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.