

EEOC Application/Interview Guidelines

Subject:	You CAN NOT ask these questions.	Why?	You CAN ask these Questions
Marital Status	Miss, Mrs., Mr.? Maiden name? Spouses name? Spouse's occupation? Single, married, widowed, separated, and divorced? Does your husband approve of your working?	These questions have nothing to do with the applicants' ability to perform the job, and are usually just another way of learning the applicants' gender or family status. Questions about maiden names are asked only of women; thus the question is discriminatory unless the employer must have the information as a means of identification for purposes of pre-employment investigation.	See "Family" on next page.
National Origin	Citizen of what country? Color of eyes, skin, hair? Relatives Names? Birthplace? What organizations do you belong to? Native language? Date you acquired citizenship? Lineage? Ancestry?	Because discriminating on the basis of citizenship has the effect of discriminating on the basis of national origin, a lawfully immigrated alien who lives in this country may not be discriminated against on the basis of citizenship. In addition, a question which asks what country the applicant is a citizen of permits discrimination on the basis of a particular national origin. General questions about organizations are clearly not job-related, and may indicate a particular national origin.	Are you a citizen of the United States? If not, can you, after employment, furnish proof of legal right to work and remain in the US? If not, do you intend to become a citizen? Do you intend to remain permanently in the U.S.? What languages do you speak, read or write fluently (if required by the job)? Names and positions of relatives employed by company? Organizations to which you belong which are related to this job? Names of persons to contact in an emergency (without reference to relationship).
Religion	What religion are you? What church do you go to? Who is your pastor? What religious holidays do you observe? Are you available for Saturday or Sunday work? **** See Note for Exemption.	These questions may discourage people of certain religious backgrounds from applying. In addition, companies are required to make a reasonable effort to accommodate the religious practices of employees, and that may include voluntary substitutes, flexible scheduling, lateral transfers, or changes in job assignment.	Can you work these hours (State normal work hours)? <i>NOTE: Religious corporations, associations, educational institutions, or societies are exempt from the federal laws that EEOC enforces when it comes to the employment of individuals based on their particular religion. In other words, an employer whose purpose and character is primarily religious is permitted to lean towards hiring persons of the same religion. This exemption relieves religious organizations only from the ban on employment discrimination based on religion. It does not exempt such organizations from employing individuals due to their race, gender, national origin, disability, color, and/or age. Other employers should avoid questions about an applicant's religious affiliation, such as place of worship, days of worship, and religious holidays and should not ask for references from religious leaders, e.g., minister, rabbi, priest, imam, or pastor.</i>
Age	How old are you? What is your date of birth?	Federal Law prohibits discrimination on the basis of age against individuals between the ages of 40 and 70. Some states prohibit age discrimination against individuals of any age.	If you are not between 18 and 70, state your age. If hired, can you furnish proof of age?

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Personal	Height, weight?	Height/Weight requirements that are not related to the job to be performed are discriminatory. Unless height or weight is directly related to a job requirement, these questions should not be asked.	None
Gender	Miss, Mrs. Mr.? Male, Female?	All of these questions are direct or indirect ways of asking the applicants gender. Title VII prohibits discrimination in employment the basis of gender except where it is a "bona fide" occupational qualification (BFOQ). There are few jobs, which can be performed by only one gender or the other.	None
Family	How many children do you have? How old are your children? Do you have childcare arrangements? Do you plan to have children? What kind of birth control do you practice? Does your husband get transferred often?	The purpose of these questions is usually to explore what the employer believes to be a common source of absenteeism and tardiness. However, this method is indirect and, for all practical purposes, applies only to women. There are a number of common causes for absenteeism and tardiness, which affect both men and women.	Can you work the hours called for on this job? Do you have any obligations, which would prevent you from working these hours? We sometimes have to work overtime on short notice; would this be a problem for you? Do you anticipate being in this area for a while? How often in the last year (five years) have you missed work? Do you have any obligations, which would prevent you from doing the traveling necessary on this job? How do you feel about relocating?
Military Record	What are your military obligations? Do you anticipate needing any leave of absence? What military branch did you serve in? Inquiries into type of condition of military discharge, unless it is the result of military conviction.	All of these questions are not relevant to a person's ability to do their job and could be considered discriminatory. Information regarding less than honorable discharge may not be job related (see "Criminal record"). In addition, inquiries about foreign military service may indicate which country, and therefore national origin.	Experience in the armed forces of the U.S. or in a state militia? Training received in the military? Other than honorable discharges that are job related?
Photos	Send a photograph as a part of the resume or application.	This may be interpreted as a way to determining gender and race prior to employment.	None. Photos may be obtained after the employee begins to work, such as for security reasons or for an ID badge.
Credit	Do you own your own home? Car? What charge accounts do you have? Have your wages ever been garnished?	Consideration of these factors has an adverse effect on minorities and is probably unlawful unless required by business necessity.	Questions may be appropriate if job-related (e.g., payroll. access to company funds, etc.).

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Education	Religious or racial affiliation of school.	Any requirements should be clearly related to ability to perform the job	Academic, vocational, or professional education? Schools attended? Degrees? Professional licenses? Type and duration of various work experiences?
Experience		Any requirements should be clearly related to ability to perform the job.	Type and duration of various work experiences?
Disabilities	<p>Tell me about your scars/missing limbs/ braces/prosthesis (or other visible physical characteristics)...How did you acquire this (characteristic)?</p> <p>Are you in good health?</p> <p>Have you ever had an emotional illness or consulted with a psychologist or psychiatrist?</p> <p>Have you ever had an injury or disease? What is the nature or extent of your (specific medical condition)?</p> <p>Have you ever had a drug or drinking problem?</p> <p>Have you ever filed a worker's compensation claim?</p> <p>Do any of your family or friends have an illness or history of illness?</p> <p>(Do not make notes during the interview regarding physical/mental characteristics of the applicant.)</p>	An employer must be prepared to prove that any physical and mental requirements for a job are related to the safe and efficient performance of the job. Employers must make "reasonable accommodations" for the physical and mental limitations of an employee or applicant, including alteration of duties, work schedules and physical setting, and provision of aids.	<p>What did your prior job duties consist of?</p> <p>Can you reach the top of a six-foot-high filing cabinet (if the job requires, as an essential function, the ability to reach the top of a six-foot-high filing cabinet)?</p> <p>Can you lift 50 pounds several times a day (if the job requires, as an essential function, the ability to lift 50 pounds several times a day)?</p> <p>Do you have a driver's license (if the job requires, as an essential function, driving)?</p> <p>Can you read a video display terminal (if the job requires, as an essential function, reading a VDT)?</p>
Non-Work Activities	Do you Smoke? Do you drink? Do you play any sports? Interests outside of work?	These questions are not relevant to a person's ability to do their job and could be considered discriminatory.	None that are not related to the job.

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Criminal Record	Have you ever been arrested? What were you arrested for? Can you provide complete records of all arrests, court hearings?	An arrest is no indication of guilt, and historically minorities have had proportionately more arrests than other groups. Several states also now have legislation prohibiting discrimination on the basis of convictions, unless the offense is clearly related to the job to be performed. <i>(A conviction is a court ruling where the party is found guilty as charged. An arrest is merely the apprehending or detaining of the person to answer the alleged crime.)</i>	Questions about actual convictions that are reasonably related to a particular job.
Fidelity Bond	Has a Fidelity Bond ever been refused for you? Have you been bonded before?	These questions presumably represent an indirect effort to find flaws in an individual's past. The difficulty with this question is that a fidelity bond may be denied for totally arbitrary and discriminatory reasons of which the individual does not have an adequate opportunity to know or challenge.	NONE Check out DEED's Web site below for bonding: http://www.deed.state.mn.us/bonding/
Welfare Recipient	Have you ever received Public Assistance? Do you currently receive Public Assistance?	This question is not relevant to a person's ability to perform the job and could be considered discriminatory.	NONE
Relatives & Friends	Friends and/or relatives working for us?	Giving preference to friends and relatives of present employees may have the effect of reducing employment opportunities for women or minorities. This question may also reflect a rule that only one partner in a marriage can work for this employer. There is growing recognition that this rule affects the chances for women far more often than men.	NONE