

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>	Are you at least 18 years of age?
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	What clubs or social organizations do you belong?	Do you belong to any professional or trade groups that you consider relevant to your ability to perform this job?
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>	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.

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Disability	Do you have any disabilities? Have you had any recent or past illnesses or operations? How many days were you absent from work last year due to illness? How's your health? How's your family's health? When did you lose your eyesight? Have you ever received Worker's Compensation?	Are you able to perform the essential functions of the job with or without an accommodation? (Acceptable only if you thoroughly describe the job)
Conviction, Arrest Record, and Court Record	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.	Inquiries into actual convictions that relate to fitness to perform the job (Call Human Resources for more information)
Military	If you've been in the military, what type of discharge did you receive?	What branch of the military did you serve in? What skills did you learn in the military?
Gender	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.	
Race or Color	Applicant race, skin, eyes, hair or other questions directly or indirectly indicating race or color are discriminatory.	
Miscellaneous	Do you smoke?	This is our smoking policy; can you adhere to it?

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.