

PERMISSIBLE AND IMPERMISSIBLE INTERVIEW QUESTIONS

For the purpose of applying the various anti-discrimination laws, the employment process is divided into three phases: (1) the pre-employment phase (advertising, interviewing and hiring), (2) the post-offer phase (between the tender of an offer and the actual first day of employment), and (3) the hired phase (first day of employment and thereafter)

This chart provides the guidelines for inquiries that are permissible during the pre-employment phase, and those that must be avoided to remain in compliance with anti-discrimination laws. Any inquiry should be avoided that, although not specifically listed herein, is designed to elicit information as to **race, color, national origin, citizenship, ancestry, age, sex, religion, disability, marital status, or arrest/court record**, unless it is a bona fide occupational qualification (BFOQ). Please review this closely and carefully prior to any screening or interviewing activities.

SUBJECT	PERMISSIBLE INQUIRIES	INQUIRIES THAT MUST BE AVOIDED
NAME	For access purposes, whether applicant's work records are under another name. Permissible: "Have you worked for this institution under a different name?" or "Is any additional information relative to change of name, use of an assumed name or nickname necessary to enable a check of your work and educational record?"	Inquiries about the name that would indicate applicant's lineage, ancestry, national origin, or descent. Inquiry into previous name of applicant where it has been changed by court order or otherwise. To ask if a woman is Miss, Mrs., or Ms., or to ask for her maiden name.
MARITAL AND FAMILY STATUS	None at the pre-employment stage. After hiring: (a) Status (only if married or single) for insurance and tax purposes. (b) Number and ages of dependants and age of spouse for insurance and tax purposes.	To ask marital status before hiring. To ask the number and/or age of children, who cares for them, and/or if applicant plans to have children. Any inquiry concerning pregnancy. Any similar questions. To ask if a woman is Miss, Mrs., or Ms., or to ask for a maiden name.
AGE	Inquiry as to whether or not the applicant meets the minimum age requires as set by law and indication that, on hiring, proof of age must be submitted in the form of a birth certificate or other forms of proof of age.	Requirement that applicants state age or date of birth before hiring. Requirement that applicant produce proof of age in the form of a birth certificate or baptismal record.
DISABILITY	Permissible: "Can you perform the essential functions of the job with or without accommodation?" Persons with disabilities can be tested in the pre-offer stage, but only if all applicants are tested.	(a) If the applicant has a disability, has ever been hospitalized, formerly used or been addicted to illegal drugs or alcohol, treated for mental illness, or filed worker's compensation claim. (b) To ask for medical examinations or any disability-related information.

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RESIDENCE	(a) Place and length of current and previous address. (b) Applicant's phone number or how applicant can be reached.	Any that might request the applicant to disclose marital status. Asking if the person owns or rents their home,
NATIONAL ORIGIN/ ANCESTRY	Languages applicant reads, writes or speaks fluently, as it relates to a job requirement.	(a) Birthplace of applicant, parents, grandparents, or spouse. (b) How non-English language ability was acquired (c) Any other inquiry into national origin.
CITIZENSHIP	(a) If U.S. residence is legal and authorized. (b) Require proof of citizenship <u>after</u> hiring. Applicants must be allowed to choose from any of the approved forms of proof provided. (c) Permissible: "Are you eligible to legally work and remain in the U.S.?" (d) Permissible: "If hired, can you show proof of authorization to work in the U.S.?"	(a) Asking if the person is native-U.S.-born or naturalized. (b) Proof of citizenship <u>before</u> hiring. (c) Specifying which two forms of identification applicants may supply. (d) Whether spouse or parents are native-U.S.-born or naturalized. (e) Date of citizenship.
RACE AND COLOR	None. After hiring, inquiry of race may be made for affirmative action plan statistics.	Any inquiry that would indicate race or color, including color of eyes, hair, skin or other feature.
SEX	None. After hiring, inquiry of sex may be made for affirmative action plan statistics.	Any inquiry that would indicate sex, unless a bona fide occupational qualification (BFOQ).
RELIGION OR CREED	None. After hiring, if an accommodation is requested.	(a) Birthplace of applicant, parents, grandparents or spouse. (b) Recommendations or references from church officials. (c) Any inquiry that would indicate religion.
HEIGHT OR WEIGHT	None, if not job related or a business necessity.	Any inquiries related to height or weight that are not job related nor a business necessity.
ARRESTS	None. It is permissible to ask about convictions for crimes that reasonably relate to fitness for job.	Asking for disclosure of arrests, or any inquiry related to arrests.
MILITARY SERVICE	Any job related experience. Type of education and experience in the U.S. Armed services as it relates to a particular job.	(a) Military or reserves service records. (b) Military service for any country other than U.S. (c) Type of discharge.