

## Acceptable/Unacceptable Phrasing of Interview Questions

A selection decision must be based on job related criteria ONLY. Illegal questions cannot be asked at any time during the selection process including in one-on-one conversations with the candidate before or after an interview, during meals when the candidate is present, etc.

### **Citizenship**

Unacceptable: Are you a U.S. citizen? Acceptable: Are you lawfully employable in the United States either by virtue of citizenship or by having authorization from the U.S. Citizenship and Immigration services and the Department of Labor? *No questions allowed about applicant's specific country of origin.*

### **Age**

Unacceptable: How old are you? What's your birth date? Acceptable: Are you over the age of eighteen? *Age is irrelevant unless you are concerned about child labor violations under the Fair Labor Standards Act.*

### **Family**

Unacceptable: Do you have any children? How many children do you have? Do you plan to start a family soon? *Questions about family status are not job related and should not be asked.*

### **Child Care Arrangements**

Unacceptable: What are your child care arrangements? Is your child in an all-day nursery school? Acceptable: Can you work such and such hours? *No questions about childcare are allowed.*

### **Memberships**

Unacceptable: What clubs or organizations do you belong to? Do you attend the local United Methodist Church? Are you a member of NAACP? Acceptable: What professional or trade groups do you belong to that you consider relevant to your ability to perform this job? *No questions allowed about non work-related organizations, such as religious or ethnic groups.*

### **Worker's Compensation**

Unacceptable: Have you ever filed a worker's compensation claim? *You may not ask this question or any related question during the pre-offer stage.*

### **Handicaps**

Unacceptable: What disabilities do you have? I see you have a disability. Can you do this job? Acceptable: Are you able to perform the essential functions of the job to which you are applying? *(Be sure you tell the candidate what the essential functions are.)* This job would require you to carry out X, Y, and Z duties. Can you perform those duties? *No questions about disabilities are allowed.*

### **Schooling or Degree**

Unacceptable: When did you graduate from high school? You received your degree from OSU. Did you belong to the Society of Hispanic Professional Engineers? Acceptable: What schools have you attended? *You may ask about degrees earned, training completed related to work, or education-related accomplishments. No questions allowed about school connections to specific racial, ancestral, national or religious groups.*

### **Maiden Name**

Unacceptable: What is your maiden name? Acceptable: Have you ever been known by another name? *(Only ask this question if you need to contact a former employer, because a legal liability may exist if a candidate claims that you were trying to determine his or her ethnic background and consequently didn't hire him/her because of it.)*

### **Smoking**

Unacceptable: Do you smoke? Acceptable: Our smoking policy is such—can you adhere to it?

### **Medical Condition**

Unacceptable: Do you have AIDS or are you HIV-positive? *There is no acceptable way to inquire about this, or any other medical condition.*

### **Race**

Unacceptable: Are you bi-racial? *No questions about race are allowed.*

### **Ancestry or National Origin**

Unacceptable: I noticed the unique spelling of your name. Is it Irish? Acceptable: To do this job, you must be able to speak Spanish. How well do you speak that language? *No questions about ancestry or national origin are allowed.*

### **Arrests**

Unacceptable: Have you ever been arrested? *Only questions pertaining to felony convictions may be asked.*

### **Convictions**

Unacceptable: Have you been convicted of any illegal activities? Acceptable: Have you ever been convicted of a felony? If so, what was the nature and result of the conviction? You've applied for the job of cashier. Have you ever been convicted of stealing? *If candidate has been convicted, evaluate the relevancy of the felony to the position.*

### **Gender**

Unacceptable: Almost all of our employees are men. Are you sure you would feel comfortable in this environment? Acceptable: *None unless there is a Bona Fide Occupational Qualification for the job requiring a person of a particular sex. The EEOC must decide if a position qualifies for a Bona Fide Occupational Qualification. If a particular sex is a Bona Fide Occupational Qualification, it must be determined on the front end – when the job description is being finalized.*