

# Following the Law in Hiring Practices

Employers may elicit adequate information on their employment applications to aid in making a good selection. They should keep in mind only specific job requirements and pertinent skills required to perform a particular job. It is essential that employers carefully examine the job-relatedness of all questions and develop different employment applications for different job groups. In screening employment applicants, assumptions should not be made based on

an applicant's identity or status. For example, it should not be assumed that because a woman has small children she would not be able to work odd hours. The applicant should be asked directly whether she can work odd hours and not if she has children. Employers should also check applicable federal laws, such as Title VII of the Civil Rights Act of 1964, and Nevada state laws, such as Chapter 613, Employment Practices.

Other questions regarding pre-employment inquiries should be addressed to the Nevada Equal Rights Commission (NERC). Please note, it is not unlawful for an employer to collect applicant-flow and other record-keeping data for statistical purposes. Employers are encouraged to solicit this information on a voluntary basis in order to comply with federal and state requirements and for affirmative action efforts.



NEVADA EQUAL RIGHTS COMMISSION

## Nevada Pre-Employment Guide



**The Nevada Equal Rights Commission prepared this guide to provide some general information about what questions are acceptable and not acceptable when hiring.**

One of the most effective ways to ensure sound employee selection procedures and to avoid unlawful discrimination is for employers to carefully develop written, job-related position descriptions outlining required skills and abilities for each position. The purpose of a sound selection process is to obtain good employees who can meet specific work requirements and perform particular job duties. A person's race, sex, sexual orientation, disability, color, religion, age, genetic information, national origin or gender identity or expression are not indicators of an individual's potential to be a good worker.

### Employer Training

The best way to combat workplace discrimination is to prevent it from happening in the first place. NERC's trained representatives are available to provide training and speak at seminars about discrimination laws and preventing workplace discrimination.

NERC also provides posters and brochures to employers to display in the workplace to help employees understand discrimination laws.

For more information about securing a speaker or obtaining materials, call one of NERC's offices, or log onto [www.nvdetr.org](http://www.nvdetr.org).

An equal opportunity employer/program  
Auxiliary aids and services available upon  
request for individuals with disabilities

TTY (775) 687-5353  
Relay 711 or (800) 326-6868

Nevada Equal Rights Commission  
1820 E. Sahara Ave. Suite 314  
Las Vegas, NV 89104  
Phone (702) 486-7161  
Fax (702) 486-7054

Nevada Equal Rights Commission  
1325 Corporate Blvd.  
Room 115  
Reno, NV 89502  
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Fax (775) 688-1292

[www.nvdetr.org](http://www.nvdetr.org)

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# PRE-EMPLOYMENT INQUIRY GUIDELINES

Subject	Acceptable	Unacceptable
Name	Name. “Have you ever used another name?” or “Is any additional information relative to change of name, use of an assumed name, or nickname necessary to enable a check on your work and education record? If yes, please explain.”	Maiden name.
Residence	Place of residence	“Do you own or rent your home?”
Age	Statement that employment is subject to verification that applicant meets legal age requirements.  “If hired, can you show proof of age?”  “Are you over 18 years of age?”  “If under 18, can you, after employment, provide a work permit?”	Age.  Birth date.  Dates of attendance or completion of elementary or high school. Questions which tend to identify applicants over age 40.
Birthplace Citizenship	“Can you, after employment, submit verification of your legal right to work in the United States?” or statement that such proof may be required after employment.	Birthplace of applicant, applicant’s parents, spouse, or other relatives.  “Are you a U.S. citizen?” or Citizenship of applicant, applicant’s parents, spouse, or other relatives.  Requirements that applicant produce naturalization, or immigration papers, or alien card prior to employment.
National Origin	Languages applicant reads, speaks, or writes.	Questions as to nationality, lineage, ancestry, national origin, descent, or parentage of applicant, applicant’s parents, or spouse.  “What is your mother tongue?” or Language commonly used by applicant.  How applicant acquired ability to read, write or speak a foreign language.
Sex or Familial Status	Name and address of parent or guardian if applicant is a minor.  Statement of company policy regarding work assignment of employees who are related.	Questions which indicate applicant’s sex, sexual orientation, or marital status.  Number and/or ages of children or dependents.  Provisions for child care.  Questions regarding pregnancy, child bearing, or birth control.  Name or address of relative, spouse, or children of adult applicant.  “With whom do you reside?” or “Do you live with your parents?”
Race, Color	Employers may ask an applicant to voluntarily provide his/her race. This should be outside the application process and for statistical purposes only.	Questions as to applicant’s race or color.  Questions regarding applicant’s complexion or color of skin, eyes, hair.
Physical Description Photograph	Statement that photograph may be required after employment.	Questions as to applicant’s height and weight.  Require applicant to affix a photograph to application.  Request applicant, at his or her option, to submit a photograph.  Religious days observed or “Does your religion prevent you from working weekends or holidays?”
Physical Condition Disability	After making an offer of employment and before the applicant begins to work, the employer may condition the offer on the results of a physical examination, if all employees in the same job category are subjected to such an examination.	Questions regarding applicant’s general medical condition, state of health, or illnesses or family’s medical history.  Questions regarding receipt of worker’s compensation benefits.  “Do you have any physical disabilities?”  “Do you have any physical conditions or disability which may limit your ability to perform the job applied for? If yes, what can be done to accommodate your limitation?”
Religion	Statement by employer of regular days, hours, or shifts to be worked.	Questions regarding applicant’s religion.  Religious days observed or “Does your religion prevent you from working weekends or holidays?”
Arrest, Criminal Record	“Have you ever been convicted of a felony, or, within (specified time period) a misdemeanor which resulted in imprisonment?” (Such a question must be accompanied by a statement that a conviction will not necessarily disqualify applicant from the job applied for.)	Arrest record or “Have you ever been arrested?”
Bonding	Statement that bonding is a condition of hire.	Questions regarding refusal or cancellation of bonding.
Military Service	Question regarding relevant skills acquired during applicant’s U.S. military service.	General questions regarding military services such as dates, and type of discharge.  Questions regarding service in a foreign military.
Economic Status	Current or past employment wages	Questions regarding applicant’s current or past assets, liabilities, or credit rating, including bankruptcy or garnishment.
Organizations, Activities	“Please list job-related organizations, clubs, professional societies, or other associations to which you belong-omit those which indicate your race, religious creed, color, national origin, ancestry, sex, age, or disability.”	“List all organizations, clubs, societies, and lodges to which you belong.”
References	“By whom were you referred for a position here?”  Name of persons willing to provide professional and/or character references for applicant.	Questions of applicant’s former employers or acquaintances which elicit information specifying the applicant’s race, color, religious creed, national origin, ancestry, physical disability, medical condition, martial status, age, or sex.
Notice in case of Emergency	Name and address of person to be notified in case of accident or emergency.	Name and address of relative to be notified in case of accident or emergency.