



Illegal or Inappropriate Interview Questions

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Ask only job-related questions

- It is illegal not to hire candidates because of their race, color, sex, religion, national origin, birthplace, age, disability or marital/family status
- Do not ask questions that could elicit such information, and discourage candidates from volunteering personal details



Illegal/inappropriate questions

- **Questions related to birthplace, ancestry or national origin:**

- ☐ “How long has your family been in the U.S.?”
- ☐ “That’s an unusual name—what does it mean?”
- ☐ “How did you learn to speak Chinese?”

- **Acceptable question:**

- ☐ “Are you eligible to work in the U.S.?”



Illegal/inappropriate questions

- Questions related to physical disability, health or medical history:

- ☐ “Are you able to use your legs at all?”
- ☐ “Do you have any pre-existing health conditions?”
- ☐ “Are you on any medication?”

- Acceptable question:

- ☐ “Can you perform the essential functions of the job, with or without reasonable accommodation?”
 - If asked of all applicants



Illegal/inappropriate questions

- Questions related to religion or religious days observed:

- ☐ “What is your religious affiliation?”
- ☐ “What religious holidays do you celebrate?”
- ☐ “Do you attend church every week?”

- Acceptable question:

- ☐ “Can you work on weekends?”
 - If asked of all applicants, and weekend work is a business necessity



Illegal/inappropriate questions

■ Questions related to marital status, children or pregnancy:

- ☐ “Are you planning to have children?”
- ☐ “What does your husband/wife do?”
- ☐ “What are your child care arrangements?”

■ Acceptable question:

- ☐ “Would you be able to work a 9:00 a.m. to 6:00 p.m. schedule?”
 - If asked of all applicants, and a specific work schedule is a business necessity



Illegal/inappropriate questions

■ Questions related to age:

- ☐ “How old are you?”
- ☐ “What year were you born?”
- ☐ “I went to high school in Oakland, too—what year did you graduate?”

■ Acceptable question:

- ☐ “Are you over the age of 18?”



Illegal/inappropriate questions

■ Questions related to criminal records:

- ☐ “Have you ever been arrested?”
- ☐ “Have you ever spent a night in jail?”
- ☐ “Have you ever been caught driving drunk?”

■ Acceptable question:

- ☐ “Have you ever been convicted of a crime?”



Illegal/inappropriate questions

■ Other illegal questions:

- ☐ “Was your military discharge honorable or dishonorable?”
- ☐ “Have you ever brought a lawsuit against an employer?”
- ☐ “Have you ever filed for Workers’ Compensation?”
- ☐ “Have you ever been sexually harassed?”
- ☐ “How much do you weigh?”
- ☐ “Do you use drugs or alcohol?”



Illegal/inappropriate questions

- If asked an illegal question, you have four options:
 - Briefly answer the question anyway, if you are comfortable doing so.
 - Respond to the intent of the question.
 - Ignore the question and change the subject.
 - Refuse to answer the question.
 - Tell the interviewer that the question doesn't seem to be legal or relevant to the specific requirements of the job.