

161—8.3(216) Preemployment inquiries.

8.3(1) Preemployment inquiries into an applicant's membership in a protected class are not prohibited so far as necessary to determine an applicant's bona fide occupational qualification for the position. The burden to show the existence of a bona fide occupational qualification shall be on the employer, employment agency, or labor organization.

8.3(2) This rule does not prohibit inquiry:

- a.* As to whether a job applicant is over 18 years of age, or
- b.* For postemployment inquiries regarding age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability for legitimate recordkeeping purposes.

8.3(3) An employment interviewer shall not ask about a disability unless the inquiry is made in good faith for a nondiscriminatory purpose.

[ARC 8199C, IAB 8/21/24, effective 9/25/24]