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ant information w hile building a friendly rapport ttle too friendly. Protect yourself and your company from legal trouble and embarassment by avoiding the wrong questions while still getting to the root of the concern behind the question. Read on for 30 w ays to turn litigious questions into harmless, legal alternatives.

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Nationality

Certainly, you want to be sure that a candidate can legally work for you, but it's important to be careful how you ask. These questions address citizenship, language and other touchy subjects.

1. What you can't ask: Are you a U.S. citizen?

Although this seems like the simplest and most direct way to find out if an interviewee is legally able to work for your company, it's hands-off. Rather than inquiring about citizenship, question whether or not the candidate is authorized for work

What to ask instead: Are you authorized to work in the U.S.?

2. What you can't ask: What is your native tongue?

Finding out about a candidate's native language may seem like a good way to find out about their fluency, but you may offend applicants that are sensitive to common assumptions about their language. Additionally, as an employer, it's not your concern how the applicant attained fluency in a language - just that they are fluent.

What to ask instead: What languages do you read, speak or write fluently?

3. What you can't ask: How long have you lived here?

Familiarity with local culture may be important to the position, but it's important not to ask about a candidate's residency in the country or region directly. Rather, ask about their current situation, and they may volunteer information about their past along the way.

What to ask instead: What is your current address and phone number? Do you have any alternative locations where you can be reached?

Religion

Religion is a subject that should be treaded upon lightly at the office, and even more so in interviews. Protect yourself from overstepping the boundaries but still get the information you need with these questions.

4. What you can't ask: What religion do you practice?

You may want to know about religious practices to find out about weekend work schedules, but it's imperative that you refrain from asking directly about a candidate's beliefs. Instead, just ask directly when they're able to work, and there will be no confusion.

What to ask instead: What days are you available to work?

5. What you can't ask: Which religious holidays do you observe?

Again, scheduling is important, but don't risk stepping on toes to find out what you need to know. Simply confirm that your interview ee can work when you need them to.

What to ask instead: Are you able to work with our required schedule?

6 What you can't ask: Do you belong to a club or social organization?

This question is too revealing of political and religious affiliations that candidates are not required to share such information with potential employers. Additionally, this questions has little to no relation to a candidate's ability to do a job. For this question, it's important that the wording focuses on

What to ask instead: Are you a member of a professional or trade group that is relevant to our

Maturity is essential for most positions, but it's important that you don't make assumptions about a candidate's maturity based on age. Alternately, you have to be careful about discrimination tow ards applicants nearing retirement. These questions will keep you in the clear

7. What you can't ask: How old are you?

While it seems like a simple question, it's in fact quite loaded. Know ledge of an applicant's age can set you up for discrimination troubles down the road. To be safe, just ensure that the candidate is legally old enough to work for your firm.

What to ask instead: Are you over the age of 18?

8. What you can't ask: How much longer do you plan to work before you retire?

Again, asking this question opens up discrimination troubles. While you may not want to hire an older w orker w ho will retire in a few years, you can't dismiss an applicant for this reason. Instead, see w hat the candidate's plans are for the future; they may plan to w ork for a number of years.

What to ask instead: What are your long-term career goals?

Marital and Family Status

These questions primarily concern women with children, but they're applicable to everyone. Ensure that you don't make assumptions, and avoid embarrassing candidates by using the

9. What you can't ask: Is this your maiden name?

This question, like many others, may seem innocent and simple, but it's off-limits. A w oman's marital status isn't something that's required to be shared with employers. Instead, verify whether or not she's gained experience using any other names

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What to ask instead: Have you worked or earned a degree under another name?

10. What you can't ask: Do you have or plan to have children?

Clearly, the concern here is that family obligations will get in the way of work hours. Instead of asking about or making assumptions on family situations, get to the root of the issue by asking directly about the candidate's availability.

What to ask instead: Are you available to work overtime on occasion? Can you travel?

11. What you can't ask: Can you get a babysitter on short notice for overtime or travel?

Don't make the mistake of assuming that a candidate has children or that they don't already have proper child care plans. As with many other questions, the key here is to ask directly about availability.

What to ask instead: You'll be required to travel or work overtime on short notice. Is this a problem for you?

12. What you can't ask: Do you have kids?

This one is for positions in which the candidate may work with children. The added experience of children at home may be a bonus for you, but it's not an employer's place to ask about this. Rather, inquire about the candidate's experience, and they may volunteer this information to you anyway.

What to ask instead: What is your experience with "x" age group?

13. What you can't ask: Who is your closest relative to notify in case of an emergency?

Although not especially offensive, this question makes assumptions about the candidate's personal life. They may not be close to relatives and instead prefer to list a friend or caretaker.

What to ask instead: In case of emergency, who should we notify?

14. What you can't ask: What do your parents do for a living?

Asking a candidate about their parents can reveal a lot, but it's not directly related to their future performance in a position. How ever, if you are trying to find out if your candidate's family has traditionally worked in your industry, this question is a good way to find out.

What to ask instead: Tell me how you became interested in the "x" industry

15. What you can't ask: If you get pregnant, will you continue to work, and will you come back after maternity leave?

Ultimately, you want to invest your time in a candidate that will stick around, but you can't ask a woman to share her pregnancy plans, or lack thereof, with you. Discuss her general plans for the future to qauge her commitment level, baby or not.

What to ask instead: What are your long-term career goals?

Gender

Once you've reached the interview stage, a candidate's gender is almost always clear. It is important, however, to ensure that you don't make assumptions about a person's abilities based on this information.

16. What you can't ask: We've alw ays had a man/w oman do this job. How do you think you will stack up?

Leave gender out of this question, and you should be fine. Inquire about th applicant's ability to handle the job, but don't ask directly about how being a man or w oman could affect it.

What to ask instead: What do you have to offer our company?

17. What you can't ask: How do you feel about supervising men/w omen?

This question, although it may seem like a valid concern, is not acceptable. The candidate may not have any issues working with the opposite or same sex, and you'll seem crass for even bringing it up.

What to ask instead: Tell me about you previous experience managing teams.

18. What you can't ask: What do you think of interoffice dating?

The practice of interoffice dating can be distracting, break up teams and cause a number of other problems in the workplace. But asking this question makes assumptions about the candidate's marital status and may even be interpreted as a come-on.

What to ask instead: Have you ever been disciplined for your behavior at work?

Health and Physical Abilities

Your employees' health and abilities may be essential to getting the job done, but it's important to avoid assumptions and discrimination. Stick to these questions in order to avoid embarrassment and legal troubles.

19. What you can't ask: Do you smoke or drink?

As an employer, you probably want to avoid someone who has a drinking problem or will take multiple smoke breaks throughout the day. It's even a concern for insurance. Instead of asking about this directly, find out if they've had trouble with health policies in the past.

What to ask instead: In the past, have you been disciplined for violating company policies forbidding the use of alcohol or tobacco products?

20. What you can't ask: Do you take drugs?

This question is just a simple confusion of terms. Your interview ee may think you're asking about prescription drugs, which is off-limits. Make sure you specify that you want to know about illegal drug use instead.

What to ask instead: Do you use illegal drugs?

21. What you can't ask: How tall are you?

In a labor environment, height may be essential to the job, but this question is too personal. As with many of these questions, it's best just to ask directly about the candidate's ability to do w hat's required of them.

What to ask instead: Are you able to reach items on a shelf that's five feet tall?

22. What you can't ask: How much do you weigh?

This highly personal question is embarrassing for most and is not necessarily relevant to a candidate's ability to do even a physical-labor job. Avoid making assumptions, and ask about abilities directly.

What to ask instead: Are you able to lift boxes weighing up to 50 pounds?

23. What you can't ask: How many sick days did you take last year?

No one wants a flaky employee, but even the most dedicated workers get sick every now and then. Take a look at missed days as a whole to measure the candidate's commitment.

What to ask instead: How many days of work did you miss last year?

24. What you can't ask: Do you have any disabilities?

Disabilities, whether they're physical or mental, may affect a candidate's ability to do the job, but it's critical that you avoid asking about them. Rather, find out if the applicant can handle doing what's required

What to ask instead: Are you able to perform the specific duties of this position?

25. What you can't ask: Have you had any recent or past illnesses or operations?

Again, gauging commitment is important, but illness isn't something that most people can help. The answer here is to make sure that the candidate can perform the job while avoiding questions about his or her physical abilities.

What to ask instead: Are you able to perform the essential functions of this job with or without reasonable accommodations?

Miscellaneous

Avoid interviewing gaffes by sidestepping these questions about residence, legal troubles and military service.

26. What you can't ask: How far is your commute?

Although hiring employees who live close by may be convenient, you can't choose candidates based on their location. Find out about their availability instead.

What to ask instead: Are you able to start work at 8 a.m.?

27. What you can't ask: Do you live nearby?

If your candidate lives outside of the city your company is hiring in, it may be necessary to have them move to your area. But again, you can't discriminate based on location. Rather, find out if the applicant is willing to move closer to the office.

What to ask instead: Are you willing to relocate?

28. What you can't ask: Have you ever been arrested?

In sensitive positions, like those that deal with money, you may want to find out about your candidate's legal fortitude. But ensure that you ask only directly about crimes that relate to your concern.

What to ask instead: Have you ever been convicted of "x" (fraud, theft and so on)?

29. What you can't ask: Were you honorably discharged from the military?

A bad military record can be illuminating, but you can't ask about it. Instead, ask about the candidate's experience, and they may volunteer this information on their own.

What to ask instead: Tell me how your experience in the military can benefit the company.

30. What you can't ask: Are you a member of the National Guard or Reserves?

<u>Losing an employee to military service</u> can be disrupting, but it's critical that you don't discriminate based on assumptions of a candidate's upcoming military commitments. Find out w hat their plans are for the short term instead.

What to ask instead: Do you have any upcoming events that would require extensive time away from work?

Altogether - fairly good and practical. I do not like the word sneaky. It suggests doing something unethical or illegal. I think all alternative questions are absolutely legitimate to ask.

The author should how ever, consider the spell check. Embarassing or maybe embarrassing?

Peter B. Las Vegas, Aug 4, 2009

Did you guys even read the article? The title made me think that it would be about how to ask slimy questions in a legal way, but I thought it was actually reasonable and helpful. I would much rather tell potential employers that I am available to work any day of the week than tell them that I am an atheist.

Rev. Starchildren, Nov 16, 2007
I think you meant "intra-office dating". I doubt anyone would have an issue with dating people from another office (ie not the office they work in). Intra-office dating is in the same office. Inter-office dating is with someone in a different office.

Cheers

Philip

Philip Hodgetts, Nov 16, 2007

#1 is incorrect. You can ask about citizenship. Certain companies in the defense industry, government, or gov. sub-contracts often require U.S. citizenship

LCA, Nov 16, 2007

Hey, this is a great post. I learned so much. I think a lot of us know that we're asking an illegal question and ask it anyway. In that context, this post sort of makes the world a better place -- gives us a way to be respectful and legal and get the information we want.

Thanks,

Penelope

Penelope Trunk, Nov 15, 2007

Good lis

Bryan Starbuck, Nov 15, 2007

I'm pretty sure the direct questions are illegal to ask. This is a good list for both sides. The "w hat you can ask" questions are sneaky ways of asking a related questions in the hopes that the answerer will elaborate and give you the information you're looking for. For the person being interviewed, watch out for these questions and be careful as to just how much information you offer in your response. Kevin, Nov 24, 2007

You can't discriminate based on location? Says who? I've never seen location listed as a protected class. Can you cite the law?

Alison, Nov 15, 2007

It's obvious that anybody who disagrees with this list has not been privy to a harassment suit at a large corporation. Easy money, unless you ask questions relevant to the job. This article helps you draw the line. They are not really "alternatives", merely alternate questions within the legal limits to ask. Good List. verlahw nairb. Nov 24 2007

Good Article, regardless of the individuals who just like to make accusations and deface all material they come across. Majority of the questions are biased alternatives, however, the disabilities question and Citizenship question are well worded. Thank you for making the public aware of cultural diversity. Josh, Nov 19, 2007

You know what is interesting about these questions, there really is no such thing as an illegal question. At least not Federally, though State Law Can vary.

Someone once challenged the "illegal" question myth, stating that there was NO Where in the EEO or DOL that one would find illegal questions, and yes they were correct..

So, I decided to Call the Office of the Civil Rights Division to get the Real Skinny on this one. What WAS the REAL Down Low about this. Can Companies ask "illegal questions" and in fact was there really such a thing as an "illegal question"

As they so Boquently put it - "America is a free country and Employers are Free to ask what ever they want to a candidate...

BUT Wait.. don't get too excited Yet.. You see, it isn't the Asking that creates the legal problem, but actually it is the WHY Are You asking this guestion? and WHAT are You planning to do with the information?

That is when an investigation can occur to check your selection versus hiring process to determine if you as a company is discriminating.

Those questions above, are indeed questions one should avoid, because they could indeed come back to bite a company should they refuse to hire a qualified candidate, and that said candidate get's in a tizzy and decides to complain to one of the Alphabet Agencies that deal with that particular issue.

Karen Mattonen

karen mattonen, Nov 19, 2007

Why are we encouraging this kind of faceless double talk? Shouldn't we be frank? Why are these deceptive alternatives to unacceptable personal questions supposed to be okay?

Concerned, Nov 16, 2007

Are you insane? The majority of these questions are pointless. And there is no reason why you can't ask most of them, point blank. Why, for example, would anybody want to ask what religion somebody is to find out what days they're available to work? Cmon! Anybody with any sense will ask, "What days are you available to work?"

Another example: You absolutely CAN ask somebody where they live and you absolutely CAN rule out applicants that live (in your opinion) too far away. You see it constantly in job postings on the web:

"Local applicants only".

The only thing this piece does is give ideas to simple-minded freeloaders who might be inclined to sue somebody for location-discrimination or some other bullshit.

Honestly, how about telling the author of this piece to go make some coffee or sweep up the place and stop wasting time. Call it lack-of-intelligence-discrimination if you want.

How this article ended up on the front page of Digg I'll never know.

Jason, Nov 16, 2007

I found almost everything about this article apalling.

The title, the intent behind the article, the construction of the questions, and the idea that some kind of "fancy dancing" to get around blatant discriminatory intent by playing games with language that might protect a company, or a company representative, from what quite rightly gives the appearance of unfairness in hiring decisions leaves a taste in this HR operative's mouth that I cannot describe, mostly because my mother didn't raise me to talk that way, but, trust me, I really REALLY have some choice expressions that I'd love to be using right about now

Super Doobie nailed it, as did some others: The author seems to be saying "Lookie here, y'all. . . here's how to be a scumbag, and still get aw ay w ith it." Yeah, maybe so, but that's not the point. The point is NOT to discriminate in hiring decisions. The point is to hire fairly

The point is to hire the right person for the right job WITHOUT regard to the colour of their skin, if and how many kids they have, and whether or not they believe in a Higher Power, or just in Power Tools (can I get a Black and Decker please?!)

And, try as I might to ignore it, I hear this quiet echo in the back of my head w hispering something about the content of their character, not the colour of their skin. . .it haunts me. I'm almost certain I've heard it, maybe even read it before. It seems eminently sensible to me, but what the hell do I know?

Oh yeah. . . I remember. I know that I've worked with Labour and Employment attorneys since the days of Yore (maybe Eeyore. . . it's been a w hile), and they're even tougher than Mrs. DeGroot, my old Latin teacher. And I'll tell you what they told me. Clever is what gets you sued. Clever is what gets you writing checks to winning defendants. Clever is what gets your butt in a sling.

You w anna avoid law suits, w anna avoid settlements, w anna avoid looking like a stupid jerk (usually legitimately, by the way), and keep your butt outta court? It's simple really. Do the right thing. For the right reasons. Every single time.

James Mason, Nov 30, 2007

This seems to me like instructions on how to interview and still make biased decisions.

Yes, you still have to manage your business with the best hiring decision. I have to say, I take offense to screening for active military duty.

I am vehemently against the war, but I am not hiring to appease my own sense of self righteousness. I am hiring to find the best suitable candidate for the position.

Many of the other questions I could not ask in good conscious either.

Super Doobie, Nov 17, 2007

Shamefull You cannot ask these questions for a reason, and this circumvention of the letter of the law while still violating the spirit of the law makes a mockery of our freedoms and non-discrimination policies! RTM. Nov 16, 2007

Employers only need to know if a candidate is legally entitled to work in the U.S., if the candidate is old enough to work in the U.S., if the candidate can do the job, if the candidate is dependable, and if the candidate is honest. Probing a candidate's background to validate the employer's prejudices is discriminatory. Some of these questions cross that line.

Further, some questions may yield answers which provoke inaccurate, prejudiced and narrow minded conclusions, For example, available work days, Monday-Friday may be the company's normal w orkweek, but the employer asks if the employee can work Saturdays. A candidate says he/she is unavailable on Saturdays. The employer concludes the person observes one of two religions. The truth is the employee may not be available because he/she attends a Saturday college class! The long and short of it is the candidate's Saturday unavailability is none of the employer's damn business.

like the article title headline's last part: "30 Sneaky, Legal Alternatives to Get the Same Info," with the operative word being "sneaky." "Sneaky" is just another avenue for employment discrimination. DLP. Dec 1, 2007

Interestingly, atleast some of them reveal what the HR/recruiters actually have in mind when they ask you a particular question!

Vivek, Dec 3, 2007

I think this post has a lot of good information in it. I also don't think the alternative, legal questions are very sneaky (if they're asked for a reason related to the job - I do think it's sneaky to ask about availability to travel if the job doesn't require it).

I don't see these questions violating the spirit of the law.

Hiring managers want to know if the interviewee is likely to show up, is able to perform the duties of the job, and whether the job is considered a short term stepping stone or is of longer term interest.

Many interviewers are curious about aspects of an applicant's life that are none of their business. This list points out what you can't ask in a clear way.

Heather Mundell, Nov 18, 2007

This list is absolutely nuts. There are VERY few questions on it that are inappropriate, and I've asked many of them myself.

I believe in being very honest and direct in my dealings with other people, it prevents misunderstandings and is more conducive to long-term stability and happiness.

This political correctness BS does nothing but get in the way of meaningful communication.

http://adrake.wordpress.com

Adam, Nov 18, 2007

Discrimination is illegal. But none of these questions are illegal. This question would be illegal "Would you kill my rich uncle if I hire you?" because it is solicitation of murder. Asking someone "What exactly does it take to get you to climax?" isn't illegal but it is actionable if it is part of an act of discrimination. If you think any of the article's questions are tuly "illegal" then please post the law Chris, Feb 20, 2009

Well as an employer, I have two employees that take multiple smoke breaks and let their work go to hell. They shove off the work they can't finish to the next shift; which is unfair. Don't hire smokers; they're a big liability.

Fre, Dec 25, 2008

What to ask instead: What are your long-term career goals?

Well I've been asked this question on 80 percent of the interviews I've been on! I didn't get the job! What does age have to do with it anyway! I have half a mind to sue because to me this is absolutely discriminatory! I have just as much right to work as anyone else and probably to the job better too!

Brenda Pitz, Dec 27, 2007

The title is indeed slimy. Those laws are in effect for a reason. Should you have to change your religion to get a job? Should you have to have a vasectomy to get a job? Can you write software over 25? really... anyone who does not support these laws should not be in HR or management.

Withheld, Dec 29, 2007

Great post! cannot wait to nail my boss on all the inappropriate questions he asked me at my interview.

Lonely in San Fransisco, Jan 8, 2009

i am floored! i had an 2 interviews last week at corporations in Boca and West Palm between the two i was directly asked in the illegal format 16 questions on this list

biggy, Jan 22, 2009

What do you do if an employer DOES ask you these types of inappropriate questions at an interview?

VJM, Jan 18, 2009

Let's say you're at an interview and you're filling out the work application, can an employer request you put the reasons down for choosing to have the prospective employer not contact your current/past employer?

By this I mean is it illegal?

thanks

Jon, Jan 19, 2009

This article is mucho improtante i read it like five times and it is soo helpful thanks <3 much love

Sean Rougat, Dec 15, 2008

I don't know what bubble this author is living in, but in Wisconsin they ask all these questions. There is no one protecting rights in this state.

Annette Cow ling, Dec 23, 2008

Is my former employer permitted to disciss reasons why we mutually agreed for me to leave that joh.

Jerry Paul Welton, Dec 14, 2008

I am in consideration of a job I really want. I have made it through 2 interviews. I have provided work references, and choose to show where I attended school-- no dates.

My question: "Can they ask me for DOB, and graduation year from College"? This is a HR and Training firm staffed with HR professionals so I assume they know the law, I am asking for myself. My resume shows last ten years of work.

Chris, Sep 30, 2008

This is a great article. If you are sceptical, then check out the link below. This site lists the legistlation that makes the questions legal/illegal.

http://hr.albany.edu/content/legalqtn.asp

Cterr. Oct 15, 2008

Why in recent professional Sales interviews are they beginning by asking what year I graduated from my 4 year college with a BA? I haven't been asked that in 22 years. Is that a way to calculate how old I am?? In the past my interviews were focused on my last 10 years. Now they go and begin by asking the "year" I graduated. For what purpose? And what is the appropriate professional and gracious response? I am really puzzled and thank you!!

Suzanne, Sep 11, 2008

Here are the types of questions not to ask candidates or references

Kathy Goodale, Sep 11, 2008

Wow, very sneaky I must say. Who would want to work for people who asked these questions anyways? But to think about it, I think I have been set up by these.

henrysnikers71, Sep 9, 2008

nice, well done.

billy bob, Sep 9, 2008

nice, well done.

billy bob, Sep 9, 2008

Well done, well done.

Thanks, Bob Billy

bob billy, Sep 9, 2008

I think these are extremely innapropriate questions.

brooke, Oct 27, 2008

I w as arrested for a misdemeanor, did community service, and after 10 years good behavior, my record was expunged. I w as asked have you ever been arrested. I told the truth. End of interview. They made it so that the punishment never ends. Screw them.

Screwed Over, Nov 2, 2008

this site sucks

Arturo, Oct 23, 2008

My husband is 46 years old and has been out of work for a year and a half but a very good company is just about to make an offer. He is getting ready to fill out the application paperwork with HR and on it the question about "have you ever been convicted of a crime?" and then it goes onto say, "dates, location, disposition". He had a DUI and was arrested/convicted for siphoning gas out of a car when he w as 21. Should he answer yes to this question? He feels he should not put that in the application even though it says it will not necessarily bar him from employment with them. He needs this job but I say that he should be honest about it. He is thinking that he won't get hired if he puts it down. In the past he has alw ays answered no to this question but I believe because of the nature of this company they will do a complete background check and it will come up. Any advice?? Thank you.

K, Feb 26, 2008

I just completed an Employment Law class at my local technical school, and this article pretty much hit it on the head. The bottom line is -- don't discriminate against anyone because of their age, race, color, gender, pregnancy, national origin, religion, or disability.

The questions suggested here are good questions that get to the heart of what any good employer should want to know about applicants -- when are you available, can you legally work in the U.S., are you capable of doing what the job requires. The "questions you can't ask" are more likely to be viewed as a basis for discrimination. I think the authors shouldn't say that the questions are "sneaky," they're just more relevant to potential job performance and neutral to all people.

And to Morgan: No, not everyone gets Sundays off. In my business, Sunday is often the busiest day of the week. I don't believe it's appropriate to ask someone their religion, and you definitely shouldn't assume everyone in America is Christian and the "the other 5% can just shut up." I believe freedom and tolerance (religious and otherwise) are the major reasons this country exists today as it does. I hope you really are only 13, because you have a lot to learn.

Law student, Jul 31, 2008

Unfortunately the writer of the article is missing the point. The issue here is discrimination and asking sneaky questions will not free you from you any litigation. Suggesting that you can ask a different question, sneaky as you put it, to get the same information thinking that is not going to get you in trouble is completely wrong and will get you just as much if not worst trouble then with a straight question, because of the deceiving connotation that you are giving to the question. And let me inform you that any company will lose in court when caught doing what you just have recommended.

There are no laws that prohibits you from asking "if you ever been arrested", or have ever been convicted of a felony. The government asks these questions all the time. There are government agencies that ask how many times have you been arrested w hether convicted or not. How about have you ever been arrested for DUI, not convicted? And "do you take any illegal substance". The reality is, you can only ask questions related to what the job is about and if the person can do the job. I.E. If the person is going to work with children, you can ask questions related to child abuse. If the person is going to be around money or merchandise, you can ask "if the person has been arrested for stealing". You do not want to hire a person that you are going to fire for being inebriated, have been smoking illegal substances, or is caught stealing in your company. "Properly phrasing your questions (be honest and straight)" use them as part of your decision making process. Because, no matter how you ask them, once you asked and there is room for discrimination you will be open for a law suit. Your advice should be that after you asked a specific question you follow up with the "must" question.

I.E. Have you ever been arrested? When the answer is yes and the person tells you the reason; the very next question should be: "And do you feel that you have been rehabilitated?". If the candidate is being honest, that sets the beginning of a healthier relationship between the candidate and yourself.

Sneaky questions as you call them will get you in trouble no matter how you ask. Therefore, is better to be honest and ask as straight as you can and just be careful what you do with the answers.

chris, Feb 4, 200

I have been asked some of these questions! I lied to get the job because I needed it! What is person to do when asked these questions; before and after interview, especially if you get the joh?

Are third party recruiters bound by the same HR constraints as a hiring facility? I have been asked the following: for a picture of myself against a white background, do I own my own home, to sign an employee background check (and I have not even had one interview with the hiring company) for references before interviewing (and, they would contact these people for 10-15 minutes of their time before and interview in), for the name of the company that bought the business for whom I worked (yes, that is correct, the name of the company that bought the company for whom I worked)

Can, you see the problem, I am not even a candidate and being screened as if I were interviewing for the FBI. This is a Hospital Admin job for crying out loud. Quite honestly, I think as the economy slows the

Level of illegality increases. I declined to provide any information. I decided, if this is the recruiter that this company hires, then this is not the company for me. Oh, by the way, age discrimination does exist!!!!!

Just prove it

Linda, Jul 28, 2008

I have been asked these questions during an interview: how old are you? are you single or married? do you have kids? I was even asked if I would date a male nurse for a long-period of time and w hether or not I would marry him. This took place at a hospital in Scottsdale, AZ for a nursing position. I even asked this nurse manager if what he w as doing was illegal. He just ignored me and kept talking. This occurred about a year ago and I recently called this manager to ask him about these questions. He told me that he didn't know w ho I w as and was now going to hang up. I emailed him, along with many other people at this hospital, a sample of the questions he had asked me. No one emailed anything back to me. I should have said something sooner, but he knew that if I said anything, I would look like the person at fault. He knew that my old manager held something against me. If these two managers came together and claimed something completely untrue about me, they would be believed because they are 2 nursing managers and I'm just a nurse.

w izardofOZ, Jul 28, 2008

This is good information to have. I recently interviewed at Siemens and was asked several illegal questions by a business manager during my interview. When I was asked if I have children. I responded. "That is an inappropriate question to ask during an interview." The woman conducting the interview who ask this question and the others responded, that she is not familiar with the HR end of things. Well if your going to be interviewing candidates, you better find a website such as this or contact your HR department for some training. I plan on informing the recruiter that I was asked several illegal questions during my interview . Mar, Jul 19, 2008

GREAT LIST

charlie skovgaard, Jul 8, 2008

So there is absolutely no laws being broken when my boss's job applications ask: age, date of birth, SSN, number of children, race, US citizen, marriage status, height, weight, eye color, hair color, and religion? All within the first box? I am trying to find some proof that this is illegal so he will take it off. I personally would never fill ANY of that information out, it is not necessary for the job I do anyway (I just filled out the basics, my hiring situation was unique). I have filled out many many applications in the past few months and none of them have ever asked for any of that. The most personal thing I was asked w as my SSN for a government job, so I guess they could pull all of that information up anyway, but I understand because it's the government, not a small company such as the one I work at.

My boss has also discriminated against several people regarding religion and not hiring them because they might be "w eird". You also don't get hired over the phone, he has to see if you are "pretty enough" to work there

Prefer not to answer. Jun 12, 2008

I find it funny that Walmart ask most of these "clever" questions to their potential employees.

Seriously though, I think its fair to ask some the blunt questions, others are just irrelevant. Ask all you want, as long as you don't discriminate, who cares?

James, Feb 12, 2008

good article

charlie skovgaard, Jul 7, 2008

Oh! Perfect job!

Very good and helpful post.

Thx, your blog in my RSS reader now

Jhon S, Jun 3, 2008

An interesting article. Helpful to both employers and those that are being employed, so that you can offer information that you are comfortable releasing. This deserved front page of Digg, at least, more than a lot of other stuff.

James, May 29, 2008

i like the height one =)

Maggie, May 30, 2008

lol these are crazy. i like the 5 feet one =)

iulia, May 30, 2008

HR has to walk a fine line between questions that might be construed as illegal (or at least unfair) and information that might assist in finding the best candidate. One area that bothers me is that with information (and misinformation) so readily available via the internet we might use the 'free'information without ever asking the job candidate to explain. ed banning, May 23, 2008

This list is crazy, more than half of these questions aren't bad and the other half of the writers answers won't get you the information you want.

If someone asked you #4. What days are you available to work? Would you think of Sunday? Don't people ALREADY get Sunday off?

Why not just ask them what religion they practice. 95% of Americans are Christians! So the other five percent can just shut up about being "politically correct"

#7 is an even more stupid question. It's obvious if someone is over the age of 18. Why eould some 16 year old want to get a job at a construction site or a law firm? Would you ask some 50 year old lady if she was over the age of 18? (sarcasm) Yeah, because on her first day of work she's gonna scamper on in and peel of a mask and say, "Guess what? Imreally 16!"

By the way, I'm only 13 years old and I probably know more about the subject than you. There are many more questions on this list that annoyed me, but I'll spare you the humiliation. Morgan, May 27, 2008

I contacted the Oklahoma Employment Security Commission they advised me to contact the EEOC. The EEOC advised me to contact the Department of Labor concerning my questions. I have also contacted the Oklahoma Human Rights Commission. I have contacted many agencies and I need correct legal answers. I have been asked my age, national origin and whether I was a US citizen by job interviewers. Are Oklahoma Public School Districts allowed to ask the following questions on an application or during an interview?

1. Are you a US Citizen?

2. What year did graduate from high school?

I know a person must show proof that they have the right to work in this country. If a person puts on the application, before the interview they graduated in 1948. The age will be questioned. Are these questions legal? Who can give correct answer? Thank you.

Ms. S.

Ms. S., May 14, 2008

Great list. Thanks.

Router, May 14, 2008 This article is fake. None of this is true and you can most deffinatly ask all of these questions. Only in Kazacstain can you not ask these. Get it right people

Baboo Muhammad, May 12, 2008

Excellent resource for anyone preparing for an interview

It should also be read by employers too! In my experience both the employer and employee are uninformed of the types of questions that are illegal to ask.

http://www.get-the-job.com

Jeff Melvin, May 16, 2008

After getting my tons of chuckles reading this post, I am still thinking that much of it is relevant, despite some of the contradictions in the posts. The thing we need to remember most is to be sure to use common sense. After the fact, even if you follow ed all the legal points of the interview, if you get the stinker of an applicant, the most important advice I personally can give you, from experience, is to be sure to DOCUMENT like crazy. Even if you get the scumbag's discrimination law suit and they win nada, you are still looking at alot of legal fees, after your huge deductible kicks in. In the interview, if the applicant mentions that she left her last job because they expected her to work a bazillion hours, the normal response would be: "Wow, bet your husband/boyfriend/child was not too thrilled about that." Not a question. but an answer that gets the response you want since any applicant would then say "my five children and their babysitter were not too happy." Voila. Is that clever and sneaky or maybe even illegal? DONTNEEDTONO, Apr 12, 2008

Wellilli...I read the article and found some interesting information. However, my primary question was not answered: Do these same "rules" apply to job applications. In other words, if you begin to fill out an application at a business and some of the questions listed are in black & white on the application, is that OK? Needless to say, I certainly wouldn't want to work for someone who asked some of those things on a job application, but I'm just curious as to whether or not they are allowed to ask. By the way, James Mason, nice stereotyping. All us Southerners is ignorant fooools. Kat, Apr 22, 2008

GOOD READING

MANSOUR, Sep 9, 2009

All fields are required. Your E-mail will not be published.

NAME		
EMAIL		
COMMENTS	_	
Spam Prote	ction: Sum of 1 + 2 ?	