

Legal vs. Illegal Questions

The following guidelines identify some of the most common problem areas for interview questions. Please be aware that while an attempt has been made to take into account and incorporate most state and federal laws, the interpretations of the laws may change. **It is crucial that you keep all questions strictly job related.**

SUBJECT	ACCEPTABLE	UNACCEPTABLE
Age	<p>Statement that hire is subject to verification that applicant meets legal age requirements, such as:</p> <ul style="list-style-type: none"> ✓ If hired can you show proof of age? ✓ Are you over eighteen years of age? ✓ If under eighteen, can you submit a work permit, if an offer of employment is made? 	<ul style="list-style-type: none"> ✓ How old are you? ✓ What is your date of birth? ✓ Dates of attendance or completion of elementary or high school? ✓ Questions which may tend to identify applicants as being over the age of 40.
Arrest/ Criminal Record	<ul style="list-style-type: none"> ✓ Have you ever been <i>convicted</i> of a felony? (Such a statement must be accompanied by a statement that a conviction will not necessarily disqualify applicant from the job for which he/she applied.) 	<ul style="list-style-type: none"> ✓ Have you ever been arrested?
Birthplace	Statement that proof of eligibility to work in the United States is a condition of employment.	Birthplace of applicant, or applicant's parents, spouse or relative.
Bonding	Statement that bonding is a condition of employment.	Questions regarding refusal or cancellation of bonding.
Citizenship	Statement that proof of eligibility to work in the United States is a condition of employment.	<ul style="list-style-type: none"> ✓ Are you a U.S. citizen? <p>Requirements that applicant produce naturalization papers or alien card <i>prior</i> to employment.</p>
Disability	<ul style="list-style-type: none"> ✓ Do you have any physical condition or disability, which may limit your ability to perform the job for which you have applied? If yes, what can be done to accommodate your limitation? 	<p>Questions regarding applicant's general medical condition, state of health or illness.</p> <ul style="list-style-type: none"> ✓ Do you have any disabilities or handicaps?
Economic Status		Questions regarding applicant's current or past assets, liabilities or credit rating, including bankruptcy or garnishment.
Education	<ul style="list-style-type: none"> ✓ What is the highest grade you have completed? ✓ What academic, vocational or professional schools have you attended? 	<ul style="list-style-type: none"> ✓ Are you a high school graduate? ✓ What year did you graduate from high school?
Family	<p>Name and address of parent or guardian, if applicant is a minor.</p> <p>Statement of company policy regarding work assignment of employees who are related.</p>	<ul style="list-style-type: none"> ✓ Questions, which ask about applicant's marital status. ✓ Number or ages of children or dependents. ✓ Provisions for childcare. ✓ Questions regarding pregnancy, child bearing or birth control. ✓ Name or address of relative, spouse or children of adult applicant. ✓ With whom do you reside?

Gender		Questions, which indicate or refer to the applicant's gender.
Language	What languages do you speak/write fluently? (Ask only if job-related!)	<ul style="list-style-type: none"> ✓ What is your native tongue? ✓ How did you learn a foreign language?
Marital Status	Statement of company policy regarding work assignment of employees who are related.	<ul style="list-style-type: none"> ✓ Are you married, single, divorced or separated?
Military Service	Questions regarding relevant skills acquired during applicant's U.S. military service.	<ul style="list-style-type: none"> ✓ General questions regarding military services such as dates and type of discharge. ✓ Questions regarding service in a foreign military.
Name	<ul style="list-style-type: none"> ✓ Please indicate any other names by which you have been employed. 	<ul style="list-style-type: none"> ✓ What is your maiden name?
National Origin	<ul style="list-style-type: none"> ✓ What languages do you speak/write fluently? (Ask only if job-related!) 	<ul style="list-style-type: none"> ✓ Questions regarding nationality, lineage, ancestry, national origin, descent, or parentage of applicant, applicant's parents or spouse. ✓ What is your (or your parents) native tongue? ✓ How did you learn a foreign language?
Organizations/Activities	<ul style="list-style-type: none"> ✓ Please list job-related organizations, clubs, professional societies or other associations to which you belong - you may omit those which may indicate your race, religious creed, color, national origin, ancestry, gender or age. 	<ul style="list-style-type: none"> ✓ List all organizations, clubs, societies and lodges to which you belong.
Physical Description/Photograph	Statement that a photograph may be required after an offer of employment has been extended.	<ul style="list-style-type: none"> ✓ Questions regarding applicant's height and weight. ✓ Requiring applicant to affix a photograph to application. ✓ Requesting an applicant to submit a photograph at his/her option.
Race		<ul style="list-style-type: none"> ✓ Questions regarding applicant's race or color. ✓ Questions regarding applicant's complexion; color of skin, eyes, hair, etc....
References	<ul style="list-style-type: none"> ✓ Who referred you for a position here? <p>Names of persons willing to provide professional and/or character references for applicant.</p>	Questions of applicants former employers or acquaintances which elicit information specifying the applicant's race, color, religious creed, national origin, ancestry, physical handicap, medical condition, marital status, age or gender.
Religion	Statement by employer of regular days, hours or shifts to be worked.	<p>Questions regarding applicant's religion, such as:</p> <ul style="list-style-type: none"> ✓ Does your religion prevent you from working weekends or holidays?
Residence	Place of residence	<ul style="list-style-type: none"> ✓ Do you own or rent?