

HIBIT 8.9 Continued

Inquiry	Lawful	Unlawful
Ability	Inquiries necessary to determine applicant's ability to substantially perform a specific job without significant hazard	A. Any inquiry into past or current medical conditions B. Any inquiry into workers' compensation or similar claims
Work schedule	Inquiry into the job applicant's willingness to work a required schedule	Any inquiry into the job applicant's willingness to work any particular religious holidays
References	General, personal, and work references that do not reveal the race, color, religion, sex, national origin, disability, ancestry, or age of the applicant	Request for references specifically from clergy or any other persons that might reflect the race, color, religion, sex, national origin, disability, ancestry, or age of the applicant
Organizations	Inquiry into membership in organizations excluding those that reveal the race, color, religion, sex, national origin, disability, ancestry, or age of its members	Inquiry into every club and organization where membership is held, including those that reveal the race, color, religion, sex, national origin, disability, ancestry, or age of its members
Other	Any questions required to reveal qualifications for the job for which the applicant applied	Any non-job-related inquiry that may elicit information concerning race, color, religion, sex, national origin, disability, age, or ancestry of applicant

SOURCE: Ohio Civil Rights Commission, 2013.

NOTE: The above is not a complete definition of what can and cannot be asked of applicants. It attempts to answer the questions most frequently asked concerning the law.

ona Fide Occupational Qualifications

Title VII of the Civil Rights Act explicitly permits discrimination on the basis of sex, religion, or national origin (but not race or color) if it can be shown to be a BFOQ "reasonably necessary to the normal operation" of the business. The Age Discrimination in Employment Act (ADEA) contains a similar provision regarding age. These provisions thus permit outright rejection of applicants because of their sex, religion, national origin, or age, as long as the rejection can be justified under