

LEGAL ISSUES/BASIC GUIDELINES

Only job-related questions which enable the interviewer to collect data to indicate the candidate's ability to do the job should be asked.

- The same questions should be asked of all candidates.
- Questions dealing with the following matters must be avoided:
 - Age
 - Sex
 - Marital/family status
 - Religion
 - Creed
 - Arrest records
 - Race/Color
 - National origin
 - Childcare arrangements
 - Height/Weight
 - Military Discharge
 - Veteran Status
 - Pregnancy
 - Disabilities
 - Sexual Orientation
 - Political Affiliations
- The following matters may be discussed:
 - The duties and responsibilities of the job.
 - The organization's missions, programs, and achievements.
 - Career possibilities and opportunities for growth, development, and advancement. (Avoid implying any promise of promotion.)
 - Where the job is located, travel, mobility, equipment, and facilities available.
 - The individual's qualifications, abilities, experience, education, and interests.

AVOID ILLEGAL OR INAPPROPRIATE INTERVIEW QUESTIONS

■ ADDRESS/ DURATION AT ADDRESS

Prohibited: Questions regarding address or duration of residence should **NOT** be asked.

Don't ask: How far would your commute be?

Do ask: Are you able to start work at 9:00 a.m.?

Do ask: Will you be able to meet the attendance requirements for this job?

■ AFFILIATIONS

Prohibited: Questions regarding lifestyle choices, e.g., smoking, or consuming alcohol should **NOT** be asked. Questions regarding political affiliations or group memberships should **NOT** be asked, unless they are relevant to the role.

Do ask: Are you a member of any professional group that is relevant to this role?

■ AGE

Prohibited: Questions regarding age should **NOT** be asked. (Proof of age will be verified with ID after hire only)

Don't ask: How old are you?

Don't ask: What year did you graduate?

Don't ask: When did you first start working?

Do ask: Do you meet the minimum qualifications required to this role?

Do ask: What are your long-term career goals?

■ CITIZENSHIP

Prohibited: Questions regarding citizenship should **NOT** be asked.

Don't ask: Are you a U.S. Citizen?

Don't ask: What country are you from?

Do Ask: Are you legally authorized to work in the US?

Do Ask: Will you now, or in the future require sponsorship to maintain authorization to work in the U.S.?

■ CREDIT RATING

Prohibited: Questions regarding credit rating should **NOT** be asked.

■ CRIMINAL RECORD

Questions regarding conviction, arrest, and court records are located and addressed in the job application.

■ DISABILITY OR ILLNESS

Prohibited: Questions regarding disabilities should **NOT** be asked.

Don't ask: How many sick days did you take last year?

Don't ask: Have you ever filed a worker's compensation claim?

Don't ask: Do you have a disability?

Do ask: Are you able to perform the essential functions of this job with or without reasonable accommodations? -OR- Are you able to execute the necessary job requirements of this position, and perform them well and safely?

■ GENDER

Prohibited: Questions regarding gender should **NOT** be asked

■ MARITAL AND FAMILY STATUS

Prohibited: Questions regarding marital status: married, single, divorced, engaged, etc. number and age of children. Information on childcare arrangements. Questions concerning pregnancy should **NOT** be asked.

Don't ask: Do you have or plan to have children?

Do ask: This job requires working occasional nights and weekends on short notice. Is this a problem for you? What days/hours are you available to work?

Don't ask: Is this your maiden name?

Do ask: Have you ever worked under another name?

■ MILITARY RECORD

Prohibited: Questions regarding the type of military discharge should **NOT** be asked.

Don't ask: Do you have a military record?

Don't ask: Have you served in other countries?

Do ask: What type of education and military experience do you have that relates to a particular job?

■ NATIONAL ORIGIN

Prohibited: Questions regarding birthplace, lineage, and ancestry should **NOT** be asked.

Don't ask: What country are you from?

Do ask: Are you eligible to work in the US?

Don't ask: What is your native language?

Do ask: If relevant to a position: This job requires someone who speaks more than one-language. What languages are you fluent in?

■ RACE

Prohibited: Questions regarding race, the color of skin, eyes, hair, or other questions directly or indirectly indicating race or color should **NOT** be asked.

■ RELIGION

Prohibited: Questions regarding religious denominations, affiliations, or other questions directly or indirectly indicating religious beliefs should **NOT** be asked.

Don't ask: What religion do you practice? Which religious holidays do you observe?

Do ask: Can you work the days/schedule required for this role?

■ SEXUAL ORIENTATION

Prohibited: Questions regarding spouse/partner, heterosexual or homosexual, and gender identity should **NOT** be asked.