



# Ban The Box: KCMO Bars Private Sector From Making Pre-Interview Criminal Inquiries of Job Applicants

February 14, 2018

Under a newly adopted ordinance, Kansas City, Missouri employers can no longer inquire about an applicant's criminal history on a job application. Inquiry into an applicant's criminal history cannot occur until after the employer has made a determination that the applicant "is otherwise qualified for the position and only after the applicant has interviewed for the position." An inquiry about an applicant's criminal history may then be made of "all applicants who are within the final selection pool of candidates from which a job will be filled."

The newly adopted ordinance also makes it unlawful for an employer to base an employment decision on an applicant's criminal history unless it "can demonstrate that the employment-related decision was based on all information available" and that the criminal record was "reasonably related to the duties and responsibilities of the position."

These restrictive requirements do not apply to positions where employers are required to exclude applicants with certain criminal convictions due to local, state or federal law or regulation.

The new ordinance, enacted at 38-104 of the City Code, applies to all employers with six or more employees. It takes effect June 9, 2018. The amended ordinance and the City Staff's PowerPoint in favor of the amendment can be found here: <http://bit.ly/2BYDfIm>



Employers should review their job application forms and employment practices and adjust the timing and nature of criminal history inquiries for future hiring.

If you have any questions about this alert, please contact your Lathrop Gage attorney or the attorney listed above.