

# QUESTIONING APPLICANTS FOR EMPLOYMENT

January, 2006

INQUIRIES BEFORE HIRING	★ ★ <b>LAWFUL</b> ★ ★	★ ★ <b>UNLAWFUL</b> ★ ★
1. NAME	Name	Inquiry into any title which indicates race, color, religion, sex, national origin, handicap, age or ancestry.
2. ADDRESS	Inquiry into place and length at current address.	Inquiry into any foreign addresses which would indicate national origin.
3. AGE	Any inquiry limited to establishing that applicant meets any minimum age requirement that may be established by law.	A. Requiring birth certificate or baptismal record before hiring. B. Any Inquiry which may reveal the date high school graduation. C. Any other inquiry which may reveal whether applicant is at least 40 years of age.
4. BIRTHPLACE, NATIONAL ORIGIN, OR ANCESTRY		A. Any inquiry into place of birth. B. Any inquiry into place of birth of parents, grandparents or spouse. C. Any other inquiry into national origin or ancestry.
5. RACE OR COLOR		Any inquiry which would indicate color or race.
6. SEX		A. Any inquiry which would indicate sex. B. Any inquiry made of members of one sex, but not the other.
7. HEIGHT AND WEIGHT	Inquiries as to ability to perform actual job requirements	Being a certain height or weight will not be considered to be a job requirement unless the employer can show that no employee with the ineligible height or weight could do the work.
8. RELIGION - CREED		A. Any inquiry which would indicate or identify religious denomination or custom. B. Applicant may not be told any religious identity or preference of the employer. C. Request pastor's recommendation or reference.
9. HANDICAP	Inquiries necessary to determine applicant's ability to substantially perform specific job without significant hazard	A. Any inquiry into past or current medical conditions not related to the position applied for. B. Any inquiry into Workers' Compensation of similar claims.
10. CITIZENSHIP	A. Whether a U.S. Citizen B. If not, whether applicant intends to become one. C. If U.S. Residence is legal. D. If spouse is a citizen. E. Require proof of citizenship after being hired. F. Any other requirement mandated by the Immigration Reform and Control Act of 1986, as amended.	A. If native-born or naturalized. B. Proof of citizenship before hiring. C. Whether parents or spouse are native-born or naturalized.

# QUESTIONING APPLICANTS FOR EMPLOYMENT

January, 2006

Page 2

INQUIRIES BEFORE HIRING	★ ★ <b>LAWFUL</b> ★ ★	★ ★ <b>UNLAWFUL</b> ★ ★
<b>11. PHOTOGRAPHS</b>	May be required after hiring for identification.	Require photograph before hiring.
<b>12. ARREST AND CONVICTIONS</b>	Inquiries into <u>conviction</u> of specific crimes related to qualifications for the job applied for.	Any inquiry which would reveal arrests without convictions.
<b>13. EDUCATION</b>	A. Inquiry into nature and extent of academic, professional or vocational training.  B. Inquiry into language skills, such as reading and writing of foreign languages, if job related.	A. Any inquiry which would reveal the nationality or religious affiliation of a school.  B. Inquiry as to what mother tongue is or how foreign language ability was acquired.
<b>14. RELATIVES</b>	Inquiry into name, relationship and address of person to be notified in case of emergency.	Any inquiry about a relative which would be unlawful if made about the applicant.
<b>15. ORGANIZATIONS</b>	Inquiry into membership in professional organizations and offices held, excluding any organization, the name or character of which indicates the race, color, religion, sex, national origin, handicap, age or ancestry of its members.	Inquiry into every club and organization where membership is held.
<b>16. MILITARY SERVICE</b>	A. Inquiry into service in U.S. Armed Forces when such service is a qualification for the job.  B. Require military discharge certificate after being hired.	A. Inquiry into military service in armed service of any country but U.S.  B. Request military service records.  C. Inquiry into type of discharge.
<b>17. WORK SCHEDULE</b>	Inquiry into willingness or ability to work required work schedule.	Any inquiry into willingness or ability to work any particular religious holidays.
<b>18. MISCELLANEOUS</b>	Any question required to reveal qualifications for the job applied for.	Any non-job related inquiry which may elicit or attempt to elicit any information concerning race, color, religion, sex, national origin, handicap, age or ancestry of an applicant for employment or membership.
<b>19. REFERENCES</b>	General personal and work reference which do not reveal the race, color, religion, sex, national origin, handicap, age or ancestry of the applicant.	Request references specifically from clergymen or any other persons who might reflect race, color, religion, sex, national origin, handicap, age or ancestry of an applicant.

I. Employers acting under bona fide Affirmative Action Programs or acting under orders of Equal Employment law enforcement agencies of federal, state, or local governments may make some of the prohibited inquiries listed above to the extent that these inquiries are required by such programs or orders.

II. Employers having federal defense contracts are exempt to the extent that otherwise prohibited inquiries are required by Federal law for security purposes.

III. Any inquiry is prohibited although not specifically listed above, which elicits information as to, or which is not job related and may be used to discriminate on the basis of race, color, religion, sex, national origin, handicap, age or ancestry in violation of law.

\* Unless bona fide occupational qualification is certified in advance by the Ohio Civil Rights Commission.