

INTERVIEW QUESTION GUIDE

Subject	Permissible Inquiries	Inquiries That Must Be Avoided
1. Name	Full legal name. Other names under which the applicant may have worked. "Have you worked for this or another company under a different name?"	Inquiries about the name would indicate applicant's lineage, ancestry, national origin, or descent. Inquiry into "maiden name." Inquiry into previous name of applicant where it has been changed by court order or otherwise. "Indicate: Miss, Mrs., Ms."
2. Marital and Family Status	Whether applicant can meet specific work schedule requirements, or has activities, commitments, or responsibilities that may hinder the meeting of work attendance requirements. Inquires, made to males and females alike, as to duration of stay on prior or prospective job or anticipated absences.	Any inquiry indicating whether an applicant is married, single, divorced, engaged, etc. Number and age of children. Information on child-care arrangements. Any questions concerning pregnancy or intention to bear children. . "Indicate: Miss, Mrs., Ms."
3. Age	Whether the applicant is age 18 or older. If a minor, you may require proof of age in the form of a work permit or certificate of age <i>after</i> being hired. Inquiry as to whether the applicant meets the minimum age requirements as set by law, and indication that, upon hiring, proof of age must be submitted: "If hired, can you furnish proof of age?" Or a statement that hire is subject to verification of age.	Requirement that applicants provide age or date of birth. Requirement that applicants produce proof of age in the form of a birth certificate or baptismal record. (The Age Discrimination in Employment Act of 1967 forbids discrimination against persons over the age of 40).
4. Disability	Whether applicant can perform the essential functions of the job. (Essential functions are primary job duties that are intrinsic to the employment position.) Offers can be made contingent on the result of a medical exam if this practice is the same for all applicants for this job, and if the medical exam only screens for conditions that are relevant to performance of the essential functions of the job. May ask what accommodations a person might need to perform essential job functions.	The American with Disabilities Act prohibits employers from asking whether or not an applicant has a disability. Employers should not discuss the nature or severity of disabilities that are not related to the essential functions of the job. Employers must be prepared to prove that job duties are essential to the performance of the job. Except in cases where undue hardship can be proven, employers must make "reasonable accommodations" for the physical and mental limitations of an employee or applicant. "Reasonable accommodations" include alteration of duties, alteration of physical setting and provision of work aids.

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5. Sex	An inquiry as to the applicant's sex or the restriction of employment to one sex in permissible <i>only</i> where a Bona Fide Occupational Qualification exists. (This BFOQ exception is interpreted very narrowly by the courts and by EEOC.) The burden of proof rests on the employer to prove that the BFOQ is warranted, and that all members of the affected job class are incapable of performing the job.	Sex of applicant. Any other inquiry that would indicate sex. Sex would not be a BFOQ just because a job involves physical labor (such as heavy lifting) beyond the capacity of some women, nor can employment be restricted just because the job is traditionally-labeled "men's work" or "women's work." Sex cannot be used as a determining factor regarding whether an applicant will be satisfied in a particular job. Avoid questions concerning applicant's height or weight unless you can prove they are necessary requirements for the job to be performed.
6. Race	None.	Applicant's race. Color of applicant's skin, eyes, hair, or other questions indirectly indicating race or color.
7. Military Record	Type of education and experience gained in the armed services as it relates to a particular job.	Type of discharge.
8. Address or Duration of Residence	Applicant's address. Inquiry into place and length of current and previous address, <i>e.g.</i> , "How long have you been a resident of this state or city?"	Specific inquiry into foreign address that would indicate national origin. Names or relationship of persons with whom applicants resides. Whether applicant owns or rents home.
9. Religion	An applicant should be informed of anticipated work schedule required by the job, in order to avoid possible conflict with religious or other personal convictions.	Applicant's religious denomination or affiliation, church, parish, pastor, or religious holidays observed. Applicants may not be told that any particular religious groups are required to work on their religious holidays. Any inquiry to indicate or identify religious denomination or customs.
10. Birthplace	"If you are employed by this company, can you submit proof of eligibility to work in the United States?" (such as a birth certificate, passport, visa, immigration, and naturalization records, etc)	Birthplace of applicant. Birthplace of applicant's parents, spouse, or other relatives. Requirement that applicant submit a birth certificate or naturalization of baptismal record before employment. Any other inquiry into national origin.
11. Photograph	Indicate that this may be required after hiring for identification	Requirement that an applicant affix a photograph to his or her application. Request that applicant submit photograph. Requirement of photograph after interview but before hiring

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12. Citizenship	State that, if hired, applicant will be required to submit proof of eligibility to work in the U.S. If U.S. citizenship is required for the job, you may inquire. "If you are not a U.S. citizen, have you the legal right to remain permanently in the U.S.?" "If not a citizen are you prevented from lawfully becoming employed because of visa or immigration status?"	"Of what country are you a citizen?" Whether applicant or his/her parents, spouse, or other are naturalized or native-born U.S. citizens. Date when applicant or parents or spouse acquired U.S. citizenship. Requirement that applicant produce his or her naturalization papers. Whether applicant's parents or spouse are U.S. citizens.
13. Ancestry or National Origin	Languages applicant reads, speaks, or writes fluently. (If another language is necessary to perform the job.)	Inquiries into applicant's lineage, ancestry, national origin, natural birthplace, or native language.
14. Education	Applicant's academic, vocational, or professional education. Schools attended. Inquiry into language skills such as reading, speaking, and written foreign language skills.	Any inquiry asking specifically the nationality, racial affiliations, or religious affiliations of any schools attended. Inquiry as to how foreign language ability was acquired.
15. Experience	Applicant's work experience, including names and addresses of previous employers, dates of employment, reason for leaving, and salary history.	
16. Conviction, Arrest and Court Record	Inquiry into actual convictions that relate reasonably to fitness to perform a particular job. (A conviction is a court ruling where the party is found guilty as charged.)	An inquiry relating to arrests (the apprehending or detaining of the person to answer the allegation of crime). Checking into a person's arrest, court, or conviction record if not substantially related to functions and responsibilities of the particular job in question
17. Relatives	Names of applicant's relatives already employed by this company. Names and addresses of parents or guardians of minor applicant.	Name or address of any relative of adult applicant, other than those employed by this company.
18. Notice In Case of Emergency	Name and address of persons to be notified in case of accident or emergency	The relationship of people to be notified in case of accident or emergency. This inquiry can be made after the applicant is hired.

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19. Organizations	Inquiry about organizations to which an applicant belongs, providing the name of the organization does not reveal the race, religion, color, or ancestry, of the membership. Suggest: "List any professional organizations to which you belong. What offices are held?"	The names of organizations to which the applicant belongs if such information would indicate, through character or name, the race, religion, color or ancestry of the membership or applicant.
20. References	Names and contact information regarding persons willing to provide professional and/or character references for applicant. Names of persons referring the applicant to your organization for employment.	Require the submission of a religious reference. Request reference from applicant's pastor.
21. Miscellaneous	Notice that any misstatement or omissions of material facts in the application may be cause for dismissal. Employment-at-will statements.	