

**QUESTIONING APPLICANTS FOR EMPLOYMENT
and
MEMBERSHIP IN LABOR ORGANIZATIONS**



OCRC

“Many Faces . . . One Cause”

An Equal Opportunity Employer

www.state.oh.us/crc

PURPOSE OF THE GUIDE

Under the Ohio Law it is illegal for employers, labor unions or employment agencies to discriminate against persons because of their race, color, religion, sex, national origin, handicap, age or ancestry. The Law contains a number of specific provisions designed to assist in preventing such discrimination in employment or union membership. One of these provision forbids eliciting information from applicants, prior to employment, which would indicate the applicant's race, color, religion, sex, national origin, handicap, age or ancestry unless the employer is required or permitted to elicit such information pursuant to a bona fide Affirmative Action Program or under order from a state, federal or local FEP agency.

Because the Law may make necessary some changes in the content of application forms as well as questions sometimes asked of applicants, this guide is provided to assist all concerned in understanding and applying the Law.

It should be understood clearly that this pamphlet is not a complete definition of what can and cannot be asked of applicants. It attempts to answer the questions most frequently asked concerning the Law. The Law is not intended to prohibit employers from obtaining all the information about applicants that is clearly job related and which cannot be used for discriminatory purposes.

The Law does not restrict employers from defining qualifications necessary for satisfactory job performance, but it does require that standards of qualifications for hiring be applied alike to all persons regardless of race, color, religion, sex, national origin, handicap, age or ancestry.

The provisions of the Law make necessary the regulation of employment practices. The Commission recognizes that mere routine adherence will not accomplish the results intended by Legislature. Employment discrimination can be eliminated only if regulations are followed in the spirit as well as the letter in which the Law was conceived.

Further information concerning the Ohio law or additional interpretation may be obtained by contacting the offices of the Ohio Civil Rights Commission.

OHIO CIVIL RIGHTS COMMISSION

Central Office
111 E. Broad St., Suite 301
Columbus, Ohio 43205-1379
(614) 466-2785
TTY (614) 466-9353

TOLEDO REGIONAL OFFICE
One Government Center, Rm. 936
Jackson & Erie Streets
Toledo, Ohio 43604
(419) 245-2900 (Voice/TTY)

CLEVELAND REGIONAL OFFICE
Frank Lausche Building, Suite 885
615 West Superior Street
Cleveland, Ohio 44113
(216) 787-3150 (Voice/TTY)

CINCINNATI REGIONAL OFFICE
Holiday Park
801 B West 8th Street, 2nd Floor
Cincinnati, Ohio 45203
(513) 852-3344 (Voice/TTY)

COLUMBUS REGIONAL OFFICE
111 E. Broad Street, Suite 301
Columbus, Ohio 43205-1379
(614) 466-5928 (Voice/TTY)

DAYTON REGIONAL OFFICE
40 W. 4th Centre
Suite 800
Dayton, Ohio 45402-1831
(937) 285-6500 (Voice/TTY)

AKRON REGIONAL OFFICE
Akron Government Center
Suite 205
161 South High Street
Akron, Ohio 44308
(330) 643-3100 (Voice/TTY)

SATELLITE OFFICES

SPRINGFIELD OFFICE
76 East High Street
2nd Floor
Springfield, Ohio 45502
(937) 324-7380 (TTY)

YOUNGSTOWN OFFICE
2123 Belmont Avenue
Youngstown, Ohio 44505
(330) 746-5681

INQUIRIES BEFORE HIRING	LAWFUL	UNLAWFUL*
1. NAME	Name	Inquiry into any title which indicates race, color, religion, sex, national origin, handicap, age or ancestry.
2. ADDRESS	Inquiry into place and length at current address.	Inquiry into any foreign addresses which would indicate national origin.
3. AGE	Any inquiry limited to establishing that applicant meets any minimum age requirement that may be established by law.	A. Requiring birth certificate or baptismal record before hiring. B. Any inquiry which may reveal the date of high school graduation. C. Any other inquiry which may reveal whether applicant is at least 40 years of age.
4. BIRTHPLACE NATIONAL ORIGIN, OR ANCESTRY		A. Any inquiry into place of birth. B. Any inquiry into place of birth of parents, grandparents or spouse. C. Any other inquiry into national origin or ancestry.
5. RACE OR COLOR		Any inquiry which would indicate race or color.
6. SEX		A. Any inquiry which would indicate sex. B. Any inquiry made of members of one sex, but not the other.
7. HEIGHT AND WEIGHT	Inquiries as to ability to perform actual job requirements.	Being a certain height or weight will not be considered to be a job requirement unless the employer can show that no employee with the ineligible height or weight could do the work.

8. RELIGION - CREED		<p>A. Any inquiry which would indicate or identify religious denomination or custom.</p> <p>B. Applicant may not be told any religious identity or preference of the employer.</p> <p>C. Request pastor's recommendation or reference.</p>
9. HANDICAP	Inquiries necessary to determine applicant's ability to substantially perform specific job without significant hazard.	<p>A. Any inquiry into past or current medical conditions not related to position applied for.</p> <p>B. Any inquiry into Worker's Compensation or similar claims.</p>
10. CITIZENSHIP	<p>A. Whether a U.S. citizen</p> <p>B. If not, whether applicant intends to become one.</p> <p>C. If U.S. Residence is legal.</p> <p>D. If spouse is citizen.</p> <p>E. Require proof of citizenship after being hired.</p> <p>F. Any other requirement mandated by the Immigration Reform and Control Act of 1986, as amended.</p>	<p>A. If native-born or naturalized.</p> <p>B. Proof of citizenship before hiring.</p> <p>C. Whether parents or spouse are native-born or naturalized.</p>
11. PHOTOGRAPHS	May be required after hiring for identification.	Require photograph before hiring.
12. ARREST AND CONVICTIONS	Inquiries into <u>conviction</u> of specific crimes related to qualifications for the job applied for.	Any inquiry which would reveal arrests without convictions.
13. EDUCATION	<p>A. Inquiry into nature and extent of academic, professional or vocational training.</p> <p>B. Inquiry into language skills, such as reading and writing of foreign languages, if job related.</p>	<p>A. Any inquiry which would reveal the nationality or religious affiliation of a school.</p> <p>B. Inquiry as to what mother tongue is or how foreign language ability was acquired.</p>

14. RELATIVES	Inquiry into name, relationship and address of person to be notified in case of emergency.	Any inquiry about a relative which would be unlawful if made about the applicant.
15. ORGANIZATIONS	Inquiry into membership in professional organizations and offices held, excluding any organization, the name or character of which indicates the race, color, religion, sex, national origin, handicap, age or ancestry of its members.	Inquiry into every club and organization where membership is held.
16. MILITARY SERVICE	A. Inquiry into service in U.S. Armed Forces when such service is a qualification for the job. B. Require military discharge certificate after being hired.	A. Inquiry into military service in armed service of any country but U.S. B. Request military service records. C. Inquiry into type of discharge.
17. WORK SCHEDULE	Inquiry into willingness or ability to work required work schedule.	Any inquiry into willingness or ability to work any particular religious holidays.
18. MISCELLANEOUS	Any question required to reveal qualifications for the job applied for.	Any non-job related inquiry which may elicit or attempt to elicit any information concerning race, color, religion, sex, national origin, handicap, age, or ancestry of an applicant for employment or membership.
19. REFERENCES	General personal and work reference which do not reveal the race, color, religion, sex, national origin, handicap, age or ancestry of the applicant.	Request references specifically from clergymen or any other persons who might reflect race, color, religion, sex, national origin, handicap, age or ancestry of applicant.

- I. Employers acting under bona fide Affirmative Action Programs or acting under orders of Equal Employment law enforcement agencies of federal, state, or local governments may make some of the prohibited inquiries listed above to the extent that these inquiries are required by such programs or orders.
- II. Employers having Federal defense contracts are exempt to the extent that otherwise prohibited inquiries are required by Federal law for security purposes.
- III. Any inquire is prohibited although not specifically listed above, which elicits information as to, or which is not related and may be used to discriminate on the basis of, race, color, religion, sex, national origin, handicap, age or ancestry in violation of law.

* Unless bona fide occupational qualifications is certified in advance by the Ohio Civil Rights Commission.