

PRE-EMPLOYMENT GUIDELINES



This chart provides important legal guidelines for inquiries that are permissible during the interview and recruitment phase, and those that **must be avoided** to comply with anti-discrimination laws and to reduce legal liability. Any inquiry should be avoided that, although not specifically listed herein, is designed to elicit information as to any applicant's **race, color, national origin/citizenship, age, sex, religion, or disability**, unless it is a bona fide occupational qualification (BFOQ). Please review this closely and carefully prior to any screening or interviewing activities. Please call the Office for Equal Opportunity (515-4559) or the Office of Legal Affairs (515-2002) with questions.

SUBJECT	PERMISSIBLE INQUIRIES	INQUIRIES THAT MUST BE AVOIDED
NAME	For access purposes, whether applicant's work or research records are under another name. Permissible: "Is any additional information relative to change of name necessary to enable a check of your work and educational record?"	Inquiries about the name that would indicate applicant's lineage, ancestry, national origin, or descent. Inquiry into previous name of applicant where it has been changed by court order or otherwise. To ask if a woman is called by Miss, Mrs., or Ms., or to ask for her maiden name.
MARITAL AND FAMILY STATUS/ PREGNANCY	None at the pre-employment stage. Is there any reason you cannot work evenings or weekends if needed?	To ask marital status (ok after hire for tax purposes) To ask the number and/or age of children, who cares for them, and/or about plans to have children. Any inquiry concerning pregnancy.
AGE (40 and over)	Only inquiries related to minimum age requirements.	Requirement that applicants state age or date of birth. "How old are you?" "We are looking for someone who can relate with the younger students."
DISABILITY (has an impairment that substantially limits a major life activity; a record of such, or is regarded as having such an impairment.)	Permissible: "Can you perform the essential functions of the job with or without accommodation?" Persons with disabilities can be tested in the pre-offer stage, but only if all applicants are tested.	(a) If the applicant has a disability, has ever been hospitalized, formerly used or been addicted to illegal drugs or alcohol, treated for mental illness, or filed worker's compensation claim. (b) To ask for medical examinations or any disability-related information. (c) To impose an accommodation upon a candidate that has not specifically asked for one.

SUBJECT	PERMISSIBLE INQUIRIES	INQUIRIES THAT MUST BE AVOIDED
NATIONAL ORIGIN	Languages, travel or cultural experiences as they relate to job requirements.	(a) Birthplace of the applicant, parents, grandparents, or spouse. (b) Any other inquiry into national origin.
CITIZENSHIP	(a) Permissible: "If hired, would you be able to show proof of authorization to work in the U.S.?" (b) For verifying authorization <u>after</u> being hired, applicants must be allowed to <u>choose</u> from any of the approved forms of proof available on the I-9 form.	(a) Asking if the person "has a green card." (b) Date of citizenship. (c) Asking for proof of citizenship or work authorization <u>before</u> hiring (done after offer). (d) Whether spouse or parents are native-U.S.-born or naturalized.
RACE AND COLOR	None.	Any inquiry that would indicate race or color, including color of eyes, hair, skin or other feature.
SEX	None.	Any inquiry that would indicate sex, unless a bona fide occupational qualification (BFOQ).
RELIGION OR CREED	None. After hiring, it is permissible to discuss accommodations for religious practice, if an accommodation is requested by the employee.	(a) Recommendations or references from church officials. (b) Any inquiry that would indicate religion or creed, such as "What religious holidays do you observe?" or "what church do you go to?"
CRIMINAL BACKGROUND CHECKS	Permissible to ask about convictions for crimes that reasonably relate to fitness for job. Consult with Office of Legal Affairs.	Asking for disclosure of arrests, or any inquiry related to arrests. To look into criminal background without express written consent from candidate.
MILITARY SERVICE	Any job related experience. Type of education and experience in the U.S. Armed Services as it relates to a particular job.	(a) Military or reserves service records. (b) Military service for any country other than U.S. (c) Type of discharge.
RETALIATION Adverse action taken as a result of exercising one's rights.	None.	Have you ever brought charges or filed a grievance against a former employer?

Keep all questions job-related!!

Create a standard list of questions. Document questions and answers.

If a candidate discloses any of the above information, it is NOT an open door to ask other questions on that topic.