

Illegal Interview Questions

USA Today - 1/29/2001 - Various federal, state, and local laws regulate the questions a prospective employer can ask you. An employer's questions — on the job application, in the interview, or during the testing process — must be related to the job for which you are applying. For the employer, the focus must be: "What do I need to know to decide whether or not this person can perform the functions of this job?"

Options for answering an illegal question

- 1) You are free to answer the question. If you choose to do so, realize that you are giving information that is not job-related. You could harm your candidacy by giving the "wrong" answer.
- 2) You can refuse to answer the question. By selecting this option, you'll be within your rights, but you're also running the risk of coming off as uncooperative or confrontational - hardly the words an employer would use to describe the "ideal" candidate.
- 3) Your third option is to examine the intent behind the question and respond with an answer as it might apply to the job. For instance, if the interviewer asks, "Are you a U.S. citizen?" or "What country are you from?" you've been asked an illegal question.

Instead of answering the question directly, you could respond, "I am authorized to work in the United States."

Or, if your interviewer asks, "Who is going to take care of your children when you have to travel?" you might answer, "I can meet the travel and work schedule that this job requires."

Types Of Questions

Subject: Nationality

Illegal:

- Are you a U.S. citizen?
- Where were you/your parents born?
- What is your "Native Tongue?"

Legal:

- Are you authorized to work in the United States?
- What languages do you read, speak or write fluently? (This question is okay, as long as this ability is relevant to the performance of the job.)

Illegal Interview Questions

Subject: Age

Illegal:

- How old are you?
- When did you graduate from college?
- What is your birthday?

Legal:

Are you over the age of 18?

Subject: Marital/Family status

Illegal:

- What's your marital status?
- Who do you live with?
- Do you plan to have a family?
- When?
- How many kids do you have?
- What are your childcare arrangements?

Legal:

- Would you be willing to relocate if necessary?
- Travel is an important part of the job. Would you be willing to travel as needed by the job (This question is okay, as long as all applicants for the job are asked it.)
- This job requires overtime occasionally. Would you be able and willing to work overtime as necessary? (Again, this question okay as long as all applicants for the job are asked it.)

Subject: Affiliations

Illegal:

- To what clubs or social organizations do you belong?

Legal:

- Do you belong to any professional or trade groups or other organizations that you consider relevant to your ability to perform this job?

(continued)

Illegal Interview Questions

Subject: Personal

Illegal:

- How tall are you?
- How much do you weigh?

Legal:

- Are you able to lift a 50-pound weight and carry it 100 yards, as that is part of the job? (Questions about height and weight are not acceptable unless minimum standards are essential to the safe performance of the job.)

Subject: Disabilities

Illegal:

- Do you have any disabilities?
- Please complete the following medical history
- Have you had any recent or past illnesses or operations? If yes, list and give dates
- What was the date of your last physical exam?
- How's your family's health?
- When did you lose your eyesight?

Legal:

Are you able to perform the essential functions of this job with or without reasonable accommodations? (This question is okay if the interviewer thoroughly described the job.)

(NOTE: As part of the hiring process, after a job offer has been made you will be required to undergo a medical exam. Exam results must be kept strictly confidential, except medical/safety personnel may be informed if emergency medical treatment is required, and supervisors may be informed about necessary job accommodations, based on the exam results.)

Subject: Arrest record

Illegal:

- Have you ever been arrested?

Legal:

- Have you ever been convicted of ____? (The crime should be reasonably related to the performance of the job in question.)

Illegal Interview Questions

Subject: Military

Illegal:

- If you've been in the military, were you honorably discharged?
- In what branch of the Armed Forces did you serve?

Legal:

- What type of training or education did you receive in the military?

Source: www.usatoday.com/careers/resources/interviewillegal.htm

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