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Getting Hired

Should I read this?

Your first step to getting a job may be filling out an application or having an interview. This is a chance to show the employer you have the skills to work for them. We explain here what the employer can **legally** ask in an interview or application.

What is discrimination?

Generally, it means treating certain people differently than others. Discrimination is illegal when you treat people differently because of their

- age
- sex (gender)
- sexual orientation, including gender identity
- race
- marital (marriage) status
- national origin (country you were born or raised in)
- disability
- because they might want to join a union

No employer can legally ask questions that might discriminate against you based on these things. An employer **can** ask questions to help figure out how you will do at a job.

What kinds of questions can they legally ask at my job interview?

Some examples of legal and “not legal” questions:

Legal: Okay to Ask

- If you can meet the work schedule or have commitments that might keep you from coming to work.
- If you can do the job with or without accommodation. In some cases, the employer can ask you to try physical tasks such as lifting boxes.
- If you can speak a foreign language.

Not Legal: Unlawful to Ask

- Sex discrimination: Questions about your gender identity, marital status, spouse, children, childcare arrangements, if you are or plan to become pregnant, or about your dependents.
- Disability-based discrimination: Questions about the nature, severity or extent of a disability, or if you need an accommodation.
- National origin discrimination: Questions about your race, ancestry, birthplace, first language, clubs.
- Criminal records: Job applications cannot ask about your criminal record. Until they decide you are otherwise qualified for the job, they cannot look into your criminal record.

They cannot ask you, your current employer, or former employer about your wage or salary history. They can ask if you bring it up yourself, or if the employer has offered you a job.

Can they make me take a drug test?

It depends. A private employer cannot use the test to discriminate against certain people. **Example:** it would be against the law if the employer only gave women or African Americans a drug test.

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- ❖ There are more limits on when a public employer can make you take a drug test.
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Do I have to sign an I-9 form?

Yes. Your employer must get info from you showing you can lawfully work in the United States. This info is in the "I-9" form. It lists the types of ID an employer must accept. If you believe your employer has treated you unfairly because of the documents

they have asked you to provide, call the U.S. Justice Department, Office of Special Counsel at 1-800-255-7688, (202) 616-5525 or 1-800-237-2515 (TDD for hearing impaired).

What is at will employment?

Most work is "at will." Your employer can fire you at will. This means they can fire you for any **or** no legal reason. (Read [Discrimination](#) and [Retaliation](#) for illegal reasons.)

At will employment also means you can quit your job for any reason, any time.

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- ❖ If you lose your job after spending a lot to move, or after giving up another job to take this one, usually you will have no legal claim against your employer.
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I belong to a union. Am I an "at will" employee?

No. Union contracts give you more rights.

Is there some other way I might not be an at will employee?

Maybe. Some employment contracts and personnel manuals make promises an employer must keep. **Examples:** a promise to fire you only for specific reasons or only after going through certain procedures.

What does the employer expect of me?

- Be on time for work.
- Do not leave the work site without telling someone.
- Do not miss work without permission.
- Be polite to other employees and to the public.
- Follow the employer's health and safety rules.

If you filled out a job application: The info you put must be accurate. The employer can be fire you for putting false info on the application.

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