

Legal vs. Illegal Interview Questions

Topic	Illegal	Legal
Reliability, Attendance	<ul style="list-style-type: none"> • Number of children? • Who is going to baby-sit? • What religion are you? • Do you have pre-school age children at home? • What is your marital status? • Do you have a car? 	<ul style="list-style-type: none"> • What hours and days can you work? • Are there specific times that you cannot work? • Do you have responsibilities other than work that will interfere with specific job requirements such as traveling?
Citizenship/National Origin	<ul style="list-style-type: none"> • What is your national origin? • Where are your parents from? 	<ul style="list-style-type: none"> • Are you legally eligible for employment in the United States? • Same as above.
For Reference Checking	<ul style="list-style-type: none"> • What is your maiden name? • What is your father's surname? • What are the names of your relatives? 	<ul style="list-style-type: none"> • Have you ever worked under a different name? • None. • None.
Arrest and Conviction	<ul style="list-style-type: none"> • Have you ever been arrested? 	<ul style="list-style-type: none"> • Have you ever been convicted of a crime? If so, when, where and what was the disposition of the case?
Disabilities	<ul style="list-style-type: none"> • Do you have any disabilities? 	<ul style="list-style-type: none"> • Can you perform the duties of the job you are applying for?
Birth Date	<ul style="list-style-type: none"> • What is your date of birth? 	<ul style="list-style-type: none"> • If hired, can you furnish proof that you are over age 18?
Emergency	<ul style="list-style-type: none"> • What is the name and address of the relative to be notified in case of an emergency? 	<ul style="list-style-type: none"> • What is the name and address of the person to be notified in case of an emergency? (Request only after the individual has been employed.)

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Credit Record	<ul style="list-style-type: none"> Do you own your own home? Have your wages ever been garnished? Have you ever declared bankruptcy? 	<ul style="list-style-type: none"> None Credit references may be used if in compliance with the Fair Credit Reporting Act of 1970 and the Consumer Credit Reporting Reform Act of 1996. None.
Military Record	<ul style="list-style-type: none"> What type of discharge did you receive? 	<ul style="list-style-type: none"> What type of education, training, work experience, did you receive while in the military?
Language	<ul style="list-style-type: none"> What is your native language? Inquiry into use of how applicant acquired ability to read, write or speak a foreign language. 	<ul style="list-style-type: none"> Inquiry into languages applicant speaks and writes fluently. (If the job requires additional languages.)
Organizations	<ul style="list-style-type: none"> List all clubs, societies and lodges to which you belong. Are you a union member? 	<ul style="list-style-type: none"> Inquiry into applicant's membership in organizations which the applicant considers relevant to his or her ability to perform job.
Race or Color	<ul style="list-style-type: none"> Complexion or color of skin. Coloring. 	<ul style="list-style-type: none"> None.
Worker's Compensation	<ul style="list-style-type: none"> Have you ever filed for worker's compensation? Have you had any prior work injuries? 	<ul style="list-style-type: none"> None. None.
Religion or Creed	<ul style="list-style-type: none"> Inquiry into applicant's religious denomination, religious affiliations, church, parish, pastor or religious holidays observed. 	<ul style="list-style-type: none"> None.
Gender	<ul style="list-style-type: none"> Do you wish to be addressed as Mr., Mrs., Miss, or Ms.? 	<ul style="list-style-type: none"> None.

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Addresses	<ul style="list-style-type: none"> • What was your previous address? • How long did you reside there? • How long have you lived at your current address? • Do you own your own home? 	<ul style="list-style-type: none"> • None. • None. • None. • None.
Education	<ul style="list-style-type: none"> • When did you graduate from high school or college? 	<ul style="list-style-type: none"> • Do you have a high school diploma or equivalent? • Do you have a university or college degree?
Personal	<ul style="list-style-type: none"> • What color are your eyes, hair? • What is your weight? 	<ul style="list-style-type: none"> • Only permissible if there is a bona fide occupational qualification.

Adapted from SHRM White Paper, “Guidelines on Interviews and Employment Application Questions.”