ILLEGAL INTERVIEW QUESTIONS

You cannot ask questions about whether the applicant has a disability or how severe such a disability might be. Neither can you ask about medical history, workers' compensation claims, injuries, family medical history. Medical examinations are prohibited until after you have made a job offer to the applicant. There are no exceptions to this rule. Employment can be conditioned on the results of an applicant's medical examination. Remember that, according to the Equal Employment Opportunity Commission, employers are not obligated to hire or retain an individual whom they know to possess a direct threat to the health or safety of self or others. In fact, an employer may be liable under negligence laws if it is determined that an employee was hired or retained whom the employer knew or should have known would pose a risk of harm to others.

If you see that an applicant has a disability, you may not ask what type of accommodation might be needed to perform the job duties. An employer can ask an applicant how, with or without reasonable accommodation, the applicant will be able to perform the job functions.

You cannot ask whether an individual takes any medications. Such a question can cause an individual with a disability to reveal it.

You may not ask about an applicant's family, or living situation. This question impacts upon women and can lead to disclosure of an applicant's family origin.

You may not ask about religious affiliation, or race. Religion and race are protected classifications.

You may not ask whether the applicant is a citizen, but you must verify an individual's authorization to work in the United States upon hiring (The Immigration Reform and Control Act of 1986).

You may not ask about convictions which have nothing to do with fitness to do the job in question. You may not ask about arrests.

You may not ask about height and weight unless the questions are specifically related to job requirements.

You may not ask about marital status. Marital status questions unfairly impact upon women.

You may not ask about the type or condition of military discharge.

You may not ask about original name where the name has been changed by the court. This question unfairly impacts upon women and minorities.

You may not ask questions about lineage, ancestry, national origin, descent, birthplace, or mother tongue, or national origin of parents or spouse.

You may not require an applicant to list all organizations, clubs, societies and lodges to which s/he belongs.

You may not request a photograph (either optionally or mandatory) at any time before hiring.
You may not ask about pregnancy.

You may not ask about religious customs or holidays observed.

You may not ask about persons with whom the applicant resides, or whether s/he owns or rents a home.

You may not ask about age.

You cannot ask about ability to lift a specific weight unless the position requires heavy lifting as necessary and essential part of the position.

You cannot ask whether the applicant owns a car as this adversely impacts on minority applicants. But you can ask whether a candidate will be able to get to work on time.

You cannot ask how an applicant learned to speak a foreign language. But you can ask whether the individual knows how to speak a foreign language.

You cannot ask for a list of nearby relatives (as this might reveal national origin).

You cannot ask a person to state her/his gender.