

EMPLOYMENT INQUIRIES

WHAT CAN EMPLOYERS ASK APPLICANTS AND EMPLOYEES?

| ACCEPTABLE | SUBJECT | UNACCEPTABLE |
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| 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 |