

Kansas Administrative Regulations

Kansas Human Rights Commission

Article 30.—Employee Selection Procedures and Recruitment

21-30-11. Disparate treatment.

The principle of disparate or unequal treatment must be distinguished from the concepts of test validation. A test or other employee selection standard—even though validated against job performance in accordance with the guidelines in this part—cannot be imposed upon any individual or class protected by the Kansas act against discrimination where other employees, applicants or members have not been subjected to that standard. Disparate treatment, for example, occurs where members of a minority group have been denied the same employment, promotion, transfer or membership opportunities as have been made available to other employees or applicants. Those employees or applicants who have been denied equal treatment, because of prior discriminatory practices or policies, must at least be afforded the same opportunities as had existed for other employees or applicants during the period of discrimination. Thus, no new test or other employee selection standard can be imposed upon a class of individuals protected by the Kansas act against discrimination who, but for prior discrimination, would have been granted the opportunity to qualify under less stringent selection standards previously in force.

(Authorized by K.S.A. 1971 Supp. 44-1004; effective Jan. 1, 1972.)

***** Authenticated Kansas Administrative Regulation *****