

ACCEPTABLE PRE-EMPLOYMENT INQUIRIES

Area	Acceptable Inquiries	Unacceptable Inquiries
Name	Whether work records are under another name (if necessary for access to records)	To ask if a woman uses Miss, Mrs. or Ms. or to ask for maiden name
Residence	Address and phone number or how applicant can be reached	Not applicable
Age	After hiring, proof of age by birth certificate	Age or age group or birth certificate or similar record
National Origin	None	Birthplace of applicant or family; other inquiry into national origin, ancestry
Race	Race for EEO statistics AFTER hiring (voluntary for employee)	Any inquiry that would indicate race or color
Sex	Sex for EEO statistics AFTER hiring (voluntary for employee)	Any inquiry that would indicate sex
Religion or Creed	None	Birthplace of applicant or family; recommendations for references from church
Citizenship	Whether eligible to work in U.S.; may require proof of employment eligibility AFTER hiring	If native born or naturalized; proof of citizenship; date of citizenship; whether family native-born or naturalized
Marital Status	Status AFTER hiring for tax/insurance purposes; same for dependents	Any question revealing marital status or number/ages of dependents; child care arrangements, etc.
Military Service	Job-related experience; may require military discharge certificate AFTER hiring	Military records; military service; type discharge
Education	Schools attended; foreign language skills if job related	Questions which would reveal race, national origin, religious affiliation
Criminal Record	Listing of convictions, other than misdemeanors	Questions on arrests
References	General and work references not relating to race, color, religion, sex, national origin, ancestry	Reference from clergy or other person who might reflect race, color, religion, sex, national origin, ancestry
Organizations	Professional memberships, so long as not used to determine race, sex, etc; offices held	Listing of ALL clubs to which applicant belongs
Photographs	AFTER hiring for identification purposes	May not request photo; may not take photos
Work Schedule	Willingness to work required work schedule	Willingness to work on any particular religious holiday
Physical Data/Handicaps	May ask whether the applicant is able to perform the <u>essential</u> functions of the job, with or without accommodations.	To ask height, weight, impairment, or other non-specified, job-related physical data. May not exclude handicapped applicants as a class on the basis of their handicap; each case must be determined individually and employers are responsible for making reasonable accommodations.
Service Animals	May ask only two questions – whether the dog is a service animal that is required due to a disability and what type of work or task the dog has been trained to do.	No other inquiries are allowed regarding service animals.

SOURCE: Excerpts from Understanding Personnel Law, Council on Education in Management.