

## Acceptable and Unacceptable Inquiries for Interviews and Employment Applications

(\*Note this is a representative list and not all-inclusive)

<b>Topic</b>	<b>Acceptable</b>	<b>Unacceptable</b>	<b>If Unacceptable, What Is the Reason?</b>
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
Attendance/reliability	Do you have responsibilities other than work that will interfere with specific job requirements such as traveling?	What are your child care arrangements?	Could be viewed as discriminatory toward females
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

Source:

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

Arrest and conviction	Have you ever been convicted of a felony?  *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
Disabilities	None	Have you ever been injured on the job?	Could be considered discrimination against people with disabilities
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	What type of discharge did you receive?	Irrelevant and could be considered racial discrimination

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	you receive while in the military?		
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
Organizations	Inquiry into an applicant's membership in organizations that the applicant considers relevant to his or her ability to perform the job	List all clubs, societies and lodges to which you belong.	Could be considered racial or national origin discrimination
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

Source:

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Salary history	What are your salary expectations for this position?  **See note below for additional guidance.	What is your current salary? What was your starting and ending salary in any prior position?	Could be viewed as gender discrimination and may violate state law
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

**\*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.

**\*\*Note on salary history:** In general, salary history should not be a factor in setting compensation. Rather, compensation decisions should be based on the value of the position to the organization, competition in the market and other bona fide business factors.

In November 2015 President Obama announced an executive action directing federal employers to delay asking questions about a job applicant's criminal history until later in the application process. Many states, cities and private employers have already taken steps to "ban the box," which refers to the checkbox on employment applications asking if the applicant has ever been convicted of a crime. However, some federal employers and contractors still ask the question. The president's executive action will apply to federal employers, but not to contractors

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