



Unlawful & Inappropriate Interview Questions

It is important to try to gather as much information about the candidate as possible during job interviews. The key is to ask lawful questions and avoid inappropriate interview questions.

Any questions that reveal age, race, national origin, gender, religion, marital status and sexual orientation are off-limits. State and federal laws exist to ensure that individuals do not experience discrimination based on certain protected categories, such as national origin, citizenship, age, race, gender, marital status, pregnancy status, military discharge status, disabilities, arrest and conviction record.

Interview questions must be presented so they directly relate to specific occupational qualifications to ensure legitimacy. Questions on the job application, in the interview, or during validated and approved assessments must be related to the job. The focus must be: "What do we need to know to decide whether or not the candidate can perform the functions of the job?"

Subject	Illegal Questions	Legal Questions
Nationality (birthplace, ancestry or national origin)	Are you a U.S. citizen? Where were you/parents born? What is your "native tongue"? How long has your family been in the U.S.? That's an unusual name, what does it mean? How did you learn to speak Chinese?	Are you authorized to work in the United States? Are you eligible to work in the U.S.? What languages do you read, speak, or write fluently? (this question is okay as long as this ability is relevant to the requirements of the job).
Age	How old are you? When did you graduate from college? What is your birthday? What year were you born? I went to high school in Oakland too. What year did you graduate?	Are you over the age of 18?
Marital/Family Status, Children, or Pregnancy	What is your marital status? Who do you live with? Do you plan to have a family/children? When? How many kids do you have? What are your child care arrangements? What does your husband/wife do?	Would you be able to work a 9:00 a.m. to 6:00 p.m. schedule? (If asked of all applicants, and a specific work schedule is a business necessity). 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).



Personal	How tall are you? How much do you weigh?	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).
Religion/Religious Days Observed	What is your religious affiliation? What religious holidays do you celebrate? Do you attend church every week?	Can you work on weekends? (If asked of all applicants, and weekend work is a business necessity).
Affiliations	To what clubs or social organizations do you belong?	Do you belong to any professional or trade groups or other organizations that you consider relevant to your ability to perform this job?
Military	If you've been in the military, were you honorably discharged? In what branch of the Armed Forces did you serve? Was your military discharge honorable or dishonorable?	What type of training or education did you receive in the military?
Disabilities, Health or Medical History	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? Are you able to use your legs at all? Do you have any pre-existing health conditions? Are you on any medication?	"Can you perform the essential functions of the job, with or without reasonable accommodation?" (If asked of all applicants). 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).
<i>(NOTE: As part of the hiring process, after a job offer has been made a candidate may 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).</i>		
Criminal/Arrest Records	Have you ever been arrested? Have you ever spent a night in jail? Have you ever been caught driving drunk?	Have you ever been convicted of a crime? Have you ever been convicted of ____? (The crime should be reasonably related to the performance of the job in question).
Other Illegal Questions	Have you ever brought a lawsuit against an employer? Have you ever filed for Workers' Compensation? Have you ever been sexually harassed? Do you use drugs or alcohol?	