

INTERVIEWING DOS & DON'TS

Pre-Employment Inquiries:

1. NAME:
 - A. Appropriate – use of another name for purposes of employment & educational references.
 - B. Inappropriate – maiden name.
2. AGE:
 - A. Appropriate – whether the applicant is age 18 or older.
 - B. Inappropriate – age; date of birth; a request to see copy of birth certificate or baptismal record.
3. NATIONAL ORIGIN:
 - A. Appropriate – languages the person reads, writes, and speaks providing it is part of the job.
 - B. Inappropriate – nationality; ancestry; national origin; place of birth; info about applicant's parents or spouse; person's native language; how applicant acquired foreign language skill.
4. COLOR & RACE:
 - A. Appropriate – *NONE*
 - B. Inappropriate – race; color; questions about color of an applicant's skin, eyes, or hair.
5. CITIZENSHIP:
 - A. Appropriate – is the applicant authorized to work in the U.S.
 - B. Inappropriate – is applicant a US citizen; when will applicant become a US citizen; does applicant have the legal right to remain permanently in US; does applicant intend to remain permanently in US; which country the applicant is a citizen of; whether applicant is naturalized or native-born US citizen; date applicant acquired citizenship; require applicant to produce naturalization papers; whether applicant's parents or spouse are naturalized or native-born to US; dates parent or spouse acquired citizenship.
6. SEX & MARITAL STATUS:
 - A. Appropriate – names of applicant's relatives currently working for the employer.
 - B. Inappropriate – sex; sexual orientation; marital status (now & in the past); number & ages of children; questions about pregnancy, childbearing, or birth control; name or address of applicant's relatives who don't work for employer; how the applicant would like to be addressed Mr./Ms./Mrs.; with whom the person resides.
7. RELIGION:
 - A. Appropriate – employer may state the days and hours that are required for the job.
 - B. Inappropriate – *ALL QUESTIONS ABOUT RELIGION.*
8. PHYSICAL DESCRIPTION & ABILITY:
 - A. Appropriate – *NONE UNLESS JOB RELATED*
 - B. Inappropriate – height or weight unless there are specific and objective standards for the job; a photograph.
9. DISABILITY:
 - A. Appropriate – whether applicant can perform essential functions (must distinguish marginal from essential functions) of the job such as stand for 8 hours, bend, lift objects weighing 50 lbs. (best to give applicant a copy of job description & then review the details of the job).
 - B. Inappropriate to ask the applicant OR a 3rd party (e.g. former employer, insurance company, etc.) – if applicant has a disability; if applicant has ever been treated for certain diseases; if applicant has or ever had a drug or alcohol problem; how an applicant became disabled; the status of applicant's health; if the applicant ever had a mental or emotional condition; if the applicant is an alcoholic or drug addict; what medications the applicant currently takes or has taken in the past; if any member of the applicant's family is disabled; if the applicant volunteers with any groups helping people with disabilities such as AIDS, alcoholism, etc.
10. ARREST VS. CONVICTION RECORD:
 - A. Appropriate – inquiries about convictions that are related to the type of job the person will be doing with the accepted standard of asking about convictions within the past 7 years, assuming that there is no "Ban the Box" law preventing such inquiries.
 - B. Inappropriate – whether applicant has ever been arrested.
11. MEMBERSHIP IN ORGANIZATIONS:
 - A. Appropriate – about memberships that are job related.

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- B. Inappropriate – organizations, clubs, societies, lodges, etc. to which person belongs.
- 12. MILITARY SERVICE:
 - A. Appropriate – questions about skills gained in the military that are relevant to job; dates.
 - B. Inappropriate – questions about service in a foreign military; if the person has any current military obligations or is in the National Guard or Reserves; if the person received an honorable discharge or any question about the type of discharge; was the person ever disciplined in the military.
- 13. EDUCATION:
 - A. Appropriate – schools attended; details about the type of vocational, academic, and professional education the person received; degrees or certificates held; educational programs completed in the past 10 years related to the job and when attended; did the applicant graduate (yes/no).
 - B. Inappropriate – dates of attendance; dates of graduation.
- 14. FINANCIAL/CREDIT STATUS:
 - A. Appropriate – may conduct a credit check for a job where there is a legitimate business reason for knowing the personal finances of an applicant (e.g., a position handling cash).
 - B. Inappropriate – any questions about: personal finances, credit history, own/rent house, own/lease a car, filing for bankruptcy, pay garnishments, child support, receipt of public assistance, etc.
- 15. WORKERS COMPENSATION:
 - A. Appropriate – *NONE during the interview or of a former employer during a reference check; may ask such questions as part of a medical exam after an offer of employment.*
 - B. Inappropriate – any questions about usage of Workers Comp with previous employers.
- 16. HIV (AIDS):
 - A. Appropriate – *NONE*
 - B. Inappropriate – asking an applicant to take an HIV test as a condition of employment unless it is a Bona Fide Occupational Qualification (BFOQ) for the job.
- 17. MEDICAL EXAMINATIONS:
 - A. Appropriate – Asking an applicant to demonstrate his/her physical agility/ability to perform an actual or simulated task that is actually part of the job is not considered a medical test and therefore permissible. Psychological tests are not “normally” considered medical exams when they are designed to test characteristics such as honesty, habits, etc. Polygraphs are not considered medical exams but legislation does limit the use of polygraph tests.
 - B. Inappropriate – Tests that seek to uncover a mental or physical impairment are considered medical exams and are not permissible until a conditional offer of employment is made to an applicant. Psychological tests are considered medical exams when they seek to uncover mental impairment or general psychological health and are not permissible until a conditional offer of employment is made to an applicant.
- 18. SOCIAL SECURITY # ON THE APPLICATION BLANK: *The SS# is not necessary prior to an offer of employment. It becomes an identity theft concern when the application blanks are discarded.*
- 19. EMERGENCY CONTACT INFO ON APPLICATION BLANK: *This information is not necessary prior to employment and has in the past been used by employers to verify marital status.*