

# One Minute Memo®



## Kansas City, Missouri Bans the Box for Private Employers

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**Seyfarth Synopsis:** *Kansas City, Missouri becomes the latest jurisdiction to “ban the box” by delaying inquiries into criminal history until an applicant has been deemed qualified -- and has been at least interviewed -- by a prospective employer.*

### Ordinance No. 180034

Kansas City, Missouri is the latest jurisdiction to “ban the box.” [Ordinance No. 180034](#) was signed into law on February 1, 2018. Private employers with 6 or more employees may not inquire about criminal history until a determination has been made that an individual is otherwise qualified -- and interviewed -- for the position. Alternatively, inquiry may be made of all applicants who are within the final selection pool of candidates from which a position may be filled. The Ordinance will take effect on June 9, 2018.

The Ordinance defines employee as “any individual employed by an employer, . . . ” but does not state whether that would include temporary and seasonal work, contract and contingent employment, or work through a temporary or other employment agency.

The Ordinance expressly states that it does not apply to jobs where employers are required to exclude applicants with certain criminal convictions from employment due to federal, state, local law or regulations.

Additionally, the Ordinance makes it unlawful for an employer to base a decision to hire or promote on an applicant’s criminal history, unless the employer can demonstrate that the decision was based on all information available, including consideration of the frequency, recentness and severity of a criminal record and that the record was reasonably related to the duties and responsibilities of the job.

Remedies for violation of the Ordinance include reinstatement, back pay, actual damages and civil penalties.

## Implications for Employers

Employers with employees in Kansas City should review their employment applications and relevant employment forms to ensure compliance with federal, state, and local law, especially if using standardized forms across multiple jurisdictions. Impacted employers also should ensure that all hiring and recruiting personnel are aware of “ban the box” jurisdictions.

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