To amend the Fair Labor Standards Act of 1938 to impose restrictions relating to prospective employees’ educational credentials, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Krishnamoorthi introduced the following bill; which was referred to the Committee on ________________

A BILL

To amend the Fair Labor Standards Act of 1938 to impose restrictions relating to prospective employees’ educational credentials, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Opportunity to Com-
5 pete Act”.

SEC. 2. RESTRICTIONS RELATING TO PROSPECTIVE EMPLOYEES’ EDUCATIONAL CREDENTIALS.

The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended by inserting after section 7 the following new section:

“SEC. 8. GUIDANCE RELATING TO EDUCATIONAL CREDENTIALS.

“(a) IN GENERAL.—Except as provided in subsection (b), an employer may only use, in the consideration of prospective employees for a position of employment, a computerized hiring system if such system—

“(1) discloses to the prospective employee the median years or expected years of experience required for a position, which may include experience received through military service, community college, training programs, and some college; and

“(2) if the employer requires a bachelor’s degree for the position, considers a prospective employee who has the required years of experience described in paragraph (1) as meeting the degree requirement.

“(b) WAIVER OF REQUIREMENT.—

“(1) IN GENERAL.—The Secretary of Labor shall provide an exemption to the requirements under paragraph (2) of subsection (a) with respect to certain positions of employment with an employer
if such employer demonstrates to the satisfaction of
the Secretary that—

“(A) the skills and knowledge required for
such position of employment cannot reasonably
be obtained without a bachelor’s degree; and

“(B) the employer discloses the require-
ment of a bachelor’s degree to all prospective
employees in a timely manner.

“(2) APPLICATION FOR EXEMPTION.—An em-
ployer seeking an exemption under this subsection
shall submit an application for such exemption to
the Secretary of Labor at such time and in such
manner as the Secretary may require.

“(3) TIMELINE FOR EXEMPTION APPLICA-
tion.—The Secretary of Labor shall—

“(A) not later than 7 days after receiving
an application for an exemption, notify the em-
ployer submitting such application that the Sec-
retary of Labor has received their application;
and

“(B) not later than 14 days after receiving
such an application, notify such employer
whether the application has been accepted or
denied.
“(c) Exemption for Certain Employers.—An employer that employs less than 500 employees shall not be subject to the requirements of this section.

“(d) Enforcement.—Not later than 1 year after the date of enactment of the Opportunity to Compete Act, the Secretary of Labor shall establish appropriate procedures for the enforcement of this section.

“(e) Computerized Hiring System Defined.—For the purposes of this section, the term ‘computerized hiring system’ means a recruitment management system, recruitment marketing system, applicant tracking system, or any other computer-based system that receives, manages, tracks, evaluates, or responds to applications for employment.”