

Interview Questions: What You Can and Cannot Ask

Interview questions that indicate preferences to race, color, religion, age, sex, marital status, national origin, sexual orientation, disabled status, or any other legally protected category can be violations of federal and state laws. With that in mind, the following chart provides general information designed to indicate what sort of inquiries should be avoided during interviews. The "Subject" column lists topics of discussion that may result in prohibited inquiries in an employment context. Information on this chart is designed to provide basic guidance on what can and cannot be asked during the interview process and may not address all the possible unlawful or permissible inquiries.

SUBJECT	UNLAWFUL INQUIRIES	PERMISSIBLE INQUIRIES
Age	Birth date or age, asked before hiring	Can state that applicant, if hired, is subject to verification of his/her meeting legal age requirements; If applicant is at least 18 years of age; If under 18, can applicant submit a work permit after hiring.
Arrest Record	Any inquiry as to arrests.	Relating to criminal convictions (on applications).
Birthplace	Birthplace of applicant, his/her relative(s); cannot require submission of birth certificate, naturalization, baptism certificate, etc.	None
Citizenship	Any direct inquiry as to citizenship.	Whether an applicant, after employment, can provide verification of his/her legal right to work in the United States.
Disability	All questions relating to physical or mental health. Receipt of workers' compensation.	Whether applicant is able to perform the essential functions of the job. (If applicant has an apparent or self-disclosed disability, can ask whether s/he can perform the functions of the job with or without reasonable accommodation); Whether applicant can meet the job's attendance requirements
Family	Specific inquiries concerning spouse, spouse's salary or employment, children, childcare arrangements or dependents.	Whether applicant has any outside commitments that would conflict with work requirements. Name a position of any relatives already employed by the company.
Marital Status	Any inquiry into present or past marital status or name which would divulge marital status. Whether applicant is pregnant. Name of spouse or children.	None
Memberships	Inclusive list of organizations to which applicant belongs.	Inquiry as to memberships in organizations <u>excluding</u> those which would reveal race, religion, sex, marital status, national origin, or disability status.
Military	Type of discharge, request for discharge papers, inquiries as to experience in other than US Armed Forces.	Related knowledge, skills, education, training, experience gained in US Armed Forces.

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Name	Inquiry into original name where it has been changed by court order or marriage. Inquiries about a name which would divulge marital status, lineage, ancestry, national origin or descent.	Whether applicant has worked for this company or a competitor under a different name; if so, what name. Name under which applicant is known to references if different from present name.
National Origin	Inquiries into birthplace, ancestry, nationality, mother tongue, etc.	Inquiries into applicant's ability to read, write, and speak a foreign language when based on job requirements.
Photographs	Request that applicants submit an optional or mandatory photograph at any time before hiring the applicant.	May be requested after hiring for identification purposes.
Pregnancy	All questions related to pregnancy and any question relating medical history or condition including but not limited to pregnancy.	Whether applicant is able to perform the essential functions of the job. Whether applicant can meet the job's attendance requirements
Race or Color	Any inquiry concerning race or color of skin, hair, eyes, etc.	None
Relatives	Names and addresses of any relative other than those listed as references.	Names of applicant's relatives already employed by this company or by any competitor.
Religion or Creed	Inquiries concerning applicant's religious denomination, religious affiliations, church, parish, pastor, or religious holidays observed.	None. However, can state expected days and hours of work of position and inquire whether the applicant can meet the job's attendance requirements.
Residence	Whether applicant rents or owns home; names of persons with whom applicant resides.	Inquiry on address needed to facilitate contacting applicant.
Sex	All	None
Sexual Orientation	All	None
Worker's Compensation	Any inquiry regarding past claims, injuries, etc.	None
Salary	How much did you make at your previous job?	What would you like to make at this job?