

Examples of Questions that May or May Not be Asked
During an Employment Interview

Questions should be focused on obtaining information necessary to assess the skills and qualifications of the candidate. Interviewers must avoid questions that request information that is discriminatory or have a discriminatory impact. The following are examples of questions which may or may not be asked.

Questions about Name that Should be Avoided:

- The fact of a change of name or the original name of an applicant whose name has been legally changed.
- Maiden name of a married woman

Question about Name that is Acceptable:

- Whether or not the applicant ever worked under another name or was the applicant educated under another name. (Allowable only when the data is needed to verify the applicant's qualifications.)

Questions about Birthplace and Residence that Should be Avoided:

- Birthplace of applicant
- Birthplace of applicant's parents
- Own home, rent, board or live with parents
- Citizenship
- Address of applicant's spouse and children who are dependents

Questions about Birthplace and Residence that are Acceptable:

- Whether or not the applicant ever worked under another name or was the applicant educated under another name. (Allowable only when the data is needed to verify the applicant's qualifications.)

Questions about Creed/Religion that Should be Avoided:

- Applicant's religious affiliation
- Church, parish or religious holidays observed by applicant

Question about Creed/Religion that is Acceptable:

- Unions or professional organizations, as long as that information is not used to violate the National Labor Relations Act or other federal statutes.

Questions about Race or Color that Should be Avoided:

- Applicant's race
- Color of applicant's skin, eyes, hair, distinguishing physical characteristics, scars, markings

Questions about Photographs that Should be Avoided:

- Photographs with application
- Photographs after interview, but before hiring

Questions about Age that Should be Avoided:

- Date of birth or age of applicant, except when such information is needed to:
 - maintain apprenticeship requirements based upon a reasonable minimum age
 - satisfy the provisions of either State or Federal minimum age statutes
 - avoid interference with the operation of the terms and conditions and administration of any bona fide retirement, pension, employee benefit or insurance plan or program
 - verify that applicant is above the minimum legal adult age (18 years) but without asking for a birth certificate
- Age specifications, limitations or implications in a newspaper advertisement that might bar workers under or over a certain age.
- Driver's license number (contains driver's age)

Question about Age that is Acceptable:

- Applicant may be asked if he/she is over the minimum legal working age

Questions about Language that Should be Avoided:

- Applicant's mother tongue
- Language commonly used by applicant at home
- How the applicant acquired the ability to read, write, or speak a foreign language

Question about Language that is Acceptable:

- Languages applicant speaks fluently (only if job-related)

Questions about Relatives that Should be Avoided:

- Name and/or address of any relative of applicant
- Names of applicant's spouse and dependent children
- Names of persons with whom applicant resides

Question about Relatives that is Acceptable:

- Name and address of person to be notified in case of accident or emergency

Questions about National Origin and Ancestry that Should be Avoided:

- Applicant's lineage, ancestry, national origin, descent, parentage, or nationality
- Nationality of applicant's parents or spouse

Questions about Military Experience that Should be Avoided:

- Applicant's military experience in other than the United States Armed Forces
- National Guard or Reserve Units of applicant
- Draft classification or other eligibility for military service
- Applicant's whereabouts in 1941-45, 1950-53 or 1964-73

Questions about Military Experience that are Acceptable:

- Military experience of applicant in Armed Forces only when used for employment history
- Whether applicant has received any notice to respond for duty in the Armed Forces

Question about References that Should be Avoided:

- The name of applicant's pastor or religious leader

Questions about References that are Acceptable:

- Names of persons willing to provide professional and/or character reference for applicant
- Name and address of person to be notified in case of accident or emergency.

Questions about Sex and Marital Status that Should be Avoided:

- Sex or marital status or any questions that would be used to determine same
- Number of dependents, number of children
- Spouse's occupation

Question about Arrest and Conviction that Should be Avoided:

- The number and kinds of arrest of an applicant

Question about Arrest and Conviction that are Acceptable:

- Convictions that bear a relationship to the job and have not been expunged or sealed by a court

Question about Height and Weight that Should be Avoided:

- Any inquiry into height or weight of applicant, unless justified by business necessity

Question about Disabilities that Should be Avoided:

- Any general inquiry as to whether applicant has any physical or mental disability

Question about Disabilities that are Acceptable:

- Does applicant have any disabilities that would prevent him or her from satisfactorily performing the job. Must be accompanied by job descriptions and mention of reasonable accommodation