

## ILLEGAL QUESTIONS for SCREENING APPLICANTS

SUBJECT	ILLEGAL QUESTIONS	LEGAL QUESTIONS
Nation Origin/Citizenship	<p>Of what country are you a citizen?</p> <p>Where were you/your parents born?</p> <p>What is your native tongue?</p> <p>O'Brien, is that Irish?</p>	<p>Are you authorized to work in the United States? Will you need visa support now or in the future?</p> <p>Are you a citizen of the United States?(Only if it is a job requirement)</p> <p>What languages do you read, speak, and/or write fluently? (Only if it is relevant to the performance of the job)</p>
Age	<p>How old are you?</p> <p>When did you graduate from high school or college?</p> <p>What is your birthdate?</p>	<p>Are you at least 18 years of age?</p>
Marital/Family Status	<p>What's your marital status?</p> <p>Who do you live with?</p> <p>Do you plan to start a family?</p> <p>How long do you plan to work?</p> <p>How old are your kids?</p> <p>What are your childcare arrangements?</p> <p>Are you pregnant?</p>	<p>Travel is an important part of the job. Will you be able to travel and possibly be away from home for a week at a time?</p> <p>This job requires flexibility in hours. Will you be able to work evening and weekend hours on occasion?</p> <p>Are you related to anyone currently employed at SUNY Geneseo?</p>
Affiliations	<p>What clubs or social organizations do you belong to?</p>	<p>Do you belong to any professional or trade groups that you consider relevant to your ability to perform this job?</p>
Personal/Physical	<p>How tall are you?</p> <p>How much do you weigh?</p> <p>Do you think you can physically handle this job?</p>	<p>Are you able to lift 50 pounds and carry it 100 yards, as part of the job?</p> <p>(Questions of height and weight are not legal unless minimum standards are essential to the safe performance of the job)</p>
Religion	<p>What church do you go to?</p> <p>What religion do you practice?</p> <p>Is that a religious emblem on your necklace?</p>	<p>An applicant may be advised of normal hours and days of work required of the job, however employer is required to make reasonable accommodation to allow people to practice their religion.</p>

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Disability	<p>Do you have any disabilities?</p> <p>Have you had any recent or past illnesses or operations?</p> <p>How many days were you absent from work last year due to illness?</p> <p>How's your health? How's your family's health?</p> <p>When did you lose your eyesight?</p> <p>Have you ever received Worker's Compensation?</p>	<p>Are you able to perform the essential functions of the job with or without an accommodation? (Acceptable only if you thoroughly describe the job)</p>
Conviction, Arrest Record, and Court Record	<p>Have you ever been arrested? It is against the law to automatically bar someone from employment due to a criminal history. We must consider the nexus between the job and factors of the crime on an individual basis.</p>	<p>Inquiries into actual convictions that relate to fitness to perform the job (Call Human Resources for more information)</p>
Military	<p>If you've been in the military, what type of discharge did you receive?</p>	<p>What branch of the military did you serve in?</p> <p>What skills did you learn in the military?</p>
Gender	<p>Inquiry about gender or restriction to one gender is permissible only if a bona fide occupation qualification. The burden of proof lies with the employer to show that members of one gender are unable to perform the job.</p>	
Race or Color	<p>Applicant race, skin, eyes, hair or other questions directly or indirectly indicating race or color are discriminatory.</p>	
Miscellaneous	<p>Do you smoke?</p>	<p>This is our smoking policy; can you adhere to it?</p>

Any inquiry should be avoided that, although not specifically listed above, is designed or elicits information as to race, color, ancestry, gender, age, disability, genetic predisposition/carrier status or arrest and court record unless based upon a bona fide occupational qualification.

Always ask yourself, "For what purpose do I need to know this information". If it is a reason related to identifying if a candidate can perform the essential duties of the job, then it is most likely permissible. When in doubt, call Human Resources.