

ISSUE ALERTS



KANSAS CITY, MISSOURI IMPLEMENTS SALARY INQUIRY BAN

November 8, 2019

By: Tara Eberline and Sarah E. Stula

If your business is located in Kansas City, Missouri, you need to know about the city's new ban on salary history inquiries.

In May 2019, the Kansas City, Missouri City Council passed Ordinance 190380, which prohibits employers with six or more employees from inquiring about a job applicant's salary history during the hiring process. In recent years, a growing number of cities and states across the country have enacted similar bans in an effort to reduce the gender pay gap.

The Pew Research Center estimates that women earned about 15% less than men nationwide. When salary offers are based on salary history, women who have been previously underpaid will likely continue to be underpaid. Bans on salary history inquiries aim to stop the cycle of underpaying women and thus reduce the wage gap. The Kansas City ordinance, effective October 31, 2019, prohibits an employer from engaging in certain hiring practices, including: (1) inquiring about a job applicant's salary history; (2) searching public records to obtain salary history; (3) relying on salary history to make hiring decisions; and (4) retaliating against an applicant for failing to disclose salary history. Importantly, these prohibitions do not apply to applicants for internal transfers or promotions with their current employer, and employers are permitted to discuss salary expectations with applicants. Other exceptions may apply.

A person (which includes individuals, corporations, and organizations) who engages in a prohibited practice may be found guilty of an ordinance violation, punishable by a fine of up to \$500.00, imprisonment for up to 180 days, or both. Thus, it is important for Kansas City employers to be aware of the new salary history inquiry ban and update their hiring policies and practices accordingly. Ordinance 190380 can be located [here](#).

FOR MORE INFORMATION

FOULSTON

ATTORNEYS AT LAW

If you have questions or want more information regarding Kansas City's salary history inquiry ban, contact your legal counsel. If you do not have regular counsel for such matters, Foulston Siefkin LLP would welcome the opportunity to work with you to meet your specific business needs. Contact **Tara Eberline** at teberline@foulston.com or 913.253.2136. For more information on the firm, please visit our website at www.foulston.com.

Established in 1919, Foulston Siefkin is the largest law firm in Kansas. With offices in Wichita, Kansas City, and Topeka, Foulston provides a full range of legal services to clients in the areas of administrative & regulatory; antitrust & trade regulation; appellate law; banking & financial services; business & corporate; construction; creditors' rights & bankruptcy; e-commerce; education & public entity; elder law; emerging small business; employee benefits & ERISA; employment & labor; energy; environmental; ERISA litigation; estate planning & probate; family business enterprise; franchise & distribution; government investigations & white collar defense; governmental liability; government relations & public policy; healthcare; immigration; insurance regulatory; intellectual property; litigation & disputes; mediation/dispute resolution; mergers & acquisitions; Native American law; oil, gas & minerals; OSHA; privacy & data security; private equity & venture capital; product liability; professional malpractice; real estate; securities & corporate finance; senior housing & care; supply chain management; tax exempt organizations; taxation; trade secret & noncompete litigation; water rights; and wind & solar energy.

This update has been prepared by Foulston Siefkin LLP for informational purposes only. It is not a legal opinion; it does not provide legal advice for any purpose; and it neither creates nor constitutes evidence of an attorney-client relationship.

PRACTICE AREAS

- Employment & Labor