



Mineral



Question of the Week

SEPTEMBER 07, 2022

QUESTION

Can I require applicants to have a high school diploma?

ANSWER

We recommend that you not require applicants to have a high school diploma *unless* you can demonstrate that the requirement is job-related and consistent with business necessity. Requiring a diploma when it's unrelated to the position can be discriminatory under both Title VII of the Civil Rights Act of 1964 (Title VII) and the Americans with Disabilities Act (ADA).

While federal law doesn't explicitly prohibit employers from requiring applicants to have a high school diploma, the Equal Employment Opportunity Commission (EEOC) has cautioned employers about the use of such policies. According to EEOC guidance, "a high school diploma requirement is discriminatory under Title VII if it has a disparate impact on a protected group and is not job-related and consistent with business necessity." A disparate impact occurs when a policy or rule appears to be neutral but results in a disproportionate impact on people within a protected class (e.g., race, sex, or religion). Diploma requirements may also violate the ADA if they tend to screen out individuals with disabilities when a diploma isn't required to do the job.

When assessing the qualifications of job applicants, it's best to focus on essential job functions and previous experience.

The Q&A does not constitute legal advice and does not address state or local law.