



UNLAWFUL INTERVIEW QUESTIONS

Interviewers are required by law to keep questions job-oriented. Charges of discrimination can result from improper questioning during the interview. The following chart outlines the legality of inquiries into certain subjects before an individual is actually hired:

SUBJECT	LAWFUL	UNLAWFUL
Disability	Applicants may be asked about their ability to perform specific job functions.	Employers may not ask job applicants about the existence, nature, or severity of a disability before an offer of employment has been made.
Name	Have you ever worked for this company under a different name? Is any additional information relative to change of name, use of an assumed name, or nickname necessary to enable a check on your work record? If yes, explain.	Original name of applicant whose name has been changed by court or otherwise. If you ever worked under another name, state name and dates.
Address or Duration of Residence	Applicant's place of residence.	
Photograph	May be required after hiring for identification.	Requirement or option that applicant affix a photograph to employment form at any time before hiring.
Citizenship	Are you a citizen of the United States, do you intend to become a citizen of the United States? If you are not a United States citizen, have you the legal right to remain permanently in the US? Do you intend to remain permanently in the United States?	Whether an applicant is naturalized or a native-born citizen; the date when the applicant acquired citizenship. Birthplace of applicant. Birthplace of applicant's parents, spouse, or other close relatives.
Education	Inquiry into applicant's academic, vocational, or professional education and the public and private schools attended.	
Experience	Inquiry into work experience.	
Relatives	Names of applicant's relatives, other than spouse, already employed by a company.	Names, addresses, ages, number or other information concerning applicant's spouse, children or other relatives not employed by a company.
Notice In Case of Emergency	Names of persons to be notified.	Name and address of person to be notified in case of accident or emergency.
Military Experience	Inquiry into applicant's military experience in the United States or in a State Militia. Inquiry into applicant's service in particular branch of United States Army, Navy, etc.	Inquiry into applicant's general military experience.
Organization	Inquiry into applicant's membership in an organization which the applicant considers relevant to his or her ability to perform the job.	List all clubs, societies, and lodges to which you belong.



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Religion or Creed		Inquiries into applicant's religious denomination, religious affiliations, church, parish, pastor, or religious holidays observed. Applicant may not be told, "This is a (Catholic, Protestant, or Jewish) organization."
Race, National Origin, or Languages	What languages do you read, speak, or write fluently? (only if pertinent to or required for the job in question).	Inquiry into applicant's lineage, ancestry, national origin, descent, parentage, nationality, race, or color. What is your native language? Inquiry into how applicant acquired ability to read, write, or speak a foreign language. Nationality of applicant's parents or spouse. What is your mother's tongue?
Sex		Inquiry as to sex. Do you wish to be addressed as Mr.?, Mrs.? or Ms.?
Marital Status	Can you meet specified work schedules, or do you have activities, commitments, or responsibilities that may hinder the meeting of work requirements?	Are you married? Are you single? Divorced? Separated? Engaged? Name or other information about spouse. Where does your spouse work? What are the ages of your children, if any? Who will care for your children when you work?
Birth Control		Inquiry as to capacity to reproduce, advocacy of any form of birth control or family planning.
Age or Date of Birth	Are you between 18 and 65 years of age? If not, state your age.	How old are you? What is your date of birth? Requirement that applicant submit birth certificate, naturalization or baptismal record. Requirement that applicant produce proof of age in the form baptismal.
Arrest Records	Have you ever been convicted of a crime? (Give details*)	Have you ever been arrested?

* An applicant may not be denied employment because of a conviction record unless there is a direct relationship between the offense and the job or unless hiring would be an unreasonable risk. An ex-offender denied employment is entitled to a statement of the reasons for such denial. Correction Law, Article 23-A, 6754