

EEOC Guide to Pre-Employment Inquiries

	QUESTION CATEGORIES	QUESTIONS ALLOWED	EXAMPLES OF POTENTIAL DISCRIMINATORY QUESTIONS
1	Arrest records	None (<i>for convictions, see No. 5</i>)	Number and kinds of arrest
2	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
3	Child care	None, unless asked of all applicants	Inquiry into child care arrangements of only female applicants
4	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
5	Conviction records	Inquiry into convictions if job-related	Any inquiry about conviction, unrelated to job requirements
6	Creed or religion	None, except where religion is a bonafide occupational qualification	Applicant's religious affiliation, church, parish, or religious holidays observed
7	Credit records	None, unless job-related	Inquiries about charge accounts, bank accounts, etc.
8	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
9	Height and weight	None, unless job-related	Any inquiry unrelated to job requirements
10	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
11	Marital status	None	Whether applicant is married, single, divorced, separated, engaged or widowed
12	Military status	Military experience or training	Type or condition of discharge
13	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
14	Organizations	Applicant's membership in professional organizations if job-related	All clubs, social fraternities, societies, lodges or organizations to which applicant belongs
15	Photographs	None except after hiring	Photographs with application or after interview but before hiring
16	Pregnancy	None	Any inquiry into pregnancy, medical history of pregnancy or family plans

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17	Race or color	None	Applicant's race or color of applicant's skin
18	References	Names of character references	Name of applicant's pastor or religious leader
19	Relatives/friends	Names of applicant's relatives already employed by your organization or a competitor, but you may <u>not</u> give preference if women and minorities are underrepresented in workforce	Names of friends working for the company or relatives other than those working for the company
20	Sex	None, except where sex is a bona fide occupational qualification	Any inquiry except where a bona fide occupational qualification
21	Workers' Compensation	None	Past workers' compensation claims