

# **Illegal Interview Questions: What You Should Know**

**Sales Consultants & Management Recruiters of Honolulu**

**An affiliate of MRI Network**

**[www.mrihonolulu.com](http://www.mrihonolulu.com)**

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*You've just finished your face-to-face interview, and the outcome looks good. You've proved that you have the educational background, the technical skills and the managerial presence the company's been seeking. You've established a comfortable rapport with the hiring manager, and you feel confident that you'll be made an offer by the day's end.*

*Then, as you stand up to leave his office, the hiring manager shakes your hand, smiles, and casually remarks, "You know, you've got the most interesting accent."*

*"Um, thanks," you reply, a little embarrassed.*

*He laughs. "Sure. Hey, before you leave, I'm dying to know: Where were you born?"*

Though his intentions might be innocent, the hiring manager has just asked you an inappropriate, possibly even illegal, question. And though you're under no legal obligation to respond, you don't want to appear rude. After all, you've made it this far; you can't just say nothing. And yet if you do answer that you were born, say, outside of the U.S.—regardless of your current work status—you might unintentionally be giving the hiring manager a reason to discriminate against you.

Discriminatory interviews are virtually unthinkable in an era where federal, state and local laws exist to give all candidates the fairest possible shot at a job. But the law can't keep interviewers from hiding behind creative wording—and if you do have to face this type of an interview, you should be prepared.

Just remember: During routine small talk, an interviewer might not realize that he or she is breaking the law; that's why it's to your advantage to get him or her to clarify any question that makes you uncomfortable.

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Illegal Question(s)	Legal Variation(s)
Are you a U.S. citizen?	Are you authorized to work in the United States?
Where were you/your parents born?	
What's your native tongue?	What languages do you read, speak or write fluently?" <i>NOTE: Must be relevant to every candidate's ability to perform the job.</i>
How old are you?	
When did you graduate from college?	Are you over the age of 18?
What is your birthday?	
Do you have any disabilities?	Are you able to perform the essential functions of this job with or without reasonable accommodations?
Have you had any illnesses or operations?	<i>NOTE: The interviewer must first thoroughly describe the job.</i>
If yes, list and give dates.	
When was your last physical exam?	<i>As part of the hiring process, after a job offer has been made you may be required to undergo a medical exam. Exam results must be kept strictly confidential, except medical/safety personnel may be informed if emergency medical treatment is required, and supervisors may be informed about necessary job accommodations, based on the exam results.</i>
How is your family's health?	
When did you lose your eyesight?	
Are you married or living with a partner?	Would you be willing to relocate if necessary?
Do you have children?	The job requires occasional overtime. Would you be able and willing to work overtime as necessary?
Are you planning to have a family someday?	<i>NOTE: OK as long as all applicants are asked the same question.</i>
Do you have a daycare provider?	
The job requires 25 percent travel. Will someone be able to look after your children while you're on the road?	Travel is an important part of the job. Would you be willing to travel as the job requires?
	<i>NOTE: OK as long as all applicants are asked the same question.</i>
Have you ever been arrested?	Have you ever been convicted of [crime name]?
	<i>NOTE: The crime should be related to your ability to perform the job for which you're interviewing.</i>

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Candidates who served in the military: Were you honorably discharged?	In what branch of the Armed Forces did you serve?  What kinds of training or education did you receive while in the military?
How do you feel about gay people?	Would you have any reservations about working in an office where the majority of people were gay or lesbian?
How tall are you?  How much do you weigh?	Are you able to lift a 50-pound object and carry it 100 yards? This is part of the job.  <i>NOTE: This question is not acceptable unless minimum physical standards are essential for safe job performance.</i>
Are you a member of any clubs or social organizations? Which ones?	Do you belong to any professional or trade organizations that you consider relevant to your ability to perform this job?