strengthened the law considerably, and, as it points out, "has followed the statutory mandate of liberal construction."[86] With respect to pre-employment inquiries, especially, SCAD has done a thorough job. It has proscribed inquiries as to race, religion, color and national origin, as well as other inquiries from which it is possible to determine these characteristics. Thus an applicant may be asked whether he is a citizen of the United States, but not whether he is a native-born or naturalized citizen. Questions about the applicant's place of birth, or that of his parents or close relatives, are likewise forbidden. The statute, SCAD points out, "does not restrict an employer's right to fix the qualifications necessary for satisfactory job performance. It merely requires that the same standards of qualification be applied equally to all persons."[87]

In its 1948 annual report the Commission published a large number of rulings referring to the meaning, under the law, of employers, employees, labor organizations, employment agencies, verified complaints, services of governmental agencies, exclusiveness of remedy under the act, pre-employment inquiries, bona fide occupational qualifications, and help-wanted and situations-wanted advertisements. The following paragraphs summarize a number of the more important rulings SCAD has made.

Employers. 1) SCAD has jurisdiction over state and municipal agencies and other subdivisions of the state, but not over the United States Government, its subdivisions, agencies and instrumentalities.[88] 2) SCAD has jurisdiction over a maritime company when an unlawful practice is alleged to have been committed in the state, even if the company is engaged in interstate or foreign commerce.[89] 3) SCAD has jurisdiction over railroad employment within the state.[90] 4) SCAD has jurisdiction over an employer who has a total of six or more employees even if they are so distributed among several establishments that each has fewer than six.[91]

Employees. A "maid" employed regularly in a business establishment is *not* in "domestic service" excluded from the law's coverage.[92]

Labor Organizations may not exclude persons on the basis of race, creed, color or national origin, maintain auxiliary unions for persons

86 1948 Annual Report 42.
87 SCAD, *op. cit. supra* note 84 at 1.
88 1948 Annual Report at 42.
89 *Id.* at 43.
90 *Id.* at 44.
91 *Id.* at 45.
92 *Id.* at 46.

of a particular race, creed, or national origin, or deny any privilege to members on such a basis.[93]

Employment agencies come within SCAD's jurisdiction even if they are non-profit agencies, or are operated in conjunction with an educational institution otherwise exempt from the law.[94]

Verified complaints 1) may be filed by employers whose employees "refuse or threaten to refuse to cooperate with the provisions of the Law."[95] 2) A membership corporation whose purposes are embraced by the law may file a verified complaint under section 131.3, which forbids pre-employment inquiries that reveal race, creed, color or national origin.[96] 3) An employer who places a discriminatory job order with an employment agency is violating the law no matter what action the agency takes.[97] 4) An employment agency that accepts a discriminatory job order is violating the law.[98] 5) A person who is required to fill out an application form, in order to obtain employment, which contains unlawful questions, may file a complaint even if he does not complete the form or does not submit it to the employer.[99]

Pre-employment inquiries. 1) Discrimination because of political creed is not covered by the law, which forbids discrimination on the basis of religious creed.[100]

B. *Policies*

1. *Expediting Settlement of Complaints*

As we saw in an earlier Section, SCAD has been criticized by minority groups for taking too much time in settling complaint cases. During 1948 SCAD attempted to reduce the time per case by determining as quickly as possible the merits of the complaint, notifying the complainant and respondent of the decision, and then conducting the ancillary investigation into the latter's whole employment record, although it denied that this policy results in any appreciable delay.[101] In its 1948 annual report, nevertheless, the Commission reaffirmed its policy of studying a respondent's overall employment pattern, even though the result may be a delay in disposing of the specific com-

93 *Id.*
94 *Id.* at 47.
95 *Id.*
96 *Id.* at 48.
97 *Id.*
98 *Id.*
99 *Id.*
100 *Id.* at 54.
101 Memorandum Report, *op. cit. supra* note 23 at 2-3, and 1948 Annual Report 18.