



## Pre-employment Inquiries: What You Can and Can't Ask Checklist

The questions you can ask are indicated with a ✓. The questions you can't ask are indicated by an ✕.

### Age

- ✕ How old are you?
- ✕ What is your date of birth?

*These questions may be asked if they are accompanied by a statement that federal and state law prohibits age discrimination. However, age-related questions may create the wrong impression and should be avoided unless there is a valid age-related rule in effect; for example, bona fide apprenticeship programs are not subject to age discrimination prohibitions.*

- ✓ Do you meet the state minimum age requirement for work? (29 USC 623)
- ✓ Are you over 18 and under age 65?

### Arrests and Convictions

- ✕ Have you ever been arrested?

*As a general rule, this should be avoided because it disqualifies a disproportionate number of minorities.*

- ✓ Have you ever been convicted of a crime? (Check federal vs. state law first.)

### Availability for Work and Travel

- ✕ Can you work Saturdays and Sundays?
- ✕ Do you have children?
- ✕ What are your child care arrangements?

*The first question may be interpreted as a sign of religious discrimination; the other two questions, as a sign of discrimination against women.*

- ✓ These are the hours of work. Can you attend work during these hours?
- ✓ Work sometimes requires overtime. Can you work such a schedule?
- ✓ Do you have any obligations that would keep you from work-related travel?

### Birthplace and Citizenship

- ✕ Where were you born?
- ✕ What is your native language?
- ✓ Are you legally authorized to work in the United States?

### Clubs and Affiliations

- ✕ To what organizations do you belong?
- ✓ Do you want to tell me about any of your memberships relating to the performance of this job?

**Disabilities**

- × Do you have a disability?
- × Do you have any health problems?
- × Have you ever filed for workers' compensation?
- × Have you ever been hospitalized?  
If so, for what condition?
- × Have you ever been treated by a psychiatrist or psychologist? If so, for what conditions?
- × Have you ever been treated for any of the following conditions or diseases (followed by a checklist of various illnesses)?
- × Have you ever been treated for drug addiction or alcoholism?
- × How many days were you absent from work because of illness last year?
- × What prescription medications are you taking?
- × Is there any health-related reason you may not be able to perform the job for which you are applying?
- ✓ Can you perform the essential functions of the job for which you are applying?
- ✓ Can you demonstrate to me how you would perform those functions?
- ✓ Have you used illegal drugs within the past 2 years?

**Economic status**

- × Have you ever had your wages garnished?
- × Do you own your own home?

× How long do you plan to work on this job?

× Have you ever filed for bankruptcy?

**Military service**

- × What type of discharge did you receive?
- × Have you served in another country's armed forces?
- ✓ Are you a U.S. armed forces veteran?
- ✓ List experience and special education received in the military.

**Name**

- × Have you ever had your name changed?
- × What is your maiden name?
- ✓ Is there any additional information we need about your name to verify your employment/education record?

**Physical Appearance**

- × Asking what color skin (hair, eyes) the applicant has?
- × Before meeting with applicant, requesting that the applicant submit a photograph.
- ✓ Questions about height and weight are permitted only if the characteristics are job related.
- ✓ Taking photographs before hire.



**Relatives**

- × Who is the relative to be notified in case of emergency?
- × Are you married?
- × Do you have children?
- × Do you plan to get pregnant?
- ✓ Is there someone we should notify in case of emergency? (Best asked after hire.)
- ✓ Do you have any relatives who work for this company?

*Note: There are no appropriate questions to address national origin, religion, and union membership.*