

## **OFF-LIMITS QUESTIONING WHEN INTERVIEWING**

### **Subject: Address or Duration of Residence**

#### **Lawful Inquiry**

- *Applicant's current place of residence*

#### **Unlawful Inquiry**

- *How long a resident in a specific state or city?*

### **Subject: Age**

#### **Lawful Inquiry**

- *Are you 18 years of age or older? If not, state your age.*

#### **Unlawful Inquiry**

- *How old are you? What is your date of birth? What are the ages of your children, if any?*

### **Subject: Arrest Record**

#### **Lawful Inquiry**

- *Have you ever been convicted of a crime? (Please give us details.)*

#### **Unlawful Inquiry**

- *Have you ever been arrested?*

### **Subject: Birth Control**

#### **Lawful Inquiry**

- *None*

#### **Unlawful Inquiry**

- *Any inquiry into the capacity to give birth. Advocacy of any form of birth control or family planning (For example, are you and your husband planning a family? When do you anticipate you would like to have your first child?)*

## **Subject: Birth Date**

### **Lawful Inquiry**

- None

### **Unlawful Inquiry**

- *Requirement that an applicant submit birth certificate, naturalization papers or baptismal record. Requirement that an applicant produce proof of age in the form of a birth certificate or baptismal record (Note: The Form I-9 is not filled out until an individual has been hired.)*

## **Subject: Birth Place**

### **Lawful Inquiry**

- None

### **Unlawful Inquiry**

- *Birth place of an applicant. Birth place of the applicant's parent(s), spouse or any other close relative.*

## **Subject: Citizenship**

### **Lawful Inquiry**

- *Are you a citizen of the United States? If not a citizen of the United States, do you intend to become a citizen of the United States? If you are not a citizen of the United States, have you a legal right to remain permanently in the United States? Do you intend to remain permanently in the United States?*

### **Unlawful Inquiry**

- *Of what country are you a citizen? Whether an applicant is a naturalized or native-born citizen, the date on which the applicant acquired his/her citizenship. Requirement that applicant produce naturalization papers or "first papers." Whether an applicant's parent(s) or spouse are naturalized or native-born citizens of the United States, and date when such parent(s) or spouse acquired their citizenship.*

## **Subject: Disability**

### **Lawful Inquiry**

- None

### **Unlawful Inquiry**

- *Do you have a disability? Have you ever been treated for any of the following diseases? (and then an exhaustive list.) Do you now have or have you had in the past a drug or alcohol problem?*

## **Subject: Driver's License**

### **Lawful Inquiry**

- *Do you possess a valid driver's license? (Note: This question must be tied to a job which required driving.)*

## **Subject: Education**

### **Lawful Inquiry**

- *Inquiry into an applicant's academic, professional or vocational education and the public and private schools attended.*

### **Unlawful Inquiry**

- *Requiring an individual to have a high-school education where it is not tied to a requirement of the job.*

## **Subject: Experience**

### **Lawful Inquiry**

- *Inquiry into work experience.*

## **Subject: Languages**

### **Lawful Inquiry**

- *Inquiry into languages applicant speaks, or writes fluently.*

### **Unlawful Inquiry**

- *What is your native language? Any inquiry into how the applicant acquired the ability to read, write or speak a foreign language.*

## **Subject: Marital Status**

### **Lawful Inquiry**

- *None*

### **Unlawful Inquiry**

- *Do you wish to be addressed as “Ms.,” “Mrs.,” or “Miss?” Are you married? Are you single? Are you divorced? What does your husband or wife do? Are you going to be married soon? Will you want time off for your honeymoon?*

## **Subject: Military Experience**

### **Lawful Inquiry**

- *Inquiry into an applicant’s military experience in the armed forces of the United States or the state militia. Inquiry into an applicant’s service in a particular branch of the United States armed services. Did you receive a dishonorable discharge?*

### **Unlawful Inquiry**

- *Inquiry into an applicant’s military experience other than in the armed forces of the United States or in a state militia. Did you receive a discharge from the military other than an honorable discharge?*

## **Subject: Name**

### **Lawful Inquiry**

- *Have you ever worked for this company under a different name? Is additional information relative to a change of name, use of an assumed name or nickname necessary to enable a check on your work record? Please explain.*

### **Unlawful Inquiry**

- *Original names of an applicant whose name has been changed by court order or otherwise. Inquiry into the maiden name of a married woman (For example, if you ever worked under another name, state name, dates and address of the employer.)*

## **Subject: National Origin**

### **Lawful Inquiry**

- *None*

### **Unlawful Inquiry**

- *Any inquiry into an applicant's lineage, ancestry, descent, parentage or nationality. Any inquiry into the nationality of the parent(s) or spouse of the applicant.*

## **Subject: Notify in Case of Emergency**

### **Lawful Inquiry**

- *None*

### **Unlawful Inquiry**

- *Name and address of person to be notified in case of accident or emergency.*

## **Subject: Organizations**

### **Lawful Inquiry**

- *Inquiry into applicant's membership in organizations which the applicant considers relevant to his/her ability to perform on the job.*

### **Unlawful Inquiry**

- *List of all clubs, societies and lodges to which you belong.*

## **Subject: Photograph**

### **Lawful Inquiry**

- None

### **Unlawful Inquiry**

- *Requirement that applicant affix a photograph to employment form at any time before hiring.*

## **Subject: Race or Color**

### **Lawful Inquiry**

- None

### **Unlawful Inquiry**

- *Particular notation and or comment about the applicant's complexion or color of skin.*

## **Subject: Relatives**

### **Lawful Inquiry**

- *Names of relatives already employed by the institution.*

### **Unlawful Inquiry**

- *Number, names, addresses and ages of applicant's spouse, children or relatives not employed by the institution.*

## **Subject: Religion**

### **Lawful Inquiry**

- *Due to the nature of institution, inquiry into applicant's religious denomination, religious affiliation, observance of religious holidays, parish or church or location of that parish or church. We are able to tell an applicant, "This is a Protestant organization, specifically, we are affiliated with the Assemblies of God."*

**Subject: Sex**

***Lawful Inquiry***

- None

***Unlawful Inquiry***

- *Any and all inquiries into gender.*

**Subject: Height or Weight**

***Lawful Inquiry***

- None

**Note: The above list of “off-limits questioning” is not intended to be inclusive, but does include significant problem areas.**