



# LEGAL IMPLICATIONS OF INTERVIEWING

## Off-limits:

- Race
- Age
- Religion
- Color
- Place of birth
- Disability
- Marital status
- Children



## ***Legal Implications Questions for the Interview Process***

**All questions must have a business necessity and be related to the job**

Do not ask questions about:

- Age, Date of birth
- Race, ethnicity, national origin or ancestry
- Gender and family composition (children, pregnancy, marital status, childcare arrangements)
- Religious beliefs or religious affiliations
- Citizenship
- Disabilities or handicaps

<b>Do Not Ask Questions</b>	
<b>Do you have any children? What are your childcare arrangements?</b>	Questions about family status are not job related and should not be asked.
<b>Have you ever filed a workers' compensation claim?</b>	You may not ask this question or any related question during the pre-offer stage.
<b>Do you have AIDS or are you HIV-positive?</b>	There is no acceptable way to inquire about this or any other medical condition.
<b>Are you planning a family?</b>	There is no acceptable way to ask about family planning or marital status.

Please review the chart below to find the way in which questions should be phrased. The way in which a questions are phrased is very important.

The following are examples of acceptable vs unacceptable interview questions.

No	Yes
<b>Are you a U.S. citizen?</b>	Are you lawfully employable in the United States either by virtue of citizenship or by having authorization from the INS and the Labor Department?
<b>How old are you?</b>	Are you over the age of eighteen?
<b>What clubs or organizations do you belong to?</b>	What professional or trade groups do you belong to that you consider relevant to your ability to perform this job?
<b>What disabilities do you have?</b>	Are you able to perform the essential functions of the job to which you are applying? (Be sure you tell the applicant what the essential functions are.)
<b>When did you graduate from high school?</b>	What schools have you attended?
<b>What is your maiden name?</b>	Have you ever been known by another name? (Only ask this question if you need to contact a former employer, because a legal liability may exist if an applicant claims that you were trying to determine her ethnic background and consequently didn't hire her because of it.)
<b>Do you smoke?</b>	Our smoking policy is such, can you adhere to it? (Be aware of any state laws that relate to smoking. Some states prohibit an employer from excluding applicants for off the job smoking.)
<b>Why were you discharged from the military?</b>	When were you in the military and what kind of work did you do?
<b>Do you have a babysitter if we need you on a weekend?</b>	What days and hours are you available to work?
<b>What is your native language?</b>	This job requires someone who speaks more than one language. What languages do you speak and write fluently?