

STATEMENTS TO AVOID DURING THE EMPLOYMENT SELECTION PROCESS

Subject	Acceptable	Avoid
NAME	<p>“State your name.”</p> <p>“Have you ever worked for this organization under another name?”</p> <p>“Is any additional information relative to change of name, use of an assumed name, or nickname necessary to enable a check on your work records?”</p>	<p>“State your maiden name.”</p> <p>“Have you ever used another name?”</p> <p>Inquiries about the name that would indicate applicant’s lineage, ancestry, national origin, or descent.</p> <p>“Do you prefer to be addressed as Mr., Mrs., Miss, or Ms.?”</p>
RESIDENCE	<p>Asking for applicant’s place of residence.</p> <p>Inquiring about the length of residence at current and previous addresses.</p>	<p>Specific inquiries into foreign residence.</p>
AGE	<p>Statement that employment is subject to verification that applicant meets legal age requirements.</p>	<p>“State your age.”</p> <p>“State your date of birth.”</p> <p>“Would you have problems reporting to someone who is younger than you?”</p> <p>Requesting dates of attendance at or completion of elementary or high school. (However, may be needed for verification of academic credentials.)</p>
MARITAL AND FAMILY STATUS	<p>“Can you meet the attendance requirements of this job?”</p> <p>“Can you work overtime and/or travel extensively? (Only if applicable.)</p>	<p>“Are you married, single, divorced, or separated?”</p> <p>“What are the names and ages of your children?”</p> <p>“What provisions will you make for child care?”</p> <p>Asking for name or other information about applicant’s spouse. (After hire, this is permissible to obtain a contact in case of emergency.)</p>

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RELATIVES	<p>Statement of organization policy about work assignment of employees who are related.</p> <p>Asking names of applicant's relatives already employed by the organization.</p>	<p>Asking for name or address of any relative of applicant.</p>
SEX	<p>Inquiries based only on a bona fide occupational qualification.</p>	<p>"Are you expecting?" or "Are you pregnant?"</p> <p>Asking applicant about future childbearing plans.</p> <p>"How do you feel about working in a male-dominated industry?"</p> <p>"We typically don't hire male secretaries. Will it make you uncomfortable to be the only male secretary?"</p> <p>Asking applicant out on a date or otherwise propositioning applicant.</p>
RACE OR COLOR	<p>Statement that photograph may be required after hire.</p>	<p>Requiring applicant to submit a photograph at any time prior to hire, or requesting that applicant, at his or her option, submit a photograph.</p> <p>Asking the race or color of applicant.</p> <p>Inquiries about applicant's complexion or color of skin.</p>
BIRTHPLACE, NATIONAL ORIGIN, ANCESTRY	<p>"Are you authorized to work and remain in the United States?"</p> <p>Asking applicant about foreign languages applicant reads, speaks, or writes, if job related.</p>	<p>Asking for birthplace of applicant.</p> <p>Asking for birthplace of applicant's parents, spouse or other close relatives.</p> <p>"What is your mother (or native) tongue?"</p> <p>Inquiries into how applicant acquired ability to read, write, or speak a foreign language.</p>

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ORGANIZATIONS	Inquiries into membership in organizations that applicant considers relevant to his or her ability to perform the job for which applied.	"List all clubs, societies, and organizations to which you belong."
PERSONAL FINANCES	Asking whether applicant has use of a reliable car, if car travel is required by the job.	Questions about personal bankruptcy. Questions about home or car ownership.
PHYSICAL CONDITION, HANDICAP, DISABILITY ¹	"Are you able to perform the duties of the position that you have applied for with or without reasonable accommodations?" "Do you use illegal drugs?" "Can you meet the attendance requirements of this job?" "How well do you handle stress?" "Do you work better or worse under pressure?"	"Do you have any physical disabilities or handicaps?" "Do you have now, or have you ever had, a drug or alcohol problem?" "Have you ever sought treatment for your inability to handle stress?" "Have you ever been treated for mental health problems?" Questions regarding the applicant's general medical condition, state of health, or illness.
WORKERS' COMPENSATION	"How many days were you absent last year?" "Can you perform the essential functions of the job with or without reasonable accommodations?"	Questions regarding receipt of workers' compensation. "Have you ever filed for workers' compensation?" Have you ever been injured on the job?"

¹Avoid inquiries that are likely to elicit information about whether an applicant has a disability.

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CITIZENSHIP	<p>“Do you have the legal right to work and remain in the United States?”</p> <p>“Are you currently authorized to work for all employers in the United States on a full-time basis or only for your current employer?”</p> <p>Statement that applicant will be required to submit proof regarding his or her identity and employment eligibility upon hire, in accordance with applicable immigration requirements.</p>	<p>“Of what country are you a citizen?”</p> <p>Asking whether applicant or applicant’s spouse or parents are naturalized or native-born U.S. citizens.</p> <p>Asking for date when applicant, parents, or spouse acquired U.S. citizenship.</p>
ARREST, CRIMINAL RECORD	<p>“Have you ever been convicted of a crime?” (In most jurisdictions, this question must be accompanied by a statement on the employment application that a conviction will not necessarily disqualify applicant from the job applied for.)</p>	<p>Asking about applicant’s arrest record.</p> <p>“Have you ever been arrested?”</p>

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FREQUENTLY ASKED QUESTIONS ABOUT HIRING LOCAL STAFF

1. **Can we pay an individual employed as a janitor or secretary a stipend amount?** No. Wage and hour laws require that nonexempt employees be paid for the actual hours that they work. This means that the employee needs to be tracking and reporting hours, rather than receiving a flat stipend amount. (But see Q&A 3 below for information about hiring independent contractors. Independent contractors generally should be paid for the job rather than by the hour.)
2. **Can a local church or school request that a non-Adventist applicant be hired?** Because of the importance of ministry with every job function, the Conference strongly encourages its churches and schools to recommend Seventh-day Adventist applicants to the Conference for hiring. By law, the Conference is allowed to give preference to Seventh-day Adventist applicants over applicants who are non-members. If a church or school wishes to recommend a non-Adventist applicant for hiring, it should include documentation with the request indicating that a suitable Adventist candidate is not available.
3. **Can my church or school issue its own employment documentation, such as a contract of employment?** No. Regular part-time and full-time employees of a church or school are considered to be employees of the Conference, and the church or school is not authorized to issue its own contracts to employees. The church or school may be able to enter into a contract with an *independent contractor*, but it should be very sure that an independent contractor relationship (rather than an employer-employee relationship) exists prior to entering into that contract. Please consult with the Conference Human Resources Department prior to entering into any contract with an independent contractor.
4. **Can an employee be paid with non-cash compensation (e.g., food, housing, tuition assistance)?** Because of the difficulty of properly reporting non-cash compensation to the Internal Revenue Service for taxation, churches and schools should plan on paying only monetary compensation for the work performed.
5. **What is the church or school required to pay?** The church or school is responsible for the entire compensation package and employer taxes associated with the position. These amounts are billed to the church or school each month after payroll is run. The Conference assists in non-financial ways, such as by issuing paychecks to employees, handling income tax reporting responsibilities, and processing benefit enrollment. The Conference does not charge any administrative or processing fee to the local church or school for performing these services. Please refer to [PAYROLL COSTS] for more information.
6. **Can an employee “volunteer” time if we can’t afford to pay for all of the hours that the employee works?** An arrangement like this is absolutely prohibited. Employees should be paid for all of the time that they work, both out of fairness and to comply with wage and hour laws. You may permit an employee to volunteer time for your organization in a position that is substantially different from his or her normal job duties and that is customarily a volunteer (unpaid) position (e.g., church secretary may volunteer as a Pathfinder leader).