

Pre-Employment Inquiries

Consistent with the University’s Nondiscrimination, Equal Opportunity and Affirmative Action Policy (No. 07-01-03), the University is an equal opportunity employer and does not discriminate against applicants for employment on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity and expression, genetic information, disability or status as a veteran. Pre-employment inquiries and hiring decisions must be based on the applicant’s qualifications and ability to perform the essential job duties. Pre-employment inquiries and deliberations should not involve or even appear to involve impermissible criteria. Below are examples of questions that you should not ask, and a few illustrations of questions that you may ask provided they are relevant to the job.

Topic:	You Should Not Ask:	You May Ask:
AGE	<p>“How old are you?”</p> <p>“What is your date of birth?”</p> <p>Any questions implying a preference for youth.</p>	<p>“If hired, can you provide proof of legal age?”</p>
ARRESTS & CONVICTIONS	<p>“Have you ever been arrested?”</p>	<p>“Are there any criminal charges currently pending against you?”</p> <p>“Have you pled guilty to or been convicted of _____ [fill in relevant criminal offense/category (such as felony, crime involving violence or threat of violence, theft, etc. but not to include summary offenses) based upon essential job requirements and actual circumstances under which the job is performed].”</p> <p>Consideration of any potentially relevant criminal record should include an assessment of the nature and gravity of the offense; the time that has passed since the offense, conduct or completion of the sentence; and the nature of the job sought. Further guidance should be sought from OHR or OAADI regarding inquiries and decisions about past criminal convictions/guilty pleas.</p> <p>An employer must notify an applicant in writing if the applicant was not hired due in whole or in part to a criminal record.</p>

Topic:	You Should Not Ask:	You May Ask:
CITIZENSHIP/ NATIONAL ORIGIN	<p>“Are you a United States citizen?”</p> <p>“Where were you born?”</p> <p>“What is your native language?”</p> <p>“How long have you lived in the United States?”</p> <p>“What kind of accent is that?”</p>	<p>“Are you authorized to work in the U.S.? If hired, you will be required to submit verification of your legal right to work in the United States.”</p> <p>If this inquiry is made, it must be asked of all applicants.</p>
COLOR OR RACE	<p>Any questions concerning race or color of skin, eyes, hair, etc.</p> <p>Applicants cannot be required to or given the option of attaching a photograph to the application.</p>	
DISABILITY	<p>“Are you disabled?”</p> <p>“How did you hurt yourself?”</p> <p>“Have you ever applied for worker’s compensation?”</p> <p>An employer MAY NOT make any medical inquiry or conduct any medical examination prior to making a conditional offer of employment.</p>	<p>“Can you, with or without reasonable accommodation, perform the following essential duties of the job for which you are applying [name essential job functions]?”</p> <p>Statement that offer may be contingent on applicant’s passing a job-related physical examination.</p>
EXPERIENCE, SKILLS & ACTIVITIES	<p>“Please provide a complete list of all organizations to which you belong.”</p> <p>“Are you a member of a professional association for minorities?”</p> <p>Do not reserve certain questions for applicants of a particular protected classification (race, gender, religion, etc.) Endeavor to ask the same or similar job-related questions to all candidates who are interviewed.</p>	<p>“Are there any activities which have provided you with experience, training, or skills that would be helpful to a position with us?”</p> <p>“Tell me about the last time you [name a particular job-related skill or duty]?”</p> <p>“What is your experience in [name a particular job-related experience]?”</p> <p>“How would your prior experience be transferable to this position?”</p> <p>“Explain, step by step, how you would handle [name a job-related situation]?”</p>

Topic:	You Should Not Ask:	You May Ask:
FAMILY/ MARITAL STATUS	<p>“How many children do you have?”</p> <p>“Who takes care of your children while you are working?”</p> <p>“Are you single? Married? Divorced? Separated? Engaged? Widowed?”</p> <p>“Do you have a domestic partner?”</p> <p>“What is your maiden name?”</p>	<p>“Do you have any commitments which would prevent you from working regular hours?”</p> <p>“Can you work overtime, if needed?”</p>
GENDER	What is your gender?	
MILITARY SERVICE	<p>“What type of discharge did you receive from the U.S. military service?”</p> <p>“Can you provide discharge papers?”</p>	“Did your military service and training provide you with skills you could put to use in this job?”
PREGNANCY	<p>“Are you pregnant?”</p> <p>“Do you plan to have children?”</p>	
PRIOR EMPLOYMENT	<p>“How many sick days did you take at your old job?”</p> <p>“Did you file any claims against your former employer?”</p> <p>“Did you take a leave of absence?”</p>	<p>“How did you overcome problems you faced there?”</p> <p>“Which problems frustrated you the most?”</p> <p>“Of the jobs indicated on your application, which did you enjoy the most, and why?”</p> <p>“What were your reasons for leaving your last job?”</p> <p>“Have you ever been discharged from any position? If so, for what reason?”</p>
REFERENCES	Questions put to applicant’s former employers or references that elicit information specifying the applicant’s protected classifications (race, religion, etc.).	Names of persons willing to provide professional and/or character reference for applicant.

Topic:	You Should Not Ask:	You May Ask:
RELIGION	<p>“What is your religion?”</p> <p>“What church do you go to?”</p> <p>“What religious holidays do you observe?”</p>	<p>Statement of regular days, hours or shifts to be worked.</p> <p>“Are you available to work on weekends?” (if there is a legitimate business reason for this question)</p>
SEXUAL ORIENTATION	<p>“Are you gay/lesbian/bisexual?”</p> <p>“Do you have a domestic partner?”</p>	