

## EEOC Guide to Pre-Employment Inquiries

The following is a list of pre-employment inquiries dos and don'ts of what can be asked or not asked of applicants.

	QUESTION CATEGORIES	QUESTIONS ALLOWED	EXAMPLES OF POTENTIAL DISCRIMINATORY QUESTIONS
1	Age	Can inquire if applicant meets minimum age requirements, or state that proof may be required upon hiring, or that hire is subject to verification of minimum age	Cannot require that applicant state age or date of birth. Cannot require that applicant submit proof of age before hiring. Any questions that may tend to identify applicants over 40 years of age
2	Arrest records	None ( <i>for convictions, see No. 5</i> ) – Asking about conviction of a crime related to job qualification (for example, an applicant for a bursar's office position convicted of stealing)	Asking about number and kinds of arrest
3	Availability for work on weekends, evenings	If asked of all applicants and it is a business necessity for the person to be available to work weekends and/or evenings	Any inquiry about religious observance
4	Birthplace	See "Citizenship" below.	Birthplace of applicant, spouse, parents, or other relatives.
5	Childcare	None, unless asked of all applicants	Inquiry into childcare arrangements of only female applicants
6	Citizenship, birthplace & national origin	<p>The only legitimate concern here is whether the applicant is eligible to work in the United States, under the terms of the Immigrant Reform and Control Act of 1986</p> <p>There is a fair and advisable way to obtain information. The best approach is to ask: Are you either a U.S. citizen or an alien authorized to work in the United States?</p> <p>The Yes or No answer that follows provides all needed information while not disclosing which (citizen or alien) the applicant is.</p>	Birthplace, national origin, ancestry, or lineage of applicant, applicant's parents, or applicant's spouse
7	Conviction records	Inquiry into convictions if job-related	Any inquiry about conviction, unrelated to job requirements
8	Creed or religion	None, except where religion is a bonafide occupational qualification	Applicant's religious affiliation, church, parish, or religious holidays observed
9	Credit records	None, unless job-related	Inquiries about charge accounts, bank accounts, etc.
10	Disability	Can ask an applicant question about ability to perform job-related functions, as long as the questions are not phrased in terms which would seek to elicit whether the applicant has a disability, and as long as the question is asked of all applicants	General inquiries (Are you "disabled?") that would tend to reveal disabilities or health conditions that do not relate to fitness to perform the job. Applicant's height or weight when it is not relevant to the job. It is unlawful to ask an applicant whether he or she is

			disabled or about the nature or severity of his or her disability
11	Education	Applicant's academic, vocational attainment	Date last attended high school (reflect age.)
12	Family status	Whether applicant has responsibilities or commitments that will prevent meeting work schedules, if asked of all applicants regardless of sex	Marital status, number and age of children, spouse's job
13	Height and weight	None, unless job-related	Any inquiry unrelated to job requirements
14	Language	Language applicant speaks or writes fluently, if job-related	Applicant's other tongue, language used by applicant at home, or how applicant acquired the ability to read, write or speak a foreign language
15	Marital status/Family Status, Sexual Identity	None – Whether applicant can meet specific work schedules	Whether applicant is married, single, divorced, separated, engaged, or widowed. Marital status or number of dependents. Names, ages, or addresses of spouse, children, or relatives. Questions about sexual identity, orientation, or preference
16	Military status	Military experience or training	Type or condition of discharge or military experience
17	Name	Whether applicant has worked under a different name	The original name of an applicant whose name has been legally changed or the national origin of an applicant's name. Inquiries about the name that would seek to elicit information about the candidate's ancestry or descent. Information about the name change due to a court order, marriage, gender transition status, or otherwise.
18	Organizations	Any question into applicant's membership in organizations, which the applicant considers relevant to his or her ability to perform the job, for example, if job-related	Asking what organizations, clubs, social fraternities, societies, lodges, or organizations to which applicant belongs to are not relevant to his or her ability to perform the job (political, social, religious, etc.)
19	Photographs	None except after hiring	Photographs with application or after interview but before hiring
20	Pregnancy	None – No acceptable inquiries	Any inquiry into pregnancy, birth control, medical history of pregnancy or family plans
21	Race or color, physical characteristics	None – Voluntary submission of AA/EEO information is made directly to employment office or other designated authority	Applicant's race or color of applicant's skin. Inquiry as to applicant's race, color of skin, eyes, or hair, or other questions directly or indirectly indicating race or color. Applicant's height or weight is not relevant to the job
22	References	Names of character references	Name of applicant's pastor or religious leader
23	Relatives/friends	Names of applicant's relatives already employed by your organization or a competitor, but you may <u>not</u> give	Names of friends working for the company or relatives other than those working for the company

		preference if women and minorities are underrepresented in workforce	
24	Religion	No acceptable inquiry	Any question requesting the applicant's religious affiliation, church, parish, pastor, or religious holidays observed
25	Residence, Nationality	Place of residence, length, or residence in this city	Specific inquiry into foreign addresses that would indicate national origin and/or nationality of applicant. Whether applicant owns or rents home.
26	Sex	None, except where sex is a bona fide occupational qualification (BFOQ)	Any inquiry except where a bona fide occupational qualification. Any inquiry that would indicate sex of applicant. (Sex is not a BFOQ because a job involves physical labor, such as heavy lifting beyond the capacity of some women.) Applicant's sex cannot be used as a factor for determining whether an applicant will be satisfied in a particular job
27	Workers' Compensation	None	Past workers' compensation claims