

## Interview Cautions

In the US labor market environment, asking about the following things can get us into trouble. Take this into consideration when doing interviews of anyone.

1. **Age** - is irrelevant unless you are concerned about child labor violations under the Fair Labor Standards Act, in which case you can ask for proof that he/she is old enough to work.
2. **Arrest record** - do not ask at all - you may ask about convictions, but even then it would have to be relevant to the position in order to lead to immediate rejection.
3. **Association with present employees** - this information is not relevant to an applicant's ability to perform successfully in a particular job, and the tendency to either encourage or prohibit the employment of friends or relatives of existing employees may create an adverse impact on members of protected classes.
4. **Bankruptcy and credit affairs** - never ask about bankruptcy since it is illegal to discriminate on this basis under the Federal Bankruptcy Law - all credit inquiries must comply with the Fair Credit Reporting Act.
5. **Citizenship** - unless required by law or regulation, you may not ask applicants if they are U.S. citizens since it is considered discriminatory under the Immigration Reform and Control Act. You may ask if candidates are authorized to work in the United States.
6. **Disability** - the Americans with Disabilities Act makes it illegal to ask questions about an applicant's disability or perceived disability - it is crucial to focus on the job, not on the disability.
7. **Driver's license** - avoid asking about it unless the job requires one since it could statistically screen out females, minorities and/or individuals with disabilities.
8. **Educational attainment** - relevant if it is directly related to successful job performance - if not, avoid it because it could potentially screen out minorities.
9. **Emergency contact information** - unnecessary at the application stage - and it can be discriminatory if it reveals information about the applicant's membership in a protected class.
10. **Height and weight** - can be discriminatory against females, Hispanics, and/or Asians - it is important to focus on what the job requires, not the person's physical characteristics.
11. **Marital status/name changes/spouse/children** - any questions relating to these issues may be construed as discriminatory, especially against women - none are job-related.
12. **Organization or club membership** - this might reveal protected class information and it is irrelevant (i.e. NAACP or Diabetes Association)
13. **Race, color, sex, or national origin** - EEOC guidelines prohibit asking questions that may reveal this information; rejected applicants could have grounds for a discrimination suit if any of these questions were part of the application process.
14. **Union affiliation** - could be considered an unfair labor practice under the National Labor Relations Act if the applicant claims he or she was not hired because of the union affiliation.

15. **Veteran status/military records** - general questions about a person's background in the military should only be asked if based on business necessity or job-related reasons. If requested, such information should include a statement that general or dishonorable discharge will not be an absolute bar to employment but that other factors will be taken into consideration.
16. **Weekend work/shift changes** - unless required for the job, the applicant should not have to state whether or not they can work on the weekends - this could screen out applicants who cannot work on some weekend days because of their religious beliefs.