

Interviewing – May & May Not Ask

Category	May Ask	May Discriminate by Asking
Gender & Family Arrangements	<ul style="list-style-type: none"> If Applicant has relatives already employed by the organization 	<ul style="list-style-type: none"> Gender of Applicant Number of Children Marital Status Spouse's occupation Child care arrangements Health care coverage with spouse
Race		<ul style="list-style-type: none"> Applicant's race or color of skin Photo to be affixed to application form
National Origin or Ancestry	<ul style="list-style-type: none"> Whether Applicant has a legal right to be employed in the U.S. Ability to speak/write English fluently (if job related) Other languages spoken (if job-related) 	<ul style="list-style-type: none"> Ethnic association of a surname Birthplace of applicant or applicant's parents Nationality, lineage, national origin Nationality of Applicant's spouse If Applicant is citizen of another country Applicant's native tongue/English proficiency Maiden name
Religion		<ul style="list-style-type: none"> Religious affiliation Religious holidays observed
Age	<ul style="list-style-type: none"> If Applicant is over age 18 If Applicant is over age 21 if job-related (i.e. bartender) 	<ul style="list-style-type: none"> Date of Birth Date of high school graduation Age
Disability	<ul style="list-style-type: none"> Whether Applicant can perform the essential job-related functions 	<ul style="list-style-type: none"> If applicant has a disability Nature or severity of a disability Has ever filed a workers' compensation claim Recent or past surgeries and dates Past medical problems
Other	<ul style="list-style-type: none"> Convictions if job-related (laws vary by state) Academic, vocational, or professional schooling Training received in the military Membership in any trade or professional association Job References Desired Wage 	<ul style="list-style-type: none"> Number and kinds of arrests Height or weight except if a bona fide occupational qualification Veteran status, discharge status, branch of service Contact in case of an emergency (at application or interview stage) Sexual Orientation Some states prohibit asking for wage history (varies)

Acceptable vs. Unacceptable Interview Questions

Acceptable	Unacceptable
Are you legally eligible for employment in the U.S.?	Are you a U.S. citizen? <i>(Reason: Non-citizens can be authorized to work in the U.S.)</i>
What schools have you attended?	When did you graduate from High School? <i>(Reason: This question may identify an applicant's age).</i>
Are you over the age of eighteen?	How old are you? <i>(Reasons: Many occupations prohibit minors from working in hazardous conditions. For all other circumstances, this question should be avoided).</i>
Have you ever been known by another name? (Ask only if contacting a former employer or are authorized to perform a background check).	What is your maiden name? <i>(Reason: This question may discriminate for reasons such as gender, race).</i>
Can you work the days and hours required by the position?	Do you have any children? What are your child care arrangements? Are you pregnant? <i>(Reason: these questions may discriminate based on gender; also women are protected under the Pregnancy Discrimination Act).</i>
What professional or trade groups do you belong to that you consider relevant to your ability to perform this job?	What clubs or organizations do you belong to? <i>(Reason: This question may identify an applicant's religion).</i>
Are you able to perform the essential functions of the job?	Do you have any disabilities?
<i>You may not ask this question or any related question during the pre-offer stage X →</i>	Have you ever filed a workers' compensation claim?
Do you have reliable means of transportation to get to work?	Do you have a car?
Our smoking policy is such—can you adhere to it? <i>(Be aware of any state laws that relate to smoking. Some states prohibit an employer from excluding applicants for off the job smoking.)</i>	Do you smoke?
Have you ever been convicted of a felony? If so, when, where and what was the disposition of the case?	Have you ever been arrested? <i>(Some states have additional legal prohibitions to asking criminal history questions during certain phases of the selection process)</i>