

The Do's and Don'ts of Interviewing

Subject	Unlawful Inquiry	Lawful Inquiry
Name	If your name has been legally changed, what was your former name?	Have you ever worked for this company under a different name?
Age	Any question that tends to identify applicants age 40 to 69	Are you over eighteen years of age? If hired, can you furnish proof of age?
Citizenship	Are you a citizen of the United States ? Are your parents or spouse citizens of the U.S. ? When did you, your parents, or your spouse acquire U.S. citizenship? Are you, your parents, or spouse naturalized or native-born U.S. citizens?	Once offered employment, can you provide proof of eligibility for employment in the U.S. ?
National Origin /Ancestry	What is your nationality/lineage/ancestry/ descent/parentage? How did you acquire the ability to speak, read, or write a foreign language? What language is spoken in your home? What is your native language?	What languages do you speak, read, or write fluently? (Lawful only if job-related)
Race or Color	Any question that directly or indirectly relates to race or color.	NONE
Religion	Do you attend religious services or a house of worship? What is your religious denomination or affiliation, church, parish, or pastor? What religious holidays do you observe?	NONE
Sex	Any inquiry as to sex, such as the following: Do you wish to be addressed as Mr., Mrs., Miss, or Ms.? What are your plans regarding having children in the future?	NONE
Absences	Any inquiry as to the number of days missed due to illness. This subject has become even sensitive with the passage of the American's with Disabilities Act.	How would you rate your overall attendance record?
Marital Status / Relatives	What is your marital status? With whom do you reside? Do you live with your parents? Do you have any children, and what are their names and ages?	What are the names of relatives already employed by the company?
Physical Condition	Do you have any physical disabilities? What is your handicap? What caused your handicap? Have you had any recent serious illness?	The job interview should focus on the ability of an applicant to perform the job, not on disability. If the applicant has a known disability that would appear to interfere with the performance
Education	(Any question asking specifically the nationality, racial or religious affiliation of a school.)	(Questions related to academic, vocational, or professional education of an applicant, including schools attended, degrees/ diplomas received, and courses of study.)
Experience	(Questions related to military experience in general.)	(Questions related to applicant's work history. Questions related to applicant's military experience in the armed forces of the U.S. or in a U.S. state militia.)
Organizations	To what organizations, clubs, societies, and lodges do you belong?)	To what directly related professional organizations do you belong?
Character	Have you ever been arrested?	Have you ever been convicted of a felony?
Work Schedule / Traveling	(Any question related to child care, ages of children, or other subject that is likely to be perceived by covered group members, especially women, as discriminatory.)	Do you have any obligations that would prevent you from working regular business hours, overtime, or traveling?
Relocation	(Any question related to spouse's attitudes or other subject that is likely to be perceived by covered group members, especially women, as discriminatory.)	Would you be willing to relocate?
Drug/alcohol use	(Any inquiry that is not job-related or necessary for determining an applicant's potential for employment.)	NONE
Misc	(Any inquiry that is not job-related or necessary for determining an applicant's potential for employment.)	(Statement or notice to applicant that any misstatements or omissions of significant facts in written application forms or in an interview may be cause for dismissal.)
Work Related Injuries	Any inquiry as to the number of workers' compensation injuries	NONE
Smoker/ Non-smoker	You may not question whether a person smokes	(You may inform the candidate that they will be working in a "smoke free" facility)