

Lawful Inquiries During Interview Process

Religion or Creed

Acceptable Inquires:

After a statement of regular workdays, normal hours, or schedule to be worked in fulfilling the requirements of the job, ask, “Does this present a problem?” If yes, “What are they, for purposes of assessing any accommodation based on business needs?”

Unlawful Questions:

Any inquiry into an applicant’s religious denomination, religious affiliation, or religious holidays observed. “This is a (Catholic, Protestant, or Jewish) organization.”

Citizenship

Acceptable Inquires: “Are you legally authorized to work in the U.S.?” This question is addressed at the point-of-hire only.

Unlawful Questions:

Whether an applicant is naturalized or a native-born citizen. Requirements that an applicant produce naturalization papers

Education

Acceptable Inquires:

Inquiry into applicant’s academic, vocational, or professional education and the public or private schools attended.

Unlawful Questions:

Graduation dates alone may suggest possible age discrimination.

Race or Color

Acceptable Inquires:

None prior to hire

Unlawful Questions:

“Are you Puerto Rican?” “What is your AA/EEO status?”

Marital/Parental Status

Acceptable Inquires:

None except those required under Federal regulations regarding independence, if applicable. “Can you meet the specified work schedule or do you have activities, commitments, or responsibilities that may hinder you from meeting work attendance requirements?” “Do you see any reasons why you could not travel for business?”

Unlawful Questions:

“Are you married?” “Single, divorced, separated?” “Do you plan to marry and Have children?” “What are the ages of your children?” “What will you do if your children get sick?” “What is your husband’s name?”

Military Status

Acceptable Inquires: Inquiry into applicant’s military experience in the Armed Forces of the U.S. or in a State Militia. Inquiry into an applicant’s job-related activities in a particular branch of the service.

Unlawful Questions:

Inquiry into applicant’s general military experience and discharge (unless your position is restricted by the U.S. Patriot Act).

Sex

Acceptable Inquires:

None prior to hire.

Unlawful Questions:

“Do you wish to be addressed as Mrs., Miss, or Ms.?”

Age

Acceptable Inquires:

None prior to hire. If applicant may be a minor, you may ask, “Do you have proof of age in the form of a work permit or certification of age?”

Unlawful Questions:

“How old are you?” “What is your birth date?”

Conviction

Acceptable Inquires:

If job-related, “Have you ever been convicted of a crime (give job-related reasons for inquiry)?”

Unlawful Questions:

Inquiries regarding arrest records prior to point-of-hire for Security Sensitive position.

National Origin

Acceptable Inquires:

None prior to hire.

Unlawful Questions:

Any inquiry into applicant's ancestry, national origin, descent, parentage or nationality (unless position is restricted by the U.S. Patriot Act). "Is that a Spanish surname?"

Language Requirement

Acceptable Inquires:

If job related: Inquiry into language applicant speaks and writes fluently.

Unlawful Questions:

"What is your native language?" Any inquiry into how applicant acquired ability to read, write, or speak a foreign language.

Disability

Acceptable Inquires:

After a statement has been made regarding the essential job functions and the working conditions, you may ask, "**Are you able to perform the essential functions of this job?**"

Unlawful Questions:

"Do you have any disabilities?" "Have you ever been treated for any disease or illnesses?"

Organizations

Acceptable Inquires:

Inquiry into applicant's membership in organizations that the applicant considers relevant to ability to perform the job.

Unlawful Questions:

"List all social clubs, societies, and organizations to which you belong."

References

Acceptable Inquires:

Persons willing to provide professional references.

Unlawful Questions:

Any inquiry concerning an applicant's race, sex, age, national origin, religion, marital status, or general medical conditions.