

Kansas Administrative Regulations

Kansas Human Rights Commission

Article 80.—Age Discrimination in Employment

21-80-6. Bona fide seniority systems.

(a) Each bona fide seniority system shall be based on length of service as the primary criterion for the equitable allocation of available employment opportunities and prerogatives among younger and older workers. Other secondary factors, including merit, capacity, or ability, also may be used.

(b) A seniority system which gives those with longer service lesser rights, and results in discharge or less favored treatment to older workers, may be found to be a subterfuge to evade the purposes of the Kansas age discrimination in employment act.

(c) Essential terms and conditions of a seniority system shall be communicated to the affected employees and applied uniformly to all those affected, regardless of age. Any seniority system shall not be considered a bona fide seniority system within the meaning of the Kansas age discrimination in employment act if its terms and conditions are not communicated and applied as required by this subsection.

(Authorized by K.S.A. 1991 Supp. 44-1121; implementing K.S.A. 1991 Supp. 44-1113; effective Dec. 28, 1992.)

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