

## Guide for Pre-Employment Inquiries

Category	It is discriminatory to inquire about:	Examples of acceptable inquiries:
1. Name	<ul style="list-style-type: none"> <li>a. The fact of a change of name or the original name of an applicant whose name has been legally changed.</li> <li>b. Maiden name.</li> </ul>	<ul style="list-style-type: none"> <li>a. Information necessary to enable a check on applicant's work records.</li> </ul>
2. Birthplace and Residence	<ul style="list-style-type: none"> <li>a. Birthplace of applicant or spouse.</li> <li>b. Birthplace of applicant's parents or other relatives.</li> <li>c. Questions regarding owning or renting.</li> </ul>	<ul style="list-style-type: none"> <li>a. Applicant's place of residence.</li> <li>b. Length of applicant's residence in city where the employer is located.</li> <li>c. Statements that hire is subject to verification of legal right to work in the United States.</li> </ul>
3. Creed and Religion	<ul style="list-style-type: none"> <li>a. Applicant's religious affiliation.</li> <li>b. Church, parish or religious holidays observed by applicant, and whether religious beliefs prevent applicant from working on those days.</li> </ul>	<ul style="list-style-type: none"> <li>a. None; however, an employer may state the regular work days, hours and shifts to be worked, as well as religious days on which operations are closed.</li> </ul>
4. Race or Color	<ul style="list-style-type: none"> <li>a. Applicant's race or color.</li> <li>b. Color of applicant's skin, complexion eyes, hair, etc.</li> </ul>	<ul style="list-style-type: none"> <li>a. None</li> </ul>
5. Photographs and Fingerprints	<ul style="list-style-type: none"> <li>a. Photographs with application.</li> <li>b. Photographs after interview, but before hiring.</li> </ul>	<ul style="list-style-type: none"> <li>a. Statement that photograph and/or fingerprints may be required after employment.</li> </ul>
6. Age	<ul style="list-style-type: none"> <li>a. Date of birth or age of an applicant except when such information is needed to meet state or federal minimum age requirements.</li> <li>b. Age specifications or limitations in newspaper advertisements which might bar workers under or over a certain age.</li> <li>c. Dates of attendance or completion of school.</li> <li>d. Questions which tend to identify applicants over 40.</li> </ul>	<ul style="list-style-type: none"> <li>a. Statement that applicant's hire is subject to verification that he/she meets legal age requirements for the job.</li> </ul>
7. Education	<ul style="list-style-type: none"> <li>a. Specific years of attendance or graduation.</li> <li>b. Who paid for educational expenses while in school.</li> <li>c. Whether applicant still owes on loans taken out while in school.</li> </ul>	<ul style="list-style-type: none"> <li>a. Academic, vocational or professional education and the public and private schools attended.</li> </ul>

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<b>8. Citizenship</b>	<ul style="list-style-type: none"> <li>a. Any inquiry into whether applicant is or intends to become a citizen of the United States.</li> <li>b. Any requirement that applicants produce naturalization or alien registration prior to employment.</li> </ul>	<ul style="list-style-type: none"> <li>a. Can you, after employment, submit verification of your legal right to work in the United States?</li> </ul>
<b>9. National Origin and Ancestry</b>	<ul style="list-style-type: none"> <li>a. Applicant's lineage, ancestry, national origin, descent, parentage or nationality, applicant's spouse, parent or relative.</li> <li>b. Language commonly used by applicant.</li> <li>c. How applicant acquired the ability to read, write or speak a foreign language.</li> <li>d. Driver's license issued to undocumented persons</li> </ul>	<ul style="list-style-type: none"> <li>a. What language the applicant speaks, writes, reads or understands (may be asked only if language other than English is relevant to the job being applied for).</li> <li>b. Driver's license if required by law or required for the essential job duties.</li> </ul>
<b>10. Language</b>	<ul style="list-style-type: none"> <li>a. Applicant's mother tongue.</li> <li>b. Language commonly used by applicant at applicant's home.</li> <li>c. How the applicant acquired ability to read, write or speak a foreign language.</li> </ul>	<ul style="list-style-type: none"> <li>a. Languages applicant speaks and/or writes fluently if language other than English is relevant to the job being applied for.</li> </ul>
<b>11. Relatives</b>	<ul style="list-style-type: none"> <li>a. Name and/or address of any relative of applicant.</li> </ul>	<ul style="list-style-type: none"> <li>a. Statement of company policy regarding work assignment of employees who are related.</li> <li>b. Name and address of parent or guardian if applicant is a minor.</li> </ul>
<b>12. Military Experience</b>	<ul style="list-style-type: none"> <li>a. General questions regarding military service such as dates/types of discharge.</li> <li>b. Questions regarding service in a foreign military.</li> </ul>	<ul style="list-style-type: none"> <li>a. Questions regarding relevant skills acquired during U.S military service.</li> </ul>
<b>13. Credit Report</b>	<ul style="list-style-type: none"> <li>a. Use of credit reports are generally prohibited under California law. There are certain exceptions. However, even if an exception exists, any report that would disclose protected information that is otherwise illegal to ask is prohibited, such as age, marital status, etc.</li> </ul>	
<b>14. Social Media</b>	<ul style="list-style-type: none"> <li>a. California prohibits employers from requiring or requesting applicants to provide user names or passwords for their personal social media accounts for the purpose of gaining access to those accounts.</li> </ul>	

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<b>15. Organization(s)</b>	<ul style="list-style-type: none"> <li>a. Clubs, societies, lodges or organizations to which the applicant belongs, which might indicate race, religion, etc.</li> <li>b. Names of any service organizations of which applicant is a member.</li> </ul>	<ul style="list-style-type: none"> <li>a. Applicant's membership in any job-related professional or trade organization, unless they indicate applicant's race, religion, ancestry, sex or age.</li> </ul>
<b>16. References</b>	<ul style="list-style-type: none"> <li>a. Any questions of applicant's former employers or acquaintances that elicit information concerning applicant's race, sex, color, religion, national origin, physical handicap, marital status, age, sexual orientation or medical condition.</li> <li>b. The name of the applicant's pastor or religious leader.</li> </ul>	<ul style="list-style-type: none"> <li>a. Names of persons willing to provide professional and/or character references for applicant.</li> <li>b. Names of persons who suggested applicant apply for a position with the employer.</li> <li>c. Request of applicant for written consent to a former employer's giving of a narrative job reference.</li> </ul>
<b>17. Sex and Marital Status</b>	<ul style="list-style-type: none"> <li>a. Sex of applicant.</li> <li>b. Marital status of applicant.</li> <li>c. Number/ages of children or dependents.</li> <li>d. Whether applicant has made provisions for child care.</li> <li>e. Whether applicant is pregnant, breastfeeding or uses birth control.</li> <li>f. With whom applicant resides.</li> <li>g. Whether applicant lives with his/her parents.</li> <li>h. Applicant's maiden name.</li> <li>i. Name of spouse or children.</li> <li>j. Child support obligations.</li> </ul>	<ul style="list-style-type: none"> <li>a. The name and address of applicant's parent or guardian (for minors only, if applicable to the job).</li> <li>b. Name and position of any relatives already employed by the company.</li> </ul>
<b>18. Sexual Orientation</b>	<ul style="list-style-type: none"> <li>a. Applicant's sexual orientation or any questions designed to determine sexual orientation.</li> <li>b. Questions regarding marital status.</li> <li>c. Questions regarding spouse's name or relation of household members to each other.</li> </ul>	<ul style="list-style-type: none"> <li>a. None</li> </ul>
<b>19. Gender Identity/ Gender Expression</b>	<ul style="list-style-type: none"> <li>a. Questions designed to detect someone's gender, gender identity, transgender status, or gender expression.</li> <li>b. Questions about a person's body or gender-related appearance.</li> <li>c. Questions regarding an applicant's plans to have surgery, medical treatments or regarding gender transition.</li> </ul>	<ul style="list-style-type: none"> <li>a. None</li> </ul>

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20. <b>Arrest/Criminal Record</b>	<ul style="list-style-type: none"> <li>a. General questions regarding arrest record.</li> <li>b. Misdemeanor convictions for possession of marijuana that are more than two years old.</li> </ul>	<ul style="list-style-type: none"> <li>a. Inquiries about convictions must be job-related and should not include convictions which have been sealed, expunged or statutorily eradicated. Number and kinds of convictions for criminal offenses (must be accompanied by a statement that a conviction will not necessarily disqualify an applicant for employment).</li> </ul>
21. <b>Height or Weight</b>	<ul style="list-style-type: none"> <li>a. Any inquiry into height or weight of applicant, except where it is a bona fide occupational requirement.</li> </ul>	<ul style="list-style-type: none"> <li>a. None</li> <li>b. Check local ordinances for further restrictions</li> </ul>
22. <b>Disability or Physical or Mental Condition (Applicants)</b>	<ul style="list-style-type: none"> <li>a. Inquiry into applicant's general medical condition, state of health or illness, physical or mental disabilities.</li> <li>b. Requiring a psychological or medical exam of any applicant.</li> <li>c. Questions regarding receipt of workers' compensation.</li> </ul>	<ul style="list-style-type: none"> <li>a. Whether applicant is able to perform the essential functions of this job (if applicant voluntarily discloses a disability, can inquire whether applicant can perform the job notwithstanding the disability or with reasonable accommodation).</li> <li>b. Statement that employment offer may be made contingent to applicant passing a job-related mental/physical exam.</li> </ul>
23. <b>Notice in Event of Emergency</b>	<ul style="list-style-type: none"> <li>a. Name and address of <i>relative</i> to be notified in case of accident or emergency.</li> </ul>	<ul style="list-style-type: none"> <li>a. Name and address of <i>person</i> to be notified in case of accident or emergency.</li> </ul>