

Illegal Interview Questions

The Civil Rights Act of 1964 indicates that discrimination based on national origin, citizenship, age, marital status, disabilities, arrest record, military discharges, or personal information is illegal. Various federal, state, and local laws regulate the questions a prospective employer can ask you. Questions must relate to the job for which you are applying.

You have options if you are asked an illegal question:

1. Choose to answer the question knowing you are providing information that isn't job related. You take the risk that a "wrong" answer could harm your chances for a position.
2. Refuse to answer the question. You will be within your rights, but you may come off as uncooperative or confrontational which could put off potential employers.
3. Examine the intent behind the question and respond with an answer to this. For example, if asked if you are married or engaged, you might choose to respond that your personal life allows you to meet the requirements for the position.

| Status | Legal Questions | Illegal Questions | Sample Responses |
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| Marital Status | No questions | Are you married? Is this your married name? | Can you help me understand how being married relates to this position? |
| Parental Status | Name of an applicant's relatives already employed by company. | Are you pregnant? How many kids do you have? | Are you concerned about my time constraints? If so, you should not be because... |
| Sexual Orientation or Gender Identity* | No questions | What is your sexual orientation? Are you transgender? | Can you help me to understand how my sexual orientation is relevant to this position? |
| Age | Discussion should be kept to questions about the applicant's career stage. | How old are you? When were you born? When did you graduate high school? | I have the experiences you are seeking which can be seen on my resume... |
| Personal | Are you a member of any professional societies or organizations? (Exclude the organizations' name or character of which indicates race, creed, color, or national origin of its members) | How much do you weigh? What is your political affiliation? What is your religious affiliation? | Can you help me understand how my religion relates to the position we are discussing? |
| Military | Applicant's work experience, including names, addresses of previous employers, dates of employment, reasons for leaving | Were you honorably discharged from the Military? | I left the military in good standing and received excellent leadership training which I can go into greater detail, if you'd like. |
| Citizenship** | Are you legally authorized to work in the United States?" | Where are your parents from? What is your native language? | I can assure you that I possess the communication skills necessary to be successful in this position. |
| Disabilities | Can you lift packages up to 50 pounds? | May we see your medical records? Do you have a disability? Have you been hospitalized recently? Why? | I am very confident in my abilities to do this job. |
| Arrest/Criminal Record | Have you ever been convicted of a felony? | Do you have a criminal record? Have you ever been in jail? What for? | If you'd like to see my legal history, I am willing to give you written permission to perform a background check. |

Information excerpted from "Guide to Unacceptable Interview Questions" from Yale University: provost.yale.edu/sites/default/files/guide_to_unacceptable_interview_questions_09-01-2015.pdf

*Any dialog or questions regarding sexual preference are inappropriate and illegal.

**To determine work authorization, employers may lawfully ask two questions of all applicants: 1. Are you currently authorized to work in the United States on a full-time basis for any employer without restriction? 2. Will you now or in the future require employment visa sponsorship, such as H-1B? If the applicant answers yes, the employer may ask what the applicant's current employment eligibility is based on, what the applicant's immigration status is, and how long it will last. (Information excerpted from Rhoads, M. B. (2013) Interviewing and Hiring International Students. NACE Journal, 8-15.)