

Questions You Can and Cannot Ask

Subject	Can't Ask	Can Ask
Military Service	General questions regarding military service such as dates and type of discharge. A DD-214 provides the necessary information for applicants needing to prove veteran's status.	Questions regarding relevant skills acquired during military service
Work Schedule	Willingness to work any particular religious holiday.	Willingness to work required work schedules.
Family	Marital status; number of children; if pregnant or planning a family; child care arrangements.	"Do you have any responsibilities that conflict with the job attendance or travel requirements?"
Education	School connections to specific racial, ancestral, national, or religious groups; if received financial aid.	Degree earned; training completed related to job; educational accomplishments.
Citizenship	Applicant's country of citizenship; if applicant is a U.S. citizen	If applicant can work legally in the U.S. Fluency in any other languages if it relates to the job.
Memberships	Non-work related organizations, such as religious or ethnic groups.	Professional associations, trade groups, or Unions.
Arrests	Any questions relating to arrests	None (arrests are not convictions and may not relate to the job).
Convictions	If applicant has been convicted of any illegal activities.	Job related convictions (must be a nexus to the position).

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Illness	Number of sick days	Anything preventing working a particular schedule
Drugs	If applicants takes medication	May state policy on use of illegal drugs
Gender	Any questions related to gender.	Only if there is a bona fide occupational qualification for job requiring person of a particular gender.
Physical Characteristics	Questions about color of skin, hair, eyes. Never request a photograph.	Height and/or weight if bona fide occupational qualification.
Social Class	Questions about home ownership; means of transportation to work.	State a valid and current driver's license is required for the job.
Religion	Name of pastor, clergy; rabbi; religious holidays observed; church attendance.	None, unless the employer is the house of worship.
Financial History	If ever filed for bankruptcy, had wages garnished, or been refused bonding; any questions about credit history.	If able to obtain bond (if required for the job)
Previous Jobs	Previous salary; if ever filed suit or claim against, former employer.	Previous work history; dates of employment; references; how previous work prepared applicant for this job.
Smoking	If applicant smokes.	May state office smoking policies and restrictions.
Race	What is your race?	None

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Residence	Do you own/rent your home? Who lives with you?	What is your address?
Age	Inquires about age or birth date.	If there is a bona fide age requirement for the job, you may state the requirement.
Disability	Questions concerning suspected disabilities, being regarded as having a disability or any reference to records of such a disability.	If there is an obvious disability, you may ask how the individual would perform certain activities.
Disability	Will you require a reasonable accommodation?	Can you perform the essential job functions or critical results with or without a reasonable accommodation?
Disability	Would you be able to pass a psychiatric exam if hired?	For special jobs (law enforcement, heavy equipment operations, firefighting) you may require a pre-employment or post-offer physical or psychiatric exam if you require it of all candidates or new hires and the content of which is job related.