

<u>Inquiry</u>	<u>Lawful</u>	<u>Unlawful</u>
DISABILITY	Inquiries necessary to determine applicant's ability to substantially perform a specific job without significant hazard.	A. Any inquiry into past or current medical conditions . B. Any inquiry into Workers' Compensation or similar claims.
WORK SCHEDULES	Inquiry into the job applicant's willingness to work a required schedule.	Any inquiry into the job applicant's willingness to work any particular religious holidays.
REFERENCES	General, personal and work references which do not reveal the race, color, religion, sex, national origin, disability, ancestry or age of the applicant.	Request references specifically from clergymen or any other persons that might reflect the race, color, religion, sex, national origin, disability, ancestry or age of the applicant.
ORGANIZATIONS	Inquiry into membership in organizations excluding those which reveal the race, color, religion, sex, national origin, disability, ancestry or age of its members.	Inquiry into every club and organization where membership is held.
OTHER	Any questions required to reveal qualifications for the job to which the applicant applied.	Any non-job related inquiry which may elicit information concerning race, color, religion, sex, national origin, handicap, age or ancestry of applicant for employment or membership.

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## OHIO CIVIL RIGHTS COMMISSION

GOVERNOR JOHN KASICH



# Employment Guide— Questioning Applicants

Equal Employment Opportunity for All

[www.crc.ohio.gov](http://www.crc.ohio.gov)  
1-888-278-7101



# PURPOSE OF THE GUIDE

It is illegal for employers, labor unions or employment agencies to discriminate against persons because of their race, color, religion, sex, national origin, disability, age or ancestry. Under the Law, employers are prohibited from eliciting information from applicants, prior to employment, which would indicate the applicant's race, color, religion, sex, national origin, disability, age, ancestry or military status unless the employer is required to elicit such information pursuant to a bona fide Affirmative Action program or under order from a state, federal or local FEP agency.

This brochure 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, disability, age or ancestry.

## COMMON INTERVIEW INQUIRIES

<u>Inquiry</u>	<u>Lawful</u>	<u>Unlawful</u>
NAME	Name	Inquiry into any title which indicates race, color, religion, sex, national origin, disability, age or ancestry.
ADDRESS	Inquiry into place and length of time at current address.	Inquiry into any foreign addresses which would indicate national origin.
AGE	Any inquiry limited to establishing that applicant meets any minimum age requirement that may be established by law.	A. Requirement of birth certificate or baptismal record. B. Any inquiry that reveals the date of high school graduation. C. Any other inquiry that reveals whether applicant is at least 40 years of age.
RACE, COLOR, RELIGION		Any inquiry which would indicate applicant's race, color, or religion.
SEX		Any inquiry which would indicate the applicant's sex.

<u>Inquiry</u>	<u>Lawful</u>	<u>Unlawful</u>
HEIGHT & WEIGHT	Inquiries as to a person's ability to perform actual job duties and responsibilities.	A requirement that 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.
BIRTH-PLACE, NATIONAL ORIGIN, 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.
CITIZENSHIP	A. Whether a U.S. citizen B. If not, whether applicant intends to become one C. If U.S. residence is legal D. If spouse is citizen E. Require proof of citizenship after hire F. Any other requirement mandated by the Immigration Reform and Control Act of 1986, as amended.	A. If native-born or naturalized. B. Proof of citizenship before hire. C. Whether parents or spouse are native-born or naturalized.