

Illegal Interview Questions

Gender - You should not ask questions dealing with sex or traditional gender roles. About the only position where gender can be a job requirement is a restroom attendant. Tailor questions to individual ability only.

You Cannot Ask:

- Do you have children? How old are they? What kind of child care arrangements do you have?
- What is your marital status? What was your maiden name? Are you planning to have a family?
- What does your spouse do for a living? What are your spouse's work plans?
- Female applicants about their plans for career vs. marriage.
- Are you comfortable supervising men?
- All female applicants if they can type unless typing is a requirement of the job.

You Can Ask:

- For the purpose of checking references, have you worked in any of your previous positions under another name?
- Would you have problems getting to work on time every day?
- What are your short and long-term goals?

Age - If you can prove an age requirement or limit is necessary for business or safety reasons then you can ask about age. However, very few reasons for ages limits are accepted in court. Contact Human Resources before setting an age restriction.

You Cannot Ask:

- For date of birth or age. (It's okay ~~at~~ the job offer if necessary for a background check.)
- How long do you plan on working before retirement?

You Can Ask:

- For dates of employment in each job held.
- Applicants if they are under age 18 or over the minimum age required for the job.

Race - Some of these questions may not appear to be related to race but they have been shown to be discriminatory in court.

You Cannot Ask:

- What race or ethnic group do you belong to?
- For credit references or garnishment records.
- About arrest records.
- About height and weight.
- What type of military discharge they received.
- Do you rent or own your home?
- For a photograph of the applicant prior to being hired.

You Can Ask: About conviction records, but this cannot be a "bar" to employment unless directly related to job performance.

Religion - You cannot use religion as a grounds for not hiring a person. Since the law states that an employer has to make a reasonable accommodation to its employees so they can worship as they desire, job candidates must have the same treatment.

You Cannot Ask:

- What is your religious affiliation?
- What holidays do you observe?
- What church do you attend? Can you give me the name of your clergy as a reference?

You Can Ask:

- What days and hours would you be unable or unwilling to work?
- Can you work weekends and/or holidays (if it is a requirement of the job)?

National Origin - The only time you can legitimately consider national origin when hiring is when the job requires the person to speak, read and/or write in fluent English. Even then you cannot discriminate because the person has an accent.

You Cannot Ask:

- What country are you a citizen of? Are you a naturalized or a native born citizen?
- Where is your birthplace?
- About the applicant's lineage, ancestry, national origin, descent, or nationality.
- What is your native language?
- The name of any relative; such as parents, spouse, or minor children.

You Can Ask:

- What languages do you speak fluently? (If job related)
- Are you authorized to work in the United States?

Disability – The focus of the interview should be on the individual's ability to do the job. If an applicant requests or requires an accommodation, please contact Human Resources.

You Cannot Ask:

- Do you have any physical defects or chronic illnesses?
- What is your eyesight? (You can tell the applicant they will have to pass a physical if job-related.)
- Have you ever collected workers' compensation?
- How many sick days did you take last year?

You Can Ask: Are you able to perform the essential function of the job with or without accommodation?

Union Membership

You Cannot Ask:

- Any question at all about their union activities or beliefs.
- Was there a union where you used to work? Have you ever gone on strike?

You Can: Explain the city's position towards unions.

Miscellaneous - These lists of questions are not comprehensive. There are many other questions which might be discriminatory. If you are not sure whether a question is discriminatory, don't ask the question!

You Cannot Ask:

- Do you smoke or use alcohol? (Can't discriminate for the use of legal products when not at work.)
- What is your political affiliation?
- Are you in the National Guard?
- If the person goes by any aliases or other names.
- Unless Public Safety, any questions about their personal life.