

EMPLOYMENT INQUIRIES

WHAT CAN EMPLOYERS ASK APPLICANTS AND EMPLOYEES?

ACCEPTABLE	SUBJECT	UNACCEPTABLE
Name	NAME	<ul style="list-style-type: none"> • Maiden name
Place of residence	RESIDENCE	<ul style="list-style-type: none"> • Questions regarding owning or renting
Statements that hire is subject to verification that applicants meet legal age requirements.	AGE	<ul style="list-style-type: none"> • Age • Birth date • Date of attendance/completion of school • Questions which tend to identify applicants over 40
Statements/inquiries regarding verification of legal right to work in the United States. Verification required for business necessity (<i>e.g. travel reimbursements</i>)	BIRTHPLACE, CITIZENSHIP	<ul style="list-style-type: none"> • Birthplace of applicant or applicant's parents, spouse or other relatives • Requirements that applicant produce naturalization or alien card prior to employment
Languages applicant reads, speaks or writes <i>if use of language other than English is relevant to the job for which applicant is applying.</i>	NATIONAL ORIGIN	<ul style="list-style-type: none"> • Questions as to nationality, lineage, ancestry, national origin, descent or parentage of applicant, applicant's spouse, parent or relative
Statement by employer of regular days, hours or shifts to be worked.	RELIGION	<ul style="list-style-type: none"> • Questions regarding applicant's religion • Religious days observed
Name and address of parent or guardian <i>if applicant is a minor.</i> Statement of policy regarding work assignment of employees who are related.	SEX, MARITAL STATUS, FAMILY	<ul style="list-style-type: none"> • Questions to indicate applicant's sex, marital status, number/ages of children or dependents • Questions regarding pregnancy, child birth, or birth control • Name/address of relative, spouse or children of adult applicant
	RACE, COLOR, SEXUAL ORIENTATION	<ul style="list-style-type: none"> • Questions regarding applicant's race, color or sexual orientation • Questions regarding applicant's complexion, color of eyes, hair or sexual orientation

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Statement that a photograph may be required after employment.	PHYSICAL DESCRIPTION, PHOTOGRAPHS, FINGERPRINTS	<ul style="list-style-type: none"> • Questions as to applicant's height and/or weight • Requiring applicant to affix a photograph to application or submit one at her/his option • Requiring photograph after interview but before employment
<p>Employer may inquire if applicant can perform job-related functions.</p> <p>Statement that employment offer may be made contingent upon passing a job-related mental/physical examination.</p>	MENTAL/PHYSICAL DISABILITY, MENTAL CONDITION (APPLICANTS)	<ul style="list-style-type: none"> • Any inquiry into the applicant's general health, medical condition, or mental/physical disability • Requiring a psychological/medical examination of any applicant
Job-related questions about convictions, except those convictions which have been sealed, or expunged, or statutorily eradicated.	ARREST, CRIMINAL RECORD	<ul style="list-style-type: none"> • General questions regarding arrest record
Questions regarding relevant skills acquired during U.S. military service.	MILITARY SERVICE	<ul style="list-style-type: none"> • General questions regarding military service, such as dates/types of discharge • Questions regarding service in a foreign military
Requesting lists of job-related organizations, clubs or professional societies omitting indications of protected bases.	ORGANIZATIONS, ACTIVITIES	<ul style="list-style-type: none"> • General questions regarding organizations, clubs, societies and lodges
Name of persons willing to provide professional and/or character references for applicant.	REFERENCES	<ul style="list-style-type: none"> • Questions of applicant's former employers or acquaintances which elicit information specifying applicant's race, etc.
Name and address of person to be notified in case of accident or emergency.	NOTICE IN CASE OF EMERGENCY	<ul style="list-style-type: none"> • Name, address and relationship of relative to be notified in case of accident or emergency