

PRE-EMPLOYMENT INQUIRY GUIDE

Washington State law (RCW 49.60 and WAC 162-12) prohibits pre-employment inquiries that unnecessarily reveal protected status. Below are examples, many directly from WAC 162-12-140, of inquiries that may and may not be made to job applicants. This information applies to any type of employment inquiry made about applicants, including via interviews and reference checks.

Subject:

Inquiries & What WWU does:

AGE

Not allowed: Any inquiry that implies a preference for persons under 40 years of age.

**ARRESTS/
CONVICTIONS**

Not allowed: Inquiries about arrests or convictions.

What WWU does: Human Resources conducts background checks for all staff and faculty positions and will inform hiring authorities if there is a justified concern.

CITIZENSHIP

Not allowed: Inquiries about citizenship.

What WWU does: HR will require the selected candidate to verify identity and eligibility to work in the U.S. via Form I-9. Offers should be contingent on obtaining this verification. Position announcements inform potential applicants that they must be eligible to work in the U.S. before beginning work at WWU.

DISABILITY

Not allowed: Inquiries about the nature, severity or extent of a disability or whether the applicant requires reasonable accommodation. Whether applicant has applied for or received worker's compensation. Also any inquiry that is not job related or consistent with business necessity.

Allowed: Inquiries about whether an interviewee is able to perform the essential functions of the job with or without reasonable accommodation. If an accommodation for an interview or the job is requested, please contact HR Disability Services.

FAMILY

Not allowed: Specific inquiries about spouse or partner, including their gender and employment status or salary, children, child care arrangements, or dependents.

Allowed: Inquiries about whether applicant can meet a specific work schedule. Search chair may inform faculty and professional staff candidates of WWU partner accommodation policy.

HEIGHT/WEIGHT

Not allowed: Any inquiry about interviewees' height or weight characteristics.

MARITAL STATUS

Not allowed: Any inquiry that would reveal whether an applicant is single, married, partnered, engaged, divorced, widowed, etc.

Subject:

Inquiries & What WWU does:

MILITARY

Not allowed: Inquiries about type or condition of military discharge.

Allowed: Inquiries concerning education, training, or work experience in the U.S. armed forces if noted in application materials and relevant to job qualifications.

NAME

Not allowed: Inquiries into original name that has been changed by court order or marriage. Inquiries about a name that would divulge marital status, gender identity or expression, transgender status or sex assigned at birth, lineage, ancestry, national origin or descent.

Allowed: Inquiries about whether applicant has worked under a different name and if yes, what name. Name by which applicant is known to references if different from current name.

NATIONAL ORIGIN

Not allowed: Inquiries into applicant's or applicant's family's lineage, ancestry, national origin, descent, birthplace, or mother tongue.

Allowed: Inquiries into the applicant's ability to read, write and speak foreign languages only if those are qualifications for the position.

ORGANIZATIONS

Not allowed: Requiring applicants to list all organizations, clubs, societies, and lodges to which they belong.

Allowed: Inquiring about membership in job related organizations.

PREGNANCY

Not allowed: All questions as to pregnancy and medical history concerning pregnancy and related matters.

Allowed: Inquiries related to the duration of stay on the job or anticipated absences which are made to ALL interviewees.

RACE/COLOR

Not allowed: Any inquiry concerning race or color of skin, hair, eyes, etc.

What WWU does: For affirmative action purposes, applicants are voluntarily asked to self-identify their race in EASE. This information is kept separate from the remainder of the application.

RELATIVES

Not allowed: Any inquiry regarding marital status, identity of one's spouse or partner or their occupation.

Allowed: Administrators may ask names of a finalist's relatives already employed by WWU for administrative purposes.

Subject:

Inquiries & What WWU does:

**RELIGION AND/OR
CREED**

Not allowed: Inquiries about an applicant's religious preference, denomination or affiliations, including church, synagogue, parish, pastor, rabbi, or religious holidays observed.

RESIDENCE

Not allowed: Names or relationship of persons with whom applicant resides or whether applicant owns or rents a home.

What WWU does: WWU is allowed to obtain contact information.

**SEX, GENDER IDENTITY
OR EXPRESSION**

Not allowed: Any inquiry regarding an applicant's sex, gender identity or expression, transgender status, or sex assigned at birth.

Allowed: After approval from the Equal Opportunity Office, inquiring as to applicants' gender in rare instances where gender is a "bona fide occupational qualification."

SEXUAL ORIENTATION

Not allowed: Any inquiry concerning an applicant's sexual orientation.

VOLUNTEERED INFORMATION

If an applicant volunteers any protected characteristic information, or if the search committee receives such information about the applicant from a reference or other third party, that information must not be considered by the search committee in evaluating the applicant. Even if an applicant volunteers protected characteristic information, search committee members should not ask the applicant questions about the topic. Instead, search committee members are encouraged to answer applicants' questions, and to connect applicants with groups not involved in the evaluation (e.g. Disability Services in Human Resources, the Equal Opportunity Office, the Minority Employee Council or the LGBT Advocacy Council) for additional information.

REMINDER REGARDING NOTE TAKING

If taking notes about applicants during the screening process, avoid including words or comments that cover any of the above listed subjects. Notes should only include job related information.