

PRE-EMPLOYMENT INQUIRY GUIDE

CATEGORY	EXAMPLES OF LAWFUL INQUIRIES	EXAMPLES OF UNLAWFUL INQUIRIES
ANCESTRY/ NATIONAL ORIGIN	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Whether applicant is under 18 years of age; if so, applicant's age. 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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		<ul style="list-style-type: none"> • Race of applicant or relatives. • Complexion or color of skin or eyes. • Photograph with application. • Arrest record.
SEX/PREGNANCY	<ul style="list-style-type: none"> • Whether applicant has a spouse/significant other/partner that works for employer. 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Whether applicant has a spouse/significant other/partner that works for employer. 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Whether applicant ever violated a workplace safety rule. 	<ul style="list-style-type: none"> • Whether applicant ever received or applied for workers' compensation benefits. • Whether applicant has ever been injured on the job.
WHISTLEBLOWERS		<ul style="list-style-type: none"> • 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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