

APPENDIX G

Guidelines for Legal Pre-Employment Questions

SUBJECT	LAWFUL	UNLAWFUL
Age	Inquiry related to birth date and proof of true age.	Inquiry that implies an age preference for persons under 40.
Arrest/Convictions	Have you ever been convicted of a crime? (A conviction is a court ruling where a party is found guilty as charged.)	Have you ever been arrested? (An arrest is merely the apprehending or detaining of a person alleged of having committed a crime.)
Citizenship	Are you a citizen of the U.S.? If not, do you have the legal right to remain permanently in the U.S. or legally work in the U.S.?	Of what country are you a citizen? Whether an applicant (or his/her parents/spouse) are naturalized or native-born citizens. Requirement that applicant produce naturalization papers or date.
Disability	Are you able to perform the essential functions of this position? Can you describe or demonstrate how you would be able to perform this function with or without accommodation?	How many days were you absent from work because of illness last year? Do you have a disability? Have you ever been treated for any of the following diseases...? Have you ever filed for workers' compensation insurance?
Education	Applicant's academic, vocational, or professional education and schools attended. Inquiry into language skills such as reading, speaking, and writing foreign languages.	Inquiry into religious, racial, or national affiliation of a school. Inquiry into applicant's mother first language or how foreign language ability was acquired.
Family	None	Inquiry as to pregnancy or plans to have children.
Gender Expression	None	Any inquiry concerning gender.
Height/Weight	None	Any inquiry relating to height or weight.
Marital Status/Relatives	Names of relatives currently employed by University.	Are you married, divorced, or single? Should I address you as Mrs., Ms., or Miss? Where does your spouse work? What are the ages of your children, if any?
Military	Inquiry concerning education, training, or work experience in the US military.	Type or condition of military discharge, request for discharge papers, an applicant's experience in a military other than the United States military.
Miscellaneous	Notice to applicants that any mis-statement or omission of material facts in the application may be cause for dismissal.	Inquiries that are not related to the applicant's ability to do the job.
National Origin	Inquiry into ability to read, write, speak foreign language when the foreign language is a job requirement.	Any other inquiry into applicant's lineage, ancestry, national origin, descent, birthplace, native language, or national origin of an applicant's parents or spouse.
Organizations	Inquiry into applicant's membership in organizations which applicant considers relevant to his/her ability to perform the job.	List all clubs, societies and lodges to which you belong.
Pregnancy	Inquiry as to duration of stay on the job or anticipated absences made to males and females alike.	Any inquiry related to pregnancy, medical history concerning pregnancy, and related matters.
Relatives	Names of applicant's relatives already employed by the Campus. Names and addresses of parents or guardian of minor applicant.	Names, addresses, ages, or other information regarding any relative of an adult applicant.
Sexual Orientation	None	Any inquiry regarding sexual orientation.
Religion or Creed	None	Inquiry into applicant's religious denomination, affiliation, church, pastor, or religious holidays observed.