## Job Interviewer’s Guide (what you can – and cannot – ask)

<table>
<thead>
<tr>
<th>Area of inquiry</th>
<th>Acceptable areas of inquiry</th>
<th>Unacceptable areas of inquiry</th>
<th>Reason why</th>
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</table>
| Name                                    | For access purposes, inquiry into whether the applicant’s work records are under another name | To ask if a woman is a Miss, Mrs. or Ms.  
To request applicant to give maiden name or any previous name he or she has used | Title VII  
Title IX  
NEOC                                                                 |--------------------------------------------------------------------------------------------|
| Age                                     | Require proof of age by birth certificate after hiring                                      | To ask age or age group of applicant  
To request birth certificate or baptismal record before hiring | Age Discrimination in Employment Act of 1967                                                                                      |
| Birthplace/National Origin/Citizenship  | · To ask whether ALL applicants are legally authorized to work in U.S.                     | To inquire into national origin or birthplace of applicant of applicant’s family.  
· Ask for birth certificate or other proof of U.S. citizenship before hiring  
· Whether U.S. citizen  
· If U.S. residence is legal  
· If spouse is a citizen | Title VII  
NEOC                                                                                      |--------------------------------------------------------------------------------------------|
| Race/Color                              | · To indicate that the institution is an equal opportunity employer  
· To ask race for affirmative action plan statistics, after hiring | Any inquiry that would indicate race or color  
|                                        |                                                                                           |                                                                                   | Title VI  
Title VII  
NEOC                                                                                      |--------------------------------------------------------------------------------------------|
| Sex                                     | Indicate that the institution is an equal opportunity employer                             | To ask applicant any inquiry that would indicate sex, unless job related. | Title VII  
Title IX  
NEOC                                                                                      |--------------------------------------------------------------------------------------------|
| Sexual Orientation                      | To indicate that the institution prohibits discrimination on the basis of sexual orientation | To ask an applicant any question that would indicate the applicant’s sexual or affectional orientation | Institution policy                                                                                             |--------------------------------------------------------------------------------------------|
| Religion                                | To state normal hours and days of work required by the job to avoid possible conflict with religious convictions. | To ask an applicant’s religion or religious customs or holidays  
To request recommendations from church officials. | Title VII  
NEOC                                                                                      |--------------------------------------------------------------------------------------------|
| Marital/Parental Status                 | · Whether applicant can meet work schedules.  
· Inquiries, made to males and females alike, as to duration of stay on job. | To ask marital status before hiring  
To ask about the number and age of children, child care arrangements and plans to have more children before hiring for insurance purposes. | Title IX  
NEOC                                                                                      |--------------------------------------------------------------------------------------------|
| Disability                              | · If candidate is able to carry out the essential functions of the job  
· After hiring person may inquire whether person may require “reasonable accommodation” | To ask job applicants general questions about whether they have a disability or about the nature and severity of their disability. | Rehabilitation Act of 1973  
Americans with Disabilities Act of 1990, ADAAA  
Title VI  
NEOC                                                                                      |--------------------------------------------------------------------------------------------|
| Military Service                        | Inquiry into services in the U.S. armed forces, including rank attained, branch of service, or any job-related experience | · To ask type of discharge  
· To request service records before hiring  
· To ask about services in the military of any other country besides the U.S. | Section 402 of the Vietnam Era Veterans  
Readjustment Assistance Act of 1974 (PL-93-508)                                                                 |--------------------------------------------------------------------------------------------|
| Conviction, arrest and court record     | To inquire about convictions if the reason for the inquiry is a business necessity. | Any inquiry relating to arrests, court or conviction records not substantially related to job in question | Title VII  
NEOC                                                                                      |--------------------------------------------------------------------------------------------|
| Genetic Information Nondiscrimination Act of 2008 (GINA) | To ask, request, or purchase genetic information about employee or employee’s family | Prohibits using an employees’ genetic information in employment decisions | Title VII                                                                                             |--------------------------------------------------------------------------------------------|

NEOC = Nebraska Equal Opportunity Commission (NEOC)  
Title VI = Title VI of the Civil Rights Act of 1964  
Title VII = Title VII of the Civil Rights Act of 1964, as amended  
Title IX = Title IX of the Education Amendments of 1972  
ADEA = Age Discrimination in Employment of 1967  

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