



The Management Advantage, Inc. – PO Box 3708 – Walnut Creek, CA 94598
925-671-0404

Questions You Can and Can't Ask Before the Job Offer

©2007 William H. Truesdell, SPHR
The Management Advantage, Inc. – All Rights Reserved

Acceptable	Subject	Not-Acceptable
<ul style="list-style-type: none">▪ Street address of residence.▪ Length of time at current or former residence.	ADDRESS OF RESIDENCE	<ul style="list-style-type: none">▪ Inquiries into foreign addresses that would indicate national origin.▪ Do you own or rent your residence?
<ul style="list-style-type: none">▪ If you are hired, can you show proof that you are over eighteen years old?▪ If you are under eighteen years old, can you provide a work permit from your school?	AGE	<ul style="list-style-type: none">▪ How old are you?▪ What is your birthday?▪ When did you graduate from elementary or high school?▪ Requirement for birth certificate or baptismal record before hiring.▪ Advertisement using words like, “young,” “girl,” “boy,” “college student,” “retired person,” etc.
<ul style="list-style-type: none">▪ If you are hired, can you furnish proof of your right to work in this country?	ANCESTRY, BIRTHPLACE OR NATIONAL ORIGIN	<ul style="list-style-type: none">▪ Where were you born?▪ Where were your parents born?▪ How did you learn your languages?▪ Do you have relatives in any other country?

Acceptable	Subject	Not-Acceptable
<ul style="list-style-type: none"> ▪ Have you ever been convicted of a crime that may be related to this job content or responsibilities? 	<p>ARRESTS OR CONVICTIONS</p>	<ul style="list-style-type: none"> ▪ Any question related to arrest record.
<ul style="list-style-type: none"> ▪ Are you a U.S. citizen? (If citizenship is a job requirement because of security clearances, etc.) 	<p>CITIZENSHIP</p>	<ul style="list-style-type: none"> ▪ Are you a native-born or naturalized citizen. ▪ When did you become a citizen? ▪ Show proof of citizenship or naturalization before hiring.
<ul style="list-style-type: none"> ▪ Employers may tell applicants that any job offer is made contingent upon their passing a physical examination if such a requirement is made of everyone hired into that specific job. ▪ Requiring applicants to pass a drug screen is usually permitted. ▪ It is acceptable to ask if an applicant is able to perform the essential functions of the job, with or without a job accommodation. 	<p>DISABILITY OR MEDICAL CONDITION</p>	<ul style="list-style-type: none"> ▪ Have you ever filed a Workers' Compensation claim? ▪ Do you have any serious medical condition or disability? ▪ Has anyone in your family ever had Cancer, heart disease or other serious illness? ▪ Have you ever had a job accommodation?
<ul style="list-style-type: none"> ▪ Please list the college degrees you have earned, and the institutions attended. ▪ Please list any continuing education programs, certification or vocational training you have received related to this job. 	<p>EDUCATION</p>	<ul style="list-style-type: none"> ▪ Any inquiry into the nationality or racial makeup of the institution. ▪ When did you graduate from elementary or high school?

Acceptable	Subject	Not-Acceptable
<ul style="list-style-type: none"> ▪ There are usually no acceptable questions about financial status. 	FINANCIAL STATUS	<ul style="list-style-type: none"> ▪ Have you ever had your wages garnished? ▪ What is your credit rating? ▪ Have you ever filed for bankruptcy? ▪ What is your net worth?
<ul style="list-style-type: none"> ▪ Will you please demonstrate how you would perform job-specific tasks (duties). 	HEIGHT AND WEIGHT	<ul style="list-style-type: none"> ▪ Almost no question about height and/or weight is acceptable.
<ul style="list-style-type: none"> ▪ Almost no pre-employment inquiry is acceptable. 	MARITAL STATUS OR PARENTAL STATUS	<ul style="list-style-type: none"> ▪ Are you single, married, divorced, separated, etc? ▪ What are the names and ages of your spouse & children? ▪ Where does your spouse work? ▪ Are you planning to have more children?
<ul style="list-style-type: none"> ▪ Please describe any military service experience you believe will help you on this specific job. 	MILITARY SERVICE	<ul style="list-style-type: none"> ▪ Have you served in the military of any country other than the U.S.? ▪ What type of discharge did you receive? ▪ What were the dates of your military service?
<ul style="list-style-type: none"> ▪ Have you ever used another name that would enable us to check on your employment or education records? 	NAME	<ul style="list-style-type: none"> ▪ What is your maiden name? ▪ Are you a Mr., Mrs., Miss, Ms. or other designation?

Acceptable	Subject	Not-Acceptable
<ul style="list-style-type: none"> ▪ Please indicate any job-related organizations, clubs, professional societies, or other associations to which you belong. You may omit those which indicate your race, religious creed, color, national origin, ancestry, sex or age. 	<p>ORGANIZATION MEMBERSHIPS</p>	<ul style="list-style-type: none"> ▪ List all organizations, clubs, societies, and lodges to which you belong. ▪ Do not ask about <i>paid</i> work experience without also asking about <i>unpaid</i> or <i>volunteer</i> work experience.
<ul style="list-style-type: none"> ▪ Statement that a photograph may be required AFTER hiring. 	<p>PHYSICAL DESCRIPTION OR PHOTOGRAPH</p>	<ul style="list-style-type: none"> ▪ Any request for a photograph or physical description prior to a job offer.
<ul style="list-style-type: none"> ▪ Identifying race following the job offer is often a requirement for governmental reporting. ▪ Inviting applicant self-identification of race and sex is a requirement for affirmative action employers (government contractors). The data must be kept away from the hiring manager. 	<p>RACE OR COLOR</p>	<ul style="list-style-type: none"> ▪ Any inquiry about skin color, hair or eye color, etc. ▪ Any inquiry about race, color or ethnicity.
<ul style="list-style-type: none"> ▪ Who referred you to us? ▪ Names of individuals who can provide either personal or professional references for the job applicant. 	<p>REFERENCES</p>	<ul style="list-style-type: none"> ▪ Any request for references that might indicate applicant's race, religion, color, sex, national origin, age or disability status.

Acceptable	Subject	Not-Acceptable
<ul style="list-style-type: none"> ▪ Name and address of person you wish to have notified in the event of an emergency. ▪ Name of applicant's relatives who work for the employer. ▪ Names and addresses of guardians of a minor job applicant. 	RELATIVES OR EMERGENCY CONTACT INFORMATION	<ul style="list-style-type: none"> ▪ What is the name of the relative you want us to notify in the event of an emergency? ▪ Who is your nearest living relative and how can we contact them? ▪ Do your relatives speak English?
<ul style="list-style-type: none"> ▪ Other than absences from work for religious observances, will you be available for work at the following times? 	RELIGION	<ul style="list-style-type: none"> ▪ Who is your pastor (minister, Rabi or other religious leader)? ▪ What church do you attend? ▪ What religious holidays do you observe?
<ul style="list-style-type: none"> ▪ Inviting applicant self-identification of race and sex is a requirement for affirmative action employers (government contractors). The data must be kept away from the hiring manager. 	SEX	<ul style="list-style-type: none"> ▪ Any inquiry that would indicate preference for one sex over the other. ▪ Advertisement indicating "Men Wanted" or "Women Wanted." ▪ Any preference other than those based upon a bona fide occupational qualification.
<ul style="list-style-type: none"> ▪ Explanation of work schedule requirements and inquiry about willingness to meet that schedule. 	WORK SCHEDULE	<ul style="list-style-type: none"> ▪ How will you get to work? ▪ Everyone works through the weekend. Are you willing to do that, too? ▪ Are you willing to work on Christmas, Easter and Good Friday? ▪ Who will look after your kids while you're at work?