

# INTERVIEW QUESTIONS

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You Can Never Ask  
Job Applicants — and  
What to Ask Instead



During the pre-employment phase, federal, state, and/or local laws prohibit employers from asking certain questions that may be construed as discriminatory. Use this chart to make sure you phrase your questions appropriately. *If you're in doubt as to whether a question is prohibited, visit the [Equal Employment Opportunity Commission \(EEOC\) website](#) for detailed guidance.*

## DON'T ASK:

## DO ASK:

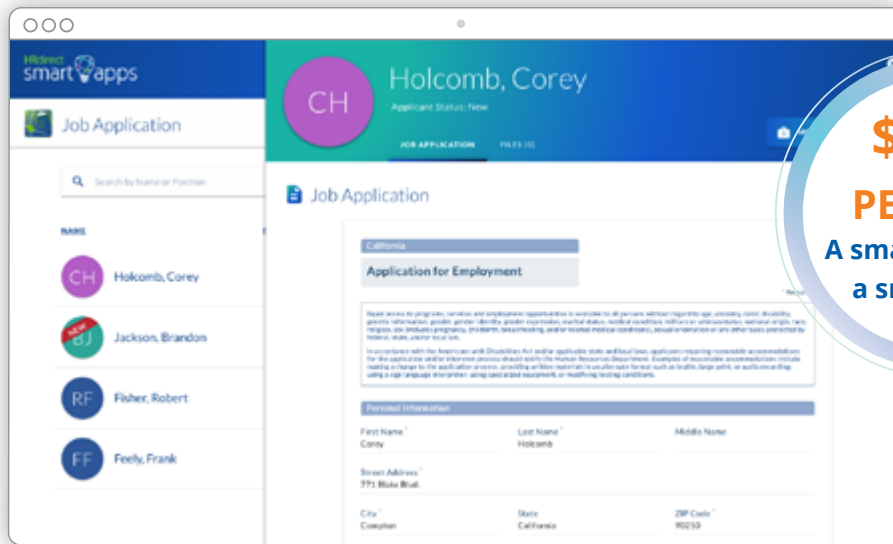
<p><b>How old are you?</b></p> <p>Inquiring about age could be used as evidence of age discrimination under federal, state, and/or local laws.</p>	<p><b>Are you of legal age to serve alcohol?</b></p>
<p><b>Are you a U.S. citizen?</b></p> <p>Inquiring about a person's citizenship status could lead to national origin discrimination claims under federal, state and local law. Once you hire a candidate, the mandatory Form I-9 will establish his/her eligibility to work in the USA, which is not necessarily a matter of citizenship.</p> <p>After hiring a candidate, you'll need them to fill out an employment eligibility verification I-9 form.</p>	<p><b>Are you authorized to work in the United States?</b></p>
<p><b>Are you married? Do you have children?</b></p> <p><b>Are you pregnant? Are you planning to get pregnant?</b></p> <p>Asking questions regarding family or marital status could violate state or local discrimination laws. Further, inquiries that reveal family or marital status could be used as evidence of sex discrimination under Title VII of the Civil Rights Act, as these types of questions are frequently used to discriminate against women.</p>	<p><b>Will extensive travel be a problem?</b></p> <p><b>Will working late hours be a problem?</b></p> <p><b>Will working overtime be a problem?</b></p>
<p><b>Do you have any mental or physical disabilities?</b></p> <p><b>Are you in good health?</b></p> <p>The Americans with Disabilities Act prohibits asking about or rejecting a job candidate due to mental or physical disabilities, health problems or addictions.</p>	<p><b>Can you perform the essential duties required by this job with or without a reasonable accommodation?</b></p> <p><b>Are you willing to undergo drug and alcohol testing?</b></p>
<p><b>Are there any religious holidays or hours that you can't work?</b></p> <p>Inquiring about religious holidays could be used as evidence of religious discrimination under federal, state, and/or local laws. All inquiries about scheduling should be neutral and job-related. Further, federal law requires employers to reasonably accommodate an employee's religious beliefs or practices (e.g., flexible scheduling), unless doing so would cause an undue hardship on the business.</p>	<p><b>Can you work all the days and hours required by this job?</b></p>
<p><b>What ethnicity are you? What country are you from? What accent is that?</b></p> <p>Requesting pre-employment information that discloses an applicant's race or ethnicity suggests that race and/or ethnicity will be unlawfully used as a basis for hiring. If you want this information for affirmative action purposes, you can ask job candidates to volunteer it on the job application, but you can't require them to do so.</p>	<p><b>Nothing about race or ethnicity.</b></p>
<p><b>How many sick days did you take last year?</b></p> <p><b>Were you hospitalized in the last year?</b></p> <p>Asking about sick time and recent hospitalization is likely to reveal information about a person's health-related conditions in violation of the Americans with Disabilities Act. Under the law, employers generally cannot ask disability-related questions or require medical examinations until after an applicant has been given a conditional job offer.</p>	<p><b>Are you able to meet the attendance requirements of this job?</b></p>



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