

WHAT YOU CAN AND CAN'T ASK IN A JOB INTERVIEW

SUBJECT	YOU CAN'T ASK	ASK
Marital Status & Relatives	Whether the candidate is married, divorced, separated, engaged, widowed, etc. "What is your marital status?" "What is the name of relative/spouse/children?" "How old are your children?"	NONE except this specific question: "What are the names of relatives already employed by the company?"
Residence	Names or relationship of persons with whom candidate resides. Whether candidate owns or rents a home.	Inquiries about address to the extent needed to facilitate contacting the candidate. (A post office box is a valid address).
Pregnancy	All questions relating to pregnancy and medical history concerning pregnancy. "Do you plan on having more children?"	Inquiries as to duration of stay on a job or anticipated absences that are made to males and females alike, such as "Do you foresee any long term absences in the future?"
Physical Health	<p>Overly general questions ("Do you have any handicaps?") which would tend to divulge handicaps or health conditions that do not relate reasonably to fitness to perform the job. "What caused your handicap?", "What is the prognosis of your handicap?", "Have you ever had any serious illness?", "Do you have any physical disabilities?"</p> <p>In addition, the EEOC specifically prohibits the following questions as violating the Americans with Disabilities Act (ADA):</p> <ul style="list-style-type: none"> • Do you have a heart condition? Do you have asthma or have any other difficulties breathing? • Do you have a disability that would interfere with your ability to perform the job? • How many days were you sick last year? • Have you ever filed for workers' compensation? Have you ever been injured on the job? • Have you ever been treated for mental health problems? • What prescription drugs are you currently taking? 	"Can you lift 'x' lbs?", "Do you need any special accommodations to perform the job you've applied for?", "How many days did you miss from work in the past year?" The questions must be job related.
Family	Questions concerning spouse, or spouse's employment, salary, child care, arrangements, or dependents. "How will your husband feel about the amount of time you will be traveling if you get this job?" "What kind of childcare arrangements have you made?"	Whether candidate can meet specified work schedules or has activities or commitments that may prevent him/her from meeting attendance requirements. "Can you work at nights and on weekends" "Is there any reason why you can't be at work by "x" time?"
Name	Any inquiries about name that would divulge marital status, lineage, ancestry, national origin or descent. (i.e., "If your name has been legally changed, what was your former name?") ("Your last name is McConnaghy, so I assume you're Irish?")	Name under which candidate is know to references if different from present name. (i.e., "What name are you know to the references you provided us?")
Sex and Sexual Orientation	ALL inquiries. "Do you wish to be addressed as Mr., Mrs., Miss, or Ms.?" or ANY inquiry as to sex, such as "Do you have the capacity to reproduce?", "What are your plans to have children in the future?", "What do you think of women in the fire service?", "Are you gay?"	NONE
Photographs	Requesting that a candidate submit a photo any time before hiring.	May be requested after hiring for identification purposes.

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Age	Any question that tends to identify candidates age 40 or older. "We don't want someone who is too old to adapt to industry trends."	NONE
Education	Any question asking specifically the nationality, racial or religious affiliation of a school.	All questions related to academic, vocational or professional education of a candidate, including the names of the schools attended, degrees/diplomas received, dates of graduation and courses of study.
Citizenship	Whether a candidate is a citizen. Requiring a birth certificate, naturalization or baptismal certificate. Any inquiry into citizenship that would tend to divulge candidate's lineage, descent, etc. <ul style="list-style-type: none"> • "Are you a citizen of the US?" • "Are your parents or spouse citizens of the US?" • "On what dates did you, your parents or your spouse acquire US Citizenship?" • "Are you, your parents or your spouse naturalized or native-born US citizens?" 	Whether a candidate is prevented from being lawfully employed in this country because of visa or immigration requirements. Whether a candidate can provide proof of citizenship (passport), visa, alien registration number after hiring. "If you are not a US citizen, do you have the legal right to remain permanently in the US?", "What is your visa status (if no to the previous question.)", "Are you able to provide proof of employment eligibility upon hire?"
National Origin/Ancestry	"What is your nationality?", "How did you acquire the ability to speak, read or write a foreign language?", "How did you acquire familiarity with a foreign country?", "What language is spoken in your home?", "What is your mother tongue?"	NONE
Race or Color	Any question that directly OR INDIRECTLY relates to a race or color.	NONE
Religion	Any question that directly or INDIRECTLY relates to a religion. "What religious holidays do you observe?", "What is your religious affiliation?"	NONE except: "Can you work on Saturdays?" and only if it relevant to the job.
Organizations	"To what organizations, clubs, societies and lodges do you belong?"	"To what PROFESSIONAL organizations do you belong? (Exclude those whose names or character indicates the race, religious creed, color, national origin or ancestry of its members." These inquiries must only relate to the candidate's professional qualifications.
Military	Type or condition of military discharge. Candidate's experience in other than US armed forces. Request for discharge papers.	Inquiries concerning education, training or work experience in the armed forces of the United States. (Note, in many areas, veterans are a protected class.)
Height & Weight	Any inquiries not based on actual job requirements.	Inquiries about the ability to perform a certain job. Being of a certain weight or height will not be considered a job requirement unless the company can show that no individual with the ineligible height and/or weight could do the work.
Arrests & Convictions	ALL inquiries relating to arrests. "Have you ever been arrested?" (Note: Arrests are NOT the same as convictions. Remember, an innocent person can be arrested).	NONE relating to arrests. Legal inquiries about convictions are: "Have you ever been convicted of any crime? If so, when, where and what is the disposition of case." "Have you ever been convicted under criminal law within the past five years (excluding minor traffic violations)?" It is permissible to inquire about convictions for acts of dishonesty or breach of trust. These relate to fitness to perform the particular job being applied for.

