

What **NOT** to Ask in an Interview

Employers often want to build rapport with a candidate and can unintentionally ask questions about an individual's "protected characteristics," which can put an organization at risk of discrimination claims. "Protected characteristics" under federal law race, color, national origin, religion, sex, disability, age, sexual orientation, and genetic information. It is important to train anyone involved in the hiring process to choose job-related questions over questions related to protected characteristics.

Inquiry	Unacceptable Questions	Acceptable Questions
Affiliations	<ul style="list-style-type: none"> ✗ Do you belong to any social clubs? ✗ Which religious holidays do you observe? ✗ What church do you belong to? ✗ What is your political affiliation? 	<ul style="list-style-type: none"> ✓ List any professional, trade group, or other organizations that you belong to that you consider relevant to your ability to perform this job.
Age	<ul style="list-style-type: none"> ✗ How old are you? ✗ When did you graduate from college? ✗ What is your date of birth? ✗ How much longer do you plan to work before you retire? 	<ul style="list-style-type: none"> ✓ Are you over the age of 18? ✓ What are your long-term career goals?
Gender/Sexual Orientation	<ul style="list-style-type: none"> ✗ How would you like to be addressed? Mr., Mrs., Miss, or Ms.? ✗ Are you male or female? ✗ DO NOT ask about sexual orientation 	<ul style="list-style-type: none"> ✓ No acceptable questions ✓ You can inquire about a person's sexual orientation after they are hired ONLY for affirmative action plan statistics.

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Inquiry	Unacceptable Questions	Acceptable Questions
<p>Disability</p>	<ul style="list-style-type: none"> ✗ Do you have any disabilities or impairments? ✗ Have you had any recent or past illnesses or operations? ✗ What is the date of your last physical exam? ✗ When did you lose your eyesight, hearing, etc.? ✗ How many days of work have you missed in the last year due to illness? ✗ Are you taking any prescription drugs? ✗ Have you ever been treated for drug addiction or alcoholism? 	<ul style="list-style-type: none"> ✓ Based on the job description we have provided, are you able to perform all the aspects of this job safely and satisfactorily? ✓ As part of the hiring process, after a job offer has been made, you may be required to undergo a medical exam (if this is part of the process for all applicants if or when a part of their job duties would require confirmation that a physical fitness, vision, or psychological test be conducted under the ADA's scope of medical examinations).
<p>Criminal History</p>	<ul style="list-style-type: none"> ✗ Have you ever been arrested? ✗ Have you ever been convicted of a felony? 	<ul style="list-style-type: none"> ✓ An employer cannot ask any questions regarding this area of an applicant's history. ✓ A criminal background check and screening may be conducted with a signed preauthorization by the applicant if this is part of the company's process. However, it cannot be done for just one candidate; it needs to be a consistent part of the process.
<p>Financial</p>	<ul style="list-style-type: none"> ✗ What is your credit score? ✗ Have you ever claimed bankruptcy? ✗ How much does your spouse earn? ✗ Do you own or rent your home? ✗ Do you have any debt? ✗ What kind of insurance do you have and how much? ✗ Do you own a car? ✗ Have your wages ever been garnished? 	<ul style="list-style-type: none"> ✓ You may not ask ANY questions regarding credit. ✓ As part of the hiring process, after a job offer has been made, you will be required to undergo a credit check (this is only acceptable for positions where the candidate would have access to the company's finances or bank information, and you do this for all applicants in that specific department.) ✓ Employers may ask if the candidate will be able to get to work by 8 am every day.

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<p>Marital/ Family Status</p>	<ul style="list-style-type: none"> ✗ Are you married? ✗ Do you plan to get married? ✗ Who do you live with? ✗ Do you have children? ✗ Do you plan to have children? ✗ What are your day-care plans? ✗ Are you pregnant? ✗ Are you likely to take time off for medical or family reasons? 	<ul style="list-style-type: none"> ✓ Are you willing to relocate if necessary? ✓ Travel is an important part of the job. Would you be willing to travel as needed? ✓ This job requires occasional overtime. Would you be able and willing to work overtime as necessary? ✓ Do you anticipate anything that would affect your ability to carry out the responsibilities of this job now or in the future?
<p>Military Status</p>	<ul style="list-style-type: none"> ✗ If you have been in the military, were you discharged honorably? ✗ Are you or a family member enrolled in the National Guard or Reserves? ✗ What would you do if your wife/husband were transferred? 	<ul style="list-style-type: none"> ✓ Do you have any upcoming events that would require extensive time away from work? ✓ What type of training or education did you receive in the military?
<p>National Origin/ Citizenship</p>	<ul style="list-style-type: none"> ✗ Are you a US citizen? ✗ Where were you born? ✗ What is your first language? ✗ What is your nationality? ✗ How long have you lived here? ✗ That is an interesting accent; where are you from? 	<ul style="list-style-type: none"> ✓ Are you authorized to work in the US? ✓ What languages do you read, speak, or write fluently? (OK to ask ONLY if relevant to performing the job duties or job specifications)
<p>Personal/Physical Health</p>	<ul style="list-style-type: none"> ✗ How tall are you? ✗ How much do you weigh? ✗ Do you work out? ✗ Do you smoke or drink? ✗ Do you think you could perform the job as well as a man/woman? 	<ul style="list-style-type: none"> ✓ This job requires some heavy labor. Are you able to lift a 50-lb. weight and carry it at least 100 yards? (if relevant to the job) ✓ Employers may ask an applicant whether he or she is able to carry out the essential functions of the job (with or without a reasonable accommodation).
<p>Salary</p>	<p>Currently, there is no nationwide salary history ban, but cities and states are increasingly adopting such laws that ban the following questions:</p> <ul style="list-style-type: none"> ✗ How much are you currently making? ✗ What did you make at your last job? 	<ul style="list-style-type: none"> ✓ Provide the job applicant with the salary range for the position. ✓ You may also ask what their salary expectations are for the position.

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Note: This chart is intended to provide general guidance and is not exhaustive of recordkeeping requirements, and additional state or industry guidelines may apply to your business. Where a discrimination charge has been filed, or where an action has been brought by the EEOC, the Attorney General, or a private party, all records must be retained until final disposition of the charge or action.