

What us an Illegal Interview Question?

Title VII of the Civil Rights Act of 1964 makes discrimination on the basis of national origin, citizenship, age, marital status, disabilities, arrest record, military discharges, or personal information (such as height and weight) illegal. Any question that asks a candidate to reveal information about his or her national origin, citizenship, age, marital status, disabilities, arrest record, military discharges, or personal information is a violation of the Title VII of the Civil Rights Act of 1964.

Which Questions ARE Still Legal?

If employers can phrase questions so that they directly relate to specific occupational qualifications, then the questions may be legitimate ones. Employers may also still ask general questions. For example, an interviewer may NOT ask your age in an interview, but the interviewer may ask if you are over the age of 18 (if being over the age of 18 is a requirement of the job).

INQUIRY AREA	ILLEGAL QUESTION	LEGAL QUESTION
National Origin/Citizenship	<ul style="list-style-type: none"> • Are you a U.S. citizen? • Where were you or your parents born? • What is your native tongue? 	<ul style="list-style-type: none"> • Are you authorized to work in the U.S.? • What language so you read/write/speak fluently? (Only okay if the ability is relevant to the job.)
Age	<ul style="list-style-type: none"> • How old are you? • When did you graduate? • What's your date of birth? 	<ul style="list-style-type: none"> • Are you over the age of 18?
Marital/Family Status	<ul style="list-style-type: none"> • What's your marital status? • Whom do you live with? • Do you plan to have a family? When? • How many kids do you have? • What is your spouse's name? • What was your maiden name? • Are you pregnant? • What day-care provisions have you made for your children? 	<ul style="list-style-type: none"> • Would you be willing to relocate if necessary? • Would you be willing to travel as needed by this job? • Would you be willing to work overtime as necessary? • An employer may ask all applicants, male and female alike, if they have any commitments or responsibilities that might prevent them from meeting attendance requirements or if they anticipate a lengthy absences from work.)
Personal	<ul style="list-style-type: none"> • How tall are you? • How much do you weigh? 	<ul style="list-style-type: none"> • Are you able to lift a 50-pound weight and carry it 100 yards, as that is part of

	<ul style="list-style-type: none"> • What is your height and weight? 	<p>the job?</p> <ul style="list-style-type: none"> • Height and weight would have to constitute a bona fide occupational qualification.
Disabilities	<ul style="list-style-type: none"> • Do you have any disabilities? • Please complete the following medical history. • Have you had any recent or past illnesses or operations? 	<ul style="list-style-type: none"> • Are you able to perform the essential functions of this job? (Okay if the interviewer has thoroughly described the job.) • As part of the hiring process, after a job offer has been made, you will be required to undergo a medical exam.
Arrest Record	<ul style="list-style-type: none"> • Have you ever been arrested? • Have you ever been charged with any crime? 	<ul style="list-style-type: none"> • Have you ever been convicted of _____? (The crime named should be reasonably related to the performance of the job in question.)
Military	<ul style="list-style-type: none"> • If you've been in the military, were you honorably discharged? • Were you ever disciplined while in the service? 	<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? • Are you a veteran of the Armed Forces? (Note: This question only should be asked if it has relevance to a particular job opening and an applicant's veteran status is relevant to the job.)
Residence	<ul style="list-style-type: none"> • Do you own or rent your residence? How long have you resided at that address? What was your former address and how long did you reside there? 	<ul style="list-style-type: none"> • What is your present address?
Race/Color	<ul style="list-style-type: none"> • What is your race? What color are your hair, eyes, or skin? 	<ul style="list-style-type: none"> • NONE
Religion	<ul style="list-style-type: none"> • What is your religious affiliation or denomination? What church do you belong to? What is the name of your pastor, minister, or rabbi? What religious holidays do you have? 	<ul style="list-style-type: none"> • NONE. (If you need to know that an applicant is available to work Saturday or Sunday shifts, ask: "Are you available to work on Saturdays or Sundays, if needed?" Make sure you ask this question of all applicants.)

Education	<ul style="list-style-type: none"> • Are you a high school graduate? (Unless it is a bona fide occupational qualification, asking whether an applicant has a high school diploma may be illegal.) 	<ul style="list-style-type: none"> • List your academic, vocational, or professional education, and all schools you have attended.
Organizations	<ul style="list-style-type: none"> • List all social organizations, clubs, societies, and lodges to which you belong. 	<ul style="list-style-type: none"> • List any professional, trade, or service organizations in which you are a member.
References	<ul style="list-style-type: none"> • What is the name of your pastor, minister, or rabbi? 	<ul style="list-style-type: none"> • Who referred you for a position here? List the names of persons willing to provide professional or character references for you.

INTERVIEW DO'S AND DON'TS

1. Do not ask questions about the applicant's age.
2. Do not ask questions that will indicate ancestry or national origin. "Where were you born?" is an obvious problem. An improper question is: "Rodriguez!" That's Spanish, isn't it? If the job does not call for knowledge of a foreign language, do not ask what foreign language he/she speaks.
3. Do not ask questions concerning physical characteristics. Questions about height or weight should not be asked. Moreover, statements commenting on an applicant's attractiveness could lead to later charges of sexual harassment.
4. Do not ask questions designed to find out marital status. Do not ask a woman's "maiden name." At most, ask everyone interviewed, including a man, if he was ever known by another name.
5. Do not point out to a woman that "this is a man's job" or that "you'll feel uncomfortable in that position." You should describe the work and ask whether she feels she could do it. Of course, the same rules apply when a man seeks a job normally performed by a woman.
6. Do not generally ask about health and physical condition. Ask instead if he/she has any handicaps that would interfere with job performance. If health is a bona fide consideration, require a physical.

7. Do not ask the applicant where he/she goes to church. You can, however, ask if there are any reasons he/she cannot work Saturdays or Sundays (if Saturday or Sunday work is required).
8. Questions about financial status should be avoided. Obvious examples are: “Ever had your salary garnished? Do you own your home? Do you own a car? Where do you live?” You can, however, ask whether the applicant anticipates any problems getting to work.
9. Questions about criminal convictions are permissible; questions about arrest are not.
10. Do not ask questions about his/her family, such as how many children does he/she have. It is better to say to the applicant: “Tell me a little about yourself.”
11. Do not ask the applicant how he feels about unions or whether he/she has belonged to one. If you have a union, by all means, tell the applicant of any shop rules. If you are nonunion, you may tell the applicant of that fact as well.
12. In most states, do not ask if he is willing to take a lie detector or a polygraph test.
13. If questions about military service are asked, do not ask whether the discharge was honorable.
14. Search committee members will not conduct social media searches on candidates to avoid potential discrimination.
15. Do not ask the applicant what clubs or organizations he/she belongs.
16. Ask only those questions that will tell you whether the applicant is qualified. Proper areas of inquiry include:
 - (1) prior experience
 - (2) education (but only if a bona fide requirement)
 - (3) career goals
 - (4) why he/she left prior employment