

## ILLEGAL JOB INTERVIEW QUESTIONS

Various federal, state, and local laws regulate the questions a prospective employer can ask you. An employer's questions—on the job application, in the interview, or during the testing process—must be related to the job for which you are applying. For the employer, the focus must be: "What do I need to know to decide whether or not this person can perform the functions of this job?"

### Options for Answering an Illegal Question

You are free to answer the question. If you choose to do so, realize that you are giving information that is not job-related. You could harm your candidacy by giving the "wrong" answer. You can refuse to answer the question. By selecting this option, you'll be within your rights, but you're also running the risk of coming off as uncooperative or confrontational—hardly the words an employer would use to describe the "ideal" candidate.

Your third option is to examine the intent behind the question and respond with an answer as it might apply to the job. For instance, if the interviewer asks, "Are you a U.S. citizen?" or "What country are you from?," you've been asked an illegal question. Instead of answering the question directly, you could respond, "I am authorized to work in the United States." Or, if your interviewer asks, "Who is going to take care of your children when you have to travel?" you might answer, "I can meet the travel and work schedule that this job requires."

### ILLEGAL QUESTIONS AND THEIR LEGAL COUNTERPARTS

Subject	Illegal Questions	Legal Questions
National Origin/ Citizenship	<ul style="list-style-type: none"><li>✓ Are you a U.S. citizen?</li><li>✓ Where were you/your parents born?</li><li>✓ What is your "native tongue?"</li></ul>	<p>Are you authorized to work in the United States?</p> <p>What languages do you read, speak or write fluently?</p> <p>(This question is okay, as long as this ability is relevant to the performance of the job.)</p>
Age	<ul style="list-style-type: none"><li>✓ How old are you?</li><li>✓ What is your birthday?</li><li>✓ When did you graduate from college?</li></ul>	<p>Are you over the age of 18?</p>
Affiliations	<ul style="list-style-type: none"><li>✓ To what clubs or social organizations do you belong?</li></ul>	<p>Do you belong to any professional or trade groups or other organizations that you consider relevant to your ability to perform this job?</p>
Military	<ul style="list-style-type: none"><li>✓ If you've been in the military, were you honorably discharged?</li></ul>	<p>In what branch of the Armed Forces did you serve?</p> <p>What type of training or education did you receive in the military?</p>

Marital/Family Status	<ul style="list-style-type: none"> <li>✓ What's your marital status?</li> <li>✓ Who do you live with?</li> <li>✓ Do you plan to have a family? When?</li> <li>✓ How many kids do you have?</li> <li>✓ What are your child care arrangements?</li> </ul>	<p>Would you be willing to relocate if necessary?</p> <p>Travel is an important part of the job. Would you be willing to travel as needed by the job (This question is okay, as long ALL applicants for the job are asked it.)</p> <p>This job requires overtime occasionally. Would you be able and willing to work overtime as necessary? (Again, this question is okay as long as ALL applicants for the job are asked it.)</p>
Personal	<ul style="list-style-type: none"> <li>✓ How tall are you?</li> <li>✓ How much do you weigh?</li> </ul>	<p>Are you able to lift a 50-pound weight and carry it 100 yards, as that is part of the job? (Questions about height and weight are not acceptable unless minimum standards are essential to the safe performance of the job.)</p>
Arrest Record	<ul style="list-style-type: none"> <li>✓ Have you ever been arrested?</li> </ul>	<p>Have you ever been convicted of_____? (The crime should be reasonably related to the performance of the job in question.</p>
Disabilities	<ul style="list-style-type: none"> <li>✓ Do you have any disabilities?</li> <li>✓ Please complete the following medical history.</li> <li>✓ Have you had any recent or past illnesses or operations? If yes, list and give dates.</li> <li>✓ What was the date of your last physical exam?</li> <li>✓ How's your family's health?</li> <li>✓ When did you lose your eyesight?</li> </ul>	<p>Are you able to perform the essential functions of this job with or without reasonable accommodations? (This question is okay if the interviewer thoroughly described the job.)</p> <p>NOTE: As part of the hiring process, after a job offer has been made you will be required to undergo a medical exam. Exam results must be kept strictly confidential, except medical/safety personnel may be informed if emergency medical treatment is required, and supervisors may be informed about necessary job accommodations, based on the exam results.</p>