Can Ask/Can’t Ask

If you decide to use any of the “May Ask” questions, be sure to ask the same questions of all applicants.

<table>
<thead>
<tr>
<th>Subject</th>
<th>May Ask</th>
<th>Do Not Ask</th>
<th>Possible Discrimination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>• Are you over age 18?</td>
<td>• How old are you?</td>
<td>• Age Discrimination in Employment Act (1967)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• When did you graduate from high school?</td>
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<td></td>
<td></td>
<td>• What is your birth date?</td>
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<td></td>
<td></td>
<td>• How old are your children?</td>
<td></td>
</tr>
<tr>
<td>Arrest &amp; Conviction</td>
<td>• None (unless job related – check w/HR)</td>
<td>• Have you ever been arrested?</td>
<td>• Civil Rights Act (1964)</td>
</tr>
<tr>
<td>Disability</td>
<td>• Can you perform the duties of this position, either with or without accommodation?</td>
<td>• Do you have any disabilities?</td>
<td>• Americans with Disabilities Act (1990)</td>
</tr>
<tr>
<td>Finances</td>
<td>• None</td>
<td>• Do you own your own home?</td>
<td>• Civil Rights Act (1964)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Have your wages ever been garnished?</td>
<td></td>
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<td>• Have you ever declared bankruptcy?</td>
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<tr>
<td></td>
<td></td>
<td>• Do you own a car?</td>
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<tr>
<td>Gender, Family Status, Marital Status</td>
<td>• What hours can you work?</td>
<td>• Are you married?</td>
<td>• Civil Rights Act (1964)</td>
</tr>
<tr>
<td></td>
<td>• What shifts can you work?</td>
<td>• Are you pregnant?</td>
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<tr>
<td></td>
<td>• Do you have any responsibilities that conflict with the job attendance or travel requirements of this job?</td>
<td>• Do you plan to start a family?</td>
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<td></td>
<td></td>
<td>• Do you have children?</td>
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<td></td>
<td></td>
<td>• What are you child care arrangements?</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>• How old are your children?</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>• What does your husband/wife do?</td>
<td></td>
</tr>
<tr>
<td>Height/Weight</td>
<td>• None (unless relevant to specific job)</td>
<td></td>
<td>• Civil Rights Act (1964)</td>
</tr>
<tr>
<td>Name</td>
<td>• Have you ever used another name?</td>
<td>• What is your maiden name?</td>
<td>• Civil Rights Act (1964)</td>
</tr>
<tr>
<td></td>
<td>• Why is the name on your application different from the name on your certification?</td>
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<td></td>
</tr>
<tr>
<td>Subject</td>
<td>May Ask</td>
<td>Do Not Ask</td>
<td>Possible Discrimination</td>
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<tr>
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<tr>
<td>National Origin</td>
<td>• Are you legally eligible for employment in the U.S?</td>
<td>• Are you a U.S. Citizen?</td>
<td>• Civil Rights Act (1964)</td>
</tr>
<tr>
<td></td>
<td>• Have you ever worked under a different name?</td>
<td>• What is your national origin?</td>
<td></td>
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<td></td>
<td>• Do you speak another language? (if job related)</td>
<td>• Where are you from?</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>• Where were you born?</td>
<td></td>
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<tr>
<td>Race</td>
<td>• None</td>
<td>• What is your maiden name?</td>
<td>• Civil Rights Act (1964)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• How did you learn another language?</td>
<td></td>
</tr>
<tr>
<td>Religion</td>
<td>• None</td>
<td>• What kind of Visa do you have?</td>
<td>• Civil Rights Act (1964)</td>
</tr>
<tr>
<td></td>
<td>• May tell applicant the college’s regular work days, shifts, hours.</td>
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<tr>
<td>Sexual Preference</td>
<td>• None</td>
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<tr>
<td>Smoking</td>
<td>• Inform applicants of any bans (ex. Because it is a health care facility, we ask that there be no smoking on the grounds)</td>
<td>• Do you smoke?</td>
<td></td>
</tr>
<tr>
<td>Worker’s Compensation</td>
<td>• How many days were you absent last year?</td>
<td>• Have you ever filed a Worker’s Compensation claim?</td>
<td>• Americans with Disabilities Act (1990)</td>
</tr>
</tbody>
</table>