

LEGAL CHECKLIST OF PREEMPLOYMENT INQUIRIES*

THE FOLLOWING PRE-OFFER QUESTIONS ARE GENERALLY PERMISSIBLE:

- Can you perform the essential functions of this job?
- Here is the job description and a list of the company's performance standards --can you satisfy them?
- Will you comply with the company's drug abuse (smoking, attendance, etc.) policies? Will you take a test for the use of illegal drugs?
- Do you have the necessary licenses (skills, educational requirements, experience, or other qualifications) to do the job?
- Describe your prior work experiences? Why did you leave each of your prior employers?
- Have you been convicted of a felony? Describe the circumstances.
- Do you have the necessary documents for our 1-9 forms?

Post-Offer Questions: After the employer has made a conditional job offer, the employer may ask some disability-related questions and require medical examinations, as long as this is done for all individuals in the job category. Also, there are categories of information that applicants may be asked to voluntarily disclose pursuant to affirmative action requirements of state or federal law. Human Resources should make such inquiries.

THE FOLLOWING PRE-OFFER QUESTIONS SHOULD BE AVOIDED:

Disabilities:

- Is there any health-related reason you may not be able to perform this job?
- What accommodations do you need to help you perform this job? (unless the applicant brings it up).
- Have you or a family member ever had any of the following medical conditions?
- Have you ever filed a claim for workers' compensation?
- Do you have AIDS or HIV infection?

Age:

- When were you born?
- When did you graduate from high school?

National Origin:

- Where were you born?
- Are you a naturalized citizen?

Criminal Record:

- Have you ever been arrested?

Marital/Family Status:

- Are you Married?
- Are you pregnant?
- Do you have children?
- Do you plan to have any children?

Union Affiliation:

- Are you of a union?
- Have you ever been a member of a union?

****This checklist does not purport to provide legal advice or opinion. Such advice can only be given when related to specific fact situations.***