

# PUBLICATION

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## EEOC Targets Unemployment Status Screening

February 16, 2011

**The EEOC held a public hearing today on unemployment status screening of job applicants. Increasingly, employers are implementing hiring practices that restrict candidacy to job applicants who are currently employed. The rationale of such a policy is to screen out applicants who may have lost their last job due to poor performance.**

In today's world of neutral references, it can be difficult for a prospective employer to determine the terms on which a candidate left their last job. Some employers have opted to make current employment a requirement for consideration for a prospective job. However, at today's hearing, EEOC Commissioners expressed concern that unemployment status screenings have a disproportionate effect on minority applicants. Since unemployment rates are higher among minority applicants, a higher percentage of minorities are eliminated from consideration for employment by unemployment status screenings. While the EEOC did not indicate what it intends to do about unemployment status screenings, employers who use these screenings should expect scrutiny from the EEOC, given the concerns expressed by commissioners at today's hearing.