

## Acceptable and Unacceptable Pre-employment Inquiries

<u>Acceptable</u>	<u>Subject</u>	<u>Unacceptable</u>
[Ask only when required for background check] Is any additional information relative to change of name, use of an assumed name, or nickname necessary to enable a check on your work and educational record? If yes, please explain.	Name	What is your maiden name?
Place of residence.	Residence	Do you own or rent your home?
Statement that age is to be verified for legal age requirements. If hired can you show proof of age? Are you over age 18? If under 18, can you, after employment, submit a work permit?	Age	Age. Birthdate. Dates of attendance or completion of elementary or high school.
Can you submit verification of your legal right to work in the United States?	Birthplace	Birthplace of applicant, applicant's parents, spouse, or other relatives.
If job related, languages applicant reads, speaks, or writes.	National origin	Questions as to nationality of applicant, spouse, or parent. What is your native language? Language commonly used by applicant. How applicant acquired ability to read, write, or speak a foreign language.
Statement of company policy regarding work assignment of employees who are related.	Marital status	Questions that indicate applicant's marital status.
Once the applicant has started work you can state that a photograph may be required.	Race, color	Questions as to race or color. Questions regarding applicant's complexion or color of skin, eyes, hair. Requirement that applicant affix a photograph to application. Request that applicant, at his or her option, submit a photograph. Requiring a photograph after interview, but before employment begins.
Statement of company policy regarding work assignment of	Sex, family	Questions that indicate applicant's sex. Number and/or

employees who are related. Do you have any relatives already employed? If so, give names and positions held.

ages of children or dependents. Questions regarding pregnancy, childbearing, or birth control. Name(s) of spouse or children of applicant. Questions regarding child care.

Can you perform the essential functions of the job for which you have applied?

Disability

Do you have any disabilities? Do you have any physical or mental condition that may limit your ability to perform the job applied for? What is your general health? Have you received workers' compensation benefits? How many sick days do you usually take in a year?

Statement by employer of regular days, hours, or shifts to be worked and whether employee can meet this standard. Can you work overtime?

Religion

Questions regarding applicant's religion. Religious days observed. Does your religion prevent you from working weekends or holidays?

If related to job, questions about criminal convictions. Employers must consider the nature and gravity of the offense(s); the time that has elapsed since the conviction and/or completion of the sentence; and the nature of the job held or sought. Some states have stricter requirements.

Criminal record

Have you ever been arrested?

Have you ever been fired?

Prior employment

Have you ever been fired because you filed a Title VII claim? Have you ever filed a Title VII claim? Worker's compensation claim?

Please list job-related organizations, clubs, professional societies, or other associations to which you belong. Applicants may omit those that indicate race, religion, color, national origin, ancestry, sex, age, or disability.

Organizations, activities

List all organizations, clubs, societies, and lodges to which you belong.

Who referred you for a position here? Names of persons

References

Questions of applicant's former employers or acquaintances

willing to provide professional and/or character references for applicant.

that elicit information specifying the applicant's race, color, religion, national origin, disability, age, or sex.

Have you violated any safety rules of prior employers?

Safety

Have you ever been fired for filing a workers' compensation claim? Have you ever filed a workers' compensation claim?

We do not permit a leave of absence during the first 6 months; can you meet this standard?

Attendance

Asking only female applicants how many days they have missed to take care of their family. How many days of work have you missed in the past year?

Do you have reliable transportation to work?

Transportation

Do you own a car?

Have you ever been disciplined because of a violation of a safety rule?

Discipline

Have you ever been disciplined because you filed a workers' compensation claim?

Did you have any unauthorized absences last year?

Absences

How many days were you sick last year? How many separate episodes of sickness did you have last year? How many days off do you need for your disability?

[After a positive drug screen you may ask] What medications have you taken that may result in a false positive for this controlled substance? State laws may have different requirements.

Medications

What medications have you taken?

Are you currently using illegal drugs? Have you been convicted of illegal drug use? Employers must consider the nature and gravity of the offense(s); the time that has elapsed since the conviction and/or completion of the sentence; and the nature of the job held or sought.

Drug use

What medications are you taking? Are you a drug addict? How often have you abused drugs in the past? Have you ever been addicted to drugs? Have you ever been treated for drug abuse?

[If job-related, you can ask] Have you been convicted of driving while intoxicated?

Alcohol

How much alcohol do you drink per week? Do you drink every day? Are you an alcoholic? Have you ever sought treatment for alcoholism?

Please describe how you would perform these job functions. Do you have the required license?

Qualifications

Do you have a disability?

How well can you handle stress?

Mental health

Do you have any mental illness? Have you been treated for mental illness?

[After employment you can ask] Do you have a workers' compensation claim such that any future injury may qualify for the secondary injury fund?

Workers' compensation

[Prior to employment you cannot ask] Have you ever filed for workers' compensation? Have you ever been injured on the job?

**Note:** You may not ask the applicant directly about these topics, nor can you obtain such information from other sources. For example, before making a conditional offer of employment, you may not ask previous employers or other sources about the applicant's:

- Disabilities
- Illnesses
- Workers' compensation history
- Healthcare claims
- Physical disabilities
- Any other questions that the employer may not ask the applicant

You can ask a previous employer about:

- Job functions and tasks performed by the applicant
- The quality of work; the quantity of work
- How job functions were performed
- Attendance records – unexcused absences only

Note that many employers will not disclose information about former employees other than dates of employment and job title.