



Handling Illegal Questions

Questions structured to obtain information regarding race, gender, religion, marital status, age, physical and /or mental status, ethnic background, country of origin, vital statistics, sexual preference, or any other potentially discriminatory factor are generally illegal as grounds for making employment decisions. With few exceptions, these factors contribute nothing to your ability to perform a job, and an employer must substantiate those cases where a direct relationship is thought to exist. Although employment inquiries must conform to basic federal guidelines, certain states may offer additional legal provisions that may expand legal protection in this area.

An employer may make inquiries related to your ability to perform essential job functions as described. If faced with a potentially discriminatory question during an employment interview, you are under no obligation to provide an answer. Understanding the employer's concern, however, might help you to structure your best course of action.

- **Indirect Response** – Address the employer's underlying concern without directly answering the question. For example, if faced with a question concerning your plans for marriage or family, the employer is likely to be concerned with your ability to travel, to be at work on a regular basis, or commitment to remain with the organization. Although you need not answer the question directly, you might show understanding of the employer's concern and give assurance that your personal life is arranged in such a way that it will not interfere with your career responsibilities.
- **Direct Response** – A more direct but less comfortable response would be to mention your concern that the issue has no apparent bearing on your qualifications or the ability to do the job. You may ask for clarification of the reason in such information is requested or how it relates to the job discussed.
- **Possible Consequences** – Based on your personal preferences and experience, you may choose to briefly answer such question, but you must realize the possibility of negative consequences related to your volunteering this information.

If at any time you have questions concerning an interview, please feel free to express your concern at the Career Questions and Concerns booth where a staff member will confidentially discuss your options.

A CANDIDATE'S GUIDE TO LEGAL AND ILLEGAL QUESTIONS ACPA CONVENTION PLACEMENT AND CAREER CENTER

A half dozen federal laws protect job applicants from questions that might be used to discriminate against them. Basically, the employer must prove (if challenged) that an interview question is directly related to the duties of the job for which you are applying.

Listed below are items which can be used during the interview and items which are illegal to ask. Your job resume and employer application form also need not contain this information. You may, however voluntarily provide any of the information below.

Questions likely to be asked and you should answer:

Where have you worked before?
What duties have you performed on past jobs?
What are your short and long-range career goals?
Why are you interested in this organization?
Tell me about yourself.
What education have you completed?
(If a certain level is required for the job.)
How did you learn about this job?
Can you list your references?
What is your Social Security number?
What is your address and phone number?
What special qualifications do you have for this job?
May I answer any questions about the job of the organization?
What are your greatest strengths and greatest weaknesses?
Why does this job interest you?
Why did you select this particular career?
Are you willing to travel, relocate?
What job skills do you have?
(What specific skills are needed)
Do you have a license for the field?
(If required)

(Note that questions of this type focus on the job, your specific qualifications for it, and your career goals.)

Questions you need not answer:

Are you married?
With whom do you live?
If married, are you expecting to have children soon?
What does your spouse do?
Were your parents born in this country? (It is legal to ask for positions requiring a security clearance.)
How old are you? (It is legal to ask if you are legally old enough to work)
Have you ever filed for bankruptcy?
Where do you bank?
Have you ever been arrested? (It is legal to ask to provide information on criminal convictions)
How tall are you?
How much do you weigh? (It is legal to ask about height and weight if they are necessary for the performance of a job).
How many children do you have?
If you have children, what kinds of daycare arrangements have you made?
What memberships do you have in social, religious and community groups?
What is your military service status?
If a veteran, what kind of discharge did you receive?
Are you physically handicapped?

(Note that these questions delve into your personal life and are not legitimate occupational qualifications).