



SUBJECT	YOU CAN'T ASK	ASK
Age	Any question that tends to identify candidates age 40 or older. "We don't want someone who is too old to adapt to industry trends."	NONE
Education	Any question asking specifically the nationality, racial or religious affiliation of a school.	All questions related to academic, vocational or professional education of a candidate, including the names of the schools attended, degrees/diplomas received, dates of graduation and courses of study.
Citizenship	<p>Whether a candidate is a citizen. Requiring a birth certificate, naturalization or baptismal certificate. Any inquiry into citizenship that would tend to divulge candidate's lineage, descent, etc.</p> <ul style="list-style-type: none"> <li>• "Are you a citizen of the US?"</li> <li>• "Are your parents or spouse citizens of the US?"</li> <li>• "On what dates did you, your parents or your spouse acquire US Citizenship?"</li> <li>• "Are you, your parents or your spouse naturalized or native-born US citizens?"</li> </ul>	Whether a candidate is prevented from being lawfully employed in this country because of visa or immigration requirements. Whether a candidate can provide proof of citizenship (passport), visa, alien registration number after hiring. "If you are not a US citizen, do you have the legal right to remain permanently in the US?", "What is your visa status (if no to the previous question.)", "Are you able to provide proof of employment eligibility upon hire?"
National Origin/Ancestry	"What is your nationality?", "How did you acquire the ability to speak, read or write a foreign language?", "How did you acquire familiarity with a foreign country?", "What language is spoken in your home?", "What is your mother tongue?"	NONE
Race or Color	Any question that directly OR INDIRECTLY relates to a race or color.	NONE
Religion	Any question that directly or INDIRECTLY relates to a religion. "What religious holidays do you observe?", "What is your religious affiliation?"	NONE except: "Can you work on Saturdays?" and only if it relevant to the job.
Organizations	"To what organizations, clubs, societies and lodges do you belong?"	"To what PROFESSIONAL organizations do you belong? (Exclude those whose names or character indicates the race, religious creed, color, national origin or ancestry of its members." <b>These inquiries must only relate to the candidate's professional qualifications.</b>
Military	Type or condition of military discharge. Candidate's experience in other than US armed forces. Request for discharge papers.	Inquiries concerning education, training or work experience in the armed forces of the United States. (Note, in many areas, veterans are a protected class.)
Height & Weight	Any inquiries not based on actual job requirements.	Inquiries about the ability to perform a certain job. Being of a certain weight or height will not be considered a job requirement unless the company can show that no individual with the ineligible height and/or weight could do the work.
Arrests & Convictions	ALL inquiries relating to arrests. "Have you ever been arrested?" (Note: Arrests are NOT the same as convictions. Remember, an innocent person can be arrested).	NONE relating to arrests. Legal inquiries about convictions are: "Have you ever been convicted of any crime? If so, when, where and what is the disposition of case." "Have you ever been convicted under criminal law within the past five years (excluding minor traffic violations)?" It is permissible to inquire about convictions for acts of dishonesty or breach of trust. These relate to fitness to perform the particular job being applied for.