

GUIDE TO PRE-EMPLOYMENT INQUIRIES

"Interview Status": When you are in the candidate's presence — whether in a formal one-to-one interview situation or in a casual social gathering — you are in "interview status" with the candidate, and an appropriate, professional manner should be maintained.

Subject	Acceptable Pre-Employment Inquiries	Unacceptable Pre-Employment Inquiries
Name	<ul style="list-style-type: none"> "Have you ever used another name?" "Is any additional information relative to change of name, use of an assumed name, or nickname necessary to enable a check on your work and education record? If yes, please explain." 	<ul style="list-style-type: none"> Maiden name.
Residence	<ul style="list-style-type: none"> Place of residence. 	<ul style="list-style-type: none"> "Do you own or rent your home?"
Age	<ul style="list-style-type: none"> Statement that hire is subject to verification that applicant meets legal age requirements. "If hired, can you show proof of age?" "Are you over 18 years of age?" "If under 18, can you, after employment, submit a work permit?" 	<ul style="list-style-type: none"> Age. Birth date. Dates of attendance or completion of elementary school or high school. Questions which tend to identify applicants over age 40.
Birthplace, Citizenship	<ul style="list-style-type: none"> "Can you, after employment, submit verification of your legal right to work in the United States?" Statement that such proof may be required after a decision is made to hire a candidate. 	<ul style="list-style-type: none"> Birthplace of applicant, applicant's parents, spouse, or other relatives. "Are you a U.S. citizen?" or citizenship of applicant, applicant's parents, spouse, or other relatives. Requirements that applicant produce naturalization, first papers, or alien card prior to a decision to hire.
Gender Marital Status Family	<ul style="list-style-type: none"> Name and address of parent or guardian, if applicant is a minor. Statements of company policy regarding work assignment of employees who are related. 	<ul style="list-style-type: none"> Questions that indicate applicant's gender. Questions that indicate applicant's marital status. Number and/or ages of children or dependents. Provisions for child care. Questions regarding pregnancy, child bearing, or birth control. Name and address of relative, spouse, or children of adult applicant. "With whom do you reside?" or "Do you live with your parents?"
Credit Report		<ul style="list-style-type: none"> Any report that would indicate information for which it is otherwise illegal to ask, e.g., marital status, age, residency, etc.
Race Color		<ul style="list-style-type: none"> Questions as to applicant's race or color. Questions regarding applicant's complexion or color of eyes, skin, or hair.

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Physical Description, Photograph	<ul style="list-style-type: none"> Statement that photograph may be required after employment. 	<ul style="list-style-type: none"> Questions as to applicant's height and weight. Requiring applicant to affix a photograph to application. Requesting applicant, at his or her option, to submit a photograph. Requiring a photograph after interview but before employment. Videotaping Interviews
Religion	<ul style="list-style-type: none"> Statement by employer of regular days, hours, or shifts to be worked. 	<ul style="list-style-type: none"> Questions regarding applicant's religion. Religious days observed, or "Does your religion prevent you from working weekends or holidays?"
Physical or Mental Disability	<ul style="list-style-type: none"> Statements by employer that offer may be made contingent on applicant passing a job-related physical examination. "Can you perform (specific task)?" 	<ul style="list-style-type: none"> Questions regarding applicant's general medical condition, state of health, or illnesses. Questions regarding receipt of Workers' Compensation. "Do you have any physical disabilities or handicaps?"
Arrests / Criminal Records	<ul style="list-style-type: none"> Job-related questions about <u>convictions</u>, except those convictions that have been sealed, expunged, or statutorily eradicated. 	<ul style="list-style-type: none"> Arrest record, or "Have you ever been arrested?" (This is a violation of California Labor Code Section 432.7, which is enforced by the Labor Commissioner.)
Military Service	<ul style="list-style-type: none"> Questions regarding relevant skills acquired during applicant's U.S. military service. 	<ul style="list-style-type: none"> General questions regarding military service such as dates and type of discharge. Questions regarding service in a foreign military.
Organizations Activities	<ul style="list-style-type: none"> "Please list job-related organizations, clubs, professional societies, or other associations to which you belong. You may omit those that indicate your race, religious creed, color, national origin, ancestry, sex, or age." 	<ul style="list-style-type: none"> "List all organizations, clubs, societies, and lodges to which you belong."
References	<ul style="list-style-type: none"> "By whom were you referred for a position here?" Names of persons willing to provide professional and/or character references for the applicant. 	<ul style="list-style-type: none"> Questions about applicant's former employers or acquaintances that elicit information specifying the applicant's race, color, religious creed, national origin, ancestry, physical or mental disability, medical condition, marital status, age, or sex.
Notify in Case of Emergency	<ul style="list-style-type: none"> Name and address of person to be notified in case of accident or emergency. 	<ul style="list-style-type: none"> Name, address, and relationship of relative to be notified in case of accident or emergency.

1 Section 504 of the Rehabilitation Act of 1973 states that "You may not make pre-employment inquiry of an applicant as to whether the applicant is a handicapped person or as to the nature or severity of the handicap. You may, however, make pre-employment inquiry into an applicant's ability to perform job-related functions."

2 Reprinted from the State of California Department of Fair Employment and Housing Pre-Employment Inquiry Guidelines (Rev. 12/93).