**Section 2500.60 Pre-Employment Inquiries and Examinations**

a) Inquiries – An employer, employment agency or labor organization may not require a job applicant to list or disclose all disabling conditions that the applicant is exhibiting. However, it is not a violation of the Act for an employer, employment agency or labor organization to inquire, uniformly of all applicants for employment, referral or admission to an apprenticeship or other training program, whether they have physical or mental disabilities that may impair their abilities to acceptably perform the required duties or to successfully complete the apprenticeship or training programs.

b) Examinations – An employer, employment agency or labor organization may require all applicants who have been found otherwise qualified for selection to submit to pre-employment physical or psychological examinations for the purpose of determining whether applicants are capable of acceptably performing the activities necessary to the job or training at issue. Examinations may also be utilized to ascertain the nature of any accommodation needed to enable the applicant to perform acceptably, but not to disqualify applicants who are revealed as having a condition or characteristic presenting a risk of future injury. Pre-employment physical or psychological examinations may be conducted prior to the stage at which applicants are evaluated as otherwise fully qualified if the practice is followed consistently with all applicants, and if it can be demonstrated that each subsequent evaluative procedure is more expensive or burdensome than the physical or psychological examination. In all events, however, the results of any pre-employment examination must be made available to the applicant, upon request.

(Source: Amended at 33 Ill. Reg. 3506, effective February 5, 2009)