

## Pre-employment inquiry guidelines

Note: This is a general compendium of permissible inquiries based on federal, state and local anti-discrimination statutes. It should **not** be interpreted as representing the law of any one state or municipality.

Subject	Permissible inquiries	Suspect inquiries
Age	<p>“Can you show proof of age upon hire?”</p> <p>“Are you over 18 years of age? If you are under 18 years of age, can you produce a work permit upon hire?”</p>	<p>Age.</p> <p>Birth date.</p> <p>Dates of attendance at elementary or high school.</p> <p>Graduation dates.</p> <p>Questions which tend to identify applicants as 40 years of age or over.</p>
Applicant referral	<p>“How were you referred to this position? For example, current employee, newspaper advertisement.”</p>	<p>Questions inquiring as to the name of the person who referred the applicant.</p>
Arrest or criminal record	<p>Questions regarding prior convictions where accompanied by a statement that such convictions will not absolutely prohibit employment, but will only be considered in relation to specific job requirements.</p>	<p>“Have you ever been arrested?”</p>
Birthplace or citizenship	<p>“Are you legally authorized to work in the United States?”</p> <p>Statement that proof of the applicant’s legal right to work in the U.S. will be required after being hired.</p>	<p>“Are you a U.S. citizen?”</p> <p>Birthplace of applicant (or applicant’s parents or family).</p>

<b>Subject</b>	<b>Permissible inquiries</b>	<b>Suspect inquiries</b>
Qualification/ previous work experience	Questions related to previous experience and/or skills that are pertinent to the job applied for, names and addresses of former employers, dates of prior employment and reason(s) for leaving previous employer.	Inflated experience requirements which are not strictly job related.
Race or color	Statement that a photograph may be required after hiring decision.  Note: Data for OFCCP or affirmative action compliance or EEO record keeping may be recorded and maintained separate from the application.	Questions regarding applicant to identify race, color, complexion, color of skin, hair, or eyes.  Questions requiring applicant to identify attitudes about working with, supervising, or being supervised by a person of another race.
References	“List those persons willing to provide personal and/or professional references.”	Questions directed to applicant’s former employer(s) or personal references which elicit information regarding applicant’s race, color, religion, creed, sex, age, national origin, or disability.
Relatives/ anti-nepotism policies	Statement of employer’s anti-nepotism policy. (Even though this is not an inquiry, the only way that an applicant can be informed that such a policy exists, and that it may be a disqualifier, is by a statement.)  Questions regarding spouse or relatives working for competitors where necessary to protect company secrets.  Information for purposes of benefits administration, for example marital status or number of dependents, can be required <b>after</b> hiring.	Questions that ask an applicant to identify relatives or close friends working for the employer.

<b>Subject</b>	<b>Permissible inquiries</b>	<b>Suspect inquiries</b>
Education	Questions regarding extent of education, degree(s) received, names of schools attended but only where such requirements are demonstrably related to the job.	<p>Questions regarding dates of attendance at elementary or high school.</p> <p>Graduation dates.</p> <p>Questions regarding ethnic, social or religious affiliation of schools attended, sororities/fraternities, etc.</p>
Fidelity bonding	Statement that fidelity bonding is a requirement of employment	“Have you ever been denied a fidelity bond or has one been canceled?”
Height or weight	Questions may be asked about an applicant’s height or weight but only if height or weight is a bona fide occupational qualification (demonstrably related to job performance.	<p>Height.</p> <p>Weight.</p>
Hours of work/attendance	<p>“Are you able to work overtime?”</p> <p>Questions regarding ability to work the employer’s normal work hours.</p> <p>Questions regarding attendance record at previous employers.</p>	Questions regarding number of sick days taken at previous employers
Military Service	Questions regarding relevant experience gained during military service.	<p>Questions regarding type of discharge (except dishonorable).</p> <p>Questions regarding reserve duty obligations.</p> <p>Questions regarding service in foreign military.</p>