

LEGAL UPDATES

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Service

Labor & Employment

# Kansas City, Missouri, Employers Banned From Salary History Inquiries Effective October 31, 2019

## Key Points

Kansas City, Missouri, follows a growing trend of prohibiting salary history inquiries during the hiring process.

Salary history cannot be considered when offering an applicant a job opportunity or determining the applicant's compensation and benefits.

Public record searches and direct questioning of the applicant and/or former employers are prohibited.

There are several exceptions to the prohibition, including when an applicant voluntarily discloses salary history.

## Ordinance no. 190380

On Thursday, May 23, 2019, the KCMO City Council unanimously passed ordinance no. 190380, joining an increasing number of state and local jurisdictions in prohibiting employers from inquiring about an applicant's salary history during the hiring process. The ordinance will go into effect October 31, 2019.

The ordinance prohibits Kansas City employers from inquiring about an applicant's salary history during hiring. This includes: (1) questions or statements to an applicant; (2) questions or statements to an applicant's current or prior employer; and (3) searching publically available records for information regarding an applicant's salary history.

Employers are also prohibited from: (1) screening applicants based on their salary history; (2) relying on salary history when making an offer of employment or determining the compensation offered to an applicant; and (3) refusing to hire or retaliating against an applicant for refusing to disclose their salary history.

The term “salary history” is defined as “the applicant’s current or prior wages, benefits or other compensation. Salary history does not include any objective measure of applicant’s productivity, such as revenue, sales or other production reports.”

The prohibition does not apply in certain circumstances including:

Applicants for internal transfer or promotion with a current employer;

A voluntary and unprompted disclosure of salary history by an applicant;

Salary history disclosed during an employer’s attempt to verify non-salary-related information or conduct via a background check, so long as the disclosure is not relied upon for purposes of determining the compensation of an applicant;

When the benefits and compensation are determined pursuant to a collective bargaining agreement; and

When an applicant is rehired by an employer within five years of termination if the employer already possesses salary information from the applicant’s prior employment.

The ordinance does not prevent employers from discussing compensation expectations with an applicant during the hiring process.

Employers that violate the ordinance risk being fined up to \$500.00 per violation and/or imprisonment of not more than 180 days.

### **What This Means for You**

Effective October 31, 2019, employers in Kansas City, Missouri, will no longer be able to ask about the salary history of a job applicant. As a result, employers should plan on modifying hiring processes to ensure compliance with the ordinance, including providing a written and oral update to all internal job recruiters and human resources personnel.

### **Contact Us**

If you have questions about this new ordinance, contact Kat Pearlstone or your Husch Blackwell attorney.