

# Interviews – What’s Illegal to Ask?

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Federal and state laws require that questions on the job application, during the interview, and during the testing process be job-related. Employers should not ask about race, gender, religion, marital status, age, disabilities, ethnic background, country of origin, or age. Illegal interview questions are those that single an individual out for reasons that are contrary to equal employment opportunity and anti-discrimination laws. Some employers ask these questions to intentionally discriminate, and others do innocently because they are unaware of the laws. Technically it is not illegal to ask these questions, but if a question has discriminatory implications, and employment is denied based on the applicant’s answer, the employer may have broken the law. The following are examples of “illegal” questions and their “legal” alternatives.

## 1. Subject: Relatives/Marital Status

**Illegal:** What is your marital status? What is the name of your relative/spouse/children? With whom do you reside? Do you live with your parents? How old are your children? Do you plan to have a family? How many kids do you have? What are your child care arrangements?

**Legal:** What are the names of relatives already employed by the company or a competitor? Are you willing to relocate if necessary? Are you willing to travel as needed by the job? (Must be asked of all applicants) Are you willing and able to work overtime as necessary? (Must be asked of all applicants)

## 2. Subject: Residence

**Illegal:** With whom do you reside? Do you rent or own? Do you live in town?

**Legal:** Inquiries about address to the extent needed to facilitate contacting the applicant are O.K. Will you have problems getting to work by 9 a.m.?

## 3. Subject: Pregnancy

**Illegal:** Questions relating to pregnancy and medical history concerning pregnancy are illegal. Do you plan on having more children?

**Legal:** Inquiries to duration of stay on a job or anticipated absences which are made to males and females alike are legal. Do you foresee any long term absences in the future?

## 4. Subject: Physical Health

**Illegal:** Over general questions which would tend to divulge handicaps or health conditions which do not relate reasonably to fitness to perform the job are illegal. Do you have any handicaps or disabilities? What caused your handicap? What is the prognosis of your handicap? Have you ever had any serious illness? Please complete the following medical history. Have you had any recent or past illnesses or operations? What was the date of your last