

## Interview Questions

Lots of employers get in trouble by asking the wrong types of questions on an application or in an interview. The basic rule to follow is to only ask questions related to job skills and requirements. While not all of the following questions are illegal, an employer who asks these questions increases the risk that an applicant could claim discrimination in the hiring process.

### What Not to Ask in an Interview

- **Marital status.** Don't ask if a person is married. Don't use an application form that requires applicants to circle "Mr. Mrs. Ms. Miss" or in any way divulge their marital status.
- **Gender.** Don't ask or include gender on an application unless sex is a legally recognized necessary job qualification for the position.
- **Age.** Don't ask when an applicant was born. Ask only whether the applicant is 18 years of age or older.
- **Race, Ethnicity, or Birthplace.** Don't ask where a person was born, what their heritage is, or any questions about their accent.
- **Arrests without convictions.** Don't ask questions about arrest records. You may ask about conviction records.
- **Type of discharge from military service.** Don't ask the type of discharge that an applicant received from the military.
- **Disability and health conditions.** Don't ask questions about the applicant's health, disability or medical history. Don't ask worker's compensation history. Don't require medical or physical examinations prior to a conditional offer of employment. If an applicant has an obvious physical disability or discloses a disability, you may ask how an applicant would perform job functions and whether the applicant will need any reasonable accommodation to perform essential job functions.
- **Religion.** Don't ask questions about religious denomination or lack thereof or willingness to work on any religious holiday except where religion is a necessary job qualification for the position.
- **Citizenship.** Don't ask whether an applicant is a U.S. citizen. You can ask whether an applicant is legally authorized to work in the U.S. on a full-time basis and require proof of authorization after a conditional offer of employment is made.

- **Photographs.** Don't require a photograph before an employee is hired.
- **Height and weight.** Don't ask height or weight unless they are necessary job qualifications for the position.
- **Foreign language skills.** Don't ask whether a person has foreign language skills unless the skills are job-related.
- **Pregnancy, child-bearing intent or child care.** Don't ask if the applicant is pregnant or planning on having children or whether the applicant can get a babysitter.