

Los Angeles Community College District Personnel Commission

Prohibited Employment Inquiries

Note: The following information is only a guide to areas of illegal inquiry and is not a comprehensive list of illegal questions.

Name

Inquiries about a candidate's name which would indicate an applicant's marital status, ancestry or national origin are unacceptable. Inquires about other names under which the applicant has worked in order to check education or employment records and references are acceptable.

Examples:

- Do you go by Miss, Ms., or Mrs.?
- That's an interesting name, what nationality is that?
- What was your maiden name?

Age

It is unacceptable to ask an applicant his/her age or any inquire that would indicate the age of an applicant.

Examples:

- When were you born?
- When did you graduate from high school?
- When do you plan to retire?

Sex and Gender

It is unacceptable to make any inquiry regarding the sex, sexual preferences or gender of a candidate. The only possible exception is if the District has identified a bona fide occupation qualification (BFOQ) related to the job such as Physical Education Facilities Attendant (Male).

Examples:

- Are you homosexual?

Marital or Family Status

You may ask all candidates, male and female, if they are able to meet the requirements of a position.

Examples:

Unacceptable

- Do you intend to get married soon?
- Are you divorced?
- Does your spouse work?
- Do you have children?
- What day care provisions have you made?

Acceptable:

- Our regular work schedule is 7:00 a.m. to 4:30 p.m., Monday through Friday. Would you be able to meet this requirement?
- Would you be able and willing to work overtime as necessary?

Disability

Prior to the point of making a conditional offer of employment, questions about a candidate's disability or about the nature or severity of disability are prohibited. This includes questions about a candidate's workers' compensation history or medical data.

Examples:

Unacceptable

- Do you have any health problems?
- What prescription drugs are you taking?
- Have you ever filed for workers' compensation?
- How many days were you out sick last year?

Acceptable:

- A Stock Control Aide must lift incoming shipments up to 50 pounds and place them on storage shelves up to six feet in height. Can you perform these tasks?

Race or Color

No questions may be asked about an applicant's race, color of skin, eyes, and hair, or other question directly or indirectly indicating race or color. Applicants may not be told that employees are required to work on religious holidays that are observed as days of complete prayer by members of specific faiths.

Religion

Inquiries into religion, religious beliefs or practices are prohibited. A candidate may be advised of normal working hours and days of work to avoid possible conflict with religious or other personal convictions.

Examples:

- Is there a day of the week you're not able to work?
- What religious holidays do you observe?

Citizenship, National Origin or Ancestry

Any inquiry that would indicate the applicant's citizenship, national origin or ancestry is prohibited. A document that demonstrates an individual's right to work in the United States will be required upon employment.

Examples:

Unacceptable

- Are you a U.S. citizen?
- Where were you born?
- What is the origin of your last name?

Acceptable

- If job related only: What language(s) do you read, speak, or write fluently?

Arrests and Convictions

As part of the employment process, the selected candidate will be fingerprinted and an arrest and convictions report obtained from the State. Contact the Office of Employer-Employee Relations if you have questions.

Organizations

Inquiries related to membership in clubs, social fraternities, societies, lodges or other organizations which would indicate their race, creed, color, religion or

national origin of its members and union membership are prohibited. Inquiry into organizational memberships or offices held in a professional, trade or service organizations related to the job are acceptable.

Financial Status

Questions related to an applicant's credit record (charge accounts, bankruptcy history, garnishments, failure to be bonded or outstanding loans), home ownership or care ownership are prohibited.

Examples:

- Have you had any personal, domestic or financial problems that interfered with your work?
- Have you ever been on welfare?

Military Service

Although it is acceptable to make inquiries regarding the type of work a candidate performed while in the service, it is unacceptable to inquire into the type of discharge.