

Appropriate Interview Questions

| DURING THE PRE-EMPLOYMENT PROCESS: | | |
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| <p>What kinds of questions <u>cannot</u> be asked?</p> <p>DO NOT ask questions about a candidate's personal life, or any questions that would inadvertently require an answer that would reveal a candidate's age, family status, health, disability, etc. Be consistent in asking the same or similar questions of all candidates.</p> | <p>What kinds of questions <u>can</u> be asked?</p> <p>DO ask questions that focus on the qualifications necessary to perform the job, such as education, work history, and knowledge, skills and abilities. The work hours should be presented, and the candidates asked about their ability to work those hours.</p> | |
| <i>Examples of Illegal questions:</i> | <i>Why the question should be avoided:</i> | <i>Corresponding Legal questions:</i> |
| Age | | |
| What year did you graduate from high school/college? | could reveal candidate's age | <ul style="list-style-type: none"> • What education do you have? • What experience qualifies you for this job? • Do you have licenses and certifications for this job? |
| Date of Birth | Would reveal candidate's age | <ul style="list-style-type: none"> • Are you over 18 years of age? |
| Marital/Family Status | | |
| Can you find daycare for your children so that you can work weekends? | Not relevant, and not the employer's concern. Would discriminate against those with children or other family responsibilities that do not necessarily affect the employee's ability to perform the job. | <ul style="list-style-type: none"> • What days of the week, and hours, are you available to work? |
| How does your husband feel about you working overtime? | Same as above. | <ul style="list-style-type: none"> • Are you available for overtime? |
| Do your family responsibilities prevent you from travelling? | Same as above. | <ul style="list-style-type: none"> • Travel is an important part of the job. Would you be willing and able to travel as required? (Make sure you ask ALL candidates this, NOT just the ones you suspect have a family) |
| You mentioned you have children. How often would you need time off to attend school events, or stay home if they're sick? | Same as above. | <ul style="list-style-type: none"> • Discuss the demands and commitment required for the job consistently with every applicant. |
| Maiden/married name | Could reveal marital status | <ul style="list-style-type: none"> • What name(s) are your work records under? |
| Circle one: Mr. Ms. Mrs. Miss | Could reveal sex and marital status | <ul style="list-style-type: none"> • Ask for name only |

| Disability/Health | | <i>Legal</i> |
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| How often do you use your medical insurance? | Could reveal medical history. Cannot discriminate based on utilization of health benefits | <ul style="list-style-type: none"> We offer a comprehensive benefits package, including medical, dental, 401K |
| Do you have any physical impairments or disabilities that would prevent you from performing the job for which you are applying? | Forces applicant to disclose a disability | <ul style="list-style-type: none"> Can you perform the essential functions of the job with or without a reasonable accommodation? |
| Is there any health related reason that you may not be able to perform the job for which you are applying? | Forces applicant to disclose private health information | <ul style="list-style-type: none"> The position requires you to be able to lift up to 50 lbs. Can you do this with or without reasonable accommodation? |
| How many days were you absent from work due to illness last year? | Your concern isn't WHY they might have missed work, but rather whether or not they are dependable. | <ul style="list-style-type: none"> How many days did you miss from work last year? |
| Height/Weight | Only acceptable in rare circumstances where height and weight minimums are relevant to the safe performance of the job. | <ul style="list-style-type: none"> Are you able to lift a 50 lb. box and carry it 100 yards, as that is part of the job? |
| How is your overall health? What is the date of your last physical exam? | Forces applicant to disclose irrelevant private health information. | <ul style="list-style-type: none"> If a pre-employment physical is required, explain the process and reiterate that it is required AFTER an offer of employment has been made. |
| Have you ever filed a workers' compensation claim? | Cannot discriminate based on past medical or benefits usage history | <ul style="list-style-type: none"> Focus on candidate's ability to perform the essential functions of the job |
| National Origin/Race | | |
| Are you a US Citizen? | Only relevant in very limited circumstances that might require citizenship as opposed to US work permission. | <ul style="list-style-type: none"> Are you able to prove your eligibility to work in the US? |
| What is your native language? | Could reveal race/national origin | <ul style="list-style-type: none"> What languages do you read, speak or write fluently? (ok to ask as long as it's relevant to the position applied for) |
| Transportation | | |
| There's no public transportation to our site. Do you have a car? | Unless driving is required as part of the job itself, it's not relevant to job performance and could discriminate against those who choose not to, or cannot, drive. | <ul style="list-style-type: none"> The work hours are Monday through Friday from 8am until 5pm, with some occasional weekend work required. Can you be here for those work hours? |
| Drivers License # | Can ask ONLY if driving is a required part of the job itself. Should not be included as part of a general employment application. | As part of the job, you may be required to attend training off-site from time to time. Would you be able to do that? |

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| Affiliations | | <i>Legal</i> |
| To what clubs or social organizations do you belong? What organizations are you involved in outside of the workplace? | Could reveal personal information such as religion, family/marital status or personal beliefs | <ul style="list-style-type: none"> • What professional or trade groups, or other organizations, do you belong to that you consider relevant to your ability to perform this job? |
| Military Status | | |
| If you've been in the military, were you honorably discharged? | Could discriminate against those who served in the military. | <ul style="list-style-type: none"> • In what branch of the Armed Forces did you serve? • What type of training or education did you receive in the military? |
| ADDITIONAL INFORMATION CAN BE REQUESTED <u>AFTER</u> AN OFFER OF EMPLOYMENT HAS BEEN MADE. This includes the following: | | |
| <ul style="list-style-type: none"> • All information on the I-9, including birth certificate, social security card, and drivers license • Information necessary to perform required background checks (date of birth, maiden name, etc.) • Equal Employment Opportunity (EEO)/Affirmative Action statistics (race, gender, disability and veteran status) • Marital status • Photographs • Physical examination and drug testing (check regulations concerning confidentiality and positive drug test results) | | |