

## *How to Tactfully Answer Illegal or Improper Interview Questions*

It's tough enough to prepare for difficult job-related questions. Dealing with those that are inappropriate is even tougher. When faced with an illegal question during an interview, you have several choices: 1) You can refuse to answer, telling the employer you think it is improper. However, this option may disqualify you from further consideration. 2) You can answer the question as stated, forgoing your privacy and possibly making you feel uncomfortable. 3) You can answer the inappropriate interview question by addressing the legitimate concern behind the question that can often be inferred (**why** it was asked), rather than becoming hostile or defensive.

**For example**, if you are asked "What is your native language?" the response could be "I can fluently speak, read, and write English and Japanese."

### Let's take a look at some examples of legal vs. illegal interview questions:

Category	Legal	Illegal
<b>Citizenship/National Origin/Birthplace</b>	<ul style="list-style-type: none"> <li>✓ Are you a U.S. Citizen?</li> <li>✓ Are you legally eligible for employment in the United States?</li> <li>✓ If not a citizen, are you prevented from lawfully becoming employed because of visa or immigration status?</li> <li>✓ What languages do you read, speak, or write fluently? (if related to the job)</li> </ul>	<ul style="list-style-type: none"> <li>× What is your country of citizenship?</li> <li>× Where were you and/or your parents born?</li> <li>× To submit a copy of your naturalization papers</li> <li>× Date of citizenship</li> </ul>
<b>Age</b>	<ul style="list-style-type: none"> <li>✓ Are you over the age of 18 (or the age required for the position)</li> <li>✓ If hired, can you provide proof of age and/or submit a work permit?</li> </ul>	<ul style="list-style-type: none"> <li>× How old are you?</li> <li>× What is your date of birth?</li> <li>× Birth certificate <b>before</b> hiring</li> </ul>
<b>Marital/Family Status</b>	<ul style="list-style-type: none"> <li>✓ Would you be willing to relocate?</li> <li>✓ Would you be willing to work overtime? (fine if asked of all applicants)</li> <li>✓ Name of parent or guardian if applicant is a minor</li> </ul>	<ul style="list-style-type: none"> <li>× What is your marital status?</li> <li>× How many children do you have?</li> <li>× Do you plan to start a family?</li> <li>× Are you pregnant?</li> <li>× With whom do you live?</li> </ul>
<b>Affiliations</b>	<ul style="list-style-type: none"> <li>✓ Do you belong to any professional or trade groups you consider relevant to your ability to perform this job?</li> <li>✓ What office did you hold?</li> </ul>	<ul style="list-style-type: none"> <li>× List all clubs, societies, and lodges to which you belong.</li> <li>× Are you a union member?</li> </ul>
<b>Disabilities/Health/Handicaps</b>	<ul style="list-style-type: none"> <li>✓ Can you perform the duties of the job safely?</li> <li>✓ Do you need an accommodation to perform this job? (only <b>after</b> a job offer has been made)</li> <li>✓ A physical exam</li> </ul>	<ul style="list-style-type: none"> <li>× Do you have any disabilities or handicaps?</li> <li>× Have you had any recent illnesses or operations?</li> <li>× Have you ever had a Worker's Compensation claim?</li> <li>× How is your family's health?</li> <li>× What is your sex?</li> <li>× How tall are you?</li> <li>× What is your height and weight? (unless standards are set for the safe performance of the job)</li> </ul>

Category	Legal	Illegal
<b>Criminal Record (Arrests and Convictions)</b>	<ul style="list-style-type: none"> <li>✓ Have you ever been <b>convicted</b> of any crime? (crime named should be reasonably related to the performance of the job in question)</li> <li>✓ Background check (permission must be granted first)</li> </ul>	<ul style="list-style-type: none"> <li>× Have you ever been arrested?</li> <li>× Have you ever been charged with any crime?</li> </ul>
<b>Military Service</b>	<ul style="list-style-type: none"> <li>✓ In what branch of the Armed Forces did or do you currently serve in?</li> <li>✓ What type of training or education did you receive in the military?</li> </ul>	<ul style="list-style-type: none"> <li>× Were you honorably discharged?</li> <li>× Conditions or dates of military discharge.</li> </ul>
<b>Credit Record</b>	<ul style="list-style-type: none"> <li>✓ Only if the job requires significant financial responsibility, or access to cash or funds. (must get clearance to check, and must be asked of every applicant)</li> </ul>	<ul style="list-style-type: none"> <li>× Do you own your own home or car?</li> <li>× Have your wages ever been garnished?</li> <li>× Have you ever declared bankruptcy?</li> <li>× What is your credit rating?</li> </ul>
<b>Education</b>	<ul style="list-style-type: none"> <li>✓ Please list the schools you've attended.</li> <li>✓ What is the highest grade you completed? (may require documentation of attendance/degree completion)</li> </ul>	<ul style="list-style-type: none"> <li>× When did you graduate from high school or college?</li> <li>× The nationality, racial or religious affiliation of schools attended.</li> </ul>
<b>Address</b>	<ul style="list-style-type: none"> <li>✓ Place and length of current and previous address.</li> <li>✓ Applicant's phone number and how he/she can be reached.</li> </ul>	<ul style="list-style-type: none"> <li>× Specific inquiry into foreign addresses that would indicate national origin.</li> <li>× Names or relationship of persons with whom applicant resides.</li> <li>× Do you own or rent?</li> </ul>
<b>Name</b>	<ul style="list-style-type: none"> <li>✓ Have you worked for this company under a different name?</li> <li>✓ Does this company need any additional information about a change of name, use of an assumed name or nickname to check your work record?</li> </ul>	<ul style="list-style-type: none"> <li>× What was your maiden name?</li> <li>× Any inquiries that would indicate your lineage, ancestry, national origin or descent.</li> </ul>
<b>Religion</b>	<ul style="list-style-type: none"> <li>✓ Are you available to work Saturdays or Sundays if needed? (if required for job)</li> </ul>	<ul style="list-style-type: none"> <li>× Inquiries into your religious denomination, customs, affiliations, church, parish, pastor, or religious holidays observed.</li> </ul>
<b>Race or Color</b>	<ul style="list-style-type: none"> <li>✓ After hiring <b>only</b>, you may be asked for affirmative action plan statistics</li> </ul>	<ul style="list-style-type: none"> <li>× What is your race?</li> <li>× What is your complexion, color of hair, eyes or skin?</li> </ul>
<b>References</b>	<ul style="list-style-type: none"> <li>✓ What are the names of those persons to be contacted in case of an emergency?</li> </ul>	<ul style="list-style-type: none"> <li>× What are the names of your relatives to be contacted in case of an emergency?</li> </ul>
<b>Photographs</b>	<ul style="list-style-type: none"> <li>✓ After hiring <b>only</b>, for identification purposes.</li> </ul>	<ul style="list-style-type: none"> <li>× Photographs before hiring or during interviews.</li> </ul>
<b>Gender</b>	<ul style="list-style-type: none"> <li>✓ <b>ONLY</b> permissible where a bona fide occupational qualification exists.</li> </ul>	<ul style="list-style-type: none"> <li>× Are you male or female?</li> </ul>



These guidelines will help you distinguish between lawful, acceptable interview questions and those that are unlawful. They are not complete, and only provide significant highlights. Any question that is not specifically job-related may be construed as unlawful.

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