

AUSTIN PEAY STATE UNIVERSITY

PRE-EMPLOYMENT INQUIRY GUIDE

SUBJECT	PERMISSIBLE INQUIRES	INQUIRES WHICH ARE TO BE AVOIDED
NAME	a. "Have you worked for this company under a different name?" b. "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 educational record? If yes, explain."	a. Inquires about the name, which would indicate applicant's lineage, ancestry, national origin or descent. b. Inquiry into previous name of applicant where it has been changed by court order or otherwise. c. Indicate: Miss, Mrs., Ms.
MARITAL AND FAMILY STATUS	a. Whether applicant can meet specified work schedules or has activities, commitments or responsibilities that may hinder the meeting of work attendance requirements. b. Inquiries as to duration of stay on job or anticipated absences, which are made to males and females alike.	a. Any inquiry indicating whether an applicant is married, single, divorced, engaged, etc. b. Number and age of children. c. Information on child-care arrangements. d. Any questions concerning pregnancy. e. Any such question which directly or indirectly results in limitations of job opportunity.
AGE	If a minor: a. Require proof of age in the form of a work permit or a certificate of age. b. Require proof of age by birth certificate after being hired. c. Inquiry as to whether or not the applicant meets the minimum age requirement as set by law and requirement that upon hire, proof of age must be submitted in the form of a birth certificate or other forms of proof of age. If age is a legal requirement: a. "If hired, can you furnish proof of age? /or/ Statement that hire is subject to verification of age." b. Inquiry as to whether or not an applicant is younger than the employer's regular retirement age.	a. Requirement that applicant state age or date of birth. b. Requirement that applicant produce proof of age in the form of a birth certificate or baptismal record. c. The Age Discrimination in Employment Act forbids discrimination against persons above the age of 40.
SEX	a. Inquiry or restriction of employment is permissible only where a Bona Fide Occupational Qualification exists. (This BFOQ exception is interpreted very narrowly by the courts and EEOC.) The burden of proof rests on the employer to prove that the BFOQ does exist and that all members of the affected class are incapable of performing the job. b. Sex of applicant may be requested (preferably not on the employment application) for affirmative action purposes on a voluntary basis but may not be used as an employment criterion.	a. Sex of applicant. b. Any other inquiry which would indicate sex. c. Sex is not a BFOQ because a job involves physical labor (such as heavy lifting) beyond the capacity of some women nor can employment be restricted just because the job is traditionally labeled "men's work" or "women's work." d. Applicant's sex cannot be used as a factor for determining whether or not an applicant will be satisfied in a particular job. e. Avoid questions concerning applicant's height or weight unless you can prove they are necessary requirements for the job to be performed.

<p>DISABILITIES</p>	<p>a. For employees subject to the provisions of the Rehabilitation Act of 1972 and the Americans with Disabilities Act, applicants may be asked if they can perform the essential functions required for the position.</p> <p>b. If the applicant has a disability known to the employer, the employer may ask how he or she can perform essential job functions that he employer considers difficult or impossible to perform because of the disability, and whether any "Reasonable Accommodation" would be needed to perform the function.</p> <p>With the three specific situations listed below, the following two questions may be asked:</p> <p>a. "Will you need a reasonable accommodation to perform the functions of the job?"</p> <p>b. What type of accommodation will be needed.</p> <p>The three specific situations:</p> <ol style="list-style-type: none"> 1. The applicant enters the interview and has an obvious disability. Obvious disabilities are considered to be mobility, visual, hearing, speech, and amputees. Someone "acting odd" isn't considered as an obvious disability. 2. The applicant voluntarily discloses during the interview that they have a hidden disability. 3. The applicant voluntarily discloses the need for an accommodation during the interview. 	<p>a. The Rehabilitation Act of 1973 and the Americans with disabilities Act forbids employers from asking job applicants general questions about whether they are handicapped or asking them about the nature and severity of their handicaps.</p> <p>b. An employer must be prepared to prove that any physical and mental requirements for a job are due to "business necessity" and the safe performance of the job.</p> <p>c. Except in cases where undue hardship can be proven, employers must made "reasonable accommodations" for the physical and mental limitations of an employee or applicant.</p> <p>"Reasonable Accommodation" includes alterations of duties, alteration of work schedule, alteration of physical setting, and provision of aids.</p>
<p>RACE OR COLOR</p>	<p>a. General distinguishing physical characteristics such as scars, etc., to be used for identification purposes.</p> <p>b. Race may be requested (preferably not on the employment application) for Affirmative Action purposes on a voluntary basis but may not be used as an employment criterion.</p>	<p>a. Applicant's race.</p> <p>b. Color of applicant's skin, eyes, hair, etc., or other questions directly or indirectly indicating race or color.</p>
<p>ADDRESS OR DURATION OF RESIDENCE</p>	<p>a. Applicant's address</p> <p>b. Inquiry into place and length of current and previous addresses.</p> <p>c. How long a resident of this state or city?</p>	<p>a. Specific inquiry into foreign addresses which would indicate national origin.</p> <p>b. Names and relationship of person with whom applicant resides.</p> <p>c. Whether applicant owns or rents home</p>
<p>BIRTHPLACE</p>	<p>a. "Can you, after employment, submit a birth certificate or other proof of U.S. citizenship?"</p>	<p>a. Birthplace of applicant.</p> <p>b. Birthplace of applicant's parents, spouse, or other relatives.</p> <p>c. Requirement that applicant submit a birth certificate before employment.</p> <p>d. Any other inquiry into national origin.</p>

RELIGION	<p>An applicant may be advised concerning normal hours and days of work required by the job to avoid possible conflict with religious or other personal conviction. However, except in cases where undue hardship can be proven, employers and unions must make "reasonable accommodation" for religious practices of an employee or prospective employee.</p> <p>"Reasonable Accommodation" may include voluntary substitutes, flexible scheduling, lateral transfer, change of job assignments, or allowing an alternative to payment of union dues.</p>	<p>a. Applicant's religious denomination or affiliation, church, parish, pastor or religious holidays observed.</p> <p>b. Applicant may not be told that any particular religious groups are required to work on their religious holidays.</p> <p>c. Any inquiry to indicate or identify religious denomination or customs.</p>
MILITARY RECORD	Type of education and experience in service as it relates to a particular job.	Type of discharge.
PHOTOGRAPH	May be required after hiring for identification.	<p>a. Requirement that applicant affix a photograph to his/her application.</p> <p>b. Request that applicant, at his/her option, submit photograph.</p> <p>c. Requirement of photograph after interview but before hiring.</p>
CITIZENSHIP	<p>a. "Are you a citizen of the United States?"</p> <p>b. "Do you intend to remain permanently in the U.S.?"</p> <p>c. Statement that if hired, applicant may be required to submit proof of citizenship.</p> <p>d. If not citizen, "Are you prevented from lawfully becoming employed because of visa or immigration status?"</p>	<p>a. "Of what country are you a citizen?"</p> <p>b. Whether applicant or his/her parents or spouse are naturalized or native-born U.S. citizens.</p> <p>c. Date when applicant or parents or spouse acquired U.S. citizenship.</p> <p>d. Requirement that applicant produce his/her naturalization papers.</p> <p>e. Whether applicant's parents or spouse are citizens of the U.S.</p>
ANCESTRY OR NATIONAL ORIGIN	Languages applicant reads, speaks or writes fluently. (If another language is necessary to perform the job.)	<p>a. Inquires into applicant's ancestry, national origin, descent, birthplace or native language.</p> <p>b. National origin of applicant's parents or spouse.</p>
EDUCATION	<p>a. Applicant's academic, vocational, or professional education; school attended when the performance of the job requires a particular level of education.</p> <p>b. Inquiry into language skills such as reading, speaking and writing foreign languages.</p>	<p>a. Any inquiry asking specifically the nationality, racial or religious affiliation of a school.</p> <p>b. Inquiry as to how foreign language ability was acquired.</p>
EXPERIENCE	<p>a. Applicant's work experience, including names and addresses of previous employers, dates of employment, reasons for leaving, and salary history.</p> <p>b. Other countries visited.</p>	
CONVICTION ARREST AND COURT RECORD	a. Inquiry into actual convictions which relate reasonably to fitness to perform a particular job. (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.)	<p>a. Any inquiry relating to arrests.</p> <p>b. Ask or check into a person's arrest, court, or conviction record if not substantially related to functions and responsibilities of the particular job in question.</p>

RELATIVES	a. Names of applicant's relatives already employed by this company. b. Names and addresses of parents or guardian of minor applicant.	Name or address of any relative of adult applicant.
NOTICE IN CASE OF EMERGENCY	Name and address of persons to be notified in case of accident or emergency.	Name and address of relatives to be notified in case of accident or emergency.
ORGANIZATIONS	a. Inquiry into the organizations of which an applicant is a member providing the name or character of the organization does not reveal the race, religion, color or ancestry of the membership. b. "List all professional organizations to which you belong. What offices held?"	a. "List all organizations, clubs, societies, and lodges to which you belong." b. The names of organizations to which the applicant belongs if such information would indicate through character or name the race, religion, color or ancestry of the membership.
REFERENCES	a. "By whom were you referred for a position here?" b. Names of persons willing to provide professional and/or character references for applicants.	a. Require the submission of a religious reference. b. Request reference from applicant's pastor.
CREDIT RATING	None	Any questions concerning credit rating, charge accounts, garnishments, bankruptcy, and ownership of automobile/home.
DRUGS OR SMOKING	a. Inquires asking whether an applicant smokes or uses drugs are permissible. b. It is also permissible to ask the applicant if they can comply with institutional policy on drugs and smoking.	a. Questions dealing with arrests or convictions from illegal drug use unless it can be shown that it is directly job related. b. Questions on treatment programs for use of drugs and tobacco.
MISCELLANEOUS	Notice to applicants that any misstatements or omissions of material facts in the application may be cause for dismissal.	
		*These inquires should be avoided as selection criteria unless you can prove that a Bona Fide Occupational Qualification (BFOQ) is involved. A BFOQ is a qualification that is absolutely necessary to perform a job.

ANY INQUIRY SHOULD BE AVOIDED WHICH, ALTHOUGH NOT SPECIFICALLY LISTED AMONG THE ABOVE, IS DESIGNED TO ELICIT INFORMATION CONCERNING RACE, COLOR, ANCESTRY, AGE, SEX, RELIGION, HANDICAP, OR ARREST AND COURT RECORD UNLESS BASED UPON A BONA FIDE OCCUPATIONAL QUALIFICATION.