

## Service

Labor & Employment

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# Kansas City Passes Ban-the-Box Ordinance

The City Council of Kansas City, Missouri, recently passed an ordinance placing additional restrictions on a private employer's ability to inquire about or consider an applicant's criminal record during the application process and on the employer's subsequent hiring decisions.

The Ordinance limits private employers' ability to inquire about criminal history during the initial stages of the job application process. Specifically, it prohibits employers from asking applicants about their criminal record until after the employer has interviewed the applicant and determined the applicant is qualified for the position.

The Ordinance also places certain limitations on an employer's substantive hiring decisions. For example, if an employer bases a hiring or promotion decision on an applicant's criminal history, the employer must be able to demonstrate that its decision was based on "all available information," such as the frequency, recentness and severity of the crimes, and that the crimes were "reasonably related to the duties and responsibilities of the position." The Ordinance does not apply, however, if the employer is required to exclude applicants with criminal convictions due to a local, state or federal law or regulation.

The Ordinance amends the pre-existing Kansas City Human Relations Act. As such, the Kansas City Human Relations Department will be tasked with investigating, conciliating and prosecuting alleged violations of the Act. Available remedies include civil penalties, reinstatement, back pay and actual damages.

## What This Means to You

The Ordinance will take effect June 9, 2018. Kansas City employers should prepare by taking steps to ensure their application and hiring practices comply with the new Ordinance.

### **Contact Us**

For more information on how the new ban-the-box Ordinance may impact your business, contact Loren S. Foy, Terry L. Potter or another member of Husch Blackwell's Labor & Employment team.