

## ADVERTISING

In placing ads or posting job notices, employers should be careful not to indicate preferences according to age or sex. It is unlawful for ads or notices to contain terms such as:

- age 25—35
- Boy or girl
- college student
- Housewife

It is acceptable to state:

- part time during school hours
- 20 hours per week
- hours eight to five

Ads should not be placed under the heading *Help Wanted-Male* or *Help Wanted-Female*. Job titles designating a man or woman should be replaced with neutral titles:

*Salesperson* vs. *Salesman*

*General Office, Pretty or Handsome* vs. *Well-Groomed*

## TESTING

In order to be lawful, tests must have a valid relation to the jobs they test for. The tests, their administration and the action taken on their results must not be designed, intended or used to discriminate. Employers should note that many paper and pencil tests have been found to be discriminatory against minorities because they have a disproportionate impact on minorities and have not been validated.

## TERMS, CONDITIONS & PRIVILEGES

The S.D. Human Relations Act prohibits discrimination in the terms, condition and privileges of employment. This does not mean only wages. An employee is entitled to equal treatment in: rotation of assignments, transfers, promotion and seniority, dress and appearance, use of company facilities, trial periods on jobs, hours of work, rest or lunch periods and coffee breaks, leave-of-absence benefits, smoking privileges while working and any other term or condition of employment.

## SAMPLE APPLICATION FORM

This sample application below can be used as a guide in devising a form that is not discriminatory.

NAME \_\_\_\_\_  
Last First Middle

ADDRESS \_\_\_\_\_  
Street Number or RFD City State/Zip

SOCIAL SECURITY NO. \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_  
Home Office

ARE YOU UNDER 18? Yes \_\_\_ No \_\_\_

**EDUCATION AND TRAINING**

Circle last year completed: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18+

Was diploma obtained by passing H.S. Equivalency (GED) Test?  
No \_\_\_ Yes \_\_\_ When \_\_\_\_\_

Last school beginning with most recent (college, Voc. School, HS, etc.)  
Name/Address:  
Degree:  
Major: Minor: Did you graduate?

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Degree:  
Major: Minor: Did you graduate?

List names and addresses of three personal references.

List skills or experience related to this job.

Circle type of work you will accept:  
Permanent Temporary Summer Part-time

Are you willing to have your most recent employer contact? Yes \_\_\_ No \_\_\_

Begin with your present or last work, complete fully—especially description of duties, responsibilities and number you supervised. Include volunteer work.

Employed from \_\_\_\_\_ to \_\_\_\_\_ Total Yrs. \_\_\_ Mos. \_\_\_ Hrs./Wk. \_\_\_  
Position Held \_\_\_\_\_ Starting Salary \_\_\_\_\_ Last Salary \_\_\_\_\_  
Reason for leaving \_\_\_\_\_ Name of Employer \_\_\_\_\_  
Address \_\_\_\_\_ City/State/Zip \_\_\_\_\_  
Immediate Supervisor \_\_\_\_\_ Title \_\_\_\_\_  
Description of Duties \_\_\_\_\_

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Position Held \_\_\_\_\_ Starting Salary \_\_\_\_\_ Last Salary \_\_\_\_\_  
Reason for leaving \_\_\_\_\_ Name of Employer \_\_\_\_\_  
Address \_\_\_\_\_ City/State/Zip \_\_\_\_\_  
Immediate Supervisor \_\_\_\_\_ Title \_\_\_\_\_  
Description of Duties \_\_\_\_\_

For more information, call or write:

**Department of Labor and Regulation**  
**Division of Human Rights**  
123 W. Missouri Ave.  
Pierre, SD 57501  
605.773.3681

**S.D. Department of Labor and Regulation**  
Division of Human Rights  
123 W. Missouri Ave.  
Pierre, SD 57501

Division of Human Rights

# Pre-Employment Inquiry Guide

What you need to know.



123 W. Missouri Ave.  
Pierre, SD 57501

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

## PRE-EMPLOYMENT INQUIRY GUIDE

PURPOSE OF GUIDE. On July 1, 1972, the South Dakota Human Relations Act became effective. Under this law it is illegal for employers to discriminate against persons because of their race, religion, color, national origin, creed, ancestry, sex or disability. Many pre-employment inquiries can be used to discriminate on those bases and are best excluded from the pre-employment process. This guide is intended to help employers identify such inquiries and to therefore avoid possible unlawful discrimination.

It should be understood this is not a complete definition of what should or should not be asked of applicants.

This Act is not intended to prohibit employers from obtaining all the information about applicants they deem pertinent, so long as discrimination does not result from asking the question. This Act does not restrict the rights of employers to define qualifications necessary for satisfactory job performance, but does require that non-discriminatory standards of qualifications for hiring be applied equally to all applicants. Questions on application forms and in interviews should be limited to only those actually used to make the hiring or promotional decision.

SUBJECT		PREFERRED INQUIRIES	SUSPECT INQUIRIES
Name	Has applicant ever used a different name?		Original name of applicant if it has been changed by court order. Male applicant - maiden name of wife.
Residence	Place of residence.		How long have you lived at your present address? Do you own your home?
Place of Birth			Birth place of applicant. Requirement that applicant submit birth certificate or baptismal record.
Age*	Under 18? Submission of certificate of age or work permit in compliance with Youth Employment Laws.		Date of birth
Religion or Creed	Can you work the stated hours?		Any inquiry to indicate or identify religion, denomination or customs. Can you work on a certain religious holiday?
Race or Color	Photograph may be required after hiring for identification purposes.		Any inquiry which would indicate race or color. Request photograph before hiring.
Experience	Inquiry into previous work experience.		
Citizenship	Are you legally authorized to work in the United States?		If native-born or naturalized. Proof of citizenship (may be requested after applicant is hired) Whether parents or spouse are citizens.
National Origin			An inquiry into place of birth of applicant, parents, grandparents, spouse. Any other inquiry into national origin.
Education	Inquiry into what academic, vocational, professional school attended. Inquiry into language skills and fluency, where pertinent.		
Conviction, Arrest or Court Record			Ask or check into a person's arrest, court or conviction record if not substantially related to functions of employment.
Relatives	Name of relatives already employed by this company.		Names and address of any relatives other than spouse and dependent children.
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 of accident or emergency.
Sex or Marital Status	Can you work the stated hours?		Sex or marital status or any question which would determine same. Does your spouse have any objection to your working? Spouse's occupation. Do you have pre-school children?
Pregnancy	Inquiries into future job availability and future employment plans.		Are you pregnant? Do you plan to have a family? Do you practice birth control?
References			Request references from applicant's pastor.

\*Covered by the Federal Age Discrimination in Employment Act of 1967.  
Five thousand copies of this publication were produced by the South Dakota Department of Labor and Regulation at a cost of 3 cents per copy.

Auxiliary aids and services available upon request to individuals with disabilities. State and federal laws require the Department of Labor and Regulation to provide services to all qualified persons without regard to race, color, creed, religion, age, sex, ancestry, political affiliation or belief, national origin, or disability.

