

The Skinny on Asking KC Applicants About Salary History

By Rachel Baker and Maggie Young



Employers in Kansas City, Mo., should be aware of a city ordinance recently passed by the City Council that is commonly known as a “Salary History Ban.” The ordinance prohibits any employer located in Kansas City, Mo., with six or more employees from inquiring about a prospective employee’s salary history, or from screening prospective employees based on their current or prior salary and/or benefits history. Employers are also prohibited from considering a prospective employee’s salary history in making the hiring decision or in determining the salary, benefits, or other compensation of the prospective employee during the hiring or negotiation process. Employers are permitted to discuss a prospective employee’s expectations regarding salary, benefits, and other compensation so long as salary history is not a part of that conversation.

Employers will not be subject to any sort of penalty if a prospective employee volunteers information regarding their salary history without prompting from the employer. Additionally, if an employer somehow comes across salary history in the process of verifying other information about the prospective employee, i.e., in the course of a background check, the employer will not be penalized so long as the salary information is not relied upon for purposes of determining salary, benefits, or other compensation, or considered in the determination of whether or not to make the hire. The ordinance does not apply to current employees who apply for an internal transfer or promotion.

The ordinance goes into effect on **October 31, 2019**. Prior to then, Kansas City employers should review their application processes and remove all questions regarding salary, benefits, or other compensation

history from their pre-hire paperwork, and ensure that employees who are responsible for hiring and recruiting are up to speed on the requirements of the ordinance so as to avoid any violations during the interview process. A brief training on the ordinance would be advisable.

This article is general in nature and does not constitute legal advice. Readers with legal questions should consult any shareholders in the Employment Law Group or your regular Seigfreid Bingham attorney at 816.421.4460.