



## **Interview Guidelines**

Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act prohibits employment discrimination on the basis of race, color, religion, national origin, sex, age, and disability. Under Title VII, interviews are considered tests. They are a means by which an employer can disqualify an applicant from consideration for a job. Interviews cannot, therefore, be conducted in a manner that results in discrimination against an individual or group of applicants on the basis of a protected characteristic.

The goal is for interviews to be as objective as possible. Unstructured interviews tend to be subjective and have the danger of opening up the employer to a charge of discrimination because of questions asked or comments made. Therefore, it is best to center the interview questions on job-related issues. Instead of worrying about asking illegal questions, focus your questions on the applicant's ability to perform all aspects of the job, and you will avoid straying into unlawful areas.

The table below serves as a guideline to the kinds of questions you may or may not ask during an interview.

## The Do's and Don'ts of Interviewing

Subject	Unlawful Inquiry	Lawful Inquiry
Name	If your name has been changed, what was your former name?	Have you ever worked for this company under a different name?
Age	Any question that tends to identify applicants age 40 to 69.	Are you over eighteen years of age? If hired, can you furnish proof of age?
Citizenship	Are you a citizen of the United States? Are your parents or spouse citizens of the U.S.? When did you, your parents, or your spouse acquire U.S. citizenship? Are you, your parents, or spouse naturalized or native-born U.S. citizens?	Once offered employment, can you provide proof of eligibility for employment in the U.S.?
National Origin /Ancestry	Where were you born? Where did you get your accent? What language is spoken in your home? What is your native language?	What languages do you speak, read, or write fluently? (Lawful only if job-related)
Race	Any question that directly or indirectly relates to race or color.	None
Religion	Do you attend religious services? What is your religious denomination or affiliation, church, parish, or pastor? What religious holidays do you observe?	None
Sexual Orientation & Gender Identity	Any inquiry as to sex, such as the following: Do you wish to be addressed as Mr., Mrs., Miss, or Ms.? Do you plan to have children?	None
Absences	Any inquiry as to the number of days missed due to illness. This subject has become even more sensitive with the passage of the American's with Disabilities Act.	How would you or your supervisor rate your overall attendance record?
Marital Status	Are your married? With whom do you reside? Do you live with your parents? Do you have any children, and what are their names and ages?	What are the names of relatives already employed by the company?

Physical Condition	Do you have any disabilities/medical conditions? What is your handicap? What caused your handicap? Have you had any recent serious illness?	The job interview should focus on the ability of an applicant to perform the job, not on a disability. If the applicant has a <b>known disability</b> that would appear to interfere with the performance of a job-related function, s/he may be asked to describe how this function would be performed with or without accommodation.
Education	Any question asking specifically the nationality, racial or religious affiliation of a school.	Questions related to academic, vocational, or professional education of an applicant, including schools attended, degrees/ diplomas received, and courses of study.
Military Experience	Questions related to military experience in general such as where they served, discharge status, if they are a member of the National Guard.	Questions related to applicant's work history. Questions related to applicant's military experience in the armed forces of the U.S.
Organizations	To what organizations, clubs, societies, and lodges do you belong?	To what directly related professional organizations do you belong?
Character	Have you ever been arrested?	Have you ever been convicted of a felony?
Work Schedule/Travel	Any question related to child care, ages of children, or other subject that is likely to be perceived by covered group members, especially women, as discriminatory. Does your religion prevent you from working weekends or holidays? What church do you attend? Do you have a car?	Do you have any obligations that would prevent you from working regular business hours, overtime, or traveling?
Relocation	Any question related to spouse's attitudes or other subject that is likely to be perceived by covered group members as discriminatory.	Would you be willing to relocate?
Work-Related Injuries	Any inquiry as to the number of workers' compensation injuries	None

Drug/Alcohol Use	Any inquiry that is not job-related or necessary for determining an applicant's potential for employment.	None
Smoker/Non-Smoker	You may not question whether a person smokes.	You may inform the candidate that they will be working in a "smoke free" facility.
Labor union activities	Any question as to whether the employee was active in a union can be interpreted as an unfair labor practice.	None
Miscellaneous	Any question that is not job-related or necessary for determining an applicant's potential for employment.	Statement or notice to applicant that any misstatements or omissions of significant facts in written application forms or in an interview may be cause for dismissal. (This statement is on our application.)

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