

# Illegal Interview Questions Guide

Questions in a green box are okay to ask while questions in a red box should never be asked during an interview.

Subject	What you CAN ask:	What you CANNOT ask:	Notes
<b>Address/ Location</b>	<ul style="list-style-type: none"> <li>How long have you been at your current address?</li> <li>What was your previous address and how long did you live there?</li> </ul>	<ul style="list-style-type: none"> <li>Do you own your own home or rent?</li> <li>Who do you live with?</li> <li>How are you related to the people you live with?</li> </ul>	
<b>Age</b>	<ul style="list-style-type: none"> <li>For some roles age is a legal requirement, for those jobs, it is acceptable to ask a candidate their age directly and ask for proof.</li> </ul>	<ul style="list-style-type: none"> <li>What year were you born?</li> <li>When did you graduate high school?</li> </ul>	Age discrimination only pertains to adults over the age of 40.
<b>Availability</b>	<ul style="list-style-type: none"> <li>What days and shifts can you work?</li> <li>Are there shifts you cannot work?</li> <li>Are you able to travel for work (if a job requirement)?</li> </ul>	<ul style="list-style-type: none"> <li>Asking if they own a car could be discriminatory unless it is a requirement of the job.</li> </ul>	Ask all candidates the same questions on this subject. Example: Asking only women about evening work can be discriminatory as it ties into questions about family status.
<b>Citizenship or National Origin</b>	<ul style="list-style-type: none"> <li>Are you legally eligible to work in the United States?</li> <li>Are you able to show proof of citizenship/visa/alien registration if you are selected for hire?</li> <li>Can you speak, read, and write English?</li> </ul>	<ul style="list-style-type: none"> <li>Are you a US citizen?</li> <li>Can you provide a birth certificate?</li> <li>What country are your parents from?</li> <li>What is your background?</li> <li>Where were you born?</li> <li>How did you learn Portuguese?</li> </ul>	Asking about other languages is fine IF it is a job requirement such as a translator or Spanish speaking phone operator.  <b>Ask ALL candidates the same questions on this subject.</b>

<b>Education</b>	<ul style="list-style-type: none"> <li>Do you have a high school diploma or equivalent?</li> <li>What university or college degrees do you have?</li> </ul>	<ul style="list-style-type: none"> <li>What year did you graduate high school?</li> </ul>	
<b>Employment</b>	<ul style="list-style-type: none"> <li>How long did you stay at your last role?</li> <li>What was start and finish titles?</li> <li>What is your current and expected salary?</li> </ul>	<ul style="list-style-type: none"> <li>When did you first start working? – This can be seen as potential age discrimination</li> </ul>	
<b>Family Status</b>	<ul style="list-style-type: none"> <li>Do you have any commitments that might prevent you from working the assigned shifts?</li> </ul>	<ul style="list-style-type: none"> <li>Are you married?</li> <li>Are you single?</li> <li>Do you have any children?</li> </ul>	
<b>Height or Weight</b>	<ul style="list-style-type: none"> <li>Accurately describe the job then ask the candidate if they can perform all of the functions.</li> </ul>	<ul style="list-style-type: none"> <li>What is your height?</li> <li>How much do you weigh?</li> </ul>	If you can definitively prove a specific height and/or weight is required for the job, then it is fine to ask and should be ran through HR to confirm it is asked properly.
<b>Organizations</b>	<ul style="list-style-type: none"> <li>Are you a member of a professional organization?</li> </ul>	<ul style="list-style-type: none"> <li>Are you a member of the local country club?</li> <li>What sorority were you in?</li> </ul>	Avoid all questions about non-professional organizations that could be seen as a proxy question about race, age, sex, etc.
<b>Military Service</b>	<ul style="list-style-type: none"> <li>What experience and training did you receive while serving that would be beneficial to this job?</li> </ul>	<ul style="list-style-type: none"> <li>Direct questions about discharge or non-U.S. military service.</li> </ul>	

<b>Disabilities</b>	<ul style="list-style-type: none"> <li>Accurately describe the job then ask the candidate if they are able to perform all of the functions.</li> </ul>	<ul style="list-style-type: none"> <li>Do you have a disability?</li> <li>Have you ever filed a workers compensation claim?</li> <li>Have you ever suffered a workplace injury?</li> </ul>	
<b>Personal Information</b>	<ul style="list-style-type: none"> <li>Have you ever worked for us before under any other name?</li> <li>What are the names of your personal references?</li> </ul>	<ul style="list-style-type: none"> <li>Did you ever change your name through marriage or court application?</li> <li>What is your maiden name?</li> </ul>	
<b>Relatives</b>	<ul style="list-style-type: none"> <li>Do any of your relatives currently work for us or our competitors?</li> <li>Can you provide the names of your relatives who work for us?</li> </ul>	<ul style="list-style-type: none"> <li>What is the name of your relatives who work for our competitors?</li> </ul>	This does become discriminatory if your company has issues hiring minorities as it could look like you have a preference against hiring them.
<b>Pregnancy</b>	<p><u>None</u> during the interview process  **Even if a candidate is obviously pregnant, it is not acceptable to ask any questions about this subject. You can still describe the job and then ask if they can perform all functions, if you ask this question, you must ask the same of all candidates being interviewed.</p>		
<b>Race or Color</b>	No questions about race or color are permitted – unless it is a bona fide occupational qualification. Please confer with HR if you have a need to ask these types of questions.		
<b>Marital Status</b>	NO questions are permitted about marital status including: <ul style="list-style-type: none"> <li>Are you married?</li> <li>Are you single?</li> <li>Do you have any children?</li> </ul>		
<b>Religion or Creed</b>	None		
<b>Sex, Orientation, or Gender Identity</b>	None		
<b>Genetic Information</b>	None		

updated 2/2/21 hw