

## *Interviewing Do's and Don'ts*

- Most people are aware of the blatant interview questions that may cause discrimination claims. But many other questions may cause problems for employers and supervisors.
- The burden of proving that an applicant was not rejected on the basis of information from these inquiries rests on the employer.
- Ask only legal, job-related questions and help the applicant understand the reasoning behind any questions that may appear to be sensitive.
- It doesn't matter if you are well-intentioned or casual about prohibited inquiries, they are still prohibited.
- Treat all candidates with fairness, equality and consistency.
- Be professional and consistent in addressing men and women. If using titles and last name for a man (i.e. Mr. Brown) do the same thing for women and minorities.
- Follow a standardized interview plan.
- Inquire into a candidate's work history and experience to determine how she/he may perform.

	Do Not	Reason	Do
Name	<ul style="list-style-type: none"> <li>• Why was your name changed?</li> <li>• What is your maiden name?</li> <li>• What is the name of your spouse, children parents?</li> </ul>	Other names (i.e. maiden name) may be an indicator of religion or national origin. Also, some states and localities prohibit discrimination based upon marriage.	<ul style="list-style-type: none"> <li>• Have you used other names so that we may conduct the appropriate background checks?</li> </ul>
Creed and Religion	<ul style="list-style-type: none"> <li>• What is your religious affiliation?</li> <li>• What church, parish or synagogue do you attend?</li> <li>• Will any of your religious beliefs keep you from working on certain days?</li> <li>• Do you need accommodations for your religious beliefs?</li> </ul>	Religious discrimination is specifically prohibited by Title VII of the Civil Rights Act.	<ul style="list-style-type: none"> <li>• Here are the regular workdays and hours for the job position in question as well as a list of holidays which our company observes.</li> </ul>
Gender	<ul style="list-style-type: none"> <li>• What is your sex?</li> <li>• Do not refer to females as girls and males as boys.</li> <li>• Do not refer to anyone in a stereotypical way.</li> <li>• Avoid boasting, patronizing, flirting or making sexual remarks during the selection process.</li> </ul>	Discrimination on the basis of sex may violate Title VII of the Civil Rights Act and the Equal Pay Act.	<ul style="list-style-type: none"> <li>• There is never a good reason for the vast majority of employers to ask questions that are based upon sex.</li> </ul>

## Interviewing Do's and Don'ts

	Do Not	Reason	Do
<b>Marital Status &amp; Family</b>	<ul style="list-style-type: none"> <li>• What is your marital status?</li> <li>• How many dependents do you have?</li> <li>• Have you made provisions for childcare?</li> <li>• Are you pregnant?</li> <li>• When do you plan on having children?</li> <li>• With whom do you live?</li> <li>• What is your spouse's occupation?</li> <li>• Do you own or rent your home?</li> </ul>	<p>These questions may disproportionately disqualify certain protected groups of potential employees. This may be a form of discrimination known as adverse impact. Also, some states and localities prohibit discrimination based upon marriage.</p>	<ul style="list-style-type: none"> <li>• Our company pays for medical insurance for employees only. A person with dependents may cover those individuals by paying the additional premium cost.</li> <li>• Can you meet the attendance requirements of this job?</li> <li>• Would you be willing to relocate if necessary?</li> <li>• Travel/Overtime is required occasionally. Would you be willing and able to travel/work overtime as necessary? (This question is acceptable as long as asked of all applicants.)</li> </ul>
<b>Education</b>	<ul style="list-style-type: none"> <li>• When did you receive your diploma/ degree?</li> <li>• What were the dates of attendance of high school, college, etc.?</li> </ul>	<p>This may be an indicator of age. It is also critical to only base employment decisions on the bona fide occupational requirements of the job. A college degree may not be necessary or required for certain positions.</p>	<ul style="list-style-type: none"> <li>• What schools have you attended and what degrees have you received?</li> </ul>
<b>Race, Color or National Origin</b>	<ul style="list-style-type: none"> <li>• Where were you, or your parents, born?</li> <li>• What is the color of your hair/eyes?</li> <li>• Can you provide a birth certificate or naturalization papers?</li> <li>• Are you, or do you intend to become, a citizen of the United States?</li> <li>• Any questions about place of birth, lineage, ancestry or name origins.</li> </ul>	<p>No inquiries about race or color are appropriate in an interview. These types of inquiries may violate Title VII of the Civil Rights Act.</p>	<ul style="list-style-type: none"> <li>• Once hired, can you provide verification of your legal right to work in the United States?</li> </ul>
<b>Language</b>	<ul style="list-style-type: none"> <li>• What language do you speak at home?</li> <li>• What is your mother/native tongue?</li> <li>• How did you learn to speak Spanish, French, etc.?</li> </ul>	<p>Any indication of national origin could be considered to be discrimination.</p>	<ul style="list-style-type: none"> <li>• What languages do you read, write or understand? (Must be relevant to this job.)</li> </ul>
<b>Age</b>	<ul style="list-style-type: none"> <li>• What is your date of birth?</li> <li>• How old are you?</li> <li>• When did you receive your degree/diploma?</li> <li>• Any questions which are an indicator of age.</li> </ul>	<p>The Age Discrimination in Employment Act (ADEA) prohibits discrimination on the basis of age against individuals who are age 40 and above.</p>	<ul style="list-style-type: none"> <li>• Are you over the age of 18?</li> </ul>

## Interviewing Do's and Don'ts

	Do Not	Reason	Do
<b>Health &amp; Physical Status</b>	<ul style="list-style-type: none"> <li>• Do you have any disabilities?</li> <li>• Do you have asthma/AIDS/etc?</li> <li>• Please complete the following medical history.</li> <li>• Have you had any recent or past illnesses or operations?</li> <li>• What was the date of your last physical exam?</li> <li>• How much do you weigh?</li> <li>• How much alcohol do you drink each week?</li> <li>• Have you ever been treated for alcoholism?</li> <li>• Have you ever been treated for mental health problems?</li> <li>• Any questions about a person's physical condition, even if the candidate has an obvious condition.</li> </ul>	<p>The Americans with Disability Act prohibits questions about disabilities.</p>	<ul style="list-style-type: none"> <li>• Are you able to perform the essential functions of the position, with or without reasonable accommodation?</li> <li>• Can you demonstrate how you would perform the following essential functions of the job?</li> <li>• The EEOC has ruled that there are three situations in which an employer may ask questions about reasonable accommodations that an applicant with a disability may require (be careful).               <ol style="list-style-type: none"> <li>1. If an applicant has an obvious disability that would require accommodations.</li> <li>2. If the applicant voluntarily discloses a hidden disability.</li> <li>3. If the applicant asks for some kind of reasonable accommodation.</li> </ol> </li> </ul>
<b>Finances</b>	<ul style="list-style-type: none"> <li>• Where do you bank?</li> <li>• Have you ever filed for bankruptcy?</li> </ul>	<p>These questions may disproportionately disqualify certain protected groups of potential employees. This may constitute a form of discrimination known as adverse impact.</p>	<ul style="list-style-type: none"> <li>• Our company offers direct deposit, if you are interested, you may complete the necessary forms at any time.</li> </ul>
<b>Memberships &amp; Clubs</b>	<ul style="list-style-type: none"> <li>• Any questions having to do with memberships in organizations or clubs.</li> </ul>	<p>Memberships in organizations may reflect religion, national origin or gender.</p>	<ul style="list-style-type: none"> <li>• List job-related organizations, clubs or professional associations to which you belong.</li> </ul>
<b>Arrest Record</b>	<ul style="list-style-type: none"> <li>• Any questions having to do with arrests.</li> </ul>	<p>Because some minority groups have higher arrest rates, this could screen out a higher percentage of minority applicants and thereby have an adverse impact on minority groups. The EEOC maintains that mere arrests do not necessarily indicate wrongdoing and, therefore, there cannot be a business necessity for obtaining this information.</p>	<ul style="list-style-type: none"> <li>• Have you ever been convicted of a crime?</li> </ul>
<b>Military Experience</b>	<ul style="list-style-type: none"> <li>• Any questions about the type or conditions of a person's military discharge.</li> <li>• Have you served in any military other than the U.S. Armed Forces?</li> <li>• What is your draft classification?</li> <li>• Are you eligible for military service?</li> </ul>	<p>You may not discriminate against an individual based upon their current or prior military service.</p>	<ul style="list-style-type: none"> <li>• Questions about relevant knowledge, skills and abilities acquired during military service.</li> </ul>