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Interview Questions That You Can and Cannot Ask

The following guidelines will help you distinguish between lawful, acceptable interview questions and those that are unlawful. These guidelines are not complete and only provide major highlights. *Remember: any question that is not specifically job-related may be construed as unlawful.*

Subject	You Cannot Ask	You Can Ask
Age	What is your date of birth? What is your age?	If hired, can you provide proof of age and/or submit a work permit? Are you over/under 18 years of age? (Date of birth only relevant for background checks.) (If a minor, requiring proof of age and a work permit.)
Arrests and convictions	Have you ever been arrested? Have you ever been charged with any crime?	Have you been convicted of any crime? Are any felony charges pending? Give details. (Tell applicant a conviction is not an automatic bar to employment, but considered only as it relates to fitness to perform the job.)
Birthplace	Where were you born? Where were your parents born?	(Birthplace relevant only for background check.)

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Citizenship	<p>Country of citizenship.</p> <p>Whether or when you or family members became naturalized citizens.</p> <p>Submit copy of naturalization or first papers.</p>	<p>Are you a citizen of the US?</p> <p>Do you intend to remain permanently in the US?</p> <p>If not a citizen, are you prevented from becoming lawfully employed because of visa or immigration status?</p> <p>Can you submit, if hired, a proof of citizenship or employment eligibility?</p>
Disabilities/Health	<p>Are you handicapped?</p> <p>Do you have a disability?</p> <p>Have you ever been treated for any of the following diseases...?</p> <p>Have you ever had a Worker's Compensation Claim?</p>	<p>Are you capable of performing the essential tasks and duties of the position as they have been explained to you?</p>
Education	<p>List the dates you attended or graduated from high school or college.</p> <p>(Some employment applications ask for attendance dates to account for employment gaps)</p>	<p>Describe your academic, vocational, or professional education.</p> <p>List schools attended.</p> <p>Highest grade completed.</p>
Height and Weight	<p>What are your height and weight?</p>	

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Marital or Family Status	<p>Marital status; spouse's name, employment, etc.</p> <p>Your maiden name; preference among Mr., Miss., Mrs., or Ms.</p> <p>Number and age of children or intent to have children.</p> <p>Are you pregnant?</p> <p>Child care arrangements.</p> <p>Do you live with your parents?</p> <p>With whom do you reside?</p>	<p>Name and address of parent or guardian if applicant is a minor.</p> <p>Are there any activities, commitments or responsibilities that may hinder the work attendance requirements?</p>
Military Record	<p>Type, conditions or dates of military discharge or about experience in other than US Armed Forces or State Militia.</p>	<p>Are you a veteran of the US Armed Forces or State Militia?</p> <p>If yes, describe any training or education received while in the military.</p>
Name	<p>Inquiries about name that would indicate marital status, maiden name, ancestry, national origin</p> <p>Original name is legally changed.</p> <p>Inquiries about preferred courtesy title: Miss, Mrs. Ms.</p>	<p>Have you worked for this company under a different name?</p> <p>Does this company need any additional information about a change of name, use of an assumed name or nickname to check your work record?</p>

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National Origin/Language	<p>Ancestry, lineage, national origin, descent, parentage, or nationality, or nationality of parents or spouse.</p> <p>Native language or mother tongue and how acquired fluency.</p>	<p>(If job related)</p> <p>What languages do you read, speak, or write fluently?</p>
Organizations	<p>List any or all social organizations, clubs societies, and lodges to which you belong.</p>	<p>List memberships in any professional or trade organizations or other organizations that you consider relevant to your ability to perform the job.</p>
Photographs	<p>Submit a photograph with application or before hire.</p>	<p>May tell that a photograph is required after hire if relevant for the position.</p>
Race/Color	<p>Race, complexion or color of hair, eyes, or skin.</p>	
Religion/Creed	<p>Religious affiliation, denomination, church, parish, pastor, minister or rabbi, or religious holidays observed.</p>	<p>(If you need to know availability to work on Saturday or Sunday, ask all applicants: “Are you available to work on Saturdays or Sundays, if needed?”)</p>

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Relatives	List names and addresses of relatives, or relative to be notified in case of emergency.	Do you have any relatives already employed by this company? If yes, please list their names
References	What is the name of your pastor, minister, or rabbi?	Names of persons willing to provide professional or character references for you. Who referred you for a position here?
Residence	Do you own or rent? Can you give the names and relationships of persons residing with you?	What is your present address? How long have you resided at that address? What was your former address and how long did you reside there? (Residence relevant only for background checks.)
Sex	Are you male or female, or any inquiry that indicates sex or ability to reproduce?	Only permissible where a Bona Fide Occupational Qualification exists,

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Handicaps	General questions about whether they are handicapped or about the nature and severity of their handicaps	If asked must be asked of all applicants Describe or demonstrate the job function and ask whether or no the applicant can perform the function with or without reasonable accommodations.
Photograph	Cannot request before hiring	May be required for ID after hiring
Notice In Case If Emergency	Names and address of relatives in case of accident or emergency	Names and address of persons to be notified in case of accident or emergency
Credit Rating	Questions about credit rating, charge accounts, ownership of car, etc.	Can you be bonded (if applicable)?
Organizations	An organization, clubs, societies, lodges to which you belong.	Inquiry into any organization that an applicant is a member providing the name or character of the organizations does not reveal race, religion, color, or ancestry List all professional organizations to which you belong? What office do you hold?