

# LEGAL AND ILLEGAL INTERVIEW QUESTIONS

There are questions which are legal and illegal to ask as part of the job search process. Here is a list of what can and cannot be asked, based upon current laws. You may always volunteer this information if you think it is in your best interest.

<b>Inquiry Area</b>	<b>Illegal Questions</b>	<b>Legal Questions</b>
<b>Age</b>	<ul style="list-style-type: none"> <li>• May not require an applicant's age, date of birth, or for records to prove his/her age.</li> <li>• Year of graduation from high school.</li> </ul>	<ul style="list-style-type: none"> <li>• An employer may ask whether an individual meets the minimum age requirements set by law. "Are you over the age of 18?" is an appropriate question.</li> </ul>
<b>National Origin/Citizenship</b>	<ul style="list-style-type: none"> <li>• Are you a U.S. Citizen?</li> <li>• Where were you/your parents born?</li> <li>• What is your "native tongue?"</li> </ul>	<ul style="list-style-type: none"> <li>• Are you authorized to work in the United States?</li> </ul>
<b>Race/Color</b>	<ul style="list-style-type: none"> <li>• All questions regarding a person's race/color will be deemed illegal under state and federal laws.</li> </ul>	None.
<b>Religion</b>	<ul style="list-style-type: none"> <li>• Any question with regard to an applicant's religious beliefs, denomination, or any questions that indicate religious customs or holidays observed.</li> </ul>	<ul style="list-style-type: none"> <li>• After an individual is hired, an employer may inquire about religious accommodations.</li> </ul>
<b>Marital/Family Status</b>	<ul style="list-style-type: none"> <li>• Are you married?</li> <li>• With whom do you live?</li> <li>• Do you plan to have a family?</li> <li>• What are your child-care arrangements?</li> </ul>	<ul style="list-style-type: none"> <li>• Would you be willing to relocate if necessary?</li> <li>• Would you be able and willing to work overtime as necessary?</li> </ul>
<b>Personal</b>	<ul style="list-style-type: none"> <li>• How tall are you?</li> <li>• How much do you weigh?</li> </ul>	<ul style="list-style-type: none"> <li>• Are you able to lift a 50-pound weight and carry it 100 yards, as that is part of the job?</li> </ul>
<b>Disabilities</b>	<ul style="list-style-type: none"> <li>• Do you have any disabilities?</li> <li>• Please complete the following medical history.</li> <li>• How's your family's health?</li> </ul>	<ul style="list-style-type: none"> <li>• Are you able to perform the essential job functions?</li> <li>• Can you demonstrate how you would perform the following job-related functions?</li> </ul>
<b>Arrest Record</b>	<ul style="list-style-type: none"> <li>• Any inquiry in relation to arrests. Questions related to convictions prior to an applicant being offered a job interview or a conditional offer of employment.</li> </ul>	<ul style="list-style-type: none"> <li>• Inquiries into actual convictions which related reasonably to ability to perform a particular job can be made once an applicant has been offered a job interview or a conditional offer of employment.</li> </ul>
<b>Military</b>	<ul style="list-style-type: none"> <li>• If you've been in the military, were you honorably discharged?</li> </ul>	<ul style="list-style-type: none"> <li>• In what branch of the Armed Forces did you serve?</li> <li>• What type of training or education did you receive in the military?</li> </ul>

# HOW SHOULD I RESPOND TO AN ILLEGAL QUESTION?

Illegal questions may be asked of you during an interview. If this happens, you will need to make a decision about the intent of the question and how you wish to respond. Some interviewers may simply be ignorant of the laws and unintentionally ask an illegal question. In other instances, you may feel that the interviewer is purposefully asking an illegal question. Based on the circumstance, there are four ways you might respond:

## **1. YOU CAN ANSWER THE QUESTION.**

If you determine that responding to the question and providing the information will not have a negative effect on you and your application, you can choose to answer the question.

## **2. YOU CAN REFUSE TO ANSWER THE QUESTION.**

This is within your rights. However, depending on how you phrase your refusal, and if the question was asked out of ignorance of the laws rather than in a misleading way, you run the risk of appearing uncooperative or confrontational. This may leave a negative impression with the employer. That being said, if you decide that you are not interested in working for an organization that would ask that type of question, you can refuse to answer knowing that the refusal may eliminate you from the applicant pool.

## **3. YOU CAN RESPOND IN A WAY TO ADDRESS THEIR ACTUAL CONCERN.**

Often illegal questions are being asked to address a deeper concern or worry. If you can determine what the real issue is you can respond in a way that addresses this concern. For example, if an employer asks questions about whether you have children, or plan to have children, s/he may really be concerned about your commitment to the job. You might respond by saying something like, “If you are concerned about my ability to be here on a regular basis, let me assure you I would be dedicated to my job and am a consistent, reliable worker. I can meet the travel and work schedule that this job requires.” Or, if an employer asks, “Are you a U.S. citizen?” or “What country are you from?” you could respond with what is actually legal for them to ask, “I am authorized to work in the United States.”

## **4. YOU CAN RESPOND BY REDIRECTING YOUR ANSWER TO TRY TO UNDERSTAND THE RELEVANCE OF THE QUESTION.**

Rather than answering the question directly, you might provide a general response and then turn the question back to the employer for clarification. For example, if an interviewer presses you to reveal your religious affiliation you can respond, “I am a spiritual person. Can you tell me how my religious beliefs will be related to this position?”