

# ILLEGAL APPLICATION QUESTIONS

Applications may contain questions that are illegal to ask before a conditional offer of employment. These include questions about the following subjects:

- race
- color
- religion
- creed
- national origin
- public assistance
- sex and age and disability
- marital status
- sexual orientation

You need to decide how you will respond:

- If the question does not bother you, answer it.
- If it does, you can use "n/a". But be aware that you may get screened out by having too many of these responses. If possible, you may also decide to choose a different employer.

## **Subject: Nationality**

**Illegal:** Are you a U.S. citizen?; Where were you/your parents born?; What is your "native tongue?"

**Legal:** Are you authorized to work in the United States?; What languages do you read, speak or write fluently? (This question is okay, as long as this ability is relevant to the performance of the job.)

## **Subject: Age**

**Illegal:** How old are you?; When did you graduate from college?; What is your birthday?

**Legal:** Are you over the age of 18?

## **Subject: Marital/Family status**

**Illegal:** What's your marital status?; Who do you live with?; Do you plan to have a family?; When?; How many kids do you have?; What are your child care arrangements?

**Legal:** Would you be willing to relocate if necessary?; Travel is an important part of the job. Would you be willing to travel as needed by the job (This question is okay, as long as all applicants for the job are asked it.); This job requires overtime occasionally. Would you be able and willing to work overtime as necessary? (Again, this question okay as long as all applicants for the job are asked it.)

## **Subject: Affiliations**

**Illegal:** To what clubs or social organizations do you belong?

**Legal:** Do you belong to any professional or trade groups or other organizations that you consider relevant to your ability to perform this job?

## **Subject: Personal**

**Illegal:** How tall are you?; How much do you weigh?

**Legal:** Are you able to lift a 50-pound weight and carry it 100 yards, as that is part of the job? (Questions about height and weight are not acceptable unless minimum standards are essential to the safe performance of the job.)

## **Subject: Disabilities**

**Illegal:** Do you have any disabilities?; Please complete the following medical history.; Have you had any recent or past illnesses or operations? If yes, list and give dates.; What was the date of your last physical exam?; How's your family's health?; When did you lose your eyesight?

**Legal:** Are you able to perform the essential functions of this job with or without reasonable accommodations? (This question is okay if the interviewer thoroughly described the job.)

(NOTE: As part of the hiring process, after a job offer has been made you will be required to undergo a medical exam. Exam results must be kept strictly confidential, except medical/safety personnel may be informed if emergency medical treatment is required, and supervisors may be informed about necessary job accommodations, based on the exam results.)

## **Subject: Arrest record**

**Illegal:** Have you ever been arrested?

**Legal:** Have you ever been convicted of \_\_\_\_\_? (The crime should be reasonably related to the performance of the job in question.)