



# 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, disability, or national guard/reserve unit status. If a question does not have anything to do with the job, do not ask it.

CATEGORY	MAY ASK	DO NOT ASK
<b>GENDER AND FAMILY ISSUES</b>	<ul style="list-style-type: none"> <li>• If applicant has relatives employed by the organization</li> <li>• If applicant has used another name that the employer might need to know to verify the applicant’s work and education records</li> <li>• Is applicant able to meet the attendance or travel requirements of the job, provided such question is asked of all candidates</li> </ul>	<ul style="list-style-type: none"> <li>• Gender of applicant</li> <li>• Number of children</li> <li>• Marital status</li> <li>• Spouse’s occupation</li> <li>• Child care arrangements</li> <li>• Health care coverage through spouse</li> <li>• Sexual orientation</li> <li>• Pregnancy/intent to have children</li> </ul>
<b>RACE</b>	<ul style="list-style-type: none"> <li>• No questions may be asked</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant’s race or color of skin</li> <li>• For photo to be affixed to application form</li> </ul>
<b>NATIONAL ORIGIN OR ANCESTRY</b>	<ul style="list-style-type: none"> <li>• Whether applicant has a legal right to be employed in the U.S.</li> <li>• Ability to speak/write English fluently (if job related)</li> <li>• Other languages spoken (if job-related)</li> </ul>	<ul style="list-style-type: none"> <li>• Ethnic association or surname</li> <li>• Birthplace of applicant, parents or spouse</li> <li>• Nationality, lineage, national origin</li> <li>• Whether applicant is citizen of another country</li> <li>• Applicant’s native tongue</li> <li>• Maiden name</li> </ul>
<b>RELIGION</b>	<ul style="list-style-type: none"> <li>• No questions may be asked</li> </ul>	<ul style="list-style-type: none"> <li>• Religious affiliation</li> <li>• Religious holidays observed</li> </ul>
<b>AGE</b>	<ul style="list-style-type: none"> <li>• If applicant is over 18</li> <li>• If applicant is over 21 (if job related, i.e bartender)</li> </ul>	<ul style="list-style-type: none"> <li>• Date of birth</li> <li>• Date of high school graduation</li> <li>• Age</li> </ul>
<b>DISABILITY</b>	<ul style="list-style-type: none"> <li>• Whether applicant can perform essential job-related functions</li> </ul>	<ul style="list-style-type: none"> <li>• If applicant has a disability</li> <li>• Nature or severity of disability</li> <li>• Whether applicant has ever filed workers’ compensation claim</li> <li>• Recent or past surgeries and dates</li> <li>• Past medical problems</li> <li>• Whether applicant needs reasonable accommodation</li> </ul>

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## CATEGORY

## MAY ASK

## DO NOT ASK

### OTHER

- Certain convictions (depends on state law)
- Academic, vocational, or professional-schooling
- Training received in the military
- Membership in any trade or professional association
- Job references
- Address
- Willingness to travel (if job related)
- Salary expectations (depends on state/local requirements)
- Arrests
- Height or weight (except if a bona fide occupational qualification—rarely applies)
- Veteran status, discharge status, branch of service, training obligations associated with active military associations
- Contact in case of an emergency (at application or interview stage)
- Ownership of home/car
- Persons residing with applicant
- Use of tobacco
- Salary history (unless allowed under state/local requirements)

## SAMPLE INTERVIEW QUESTIONS

### WORK HISTORY

- Describe a typical workday.
- What skills can you bring to this position, other than the ones required in the job description?
- What accomplishments are you most proud of?
- What aspects of your job give you the most enjoyment?

### ADMINISTRATIVE

- How do you prioritize your projects?
- When have you rescheduled your time to accommodate an unexpected workload?

### PLANNING AND 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 define a successful career?

### 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.

### WILLINGNESS

- What have you done to become more effective in your career?

### ABILITY/SUITABILITY

- Tell me of 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?
- What are you looking for in your next job?
- What aspects of your job do you consider the most crucial?
- Give me an example of a time when you dealt with a crisis situation. What did you do to keep things under control?
- Have you worked for more than one manager? If yes, how did you deal with conflicting priorities?
- How does your job relate to the overall success of your department and your company?
- What special responsibilities or assignments have you been given?
- 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?
- Tell me about a time when your performance did not live up to your expectations.
- Where do you see yourself 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).



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