

Conducting Behavioral Interviews

LEGALLY ACCEPTABLE QUESTIONS AND REQUIREMENTS

SUBJECT AREA	ACCEPTABLE	UNACCEPTABLE
Name	For access purposes, you may ask the applicant whether his/her work records are under another name.	Is that Ms. or Mrs.? What's your maiden name?
Residence	Current and previous addresses and length of time. Applicant's phone number or how applicant can be reached.	Is that in the Castro district? Is that on the east side of town?
Age	After hiring, proof of ability to perform the job (e.g., driver license).	How old are you? What is your birthdate? When did you graduate from high school?
National origin	None.	Are you a U.S. citizen? Where were you born?
Race	None.	Your complexion is so light—what are you?
Religion or creed	None.	What religion are you?
Citizenship	Require appropriate work authorization (U.S. or other country, if applicable), after hiring.	Were you born here? Where are your parents from?
Marital Status	Status (only married or single), AFTER hiring, for insurance and tax purposes. Number and ages of dependents and age of spouse, after hiring, for insurance and tax purposes.	Are you married? Do you have children? Do you have reliable childcare? Do you plan to have children?
Military service	Service in the U.S. armed forces, including branch and rank attained. Any job-related experience. Military discharge certificate (if applicable) only after hiring.	What branch of the military were you in? Did you get an honorable discharge?
Education	Academic, professional, or vocational schools attended. Job-related language skills, such as reading and writing foreign languages.	Where did you learn to speak Spanish?
Criminal record	List of job-related felonies and convictions.	Have you ever been arrested?
References	General and work references not relating to race, color, religion, sex, national origin, or ancestry.	Can you provide a reference from your church?
Organizations	Organizational memberships - both professional and social - as long as affiliation is not used to discriminate on the basis of race, sex, national origin, or ancestry. Offices held, if any.	Do you belong to a sorority/fraternity? Do you belong to a union?
Work Schedule	Willingness to work the required work schedule (including any required overtime).	Can you work on Rosh Hashanah?
Disability	Describe the essential job functions, then ask "can you perform these job functions?"	Do you have any disabilities? Have you ever filed for workers' comp