

## Interviewer Inquiry Guide

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\*Tip One: Only ask questions that relate to the person's ability to do the job.

\*Tip Two: Remember you are always interviewing; in between meetings, while escorting candidates on-campus, and during meals.

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### 1. Name

#### **Permissible Prehire Inquiries**

"Have you worked for this company under a different name?" "Is any additional information relative to change of name, use of an assumed name or nickname necessary to enable a check on your work and educational record? If yes, explain."

#### **Impermissible Prehire Inquiries**

Inquiries about the name that would indicate applicant's lineage, ancestry, national origin, or descent. Inquiry into previous name of applicant where it has been changed by court order or otherwise. "Indicate Miss, Mrs. Ms."

### 2. Family Status

#### **Permissible Prehire Inquiries**

Whether applicant can meet specified work schedules and work attendance requirements.

#### **Impermissible Prehire Inquiries**

Any inquiry indicating whether an applicant is married, single, divorced, engaged, etc. Number and age of children. Information on child-care arrangements. Any questions concerning pregnancy.

### 3. Age

#### **Permissible Prehire Inquiries**

Ask applicant if less than 18 years of age. If a minor, require proof of age in the form of a work permit or a certificate of age. Require proof of age by birth certificate after being hired.

#### **Impermissible Prehire Inquiries**

Requirement that applicant state age or date of birth. Requirement that applicant produce proof of age in the form of a birth certificate or baptismal record. (The Age Discrimination in Employment Act of 1967 forbids discrimination against persons over the age of 40).

### 4. Disabilities

#### **Permissible Prehire Inquiries**

For employers subject to the provisions of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, applicants will be 'invited' to self-identify. All applicants can be asked whether they are able to perform the essential duties of the job with or without accommodations.

#### **Impermissible Prehire Inquiries**

The Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973 forbids employers from asking job applicants general questions about whether they have a disability or asking them about the nature and severity of their disability. Except in cases where undue hardship can be proven, employers must make "reasonable accommodation" for the physical and mental limitations of an employee or applicant.

## 5. Gender, Gender Identity and Sexual Orientation

### Permissible Prehire Inquiries

Inquiry as to gender or restriction of employment to one gender is permissible only where a Bona Fide Occupational Qualification exists. (This BFOQ exception is interpreted very narrowly.) The burden of proof rests on the employer to prove that a BFOQ is necessary.

### Impermissible Prehire Inquiries

Gender, gender identity or sexual orientation of applicant. Any other inquiry that would indicate gender, gender identity or sexual orientation. Without a BFOQ, the preceding cannot be used as a factor for determining whether an applicant is qualified. Avoid questions concerning applicant's height or weight unless you can prove they are necessary requirements for the job to be performed.

## 6. Race or Color

### Permissible Prehire Inquiries

No prehire inquiry permitted.

### Impermissible Prehire Inquiries

Applicant's race. Color of applicant's skin, eyes, hair, or other questions directly or indirectly related.

## 7. Address

### Permissible Prehire Inquiries

Applicant's address. Inquiry into place and length of current and previous address, e.g., "How long a resident of this state or city?"

### Impermissible Prehire Inquiries

Specific inquiry into foreign addresses that would indicate national origin. Names or relationships of persons with whom applicant resides. Whether applicant owns or rents home.

## 8. Birthplace

### Permissible Prehire Inquiries

No prehire inquiry permitted.

### Impermissible Prehire Inquiries

Birthplace of applicant. Birthplace of applicant's parents, spouse, or other relatives. Requirement that applicant submit a birth certificate or naturalization or baptismal record before employment. Any other inquiry into national origin.

## 9. Religion

### Permissible Prehire Inquiries

An applicant may be advised concerning normal hours and days of work required by the job. (Employers are required to make reasonable accommodations for religious purposes.)

### Impermissible Prehire Inquiries

Applicant's religious denomination or affiliation, church, parish, pastor, or religious holiday's observed. Applicants may not be told that any particular religious groups are required to work on their religious holidays. Any inquiry to indicate or identify religious denomination or customs.

## 10. Military Record

### Permissible Prehire Inquiries

Type of education and experience in service as it relates to a particular job.

### Impermissible Prehire Inquiries

Type of discharge.

## 11. Photograph

### Permissible Prehire Inquiries

Indicate that this may be required after hiring for identification.

### Impermissible Prehire Inquiries

Requirement that applicant affix a photograph to his or her application. Request that applicant, at his or her option, submit photograph. Requirement of photograph after interview but before hiring.

## 12. Citizenship **NOTE: If you ask this question of one candidate, you must ask it of all candidates.**

### Permissible Prehire Inquiries

“Are you legally authorized to work in the U.S. on a full time or permanent basis?”

### Impermissible Prehire Inquiries

“Of what country are you a citizen?” Whether applicant or his or her parents or spouse are naturalized or native-born U.S. citizens.

## 13. National Origin

### Permissible Prehire Inquiries

Languages applicant reads, speaks, or writes fluently. (If another language is necessary to perform the job.)

### Impermissible Prehire Inquiries

Inquiries into national origin or birthplace of applicant, applicant’s parents or spouse.

## 14. Education

### Permissible Prehire Inquiries

Applicant’s academic, vocational, or professional education school attended. Inquiry into language skills such as reading, speaking, and writing foreign languages.

### Impermissible Prehire Inquiries

Any inquiry asking specifically the nationality, racial affiliations, or religious affiliation of a school. Inquiry as to how foreign language ability was acquired.

## 15. Experience

### Permissible Prehire Inquiries

Applicant’s work experience, including names and addresses of previous employers, dates of employment, reasons for leaving, salary history.

### Impermissible Prehire Inquiries

None.

## 16. Criminal Record

### Permissible Prehire Inquiries

Inquiry into actual convictions that relate reasonably to fitness to perform particular job.

### Impermissible Prehire Inquiries

Any inquiry relating to arrests only.

## 17. Relatives

### Permissible Prehire Inquiries

Names of applicant’s relatives already employed by this company. Name and addresses of parents or guardian of minor applicant.

### Impermissible Prehire Inquiries

Name or address of any relative of adult applicant, other than those employed by the company.

## 18. Notice in Case of Emergency

### Permissible Prehire Inquiries

Name and address of persons to be notified in case of accident or emergency.

### Impermissible Prehire Inquiries

Name and address of relatives to be notified in case of accident or emergency.

## 19. Organizations **NOTE: even if a candidate discloses this information, do not ask any further questions about it. You are permitted to answer their questions.**

### Permissible Prehire Inquiries

Inquiry into the organizations of which an applicant is a member providing the name or character of the organization does not reveal the race, religion, color, or ancestry of the membership. "List all professional organizations to which you belong. What offices are held?"

### Impermissible Prehire Inquiries

"List all organizations, clubs, societies, and lodges to which you belong." The names of organizations to which the applicant belongs if such information would indicate through character or name the race, religion, color, or ancestry of the membership.

## 20. References

### Permissible Prehire Inquiries

By who were you referred for a position here? Names of persons willing to provide professional and/or character references for applicant.

### Impermissible Prehire Inquiries

Require the submission of a religious reference. Request reference from applicant's pastor.

## 21. Miscellaneous

### Permissible Prehire Inquiries

Notice to applicants that any misstatements or omissions of material facts in the application may be cause for disqualification or dismissal, if hired.

**Any inquiry should be avoided that, although not specifically listed among the above, is designed to elicit information as to race, color, ancestry, age, gender, gender identity, sexual orientation, religion, disability, or arrest and court record unless based upon a bona fide occupational qualification.**

✓ This list is provided as a general guideline. The list of prohibited prehire inquiries, although not all inclusive, represents the major areas of applicant inquiry.

✓ Under certain conditions, some information normally prohibited from preemployment inquiry may be collected for legal, security and/or government record keeping requirements, and may be obtained after the applicant has been hired.