

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.

Subject	May Ask	Do Not Ask	Possible Discrimination
Age	<ul style="list-style-type: none"> • Are you over age 18? 	<ul style="list-style-type: none"> • How old are you? • When did you graduate from high school? • What is your birth date? • How old are your children? 	<ul style="list-style-type: none"> • Age Discrimination in Employment Act (1967)
Arrest & Conviction	<ul style="list-style-type: none"> • None (unless job related – check w/HR) 	<ul style="list-style-type: none"> • Have you ever been arrested? 	<ul style="list-style-type: none"> • Civil Rights Act (1964)
Disability	<ul style="list-style-type: none"> • Can you perform the duties of this position, either with or without accommodation? 	<ul style="list-style-type: none"> • Do you have any disabilities? 	<ul style="list-style-type: none"> • Americans with Disabilities Act (1990)
Finances	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Do you own your own home? • Have your wages ever been garnished? • Have you ever declared bankruptcy? • Do you own a car? 	<ul style="list-style-type: none"> • Civil Rights Act (1964)
Gender Family Status Marital Status	<ul style="list-style-type: none"> • What hours can you work? • What shifts can you work? • Do you have any responsibilities that conflict with the job attendance or travel requirements of this job? 	<ul style="list-style-type: none"> • Are you married? • Are you pregnant? • Do you plan to start a family? • Do you have children? • What are your child care arrangements? • How old are your children? • What does your husband/wife do? 	<ul style="list-style-type: none"> • Civil Rights Act (1964)
Height/Weight	<ul style="list-style-type: none"> • None (unless relevant to specific job) 		<ul style="list-style-type: none"> • Civil Rights Act (1964)
Name	<ul style="list-style-type: none"> • Have you ever used another name? • Why is the name on your application different from the name on your certification? 	<ul style="list-style-type: none"> • What is your maiden name? 	<ul style="list-style-type: none"> • Civil Rights Act (1964)

Subject	May Ask	Do Not Ask	Possible Discrimination
National Origin	<ul style="list-style-type: none"> • Are you legally eligible for employment in the U.S? • Have you ever worked under a different name? • Do you speak another language? (if job related) 	<ul style="list-style-type: none"> • Are you a U.S. Citizen? • What is your national origin? • Where are you from? • Where were you born? • Where are your parents from? • What is your maiden name? • How did you learn another language? • What kind of Visa do you have? 	<ul style="list-style-type: none"> • Civil Rights Act (1964)
Race	<ul style="list-style-type: none"> • None 		<ul style="list-style-type: none"> • Civil Rights Act (1964)
Religion	<ul style="list-style-type: none"> • None • May <u>tell</u> applicant the college's regular work days, shifts, hours. 		<ul style="list-style-type: none"> • Civil Rights Act (1964)
Sexual Preference	<ul style="list-style-type: none"> • None 		
Smoking	<ul style="list-style-type: none"> • Inform applicants of any bans (ex. Because it is a health care facility, we ask that there be no smoking on the grounds) 	<ul style="list-style-type: none"> • Do you smoke? 	<ul style="list-style-type: none"> •
Worker's Compensation	<ul style="list-style-type: none"> • How many days were you absent last year? 	<ul style="list-style-type: none"> • Have you ever filed a Worker's Compensation claim? 	<ul style="list-style-type: none"> • Americans with Disabilities Act (1990)