

GUIDELINES FOR PRE-EMPLOYMENT INQUIRIES

The guidelines in TABLE 2 have been taken from MIT's Personnel Policy Manual, Section 2.5: Interviewing Policies and Procedures (<http://web.mit.edu/personnel/www/policy/2-5.html>). These guidelines are revised periodically, as federal and state requirements change.

TABLE 2: Allowable questions (source: MIT Personnel Policy Manual, rev. 12/01)

SUBJECT	WHAT MAY BE ASKED	WHAT MAY NOT BE ASKED
Age	Are you over 18 (or 21 for certain jobs)?	How old are you? What is the date of your birth?
Gender	n/a	A preemployment inquiry as to gender on an application form.
Experience	Inquiry into work experience. Inquiry into countries applicant has visited.	n/a
National Origin	n/a	Inquiry into applicant's lineage, ancestry, national origin, descent, parentage, or nationality; nationality of parents or spouse; applicant's native language
Religion	n/a	Inquiry into an applicant's religious denomination, affiliation, church, parish, pastor, or religious holidays observed. Avoid any questions regarding organizations and/or affiliations that would identify religion.
Marital Status	n/a	Are you married? Where does your spouse work? What are the ages of your children, if any? What was your maiden name?
Disability	Specific questions related to job duties (e.g. Do you have a driver's license? Can you lift fifty pounds?)	Do you have a disability? Have you ever been treated for the following diseases? (listing diseases.) Has any member of your family ever had any of the following diseases?

TABLE 2: Allowable questions (source: MIT Personnel Policy Manual, rev. 12/01) (cont.)

SUBJECT	WHAT MAY BE ASKED	WHAT MAY NOT BE ASKED
Name	Have you ever worked for MIT under a different name? Is any additional information relative to change of name, use of an assumed name, or nickname necessary to enable a check on your work record? If yes, explain.	Original name of an applicant whose name has been changed by court order or otherwise. Maiden name of a married woman. Has applicant ever worked under another name, state name, or address?
Address or Duration of Address	Applicant's place of residence	Do you rent or own your home? How long at each particular address?
Birthplace	n/a	Birthplace of applicant. Birthplace of applicant's parents, spouse, or other close relatives.
Photograph	n/a	Requirement that an applicant affix a photograph to the employment application at any time before hiring.
Education	Inquiry into the academic, vocational, or professional education of an applicant and the public and private schools he or she has attended.	n/a
Citizenship	Are you legally authorized to work in the United States?	Inquiry as to country of citizenship. Whether an applicant is a naturalized or native-born citizen; the date when the applicant acquired citizenship. Requirement that applicant produce naturalization papers or first papers. Whether parents or spouse are naturalized or native-born citizens of the United States. The date when such parents or spouse acquired citizenship.
Language	What languages do you read fluently? Write fluently? Speak fluently?	Inquiry into how applicant acquired ability to read, write, or speak a foreign language.
Height, Weight, Strength	Questions regarding height, weight, or strength may be asked only if the employer can prove these requirements are necessary to do the job.	n/a
Relatives	Names of applicant's relatives already employed by MIT.	Names, addresses, ages, number, or other information concerning applicant's children or other relatives not employed by MIT.

TABLE 2: Allowable questions (source: MIT Personnel Policy Manual, rev. 12/01) (cont.)

SUBJECT	WHAT MAY BE ASKED	WHAT MAY NOT BE ASKED
Notice of Case of Emergency	Name and address of person to be noticed in case of an accident or emergency.	n/a
Military	Have you ever been a member of the armed services of the United States or in a state militia? If so, did your military experience have any relationship to the position for which you have applied?	Inquiry into an applicant's general military experience or type of discharge.
Character	Have you ever been convicted of a felony? If so, when, where, and what was the disposition of the offense? Have you been convicted of a misdemeanor during the last five years, except for a first conviction for simple assault, disturbing the peace, drunkenness, speeding, or other minor traffic violations? Have you been convicted of a misdemeanor which occurred more than five years prior to the date of application where your term of imprisonment was completed less than five years prior to the date of application?	Have you ever been arrested? (an employer's use of an individual's arrest record to deny employment would, in the absence of business necessity, constitute a violation of the human rights law.)
Organizations	Are you a member of any professional societies or organizations, etc.? (Exclude organizations, the name or character of which indicates the race, creed, color, or national origin of its members.)	Inquiry into applicant's membership in nonprofessional organizations (e.g. clubs, lodges, etc.)
References	Names of appropriate employment references.	n/a