

Fifty Nifty (and Not-So-Nifty) Interview Questions – Legal or Illegal?

INSTRUCTIONS: Read the following interview questions and determine whether each one is LEGAL or ILLEGAL. Please be prepared to explain your answer.

<u>NAME</u>	<u>Legal?</u>	<u>Illegal?</u>	
1. What is your name?	X		<i>Questions about a candidate's name that indicate marital status or national origin should be avoided.</i>
2. What is your maiden name?		X	
3. Have you ever worked for CWRU under a different name?	X		
4. Have you used a name (such as an assumed name or nickname) that CWRU would need to know to check your previous work and educational records?	X		
5. Formally, do you prefer to be called Ms., Mrs., or Miss?		X	
<u>AGE</u>	<u>Legal?</u>	<u>Illegal?</u>	
6. What is your age?		X	<i>The Age Discrimination in Employment Act of 1967 (since amended in 1986) prohibits discrimination against those 40 years of age and older.</i>
7. Are you at least 18 years old?	X		
8. What is your date of birth?		X	
9. Upon employment, all employees must submit legal proof of age. Can you furnish proof of age?	X		
<u>RACE, ETHNICITY, PHYSICAL CHARACTERISTICS</u>	<u>Legal?</u>	<u>Illegal?</u>	
10. What is your race?		X	<i>Unless such information can be shown to be related to job performance, it may be viewed as discriminatory.</i>
11. What is your height and weight?		X	
12. What language do you commonly speak in your household?		X	
13. Can you please submit a photograph with your application for identification purposes?		X	
14. Do you read, speak, or write a foreign language?	X		
<u>RELIGION</u>	<u>Legal?</u>	<u>Illegal?</u>	
15. What is your religious faith?		X	<i>A general statement may be made regarding days, hours, and/or shifts worked.</i>
16. Does your religion prevent you from working on weekends?		X	
17. What religious holidays do you observe?		X	
<u>CREDIT RATING</u>	<u>Legal?</u>	<u>Illegal?</u>	
18. Do you own or lease a car?		X	<i>Questions related to credit rating tend to have an adverse impact on minority candidates.</i>
19. Do you own or rent your residence (house, apartment, condominium, etc.)?		X	

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<u>GENDER, MARITAL STATUS, FAMILY</u>	<u>Legal?</u>	<u>Illegal?</u>	
20. What is your gender?		X	<i>Direct or indirect questions about marital status, children, child care arrangements, pregnancy, and/or childbearing plans frequently discriminate against women and may be a violation of the Pregnancy Discrimination Act of 1978 and Title VII of the 1964 Civil Rights Act (since amended in 1991), which prohibits discrimination on the basis of sex, race, color, religion, or national origin.</i>
21. What is your current marital status?		X	
22. What is your home address?		X	
23. Please provide the name, address, and phone number of a nearby relative we should contact in case of emergency.		X	
24. Please provide the name, address, and phone number of someone we should contact in case of emergency.	X		
25. Is your spouse currently employed at CWRU?		X	
26. If you have children, what provisions have you made for child care?		X	
27. What is your spouse's full name?		X	
28. Do you have any responsibilities that conflict with the job attendance and/or travel requirements?	X		
28. Do you anticipate having a child within the next few years?		X	
<u>CITIZENSHIP</u>	<u>Legal?</u>	<u>Illegal?</u>	
29. If you are offered and accept a job, can you submit proof of your legal right to work in the U.S.?	X		<i>Title VII protects citizens and non-citizens with legal authorization to work in the U.S. from discrimination.</i>
30. Of what country are you a citizen?		X	
31. Where were you born?		X	
32. Are you a U.S. citizen?		X	
<u>MILITARY SERVICE</u>	<u>Legal?</u>	<u>Illegal?</u>	
33. What educational and/or job experience acquired during military service would be useful on the job for which you are applying?	X		<i>Minority service members have a higher percentage of undesirable military discharges. Therefore, such inquiries are often considered discriminatory.</i>
34. Please list the dates and type of discharge you may have received from military service.		X	
<u>ARREST AND CONVICTION RECORDS</u>	<u>Legal?</u>	<u>Illegal?</u>	
35. Have you ever been convicted of a felony?	X		<i>Federal courts have held that a conviction should not automatically exclude a candidate, but can be considered relative to the specific job.</i>
36. Have you ever been arrested?		X	
37. In the last two years, have you ever been convicted of a misdemeanor that resulted in imprisonment?	X		

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<u>EDUCATION</u>	<u>Legal?</u>	<u>Illegal?</u>	
38. Did you graduate from high school? College?	X		<i>On average, minorities tend to have lower levels of education than non-minorities. Unless related to the requirements of the job, then, such questions are often considered discriminatory.</i>
39. When did you attend high school? College?		X	
40. In what year did you graduate?		X	
41. In what clubs or extracurricular activities did you participate while in school?		X	
42. While in school, did you participate in any clubs or extracurricular activities that relate to the job for which you are applying?	X		
<u>HOBBIES, CLUBS, ORGANIZATIONS</u>	<u>Legal?</u>	<u>Illegal?</u>	
43. Please list any clubs or organizations in which you are a member that relate to the job for which you are applying.	X		<i>Certain hobbies or organizational memberships may hint at the age, gender, race, or religion of the candidate.</i>
44. What are your hobbies?		X	
45. Please list all clubs or organizations in which you are a member.		X	
<u>PHYSICAL HEALTH</u>	<u>Legal?</u>	<u>Illegal?</u>	
46. Now that I've described the essential duties of the job, are you able to perform them as described?	X		<i>As stated in the Americans with Disabilities Act in 1990 (since amended in 2008), whereby physical condition is a requirement for employment, business necessity must be documented. Any physical exams must occur <u>after</u> an offer of employment is made.</i>
47. Do you have any physical or mental disabilities or handicaps?		X	
48. How would you describe your general physical health?		X	
49. When was the date of your last physical exam?		X	
50. Are you willing to take a physical exam if the nature of the job for which you are applying requires one?	X		

Remember...if it is not related to the job, don't ask it!