

Kansas Administrative Regulations

Kansas Human Rights Commission

Article 80.—Age Discrimination in Employment

21-80-4. Bona fide occupational qualifications.

(a) The bona fide occupational qualification exception as to age shall be narrowly construed.

(b) An employer asserting a bona fide occupational qualification defense has the burden of proving that:

(1) the age limit is reasonably necessary to the essence of the business; and

(2)(A) that all or substantially all individuals excluded from the job involved are in fact not qualified; or

(B) that some of the individuals were excluded on the basis of a trait that cannot be ascertained except by reference to age.

(c) If the employer's bona fide occupational qualification defense is based on public safety, the employer shall prove that the challenged practice does effectuate that goal and that there is no acceptable alternative which would better advance it or equally advance it with less discriminatory impact.

(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 *****