



Interviewing With the Law in Mind

Certain questions are improper to ask during employment interviews because they could lead to discriminatory practices. The general rule of thumb is to ask only questions that are directly relevant to the person's qualifications for the job itself, avoiding areas that are personal in nature. Do not ask questions that would be likely to elicit the applicant's race, age, national origin, religion, gender, sexual orientation, or disability. If a question does not relate to the job or the skills and abilities needed to perform the job, do not ask it.

CATEGORY

MAY ASK

DO NOT ASK

AGE

- If applicant is over 18
- If applicant is over 21 (if job related, e.g., bartender)

- Date of birth
- Date of graduation from educational institutions
- Age

DISABILITY

- Whether applicant can perform essential, job-related functions

- If applicant has a disability
- Nature/severity of disability
- Recent or past surgeries and dates
- Past medical problems
- Whether the applicant received workers' compensation benefits or was injured on the job
- Whether applicant needs reasonable accommodation to perform the job
- Whether the applicant has or has had a drug or alcohol addiction

GENDER & FAMILY ISSUES

- If applicant has relatives employed by the organization
- If applicant has used another name that the employer might need to know to verify the applicant's work and education records
- If applicant is able to meet the attendance or travel requirements of the job, provided such question is asked of all candidates.

- Gender identity or expression of applicant
- Sexual orientation
- Number of children
- Marital status
- Maiden name
- Spouse's name or occupation
- Childcare arrangements
- Health care coverage through spouse
- Pregnancy/intent to have children
- Persons residing with applicant
- Relationship between household members



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CATEGORY	MAY ASK	DO NOT ASK
NATIONAL ORIGIN OR ANCESTRY	<ul style="list-style-type: none">• Whether applicant has authorization to work in the U.S.• Ability to speak/write English fluently (if job-related)• Other languages spoken (if job-related)• Applicant's current address	<ul style="list-style-type: none">• Ethnic association or surname• Birthplace of applicant, parents, or spouse• Nationality, lineage, or national origin• Where applicant is from• Whether applicant is a citizen of the U.S. or another country• Applicant's native tongue• How long applicant has lived in U.S.
RACE	<ul style="list-style-type: none">• No questions may be asked	<ul style="list-style-type: none">• Applicant's or their relatives' race or color of skin• For photo to be affixed to application form
RELIGION	<ul style="list-style-type: none">• No questions may be asked	<ul style="list-style-type: none">• Religious affiliation, beliefs, or place of worship• Religious holidays observed• Whether applicant can work on a particular religious holiday
OTHER	<ul style="list-style-type: none">• Certain convictions (dependent on state/local law)• Academic, vocational, or professional schooling• Military work experience or training• Membership in any trade or professional association• Job references• Willingness to travel (if job related)• Salary expectations (dependent on state/local law)• Whether applicant ever violated a safety rule at work	<ul style="list-style-type: none">• Arrests• Height or weight (except if a bona fide occupational qualification – rarely applies)• Military discharge status• Contact in case of an emergency• Ownership of home/car• Use of tobacco• Salary history or what applicant was paid at their last job• Whether applicant has reported law or safety violations• Whether applicant has been asked to do something illegal or unsafe and how they responded



SAMPLE INTERVIEW QUESTIONS

WORK HISTORY & SKILLS

- Describe a typical workday.
- How does your current job relate to the overall success of your department and your company?
- What aspects of your job do you consider the most crucial?
- What special responsibilities or assignments have you been given?
- What accomplishments are you most proud of?
- What have you done to become more effective in your career?
- What skills can you bring to this position, other than the ones required in the job description?

FLEXIBILITY/STRESS

- Think of a specific time when you had to work with someone you didn't like. How did you handle it?
- Describe the toughest situation you have ever faced.
- Have you worked for more than one manager? If yes, how did you deal with conflicting priorities?
- Have you ever found it necessary to perform duties that may not be part of your routine? If so, how did you feel about that?
- Give me an example of a time when you dealt with a crisis situation. What did you do keep things under control?

ABILITY/SUITABILITY

- What are you looking for in your next job?
- What aspects of your current job give you the most enjoyment?
- Tell me a task you currently have or have had in the past where you have/had to handle repetitive tasks. What were they and how did you handle them?
- Tell me about a time when your performance did not live up to expectations.
- What work would you like to be doing six months from now?
- What kind of work interests you most?
- If you could have any job in this company, what would it be? (Describe your ideal job).
- How do you define a successful career?

PLANNING & ORGANIZATION

- Describe your method for keeping track of important matters.
- How do you plan your day? What do you do if something unexpected comes up? Do you set goals for yourself? Explain.
- How do you prioritize your projects?
- When have you rescheduled your time to accommodate an unexpected workload?