INTERVIEW QUESTIONS: STAYING WITHIN THE LAW

Nationality

- **Inappropriate:** **"**Are you a U.S. citizen? Where were you/your parents born? What is your native tongue?"
    - These questions transgress guidelines regarding national origin, birthplace, and citizenship. Questions regarding a candidate's native language or acquisition of foreign languages in general should be avoided unless such language proficiency is an essential function of a particular job.
- **Appropriate:** **"**Are you authorized to work in the United States? What languages do you read, speak, or write fluently? (This question is okay, if this ability is relevant to the performance of the job.)"

Age

- **Inappropriate:** **"**How old are you? What year were you born? When did you graduate from high school?"
- **Appropriate:** "Are you over the age of 18?"
    - State and federal law protects those over forty years old. It promotes the hiring, promotion, and other terms and conditions of employment of older people based on their abilities rather than their age. Topics that include high school graduation dates should be avoided. As a supervisor, you are still liable for information volunteered by a candidate without prompting.

Marital/Family status

- **Inappropriate:** **"**What's your marital status? Are you planning on having children in the next few years? Can you make adequate provisions for childcare?"
- **Appropriate:** **"**Would you be willing to relocate if necessary?" "Travel is an important part of the job. Would you be willing to travel as needed by the job?" (This question is okay, as long as all applicants for the job are asked it.) "This job requires overtime occasionally. Would you be able and willing to work overtime as necessary?" (Again, this question is okay as long as all applicants for the job are asked it.)
    - It's a legitimate concern to wonder whether a potential employee can meet overtime demands or report to work on time. However, you are limited by law to stating such things as the hours, any overtime demands, and company travel expectations and then simply questioning whether candidates would have any reason why they couldn't meet those requirements.

Affiliations

- **Inappropriate:** To what clubs or social organizations do you belong?
- **Appropriate:** Do you belong to any professional or trade groups or other organizations that you consider relevant to your ability to perform this job?

Personal

- **Inappropriate:** How tall are you? How much do you weigh?
- **Appropriate:** Are you able to lift a 50-pound weight and carry it 100 yards, as that is part of the job?

- Questions about height and weight are not acceptable unless minimum standards are essential to the safe performance of the job.

Disabilities

- **Inappropriate:** "Do you have any disabilities? Are you disabled? Do you have any previous major medical problems? Have you ever filed for workers' compensation? How many days were you sick last year? What prescription drugs are you currently taking?"
- **Appropriate:** "Are you able to perform the essential functions of this job with or without reasonable accommodations?" (This question is okay if the interviewer thoroughly described the job.)
  - The ADA says that a company can't exclude a qualified person from a job if that individual can perform the "essential functions" of the job either unaided or with "reasonable accommodation."

Arrest record

- **Inappropriate:** "Have you ever been arrested?"
- **Appropriate:** "Have you ever been convicted of _____?" (The crime should be reasonably related to the performance of the job in question).
  - It is allowable to ask candidates whether they have ever been convicted of a felony, but this question must be accompanied by a statement that a conviction will not necessarily disqualify a candidate from consideration for the job. There is a difference between being arrested and being convicted of a felony; those arrested are presumed innocent until proven guilty.

Military

- **Inappropriate: "**If you've been in the military, were you honorably discharged? In what branch of the Armed Forces did you serve? "
- **Appropriate: "**What type of training or education did you receive in the military?"
  - Military service questions must be limited to relevant skills acquired during service.