**Sample Interview and Application Questions**

Employers and hiring managers should understand that although federal EEO laws do not specifically prohibit any pre-employment questions, the EEOC does look with "extreme disfavor" on questions about age, color, disability, national origin, race, religion, gender or veteran status. If employers are asking these questions, they would have difficult time proving the questions were not used in the hiring decision. In addition, as stated previously, many state employment laws expressly forbid certain types of questions.

Following is a representative list of unacceptable and acceptable questions. **Please note that this list is NOT all-inclusive**.

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| **Acceptable and Unacceptable Inquiries for Interviews and Employment Applications** |
| ***Topic*** | ***Acceptable*** | ***Unacceptable*** | ***If Unacceptable, What Is the Reason?*** |
| Age    | If age is a legal requirement, can ask "If hired, can you furnish proof of age?" or a statement that hire is subject to age verification. | What is your date of birth? | Could be viewed as age discrimination  |
| Attendance/reliability | What hours and days can you work? | How many children do you have? | Could be viewed as discriminatory toward females |
| Attendance/reliability | Are there specific times that you cannot work? | What religion are you? | Could be viewed as religious discrimination |
| ***Topic*** | ***Acceptable*** | ***Unacceptable*** | ***If Unacceptable, What Is the Reason?*** |
| Attendance/reliability | Do you have a reliable method of getting to work? | Do you own a car? | Could be considered racial discrimination |
| Citizenship/national origin | Are you legally eligible for employment in the United States? | What is your national origin? Where are your parents from? | Could be considered national origin discrimination |
| Citizenship/national origin | Have you ever worked under a different name? | What is your maiden name? | Could be considered national origin discrimination |
| National origin | None | What is your father's surname? What are the names of your relatives? | Not only are these irrelevant, but they could be considered national origin discrimination |
| Arrest and conviction | Have you ever been convicted of a felony?\*Please see note below for additional guidance | Have you ever been arrested? | Could be considered racial discrimination |
| Disabilities | Can you perform the duties of the job you are applying for? | Do you have any disabilities? | Could be considered discrimination against people with disabilities |
| Disabilities | None | Have you ever filed a workers' compensation claim? | Could be considered discrimination against people with disabilities |
| ***Topic*** | ***Acceptable*** | ***Unacceptable*** | ***If Unacceptable, What Is the Reason?*** |
| Emergency contact information | What is the name and address of the person to be notified in case of an emergency? (Request only after the individual has been employed.) | What is the name and address of a relative to be notified in case of an emergency? | Could be considered national origin discrimination and could possibly violate state anti-discrimination laws relative to sexual orientation |
| Credit record | None | Do you own your own home? | Irrelevant and could be considered racial discrimination |
| Credit record | Credit references may be used if in compliance with the Fair Credit Reporting Act of 1970 and the Consumer Credit Reporting Reform Act of 1996 | Have your wages ever been garnished? | Irrelevant and could be considered racial discrimination |
| Credit record | None | Have you ever declared bankruptcy? | Irrelevant and could be considered racial discrimination |
| Military record | What type of education, training and work experience relevant to the job did you receive while in the military? | What type of discharge did you receive? | Irrelevant and could be considered racial discrimination |
| Language | What languages do you speak and write fluently? (if the job requires additional languages) | What is your native language? How did you learn to read, write or speak a foreign language? | Could be considered national origin discrimination |
| ***Topic*** | ***Acceptable*** | ***Unacceptable*** | ***If Unacceptable, What Is the Reason?*** |
| Race or color | None | Complexion or color of skin | Could be considered racial or national origin discrimination |
| Weight, height, eye color | Only if there is a bona fide occupational qualification |  | Could be considered racial or national origin discrimination |
| Religion | Only if there is a bona fide occupational qualification | What is your religious denomination, religious affiliations, church, parish, pastor? What religious holidays do you observe? | Could be considered religious discrimination |
| Gender | Only if there is a bona fide occupational qualification | Do you wish to be addressed as Mr., Mrs., Miss or Ms.? | Could be considered gender discrimination |
| Previous and current addresses | What was your previous address? How long did you reside there? How long have you lived at your current address? | Do you own your own home? | Could be considered racial or national origin discrimination |
| Education | Do you have a high school diploma or equivalent? Do you have a university or college degree? (if relevant to job performance) | What year did you graduate from high school or college? | Could be considered age discrimination |
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**\*Note on arrest records:** Using arrest or conviction records as an absolute bar to employment disproportionately excludes certain racial groups. Therefore, such records should not be used in this manner unless there is a business need for their use. Thus, an exclusion based on an arrest record is justified only if the conduct is job-related and relatively recent and also if the applicant or employee actually engaged in the conduct for which he or she was arrested. According to the EEOC, whether there is a business need to exclude persons with conviction records from particular jobs depends on the nature of the job, the nature and seriousness of the offense, and the length of time since the conviction or incarceration. In addition, some states bar the use of arrest records in employment decisions.

Source: <https://www.shrm.org/ResourcesAndTools/tools-and-samples/toolkits/Pages/interviewandemploymentapplicationquestions.aspx>