

## Acceptable and Unacceptable Inquiries for Interviews and Employment Applications

Recruiters and hiring managers must be cautious to avoid inquiries based on an applicant's protected class or risk a claim of discrimination. The EEOC looks with "extreme disfavor" on questions about age, color, national origin, race, religion, gender or veteran status. If employers are asking these questions, they would have difficult time proving the questions were not used in the hiring decision. In addition, as stated previously, many state employment laws expressly forbid certain types of questions.

Following is a representative list of unacceptable and acceptable questions. **Please note that this list is NOT all-inclusive.**

<i>Topic</i>	<i>Acceptable</i>	<i>Unacceptable</i>	<i>If Unacceptable, What Is the Reason?</i>
<b>Age</b>	If age is a legal requirement, can ask "If hired, can you furnish proof of age?" or a statement that hire is subject to age verification.	What is your date of birth?	Could be viewed as age discrimination
<b>Attendance/reliability</b>	What hours and days can you work?	How many children do you have?	Could be viewed as discriminatory toward females
<b>Attendance/reliability</b>	Are there specific times that you cannot work?	What religion are you?	Could be viewed as religious discrimination
<b>Attendance/reliability</b>	Do you have responsibilities other than work that will interfere with specific job requirements such as traveling?	What are your childcare arrangements?	Could be viewed as discriminatory toward females
<b>Attendance/reliability</b>	Do you have a reliable method of getting to work?	Do you own a car?	Could be considered racial discrimination
<b>Citizenship/national origin</b>	Are you legally eligible for employment in the United States?	What is your national origin? Where are your parents from?	Could be considered national origin discrimination
<b>Citizenship/national origin</b>	Have you ever worked under a different name?	What is your maiden name?	Could be considered national origin discrimination
<b>National origin</b>	None	What is your father's surname? What are	Not only are these irrelevant, but they could be considered

		the names of your relatives?	national origin discrimination
<b>Arrest and conviction</b>	Have you ever been convicted of a felony? *See note below for additional guidance	Have you ever been arrested?	Could be considered racial discrimination
<b>Disabilities</b>	Can you perform the duties of the job you are applying for?	Do you have any disabilities?	Could be considered discrimination against people with disabilities
<b>Disabilities</b>	None	Have you ever filed a workers' compensation claim?	Could be considered discrimination against people with disabilities
<b>Disabilities</b>	None	Have you ever been injured on the job?	Could be considered discrimination against people with disabilities
<b>Emergency contact information</b>	What is the name and address of the person to be notified in case of an emergency? (Request only after the individual has been employed.)	What is the name and address of a relative to be notified in case of an emergency?	Could be considered national origin discrimination and could possibly violate state anti-discrimination laws relative to sexual orientation
<b>Credit record</b>	None	Do you own your own home?	Irrelevant and could be considered racial discrimination
<b>Credit record</b>	Credit references may be used if in compliance with the Fair Credit Reporting Act of 1970 and the Consumer Credit Reporting Reform Act of 1996	Have your wages ever been garnished?	Irrelevant and could be considered racial discrimination
<b>Credit record</b>	None	Have you ever declared bankruptcy?	Irrelevant and could be considered racial discrimination
<b>Military record</b>	What type of education, training and work experience relevant to the job did	What type of discharge did you receive?	Irrelevant and could be considered racial discrimination

	you receive while in the military?		
<b>Language</b>	What languages do you speak and write fluently? (if the job requires additional languages)	What is your native language? How did you learn to read, write or speak a foreign language?	Could be considered national origin discrimination
<b>Organizations</b>	Inquiry into an applicant's membership in organizations that the applicant considers relevant to his or her ability to perform the job	List all clubs, societies and lodges to which you belong.	Could be considered racial or national origin discrimination
<b>Race or color</b>	None	Complexion or color of skin	Could be considered racial or national origin discrimination
<b>Weight, height, eye color</b>	Only if there is a bona fide occupational qualification		Could be considered racial or national origin discrimination
<b>Religion</b>	Only if there is a bona fide occupational qualification	What is your religious denomination, religious affiliations, church, parish, pastor? What religious holidays do you observe?	Could be considered religious discrimination
<b>Gender</b>	Only if there is a bona fide occupational qualification	Do you wish to be addressed as Mr., Mrs., Miss or Ms.?	Could be considered gender discrimination
<b>Previous and current addresses</b>	What was your previous address? How long did you reside there? How long have you lived at your current address?	Do you own your own home?	Could be considered racial or national origin discrimination
<b>Salary history</b>	What are your salary expectations for this position? **See note below for additional guidance.	What is your current salary? What was your starting and ending salary in any prior position?	Could be viewed as gender discrimination and may violate state law

<b>Education</b>	Do you have a high school diploma or equivalent? Do you have a university or college degree? (if relevant to job performance)	What year did you graduate from high school or college?	Could be considered age discrimination
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