

## Appropriate and Inappropriate Questions for Pre-Employment Inquiry

Subject	May Ask	May Not Ask
Name	Current Legal Name	Whether person worked under a different name; questions that would divulge ancestry or marital status
Sex	Nothing	May not comment on person's sex unless it is a bona fide occupational qualification (BFOQ). This is highly unlikely in most circumstances, except maybe film, theatre, etc.
Age	Are you over the age of 18? (Proof of age, for insurance purposes, can be required after the person is hired.)	Age; when applicant graduated from high school, etc.
Address	Place and length of current address	How long have you lived in the United States? What foreign addresses have you had?
Birthplace	Nothing	Any inquiry into place of birth, or that of parents, spouse, grandparents, or other relatives
Citizenship	If not a U.S. citizen, do you have the right to permanently remain in the U.S.?	Whether applicant, parents, or spouse, are native born U.S. Citizens; or of what country applicant is a citizen?
Marital Status	Nothing	Whether applicant is married, single, divorced, engaged, widowed, or living with someone
Sexual Preference	Nothing	Whether applicant is homosexual, heterosexual, or any other question pertaining to sexual tendencies or preferences
Lifestyle	Nothing	Anything involving applicant's natural and preferred way of living
Family	Nothing	Any question concerning family size, family planning, children's ages, plans for childcare, or spousal income or employment
Religion	Nothing	About religious denomination, affiliation, church or synagogue, religious holidays observed; whether applicant regularly attends a house of worship
Disability	Whether the individual has a mental or physical disability that would affect his/her ability to perform the job responsibilities	Questions about physical or mental limitations that are not job related

Physical Data	Whether the applicant is able to perform the job responsibilities	Applicant's height or weight
Pregnancy	Nothing	About the applicant's plans for having children; about medical history concerning pregnancy and health related matters
Military Status	About job-related experience gained in the military	About branch of service; type of discharge
Housing	How applicant can be reached if there is no telephone at home	Whether applicant owns or rents an apartment or house
Education	About educational institutions attended; training	About religious or racial affiliations of school attended; about educational experience that is not necessary for the job to be performed
Organizations	About professional organizations	About all organizations that applicant belongs to; organizations that indicate race, color, religion, sex marital status, national origin, transgender, veteran or military status, or disability of applicant
Financial Position	Nothing	About credit ratings, garnishment, debts, to whom debts are owed
Arrest Record	Nothing	About arrests, or time spent in jail. Arrests without convictions do not indicate guilt
Convictions	About convictions, but only if job related (e.g. inquiries about embezzlement convictions if position requires financial responsibilities) and only if asked of all applicants	General questions about whether applicant has ever been convicted
Employment Status	About gaps of unemployment.	(State) current unemployed applicants should not apply or that unemployed applicants will not be considered.
Gender Identity	Nothing	What gender an applicant identifies with