

Interview Questions
What You Can Ask/What You Should Not Ask¹

Issue	Do Not Ask	You May Ask
Age	Applicant's age, date of birth, date of high school or college graduation. Federal and state laws prohibit discrimination on the basis of age, 40 and over. So do state laws.	If age is a bona fide occupational qualification, you may ask whether the applicant is over the minimum age and under the maximum age.
Alcohol or Drug Use	Any questions at all. Under the Americans with Disabilities Act alcoholism is a covered disability, current illegal drug use is not protected.	Nothing.
Arrest Record	Any questions at all. Review criminal background check. EEOC discourages employers from relying on arrests to make hiring decisions.	Nothing.
Citizenship	Where the applicant or parents were born, customs, accent, attire, data he/she became a citizen, and so forth. Federal and state laws prohibit discrimination on the basis of citizenship and national origin.	If the candidate is legally eligible to work in the United States. Employer should ask candidates to fill out an I-9 form and provide proof of the right to work. You can also ask about what languages the candidate speaks, only if being multilingual is relevant to the job duties of the position (do you speak, can you read and write).
Credit History	Questions on credit history or credit rating are considered discriminatory toward minority candidates.	Only if it is relevant to the position.
Criminal Record	Any questions at all. Rely upon the criminal background check.	Nothing.
Disabilities	Any questions about obvious or perceived or any disabilities, past injuries, physical limitations, worker's compensation claims, lawsuits over injuries, medications,	You can show the applicant the job description and ask if the applicant can perform the essential functions of the job. If the answer is yes, ask nothing else except to have the

¹ This chart does not constitute legal advice; it is for information only. Some of the information is based upon federal laws that apply to employers with 15 or more employees and do not apply to all employers, but other recommendations may be based on state laws that apply to employers with a certain number or more of employees. Consult with your local attorney before relying upon any information in this chart.

	or any question that would lead to answers about disabilities. Under the Americans with Disabilities Act, pre-offer inquiries about disabilities are prohibited, except in very limited circumstances.	applicant show how they would perform one of the essential functions, then stop. If the answer is yes, with accommodation, discuss how to accommodate the candidate. If the answer is no, document the answer and ask which functions the applicant cannot perform. If the applicant self-identifies as disabled, document it.
Genetic Information	About genetic tests of applicant or family members or family health history. Under the federal Genetic Information Non-discrimination Act it is illegal to discriminate in employment based upon genetic information.	Nothing.
Licenses and Certifications		If they are relevant to the position.
Marital or family status	About marital, family status, pregnancy number of children or child care issues. Federal and state law prohibits discrimination based upon gender and pregnancy	Can the applicant perform the essential functions of the job, including work schedule, but the question must be asked of ALL candidates.
Membership	List of all clubs and organizations to which applicant belongs	Organizations to which applicant belongs and positions held as long as the information is not used to discriminate on the basis of a protected category (ex. age, gender, race) and are relevant to the position.
Military Service	Federal law prohibits discrimination on the basis of military service.	Rank attained and experience and education in the military as it relates to the position.
National Origin	Birthplace, citizenship, lineage, and so forth of applicant or family members. Federal and state law prohibit discrimination on the basis of citizenship and national origin	If the candidate is legally eligible to work in the United States. Ask candidates to fill out an I-9 form and provide proof of the right to work. You can also ask about what languages the candidate speaks, only if being multilingual is relevant to the job duties of the position (do you speak, can you read and write).
Race/Color	Questions about race or color. State and federal law prohibit discrimination on the basis of	None.

	race/color.	
Religion	Questions about religious beliefs, to what religious community the applicant belongs, religious holidays the applicant observes, religious customs, unless religion is a bona fide occupational qualification for the position.	Can the applicant perform the essential functions of the job, including work schedule. If the applicant says yes, but needs a religious accommodation, discuss accommodations and agree to reasonable accommodations.
Sex	Questions about the gender of an applicant. State and federal law prohibit discrimination on the basis of gender.	None.
Smoking	If the applicant smokes. It is a violation of the laws of some states to discriminate against smokers.	None.