

Pre-Employment Inquiry Guide

Subject	Lawful Pre-Employment Inquiries	Unlawful Pre-Employment Inquiries
Address	Applicant's current and prior addresses	
Age	Are you 18 or older?	Applicant's age or date of birth
Arrests	Have you ever been convicted of a crime? Have you ever been arrested for a felony?	Misdemeanor arrests which did not result in conviction ⁱ unless applicant is seeking a position with a law enforcement agency
Birthplace		Birthplace of applicant and applicant's relatives; birth certificate, naturalization and baptismal records, unless required by federal law ⁱⁱ
Citizenship	Are you legally authorized to work in the United States?	These questions are unlawful unless asked as part of the Federal I-9 process ⁱⁱⁱ a.) Of what country are you a citizen? b.) Are you a naturalized or native-born citizen? c.) Are your parents or spouse naturalized or native-born citizens?
Disability	Ability to perform the essential functions of the job with or without accommodation ^{iv}	Physical or mental conditions which are not directly related to the requirements of a specific job
Education	Applicant's academic, vocational or professional education and schools attended	
Genetic Testing		Applicant's genetic information; requiring applicant to undergo genetic testing ⁱ
Height or Weight		Applicant's height or weight ⁱ
Marital Status		Marital status or children; titles such as Mr., Mrs., or Ms. ⁱ
Name	Applicant's name; other names used by applicant	Applicant's maiden name ⁱ
National Origin	Languages spoken and written by applicant	Applicant's lineage, ancestry, national origin or nationality (see note ii below)
Notice in Case of Emergency	Name, address and phone number of person to be notified in case of accident or emergency	Name, address and phone number of relative to be notified in case of accident or emergency
Organizations	The organizations and clubs to which applicant belongs except as noted in the column to the right	Names of organizations to which an applicant belongs IF information would reveal the race, color, religion, national origin or ancestry of the members of the organization
Photograph		Applicant's photograph prior to hire
Race or Color		Applicant's race, national origin or color
Religion		Religious denomination or affiliation; religious holidays observed
Sex		Applicant's gender; ability or desire to have children; child care arrangements

ⁱ Unlawful under Michigan law only, not covered by federal law

ⁱⁱ Documents required by the Immigration Reform and Control Act (IRCA), 8 USCA §§ 1234a et seq., may only be collected after a conditional offer of employment has been made

ⁱⁱⁱ The IRCA mandates that employers verify citizenship and work authorization, but only after a conditional offer of employment

^{iv} This question is only lawful if applicant has been informed of the essential job functions

NOTE - Pre-Employment Inquiry Guide taken from Michigan Department of Civil Rights; full document available at <https://www.michigan.gov/-/media/Project/Websites/mdcr/brochures/pre-employment-guide.pdf>