

EQUAL OPPORTUNITY IN EMPLOYMENT

without regard to
RACE, COLOR, NATIONAL ORIGIN,
ANCESTRY, RELIGION, SEX, AGE
DISABILITY, OR RETALIATION

FILING A COMPLAINT

Kansas law provides that any person who claims to be aggrieved by an alleged unlawful practice, and who can articulate a prima facie case pursuant to a recognized legal theory of discrimination (based on race, religion, color, sex, disability, ancestry, national origin, age, or retaliation) in the area of employment may file a complaint with the Kansas Human Rights Commission.

A complaint may be filed personally or by attorney. An individual may write, telephone or come in to any KHRC office to begin the filing process. Intake workers can assist in drafting a complaint based on information provided by the complainant. The complaint must be signed and notarized before it can be officially filed with the commission. There is no filing fee.

Complaints on any basis in the area of employment must be filed within six (6) months of the last alleged discriminatory act.

NOTE: In some instances, the time limit for filing a complaint with the KHRC does not begin on the effective date of an adverse employment decision, but when the person could reasonably be considered to have received notice of the adverse employment decisions. Individuals are urged to avoid delay in filing complaints in order to assure timely-filing with the KHRC.

DISCRIMINATION IN EMPLOYMENT

Understanding employment law is crucial for both the employer and the employee or applicant. The criteria used to select employees should be based on merit and job competency, and should relate to actual job performance.

UNDERSTANDING TERMS:

- **Employer** - anyone who does business within the state and employs four or more persons.
- **Disparate Treatment or Unequal Treatment**- the type of discrimination that may result when employment inquiries or requirements are not equally applied to all applicants.
- **Disparate Effect or Adverse Impact** - the type of discrimination that may result when employment inquiries or requirements screen out a disproportionate number of applicants based on their protected class status., unless such screening is based upon a valid business necessity, bona fide occupational qualification, or creates undue hardship for the employer.
- **Business Necessity** - a job requirement that is necessary for the safe and efficient operation of the organization.
- **Bona Fide Occupational Qualification (BFOQ)** - a job requirement that can only be met by applicants of a particular sex, religion, or national origin or ancestry. Race or color is never a BFOQ.
- **Undue Hardship** -reasonable accommodation cannot be made without compromising the safe and efficient operation of the business or organization.

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

Unlawful employment discrimination is prohibited by Kansas law. An employer may not discriminate against

persons in advertising, hiring, firing, demotion, etc., nor in any other way subject anyone to different treatment in the terms and conditions of employment due to their race, color, religion, national origin, ancestry, sex, age, or disability.

TYPES OF EMPLOYMENT ISSUES:

- *Advertising*
- *Benefits*
- *Demotion*
- *Discharge*
- *Discipline*
- *Harassment*
- *Hiring*
- *Maternity*
- *Promotion*
- *Suspensions*
- *Terms*
- *Training*
- *Unfavorable Reinstatement*
- *Union Representation*
- *Wages*
- *Layoff*
- *Recall*
- *References*

TYPE OF EMPLOYER:

- Private employer
- Government
- Educational
- Union

EMPLOYMENT AREA:

- Trade
- Services
- Amusement
- Retail
- Government
- Finance

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Kansas Human Rights Commission

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