

PRE-EMPLOYMENT INQUIRY GUIDE

CATEGORY	EXAMPLES OF LAWFUL INQUIRIES	EXAMPLES OF UNLAWFUL INQUIRIES
ANCESTRY / NATIONAL ORIGIN	- Whether applicant is a U.S. citizen. - Whether applicant is legally eligible to work or remain permanently in the U.S. - Compliance with IRCA of 1986. - Language applicant speaks (if job related). - Applicant's current address. - How long applicant has lived in this State or City. - List of membership organizations applicant feels are relevant to the position. - U.S. military experience.	- Nationality, lineage, ancestry, descent, or birthplace of applicant or relatives. - Applicant's native or primary language. - How applicant acquired the ability to read, write, or speak a foreign language. - Maiden or former name (unless necessary to check references). - Photograph with application. - How long applicant has lived in the U.S. - List of all clubs, social fraternities, societies, lodges, or organizations. - Foreign military experience.
AGE	Whether applicant is under 18 years of age; if so, applicant's age.	- Other questions about date of birth or age. - Dates of graduation from educational institutions. - Questions asked only of a particular age group, e.g., asking only older applicants about health status. - Photograph with application.
RELIGION	- Whether applicant is able to perform the essential functions of the job, including attendance requirements, if provided with reasonable accommodations for religious reasons. - List of educational institutions.	- Religious denomination, affiliation, place of worship, religious leaders, or religious holidays observed. - Name of religious leader as reference. - Whether applicant can work on a particular religious holiday. - Religious affiliation of educational institutions.
RACE		- Race of applicant or relatives. - Complexion or color of skin or eyes. - Photograph with application. - Arrest record.
SEX / PREGNANCY	Whether applicant has a spouse/significant other/partner that works for employer.	- Whether applicant is pregnant, has children, or plans to have children. - Marital status. - Maiden name. - Questions asked only of one sex but not of the other, e.g., asking only women about childcare. - Inquiry into height or weight.
SEXUAL ORIENTATION	Whether applicant has a spouse/significant other/partner that works for employer.	- Sexual orientation, gender identity, or gender expression of applicant. - Relationship between household members. - Marital status. - Name of spouse or significant other. - Photograph with application.
DISABILITY	- Whether applicant is able to perform the essential functions of the job, including attendance requirements, if provided with reasonable accommodations for disability-related reasons. - For food handling positions, whether applicant has a listed infectious or communicable disease that is transmitted to others through the handling of food.	- Whether applicant has or has had any physical or mental impairments, disabilities, or health conditions. - Whether applicant has or has had an alcohol or drug addiction problem. - Whether applicant needs a reasonable accommodation in order to perform the job. - Type of military discharge generally, although employer may ask whether applicant received an honorable discharge. - Inquiry into height or weight.
WORKERS' COMPENSATION	Whether applicant ever violated a workplace safety rule.	- Whether applicant ever received or applied for workers' compensation benefits. - Whether applicant has ever been injured on the job.
WHISTLEBLOWERS		- Whether applicant ever reported violations of law by an employer. - Whether applicant ever reported safety concerns about an employer. - Whether applicant has ever been asked by an employer to do something that was illegal or unsafe and how applicant responded.

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