

Kansas City, Missouri, Jumps on the “Ban Wagon,” Passes Ban the Box Ordinance

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On February 1, 2018, the City Council of Kansas City, Missouri, enacted [a ban-the-box ordinance](#) that limits an employer's use of an individual's criminal history in making hiring or promotional decisions. The ordinance will go into effect on June 9, 2018.

The ordinance's employment-related provisions (1) implement a timing restriction on inquiries into an individual's criminal record and (2) mandate a job-relatedness test before using such information in an employment-related decision. Specifically, the ordinance prohibits an employer from:

- (1) inquiring into an applicant's criminal history until after:
 1. the employer determines that the individual is otherwise qualified for the position; and
 2. the applicant has been interviewed for the position in question;

or

- (2) basing a hiring or promotional decision on an applicant's criminal history or sentence, unless the employer can show 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 position.”

The ordinance provides an exception to the above prohibitions if the employer is required to exclude applicants with certain convictions from employment due to a local, state, or federal law or regulation.

The Kansas City, Missouri law and the ban-the-box laws in other jurisdictions, including federal, state, and local background check requirements, as well as compliant background check forms and letters, are provided in the [O-D Comply: Background Checks](#) subscription materials, which are updated and provided to [O-D Comply](#) subscribers as the law changes.

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