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Legal Interviewing Guidelines

Managers and supervisors who conduct interviews should consult with Human Resources prior to any interviews to review off-limit topics and problem areas that might be viewed as discriminatory. When creating your list of questions, stick to the functions of the job and avoid anything that crosses into these danger zones.

The EEOC prohibits discrimination based on:

- Age
- Disability
- Equal Pay/Compensation
- Genetic Information
- Harassment
- National Origin
- Pregnancy
- Race/Color
- Religion
- Retaliation
- Sex
- Sexual Harassment

Interview Questions to Avoid

- **Affiliations:** Do not ask about clubs, social organizations, or union membership; do ask about relevant professional associations.
- **Age:** Do not ask a candidate's age other than whether, if hired, they could produce proof that he or she is 18 years of age. Avoid questions that may be a thin veil for determining age, such as "what year did you graduate from college?" or "how many years have you been working?"
- **Alcohol or Drug Use:** The only allowable question relating to current or past drug or alcohol use is, "Do you currently use illegal drugs?"
- **Criminal Record:** Do not ask if a candidate has been arrested; you may ask if the candidate has ever been convicted of a crime.
- **Culture/Natural Origin:** Do not ask a candidate if they are a U.S. citizen. You may ask if the individual can, "upon hire," provide proof of legal right to work in the United States. You may ask about language fluency if it is relevant to job performance.



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- **Disability:** You may ask if candidates can perform essential job functions, with or without reasonable accommodation; and you may ask them to demonstrate how they would perform a job-related function. You may ask about prior attendance records. And you may require candidates to undergo a medical exam after an offer of employment has been made.
- **Marital/Family Status:** Questions about marital status and family issues are discouraged except as they relate to job performance, as in the child care example above.
- **Personal:** Avoid questions related to appearance, home ownership, and personal financial situation.
- **Race/Color:** No race-related questions are legal.
- **Religion:** Do not ask about religious affiliation or about which religious holidays are celebrated. If Saturday or Sunday is a required work day, you may ask candidates if they will have a problem working on those days.
- **Sex/Sexual orientation:** You may ask if a candidate has ever worked under another name. Be sure not to make gender-related assumptions about job capabilities.

Sample Interview Questions: Do's and Don'ts

Do Ask...

Questions that are open-ended to get the candidate talking to reveal their thinking processes, personality, and expertise. Ask questions about how they solved problems, used humor, communicated well, and achieved something they were proud of. Here are a few examples:

- ✓ What skills make you the most qualified for this position?
- ✓ What professional achievement are you most proud of?
- ✓ Tell me about a time when you overcame a challenge.
- ✓ Describe your working style.
- ✓ Why are you leaving your current employer?
- ✓ What one skill would you like to improve and what's your plan for doing so?
- ✓ What excites you most about this position?
- ✓ What is your ideal position and why?
- ✓ Tell me about a time...?



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Don't Ask...

Vague, overly broad or hypothetical questions, trick questions or questions that might encourage an applicant to speculate/fabricate. Here are some examples of these types of questions:

- × Tell me about yourself.
- × Tell me about yourself growing up.
- × Why are you the right person for the job?
- × What is your biggest weakness?
- × Where do you see yourself in 5 years?
- × Hypothetical questions (If you were on a desert island...).

***Remember after the answer to your question, probe for a follow up to get past the rehearsed answers.**