

Federal and state law prohibits discrimination on the basis of race, color, religion, gender, age, national origin, and citizenship status. The following guidelines address the types of questions you should avoid asking job applicants because they might imply the company's selection decisions are made on a discriminatory basis.

Note that these guidelines apply whether an interview is conducted over the phone or in person and whether the interview is for an open position or for informational purposes only.

PROHIBITED QUESTIONS:

Personal questions usually are inappropriate and are the ones most likely to indicate potential bias. Even the most basic personal questions, such as asking about an applicant's name, can lead to bias charges. For instance, asking for a maiden name, whether an applicant has legally changed his or her name or the history of a name might imply gender and national origin bias.

Questions about a job applicant's age, birthplace, height, weight, marital status, child care arrangements, religion, financial status, salary history, etc., rarely have bearing on the individual's ability to perform a job and should be strictly avoided. Interviewers also must avoid asking questions about health, medical conditions, workers' compensation claims, and military discharge.

Indirect questions about personal characteristics are just as improper as direct ones. "What religious holidays do you observe?" is no better than asking a candidate to identify his or her religion. "How many years before you plan to retire?" is no different than asking the candidate's age.

EXAMPLES OF INAPPROPRIATE QUESTIONS:

The following are examples of inappropriate questions that interviewers must never ask before, during or after the interview:

- What is your maiden name? Have you ever legally changed your name?
- How old are you? How many years before you plan to retire?
- Where were you born? Where were your parents born?
- Do you hold citizenship in any country other than the United States?
- How tall are you? How much do you weigh? What color are your eyes or hair? What is your race?
- What is your medical history? Do you have any disabilities? What are your disabilities? How will your disabilities affect your performance? Have you ever filed a workers' compensation claim against a former employer?
- Are you married, single, divorced, separated, widowed? Are you living with anyone?
- Where does your spouse work? Are you the primary wage earner for your family? Do you have children? What are your child care arrangements?
- What are the names of your closest relatives or friends?
- What is your lineage, ancestry, national origin, descent, parentage, nationality, or the nationality of your parents or spouse?
- What is your religious affiliation? What holidays do you observe?
- What is your native language? What language do you speak at home?
- Was your military discharge honorable or dishonorable? Why did you serve with a foreign military?
- Are you a member of any social clubs, fraternities, sororities, lodges, teams, or religious organizations?
- Have you ever been arrested?
- Do you have a history of alcohol or drug addiction?
- What medications are you taking?
- What is the name of your pastor or religious leader?

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APPROPRIATE QUESTIONS:

Work Eligibility

With careful wording, the following questions can be asked:

- Are you eligible to work in the United States?
- Where do you reside?
- Can you submit a birth certificate or other proof of age if you are hired?
- Are you over 18?

Reasonable Accommodations

Interviewers cannot directly or indirectly ask questions related to an individual's disabilities. If an applicant's disability is evident, the interviewer can ask whether the candidate will need a reasonable accommodation to perform essential job functions. If the answer is yes, the interviewer can ask about the type of accommodation that the individual would need. A carefully worded question, such as the one below, focusing on the individual's ability to perform essential job functions also is permissible.

- Do you know of anything that would limit your ability to perform the essential functions of the job as described to you? If so, what accommodation can be made that would enable you to perform those functions?

Criminal Records

Interviewers should never ask applicants if they ever have been arrested. However, the following question is permissible:

- Have you ever been convicted of a crime?

Interviewers should always tell the applicant that a criminal conviction does not bar employment, but can be considered in relation to job requirements.

Qualification Questions

The best questions to ask are those directly related to job qualifications. The following are examples:

- Do you have a _____ license? (Ask only if the license is relevant to the position in question.)
- What projects did you work on during your last job?
- What tools did you use to complete those projects?
- What computer software have you used?
- How many workers did you supervise in your last job?

Personality Questions

Hiring decisions are based not only on specific job skills, but on personality attributes that are required for the success of a particular job. Interviewers must be careful to keep personality questions job related and free of bias. The following are examples of these types of questions:

- What did you enjoy most about your last job?
- What did you enjoy least?
- What were the circumstances surrounding your leaving your last job?
- What would your last supervisor say your three weaknesses are?
- What are your major strengths?
- What are your career goals?
- What are some of the things about which you and your supervisor disagreed?
- Do you prefer working alone or as part of a team?

NOTE: Open-ended questions generally require more than a yes or no answer and elicit the most useful information.

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