

# EQUAL OPPORTUNITY / NONDISCRIMINATION TRAINING

## FAIR & UNFAIR PRE-EMPLOYMENT QUESTIONS (WAC 162-12-140)



SUBJECT	FAIR PRE-EMPLOYMENT QUESTIONS	UNFAIR PRE-EMPLOYMENT QUESTIONS
<b>Age</b>	<ul style="list-style-type: none"> <li>• Birth date, proof of true age</li> </ul>	<ul style="list-style-type: none"> <li>• Implications for a preference for people younger than 40</li> </ul>
<b>Arrests</b>	<ul style="list-style-type: none"> <li>• If charges are pending, dismissed, or led to a conviction of a crime involving behavior that would adversely affect job performance – and arrest occurred within last 10 years</li> </ul>	<ul style="list-style-type: none"> <li>• Anything that does not meet this requirement</li> </ul>
<b>Citizenship</b>	<ul style="list-style-type: none"> <li>• After hire provide proof of legal right to work in US</li> </ul>	<ul style="list-style-type: none"> <li>• Is applicant a citizen</li> <li>• Proof required before job offer</li> </ul>
<b>Convictions (also see Arrests)</b>	<ul style="list-style-type: none"> <li>• BFBQ</li> <li>• Reasonably relates to the job duties</li> <li>• Occurred within the last 10 years</li> </ul>	<ul style="list-style-type: none"> <li>• No reasonable relation to job duties</li> <li>• Occurred more than 10 years ago</li> </ul>
<b>Family</b>	<ul style="list-style-type: none"> <li>• Can meet specified work schedule</li> <li>• Has activities, commitments or responsibilities that may impact work attendance requirement</li> </ul>	<ul style="list-style-type: none"> <li>• Ask about spouse, spouse's gender, employment or salary; children, child care arrangements or dependents</li> </ul>
<b>Disability</b>	<ul style="list-style-type: none"> <li>• Able to perform essential duties with/without reasonable accommodation</li> <li>• Demonstrates/describes performance of specific job functions with/without reasonable accommodations</li> <li>• Statement included on the application to inform the employment office if an accommodation is needed to complete the application</li> </ul>	<ul style="list-style-type: none"> <li>• Ask about the nature, severity or extent of disability</li> <li>• Prior to job offer ask if applicant needs a reasonable accommodation – conditional job offer</li> <li>• Has applicant applied for/received work comp</li> <li>• Any question that is not job related/consistent with business necessity</li> </ul>
<b>Height/Weight</b>	<ul style="list-style-type: none"> <li>• Only if proved that all/substantially all employees who fail to meet requirements would be unable to perform the job with reasonable safety/efficiency</li> </ul>	<ul style="list-style-type: none"> <li>• Not based on actual job requirement, business necessity</li> </ul>
<b>Marital Status (see also Name and Family)</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Mr., Mrs., Miss.</li> <li>• Is the applicant married, single, divorced, separated, engaged, widowed, have a same sex spouse</li> </ul>

*Workforce Development Council of Seattle-King County is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Washington Relay Service 711.*

SUBJECT	FAIR PRE-EMPLOYMENT QUESTIONS	UNFAIR PRE-EMPLOYMENT QUESTIONS
<b>Military</b>	<ul style="list-style-type: none"> <li>• Education, training or work experience in the US armed forces</li> </ul>	<ul style="list-style-type: none"> <li>• Type or condition of military discharge</li> <li>• Applicant's military experience other than US armed forces</li> <li>• Request for discharge papers</li> </ul>
<b>Name</b>	<ul style="list-style-type: none"> <li>• Employment under a different name, if so what name</li> </ul>	<ul style="list-style-type: none"> <li>• Has original name be changed by court order or marriage</li> <li>• Questions about a name that would divulge marital status, sexual orientation, gender identity, transgender status, sex assigned at birth, lineage, ancestry, national origin</li> </ul>
<b>National Origin</b>	<ul style="list-style-type: none"> <li>• Ability to read, write and speak foreign languages if based on job requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Questions about lineage, ancestry, national origin, descent, birthplace, mother tongue, national original of parents or spouse</li> </ul>
<b>Organizations</b>	<ul style="list-style-type: none"> <li>• Membership in organizations EXCEPT organizations with a name or character that indicates a protected basis</li> </ul>	<ul style="list-style-type: none"> <li>• Requirement to list all memberships in organizations, clubs, societies, etc.</li> </ul>
<b>Photographs</b>	<ul style="list-style-type: none"> <li>• Requested AFTER hiring for ID purposes</li> </ul>	<ul style="list-style-type: none"> <li>• Request to submit BEFORE hiring</li> </ul>
<b>Pregnancy (see also Disability)</b>	<ul style="list-style-type: none"> <li>• Questions made to both men and women about duration or stay on job or anticipated absences</li> </ul>	<ul style="list-style-type: none"> <li>• Any questions about pregnancy and medical history concerning pregnancy and related matters</li> </ul>
<b>Race or Color</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Any questions about race, color of skin, hair, eyes, etc.</li> </ul>
<b>Relative</b>	<ul style="list-style-type: none"> <li>• Applicant's relatives already employed by the company or a competitor</li> </ul>	<ul style="list-style-type: none"> <li>• Questions about marital status, identity of spouse or spouse's occupation</li> </ul>
<b>Religion/creed</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Religious preference, denomination, religious affiliations, church, parish, pastor, or religious holidays observed</li> </ul>
<b>Resident</b>	<ul style="list-style-type: none"> <li>• Address to the extent needed to contact applicant</li> </ul>	<ul style="list-style-type: none"> <li>• Names or relationships of people with whom applicant resides</li> <li>• Does applicant own or rent home</li> </ul>
<b>Sex</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Questions about gender</li> </ul>
<b>Sexual orientation, gender expression, gender identity</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Any questions about orientation, expression, identity, transgender status, or sex assigned at birth</li> </ul>