

Topics to be Avoided in an Interview

- Age – is irrelevant unless you are concerned about child labor violations under the Fair Labor Standards Act, in which case you can ask for proof that he/she is old enough to work.
- Arrest Record – do not ask at all – you may ask about convictions, but even then it would have to be relevant to the position in order to lead to immediate rejection.
- Association with present employees – this information is not relevant to an applicant's ability to perform successfully in a particular job, and the tendency to either encourage or prohibit the employment of friends or relatives of existing employees may create an adverse impact on members of protected classes.
- Bankruptcy and credit affairs – never ask about bankruptcy since it is illegal to discriminate on this basis under the Federal Bankruptcy Law – all credit inquiries must comply with the Fair Credit Reporting Act.
- Citizenship – unless required by law or regulation, you may not ask applicants if they are U.S. citizens since it is considered discriminatory under the Immigration Reform and Control Act. You may ask if the candidates are authorized to work in the U.S.
- Disability – the Americans with Disabilities Act makes it illegal to ask questions about an applicant's disability or perceived disability – it is crucial to focus on the job, not the disability.
- Driver's license – avoid asking about it unless the job requires one since it could statistically screen out females, minorities and/or individuals with disabilities.
- Educational attainment – relevant if it is directly related to successful job performance – if not, avoid it because it could potentially screen out minorities.
- Emergency contact information – unnecessary at the application stage – and it can be discriminatory if it reveals information about the applicant's membership in a protected class.
- English language skills – only ask if it is a requirement of the job (i.e. English teacher) – otherwise it could be construed as national origin discrimination.
- Height and weight – can be discriminatory against females, Hispanics, and/or Asians – it is important to focus on what the job requires, not the person's physical characteristics.
- Marital status/name changes/spouse/children – any questions relating to these issues may be construed as discriminatory, especially against women – none are job related.

- Organization or club membership – this might reveal protected class information and it is irrelevant (i.e. Knights of Columbus, NAACP, or Diabetes Association).
- Race, color, religion, sex, or national origin – EEOC guidelines prohibit asking questions that may reveal this information; rejected applicants could have grounds for a discrimination suit if any of these questions were part of the application process.
- Union affiliation – could be considered an unfair labor practice under the National Labor Relations Act if the applicant claims he/she was not hired because of the union affiliation.
- Veteran status/military records – general questions about a person’s background in the military should only be asked if based on business necessity or job-related reasons. If requested, such information should include a statement that general or dishonorable discharge will not be an absolute bar to employment but that other factors will be taken into consideration.
- Weekend work/shift changes – unless required for the job, the applicant should not have to state whether or not they can work on the weekend days because of their religious beliefs.

Category	May Ask	May Discriminate By Asking
Sex and Family Arrangements	<ul style="list-style-type: none"> • If applicant has relatives already employed by the organization 	<ul style="list-style-type: none"> • Sex of applicant • Number of children • Marital status • Spouse's occupation • Child care arrangements
Race		<ul style="list-style-type: none"> • Applicant's race or color of skin • Photo to be affixed to application form
National Origin or ancestry	<ul style="list-style-type: none"> • Whether applicant has a legal right to be employed in the U.S. • Ability to speak/write English fluently (if job related) • Other languages spoken (if job related) 	<ul style="list-style-type: none"> • Ethnic association of a surname • Birthplace of applicant or applicant's parents • Nationality, lineage, national origin • Nationality of applicant's spouse • Whether applicant is citizen of another country • Applicant's native tongue/English proficiency • Maiden name
Religion		<ul style="list-style-type: none"> • Religious affiliation/availability for weekend work • Religious holidays observed
Age	<ul style="list-style-type: none"> • If applicant is over age 18 • If applicant is over age 21 if job-related (i.e. bartender) 	<ul style="list-style-type: none"> • Date of birth • Date of high school graduation • Age
Disability	<ul style="list-style-type: none"> • Whether applicant can perform the essential job-related functions 	<ul style="list-style-type: none"> • If applicant has a disability • Nature or severity of a disability • Whether applicant has ever filed a workers' compensation claim • Recent or past surgeries and dates • Past medical problems
Other	<ul style="list-style-type: none"> • Convictions if job-related 	<ul style="list-style-type: none"> • Number and kinds of arrests

	<ul style="list-style-type: none">• Academic, vocational, or professional schooling• Training received in the military• Membership in any trade or professional association• Job references	<ul style="list-style-type: none">• Height and weight except if a bona fide occupational qualification• Veteran status, discharge status, branch of service• Contact in case of an emergency (at application or interview stage)
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