.

These policy changes are not motivated by the increasing political polarization of the political environment, nor are the reforms a partisan right-wing attack on public higher education. To those inclined to entertain such concerns, consider the following. In 2022, when Maryland became the first state to end the practice of excluding prior work experience as a valid basis for state employment for 90% of state jobs ([Lederman, 2022](#)), former president Barack Obama tweeted, "Here's an example of a smart policy that gets rid of unnecessary college degree requirements and reduces barriers to good paying jobs. I hope other states follow suit" ([Obama, 2023](#)).

In fact, more states have followed suit, as has the Biden administration, which announced its intention to move in this direction at the federal level also ([Alms, 2024](#)). Moreover, in June 2020, the Trump administration issued Executive Order 13932, which directs federal agencies to add competency-based assessments to the federal hiring process (also called "skills-based hiring") and to simultaneously lessen its reliance on educational qualifications ([Exec. Order No. 13932, 2020](#)).

Allowing experience to compete with degrees and certificates will not result in the blackballing of college graduates by state hiring agencies. As will be seen, the proposed change does not prevent degreed applicants from being hired by the State of Texas. Instead, agency hiring managers would now have the decision-making latitude to choose an applicant with years of relevant work experience, good former-employer references, and crucial certifications over someone with no work experience but only a bachelor's degree.

OVERVIEW OF STATES DISMANTLING THE MAJORITY OF COLLEGE-DEGREE REQUIREMENTS FOR CERTAIN STATE JOBS

Following a trend begun by former Governor of Maryland Larry Hogan, higher education is no longer required for most government jobs in the following states: Alaska, Colorado, Florida, Georgia, Maryland, Michigan, Minnesota, New Jersey, North Carolina, Pennsylvania, Utah, and Virginia ([Arrojas, 2024](#)). Below is a summary of those changes made in six of the mentioned states.

In March 2022, Maryland Governor Larry Hogan's Executive Order initiated the state-level movement of expanding qualifications to include work experience along with postsecondary education ([Lederman, 2022](#)).

In January 2023, Pennsylvania Governor Josh Shapiro signed an executive order prioritizing work experience over education level. The executive order required job postings to begin with equivalent experience needed in place of a college degree (when feasible). For occupations that require a postsecondary degree, the Pennsylvania Secretary of Administration is to conduct a review to determine which job classifications can appropriately include prior work experience, instead of or in addition to a four-year bachelor's degree ([Exec. Order No. 2023-03, 2023](#)).

In April 2023, New Jersey Governor Phil Murphy signed an executive order requiring the state commissioner to review all state job listings to determine which positions legitimately require a four-year bachelor's degree versus those for which work experience alone could qualify a candidate ([Murphy, 2023](#)).

In May 2023, Florida Governor Ron DeSantis signed SB 1310 into law, which allows state employers to include related work experience for postsecondary education. Under the law, work experience will not substitute for a certificate, license, or registration required for a job. All advertisements for Florida state

jobs authorized to substitute education with work experience are required to display a description of the related work experience equivalencies that may be substituted ([SB 1310, 2023](#)). The new Florida law also details the work experience-education exchange rate: two years of related experience in lieu of an associate's degree; four years of related experience in lieu of a bachelor's degree; six years of related experience in lieu of a master's degree; seven years of related experience in lieu of a professional degree; and nine years of related experience in lieu of a doctoral degree.

Also in May 2023, Virginia Governor Glenn Youngkin issued an executive order that alters how state agencies recruit and compete for employees through eliminating degree requirements and preferences for nearly 90% of state positions ([Martinez, 2023](#)). Youngkin's rationale for the order was his intention to bring Virginia into line with other states that are seeking to remedy state workforce shortages and increase job opportunities for Virginians without college degrees.

In 2022, Colorado Governor Jared Polis signed an executive order that directed all agencies and departments to ensure that all existing, required equivalent degree substitutions are fully incorporated into the selection process and advertised in a manner consistent with skills-based hiring best practices. Furthermore, it directed the Division of Human Resources within the Department of Personnel & Administration (DPA) to develop statewide guidance and strategies for skills-based hiring, in alignment with statute, state personnel rule, partnership agreement, and federal law. To support the implementation of the statewide guidance and strategies, DPA is directed to:

- Provide training and resources for human resources teams to incorporate skills-based hiring practices into their selection process by December 2022.
- Provide a skills-based selection plan template for agencies and use such a plan in 25% of

posted state vacancies by December 2022.

- Partner with the Department of Labor and Employment (CDLE) during FY 2022-23 to integrate work-based learning models, such as apprenticeship, into skills-based hiring templates and training.
- Establish a data-driven, evidence-based approach to monitor, measure, and evaluate program efficacy ([Exec. Order No. D 2022 015, 2022](#); see the full executive order in the appendix below).

RISING STARS

A significant percentage of experienced and qualified Americans are being disqualified from serving in state government simply because they have not earned a college degree. In a July 2023 joint report from the Brookings Institution and Opportunity@Work, authors Papia Debroy and Blair Corcoran de Castillo document the beneficial effects of the move away from degree requirements on "STARs" workers (STARs stands for qualified individuals Skilled Through Alternative Routes) ([Debroy & Corcoran de Castillo, 2023](#)). The report calls the reader's attention to the fact that "good government jobs are frequently out of reach for over half of the workers in the US labor market. In fact, state and local government employees hold bachelor's degrees at higher rates (57%) than federal (49%) or private sector (36%) employees" ([2023](#)). Especially impacted by these degree requirements are "70 million 'STARs' workers who are 'skilled through alternative routes' such as community college, military service, and on-the-job experience, rather than a bachelor's degree. STARs represent the majority of U.S. workers as well as the nation's diversity: 61% percent of Black workers, 55% of Latino or Hispanic workers, 66% of rural workers, and 61% of veterans are STARs" ([2023](#)).

According to analyses by Opportunity@Work within the report, "more than 30 million STARs have the skills to do significantly higher-wage work, but

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systemic barriers prevent them from moving ahead (Debroy & Corcoran de Castillo, 2023). The report adds, “70% of new jobs in the past decade are ones in which employers frequently require a bachelor’s degree. But this practice—aimed mainly to manage the surge in digital applications—has severe adverse effects on the majority of the workforce that does not have a bachelor’s degree” (2023). The researchers found that “over the last 20 years, degree screens have, in part, cost STARs access to 7.4 million middle- and high-wage jobs that had traditionally been filled by STARs” (2023). As a result, “an entire generation of people...have worked for 30 years with no appreciable upward mobility” (2023).

This injustice can be rectified by removing college degree requirements from state job postings, unless certain degrees are deemed absolutely necessary to fulfill the job’s requirements.

AN IDEA WHOSE TIME HAS COME?

A 2022 joint report from the Harvard Business School and the Burning Glass Institute discovered “emerging degree reset” in U.S. hiring practices (Fuller et al, 2022). Scanning job listings dating back to 2014, the report found that between 2017 and 2019, roughly 46% of “middle-skill” and 31% of “high-skill” occupations no longer asked for a bachelor’s degree but listed technical and social skills instead (2022, p. 3). Based on this analysis of recent trends, the report estimates that we will see “an additional 1.4 million jobs...open to workers without college degrees in the next five years” (Fuller, et al, 2022, p. 3).

RECOMMENDATIONS

Considering these findings, now is the time for Texas to join the growing number of states that have done away with college-degree requirements for the great bulk of state jobs. This could be accomplished most expeditiously through an executive order by Texas Governor Greg Abbott in the same manner that Colorado Governor Jared Polis, among others, has accomplished this. (Polis’s executive order can be found in the Appendix below.) ■

APPENDIX:
COLORADO EXECUTIVE ORDER D 2022 015

JARED POLIS
GOVERNOR



136 STATE CAPITOL
DENVER, COLORADO 80203
TEL 303-866-2471
FAX 303-866-2003

D 2022 015

EXECUTIVE ORDER

Concerning Skills-based Hiring for the State Workforce

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, Article IV, Section 2 of the Colorado Constitution, I, Jared Polis, Governor of the State of Colorado, issue this Executive Order on skills-based hiring goals and requirements for the State workforce.

I. Background and Purpose

We are in the midst of a transition to a skills-based economy and an unprecedented demand for skilled talent throughout the State. This demand requires flexibility to ensure that the State workforce continues to hire the talent needed to serve the people of Colorado. There are more than 70 million adults in the United States with skills from community colleges, workforce training, bootcamps, certificate programs, military service, foreign educational institutions and work experience, running a household, or on-the-job learning, rather than through a bachelor's degree. Relying solely on degrees as a measure of skills stunts our ability as an employer to hire the workforce we need to meet today's challenges.

Instead of using post-secondary degrees and credentials as the only or even primary measure of ability, skills-based hiring practices focus on the knowledge, skills, and abilities specific to the job and aligns the hiring process accordingly. This reduces potential barriers for applicants and allows for reduced bias in the hiring process by providing a direct description of skills that are unique to the duties assigned to the position with a recognition that the applicant may have developed these skills through education, training, or past experiences. Skills-based hiring uses assessment of knowledge, skills, and abilities to ensure that the person hired for the job can hit the ground running with the necessary experience or training to take on the new job and expands the possible pool of candidates for positions throughout the State, while also ensuring that we've made the right hiring choice, at the right time, for the right job. With an understanding of skills needed for a particular job, the State can more easily adopt work-based learning models, such as apprenticeships, which create new pathways to employment for untapped talent, while also building a culture of upskilling for current employees. Skills-based hiring also supports State efforts to build a more diverse workforce by promoting the hiring of individuals from varied backgrounds and work experiences; such diversity of thought and knowledge can promote innovation and ensure the State's workforce reflects those we serve.

The State of Colorado employs more than 99,000 people and should lead this critical transformation toward skills-based hiring while benefiting from less attrition, a broader recruitment pool, and a sustainable, high quality talent pipeline.

The State can demonstrate for all Colorado employers the benefits of skills-based hiring.

The Governor's budget included a total of \$700,000 for staffing and related costs that will aid in this transition. Using these funds in FY 2022-23 and FY 2023-24, term-limited staff will train hiring managers, identify and update rules and regulations that must be changed to facilitate skills based hiring, and develop and implement a toolkit for departments to use in enacting skills based hiring. This will allow the State to quickly and effectively change hiring practices across State Government, ensuring that department staff have the knowledge and tools needed to implement skills based hiring. Costs needed for skills-based hiring beyond FY 2023- 24, will be identified and requested through the annual budget process.

This Executive Order instructs the State government to make the transition to skills-based hiring to ensure that the State continues to have a talented workforce to meet the needs of all Coloradans. To accomplish these new goals and directives, each agency and department managed by governor-appointed executives (Agency and/or Department) will implement the training and policies identified in this Executive Order.

II. Declarations

- A. Skills-based hiring reduces potential barriers for applicants by providing a clear and specific description of skills required for each position which can be acquired through education, training, or past experience.
- B. Skills-based hiring helps the state attract and retain qualified employees to provide state services.
- C. Skills based hiring works against bias in recruiting processes by disrupting pre-conceived notions and leads to a workforce with more diverse perspectives and with skills applicable to the job, rather than a degree that may have a tenuous connection to the required competencies. With Skills based hiring, the State can be more responsive to emerging technology and recognize non-traditional pathways toward skills attainment, such as apprenticeships, military service, certifications, boot camps, and internships.
- D. While the State has done much work to evaluate, identify and adjust minimum qualifications required for entry into State jobs, a default of skills-based hiring practices will encourage the cultural shift needed for full adoption and maximization of this opportunity.
- E. Adopting skills-based hiring supports the State's efforts to be an Employer of Choice and an efficient, effective, and productive government, while creating and expanding internal mobility within the existing State workforce.

III. Skills-based Hiring Goals and Directives

- A. I direct all Agencies and Departments to ensure that all existing, required equivalent degree substitutions are fully incorporated into the selection process and advertised in a manner consistent with skills-based hiring best practices, not including those positions that by their specialized and professional nature otherwise mandate specific degree requirements, by the end of Fiscal Year (FY) 2023-2024.

B. In order to meet the goal of ensuring a skills-based alternative for degree requirements for the majority of the workforce by FY 2023-2024, I direct the Division of Human Resources within the Department of Personnel & Administration (DPA) to develop statewide guidance and strategies for skills-based hiring, in alignment with statute, state personnel rule, partnership agreement, and federal law. To support the implementation of the statewide guidance and strategies, the Division of Human Resources will:

1. Provide training and resources for human resources teams to incorporate skills- based hiring practices into their selection process by December 2022;
2. Provide a skills-based selection plan template for agencies and use such a plan in twenty five percent (25%) of posted state vacancies by December 2022. All selection and hiring activity must continue to comply with existing laws, rules, and Partnership Agreement and Side Agreements.
3. Partner with the Department of Labor and Employment (CDLE) during FY 2022- 23 to integrate work-based learning models, such as apprenticeship, into skills- based hiring templates and training.
4. Establish a data-driven, evidence-based approach to monitor, measure, and evaluate program efficacy.

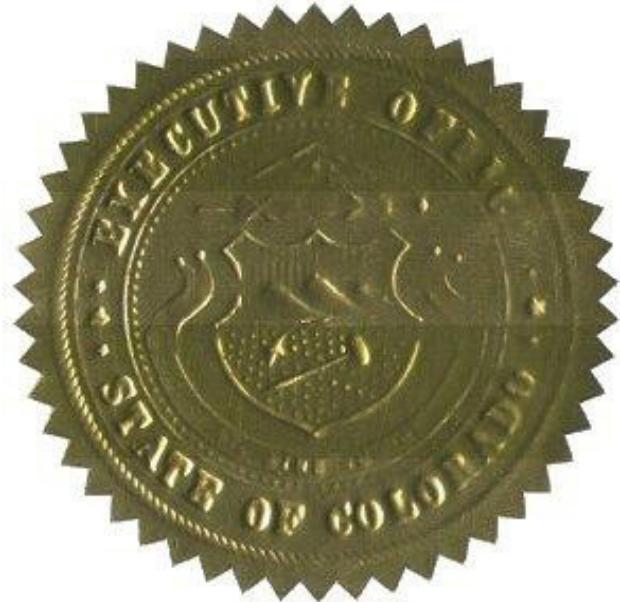
C. In order to meet the goal of ensuring a skills-based alternative for degree requirements for the majority of the workforce by FY 2023-2024, I direct all Agencies and Departments, with support and direction from DPA, to take the following actions:

1. Department Heads shall champion skill-based hiring in their agencies and direct all division leaders to work with agency human resources teams to identify all positions at any level in their organization eligible for a skills-based approach. Division leaders will be held accountable if a skills-based approach is not incorporated and practiced in their talent strategy wherever possible.
2. Work with Division of Human Resources within DPA to identify processes to actively monitor job postings for compliance with existing requirements for educational equivalency, and develop a process for positive outreach and intervention by December 2022.
3. Begin skills-based hiring awareness discussions with senior leadership within each Agency and Department by July 2022;
4. Initiate discussions with agency hiring managers and human resource teams on skills-based hiring by December 2022;
5. Initiate training for hiring managers for all early adoption agencies by December 2022; and
6. By June 2023, initiate hiring manager training for all other state agencies to implement skills-based hiring.

D. The Agencies and Departments shall implement current fiscal year actions within existing budgets and authorities. If necessary, and in addition to the request put forth by the Governor for FY 2022-23, Agencies and Departments shall engage with the Office of State Planning and Budgeting to identify resource requirements and incorporate those requirements into the annual budget development process for any actions to be implemented in future fiscal years.

IV. Duration

This Executive Order shall remain in effect unless modified or rescinded by future Executive Order of the Governor.



A handwritten signature in blue ink that reads "Jared Polis".

GIVEN under my hand and the Executive Seal of the State of Colorado, this fourteenth day of April 2022.

Jared Polis
Governor

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ABOUT THE AUTHOR



Thomas Lindsay, Ph.D., is the Higher Education Policy Director for Next Generation Texas. He has more than two decades' experience in education management and instruction, including service as a dean, provost, and college president.

Lindsay was the director of the National Endowment for the Humanities' (NEH) signature initiative, We the People, which supports teaching and scholarship in American history and culture. He was later named deputy chairman and chief operating officer of the NEH.

Lindsay co-authored the American government college textbook *Investigating American Democracy* with Gary Glenn, published by Oxford University Press. He has published numerous articles on the subject of democratic education, many of which have appeared in the world's most prestigious academic journals, including the *American Political Science Review*, the *Journal of Politics*, and the *American Journal of Political Science*.

Lindsay has published articles on higher-education reform in *Real Clear Policy*, *Los Angeles Times*, *National Review*, *Inside Higher Ed*, *Washington Examiner*, *Knight-Ridder Syndicate*, *Dallas Morning News*, *Houston Chronicle*, *American Spectator*, *Forbes*, and the *Austin American-Statesman*, among others.

In recognition of his scholarship on democratic education, Lindsay was the 1992-93 Bradley Resident Scholar at the Heritage Foundation in Washington, D.C.

Lindsay earned a Ph.D. and an M.A. in political science and government from the University of Chicago and a B.A. *summa cum laude* in political science from Northern Illinois University.

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