

Understanding Legal and Illegal Interview Questions

You may find some interview questions are not legal and you do not have to answer them. Here is an example of legal and illegal questions. They are divided into eight topic areas.

Topic: National Origin or Citizenship

Legal Questions

- Are you authorized to work in the United States?
- What language do you read, speak, write fluently? (This question is okay only if this ability is relevant to the performance of the job.)

Illegal Questions

- Are you a U.S. citizen?
- Where were you or your parents born?
- What is your "native tongue"?

Topic: Age

Legal Questions

- Are you over the age of 18?

Illegal Questions

- How old are you?
- When did you graduate?
- What's your birth date?

Topic: Marital/ Family Status

Legal Questions

- Would you be willing to relocate if necessary?
- Would you be able and willing to travel as needed for the job?
- Would you be able and willing to work overtime as necessary?
(These questions are okay assuming they are asked of **all** job applicants.)

Illegal Questions (*Marital/Family Status, continued*)

- What's your marital status?
- With whom do you live?
- Do you plan to have a family? When?
- How many children do you have?
- What are your child-care arrangements?

Topic: Affiliations

Legal Questions

- List any professional or trade groups or other organizations that you belong to that you consider relevant to your ability to perform this job.

Illegal Questions

- What clubs or social organizations do you belong to?

Topic: Personal

Legal Questions

- Are you able to lift a 50-pound weight and carry it 100 yards, as this is part of the job?

Illegal Questions

- How tall are you? How much do you weigh? (Questions about height and weight are not acceptable unless minimum standards are essential for safe performance of the job.)

Topic: Disabilities

Legal Questions

- Are you able to perform all the essential functions of the job? (This question is okay if the interviewer has thoroughly described the job.)
- Can you demonstrate how you would perform the following job-related functions?
- As part of the hiring process, after a job offer has been made, you will be required to undergo a medical exam. (Exam results must be kept strictly confidential, except medical/safety personnel may be informed if emergency medical treatment is required, and supervisors may be informed about necessary job accommodations, based on exam results.)

Illegal Questions (*Disabilities, continued*)

- Do you have any disabilities?
- Please complete the following medical history.
- Have you had any recent or past illnesses or operations? If yes, list them and give dates when these occurred.
- What was the date of your last physical exam?
- How's your family's health?

Topic: Arrest Record

Legal Questions

- Have you ever been convicted of _____?
(The crime named should be reasonably related to the performance of the job.)

Illegal Questions

- Have you ever been arrested?

Topic: Military

Legal Questions

- In what branch of the armed services did you serve?
- What type of training or education did you receive in the military?

Illegal Questions

- If you've been in the military, were you honorably discharged?