

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

April 01, 1996

This is in response to your March 11, 1996, letter which inquired whether certain questions on an application form violated federal law. The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the Civil Rights Act (which prohibits employment discrimination on the bases of race, color, religion, sex, and national origin); the Age Discrimination in Employment Act (ADEA) (which Prohibits employment discrimination against people who are forty years of age and older); and the Americans with Disabilities Act (which prohibits discrimination against qualified individuals with disabilities)

None of the questions in the application form violate the above-mentioned statutes. However, employers may not use the information in discriminatory manner. Thus, employers may request information about marital status, dependents, and an applicant's age. But, for example, if an applicant indicates that he is 50 years old, and the employer refuses to hire him because of his age, the employer has violated the ADEA.

Similarly, there is no violation of the federal anti-discrimination laws by asking applicants to authorize an employer to seek information from the applicant's former employers about why the applicant left and whether s/he is eligible for rehire. Employers also may inquire whether an applicant has a driver's license and ask for the license number.

Finally, employers may seek information about disability, veteran status, and race in order to comply with federal affirmative action requirements. As the form you enclosed indicates, however, the applicant is to provide such information, the information can be used only for affirmative action purposes, and the applicant cannot be subjected to adverse treatment if s/he chooses not to answer the questions.

We hope this discussion is helpful. This letter is an informal discussion of the issues raised by you and is not an official opinion of the EEOC.

Sincerely,

Peggy R. Mastroianni
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