

SUBJECT	LAWFUL INQUIRES	UNLAWFUL INQUIRES
<b>NAME</b>	Whether applicant has used another name (for the purpose of checking the applicant's past work record).	Inquiries about the name which would indicate applicant's lineage, ancestry, national origin, descent, or marital status (i.e. maiden name). Inquiry into previous name of applicant (if not for the purpose of checking the applicant's work record). Mr., Mrs., Miss, or Ms.
<b>ADDRESS or DURATION OF RESIDENCE</b>  <b>BIRTHPLACE, CITIZENSHIP</b>  <b>AGE</b>  <b>RELIGION</b>	Applicant's address. Inquiry into place and length of current and previous address.  AGE Inquiry whether or not the applicant meets the minimum age requirement set by law. If a minor, require proof of age in form of a work permit or a certificate of age. After being hired, require proof of age (if age is a legal requirement) or if inquiry serves legitimate record-keeping purpose.  An applicant may be advised concerning normal hours and days of work "Absent from absence for	Specific inquiry into foreign addresses which would indicate national origin.  Whether applicant, parents, or spouse are naturalized or native-born U.S. citizens. Birthplace of applicant. Birthplace of applicant's parents, spouse, or other relatives. Requirement that applicant submit proof of birth document prior to hiring. "Of what country are you a citizen?" Date when applicant, parents or spouse acquired U.S. citizenship. Requirement that applicant produce naturalization papers.  Requirement that applicant state age or date of birth. Requirement that applicant produce proof of age in the form of a birth certificate or baptismal record. Phrases such as: "young," "college student," "girl," "boy," "recent college graduate," "retired person," or "supplement your pension." Date of attendance/completion of elementary/high school/college.  Applicant's religious denomination or affiliation, church, parish, pastor, or religious holidays observed **

	religious observances, will you be available for work at the following times?" After a position is offered, inquiry into the need for reasonable religious accommodation.	Applicant is told: "This is a Catholic/Protestant/Jewish/atheist/etc. organization."** "Do you attend religious services or a house of worship?"** Any inquiry to indicate or identify religious customs, or holidays observed. Applicant is told that employees are required to work on religious holidays which are observed as days of complete prayer by members of their specific faith. **unless employer is exempt under HRS 378-3(5).
<b>RACE or COLOR</b>		Applicant's race. Color of applicant's skin, eyes, hair, etc., or other questions directly or indirectly indicating race or color. Applicant's height.
<b>PHOTOGRAPH</b>	May be required for identification after hiring.	Request photograph before hiring.
<b>ANCESTRY or NATIONAL ORIGIN (country of origin)</b>	Languages applicant reads, speaks or writes fluently, if use of language other than English is relevant to the job for which applicant is applying.	Applicant's nationality, lineage, ancestry, national origin, descent, or parentage. Nationality of applicant's parents or spouse; maiden name of applicant's wife or mother. Language commonly used by applicant. "What is your mother tongue?" How applicant acquired ability to read, write, or speak a foreign language.
<b>EDUCATION</b>	Applicant's academic, vocational, or professional education; schools attended.	Any inquiry asking specifically the nationality, racial, or religious affiliation of a school. Dates of attendance and/or graduation from school.
<b>EXPERIENCE</b>	Applicant's work experience.	
<b>ARREST &amp; COURT RECORD</b>	After making a conditional job offer: Convictions (not arrests) not more than 10 years old, that are rationally related to the duties and responsibilities of the position.	Prior to making a conditional job offer: "Have you ever been arrested or convicted?" or ask to check into person's arrest or conviction record.*** *** These inquiries are unlawful.

<p><b>NOTICE IN CASE OF EMERGENCY</b></p>	<p>expressly permitted to consider an individual's criminal history for employment purposes pursuant to law may do so before making a conditional job offer.</p> <p>Name and address of person to be notified in case of emergency.</p>	<p>as expressly permitted by law</p> <p>Name and address of r elativ e to be notified in case of emergencies.</p>
<p><b>ORGANIZATIONS, ACTIVITIES</b></p>	<p>Membership in job-related clubs, organizations, churches, and schools. May omit those which reveal the race, religion, age, sex, color, disability, marital status, ancestry, or sexual orientation of the applicant. What offices are held, if any.</p>	<p>The names of all or ganizations, clubs, societies, lodges to which the applicant belongs.</p>
<p><b>REFERENCES</b></p>	<p>“By whom were you referred for a position here?” Names of persons willing to provide professional and/or character references for applicant.</p>	<p>Require the submission of a religious reference. Questions to references which elicit information specifying applicant's race, color, religion, ancestry, age, marital status, national origin, or sexual orientation.</p>
<p><b>SEX</b></p>	<p>“Are you able to perform the essential functions of this job with or without a reasonable accommodation?” After the job offer is made, require a physical examination if that is a requirement for all employees.</p>	<p>Sex of the applicant. “Are you expecting?” “Are you pregnant?” “Use of birth control?” “What are your plans for having a family?” Applicant's weight or height (unless it is a BFOQ). Mr., Mrs., Miss, or Ms.</p>
<p><b>DISABILITY</b></p>	<p>Whether applicant has any physical or mental disability. “Have you ever collected workers' compensation or temporary disability insurance for a previous illness or injury?” Questions regarding applicant's general state of health or medical condition.</p>	<p>Whether single, married, divorced, widowed, separated, etc. Mr., Mrs., Miss, or Ms. Names and ages of spouse and children; provisions for child care.</p>
<p><b>MARITAL STATUS</b></p>		

		whom do you reside?” “Do you live with your parents?”
<b>SEXUAL ORIENTATION</b>		Whether an applicant has a preference for heterosexual, homosexual, or bisexual partners/ relationships.
<b>MISCELLANEOUS</b>	Notice to applicants that any misstatements or omission of material facts in the application may be cause for dismissal.	Require an applicant to submit a resume containing answers to unlawful inquiries.
<b>BONA FIDE OCCUPATIONAL QUALIFICATION (BFOQ)</b>	BFOQ Exception: Nothing shall prohibit the establishment and maintenance of a bona fide occupational qualification (BFOQ). To establish a protected basis as a BFOQ, an employer is required to show: a) that the essence of the business operation would be undermined by the hiring of a person from the protected class or b) a factual basis for believing that all or substantially all persons from the protected class would be unable to safely or efficiently perform the job duties, or it is impossible or highly impractical to deal with such persons on an individualized basis.	Require an applicant to submit a resume containing answers to unlawful inquiries.

\*This is intended as a guideline for pre-employment inquiries and does not have the force or effect of administrative rules or Hawai‘i laws. If there are any inconsistencies, the rules and Hawai‘i law will control.