

# Can we ask applicants about their driving records?

**Q. Is it lawful to ask about a person's driving record (accidents and violations) on the job application? — Paula, Illinois**

**A.** Yes, as long as you limit your request to information about driving convictions, rather than arrests. Your application must also warn people that they need not disclose expunged and sealed convictions. (Questions about criminal backgrounds are not allowed by government entities in Illinois, as the state has a "ban the box" law limiting such questions on state and local government applications.)

The real question is: How you can lawfully use the information you obtain. The EEOC says employment decisions based on criminal histories that are unrelated to the duties the applicant would perform if hired are subject to legal scrutiny. This is because nonwhite individuals are far more likely to be charged and convicted of a crime than are Caucasian persons.

**Bottom line:** Unless the position for which you are hiring requires the worker to have good driving skills, you may not want to request that information.