**Section 5220.700 Suspect Employment Criteria**

The use of selection criteria which have a disparate impact on individuals of a national origin group is unlawful, unless the criteria are justified by business necessity. It is not a defense to show that the total selection process does not have a disparate impact. The following selection criteria may have a disparate impact on national origin groups:

a) Height or weight requirements;

b) Fluency in English requirements, such as denying employment opportunities because of an individual's foreign accent or inability to communicate well in English; and

c) Training or education requirements which deny employment opportunities to an individual because of his or her foreign training or education, or which require an individual to be foreign trained or educated.