

Legal vs. Illegal Interview Questions

| Topic | Illegal | Legal |
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| Reliability/Attendance/Personal | <ul style="list-style-type: none"> ▪ Number of children? ▪ Who is going to baby-sit? ▪ What religion are you? ▪ Do you have pre-school age children at home? ▪ What is your marital status? ▪ What color are your eyes, hair? ▪ How much do you weigh? ▪ How tall are you? ▪ Are you pregnant or plan to have any/more children? ▪ Are you engaged? | <ul style="list-style-type: none"> ▪ What hours and days can you work? ▪ Are there specific times that you cannot work? ▪ Do you have responsibilities other than work that will interfere with specific job requirements such as traveling? ▪ Unless can prove weight &/or height are necessary requirements for the job to be performed <p>After hiring ONLY, marital status, number and age of dependents, and age of spouse for insurance and tax purposes</p> |
| Ancestry/Birthplace/Citizenship/National Origin | <ul style="list-style-type: none"> ▪ What is your national origin? ▪ Where are your parents (and other family members) from? ▪ Date of arrival in U.S. ▪ Port of entry ▪ Questions which identify customs or denomination ▪ Date of citizenship ▪ Where did you grow up? ▪ What kind of visa do you have? ▪ What type of accent is that ? | <ul style="list-style-type: none"> ▪ Are you a U.S. citizen? ▪ Are you legally authorized to work in the United States? ▪ Will you now or in the future require sponsorship for employment visa status (e.g., H-1B, TN, etc.)? <p>After hiring ONLY, employer can require proof of citizenship</p> |
| References/Reference Checking | <ul style="list-style-type: none"> ▪ What is your maiden name? ▪ What is your father's surname? ▪ What are the names of your relatives? | <ul style="list-style-type: none"> ▪ Are your educational or employment records listed under any other name? ▪ Who referred you for a position here? ▪ Names of persons willing to provide professional &/or character references for applicant |
| Criminal Record (Arrests and Convictions) | <ul style="list-style-type: none"> ▪ Have you ever been arrested? | <ul style="list-style-type: none"> ▪ Have you ever been convicted of a crime? If so, when, where and what was the disposition of the case? |
| Disabilities | <ul style="list-style-type: none"> ▪ Do you have any disabilities? ▪ | <ul style="list-style-type: none"> ▪ This job requires that you lift 25 lbs and stand for 2 hours at a time. Can you perform the essential functions of this job, with or without accommodation? |
| Age/Birth Date | <ul style="list-style-type: none"> ▪ What is your date of birth? ▪ How old are you? | <ul style="list-style-type: none"> ▪ If hired, can you furnish proof that you are over age 18? <p>After hiring ONLY, employer can require proof of age by birth certificate</p> |

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| Emergency Notification | <ul style="list-style-type: none"> What is the name and address of the relative to be notified in case of an emergency? | <ul style="list-style-type: none"> What is the name and address of the person to be notified in case of an emergency? (Can be requested only after the individual has been employed) |
| Credit Record | <ul style="list-style-type: none"> Do you own your own home? Have your wages ever been garnished? Have you ever declared bankruptcy? | <ul style="list-style-type: none"> UTHealth does not perform credit checks for new hires. |
| Military Service/Record | <ul style="list-style-type: none"> What type of discharge did you receive? Did you serve in the military? Do you have any military records? | <ul style="list-style-type: none"> What type of education, training, or work experience, do you have that is relevant to this job? |
| Clothing/Uniforms | <ul style="list-style-type: none"> Do not ask about clothing that a person wears for religious or cultural reasons | <ul style="list-style-type: none"> The uniform for this job is X. Do you have any issues wearing the uniform? May ask about clothing if the person's clothing appears to be an issue based on legitimate business reasons. (Example: A person's outfit has large sleeves that would not be appropriate in a laboratory setting). |
| Language | <ul style="list-style-type: none"> What is your native language? Inquiry into use of how applicant acquired ability to read, write or speak a foreign language. | <ul style="list-style-type: none"> Inquiry into languages applicant speaks and writes fluently. (ONLY if the job requires additional languages) |
| Organizations | <ul style="list-style-type: none"> List all clubs, societies and lodges to which you belong. Are you a union member? | <ul style="list-style-type: none"> Inquiry into applicant's membership in organizations which the applicant considers relevant to his or her ability to perform job. |
| Race or Color (see also Ancestry/Birthplace/National Origin) | <ul style="list-style-type: none"> Complexion or color of skin, eyes, hair Any related directly or indirectly to race/color | <p>After hiring ONLY, may ask for affirmative action plan statistics</p> |
| Worker's Compensation | <ul style="list-style-type: none"> Have you ever filed for worker's compensation? Have you had any prior work injuries? | |
| Religion/Creed | <ul style="list-style-type: none"> Inquiry into applicant's religious denomination, religious customs, religious affiliations; church, parish, pastor or religious holidays observed. | <ul style="list-style-type: none"> May advise applicant about normal hours and days of work required by the job and ask if the applicant is willing to work that schedule on a regular basis. |
| Gender/Sex | <ul style="list-style-type: none"> Do you wish to be addressed as Mr., Mrs., Miss, or Ms.? Are you male or female? DO NOT ask about sexual orientation. | <ul style="list-style-type: none"> Inquiry into gender/sex is permissible only where a bona fide occupational qualification (BFOQ) exists. <p>After hiring ONLY, can ask about gender for affirmative action plan statistics</p> |

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| Addresses/Housing/Length of Residence | <ul style="list-style-type: none"> ▪ What was your previous address? ▪ How long did you reside there? ▪ How long have you lived at your current address? ▪ Names or relationships of persons with whom applicant resides ▪ Do you rent or own home? | <ul style="list-style-type: none"> ▪ For applicant's address and phone number ▪ How the applicant can be reached |
| Education | <ul style="list-style-type: none"> ▪ When did you graduate from high school or college? ▪ The, racial or religious affiliation of schools attended. | <ul style="list-style-type: none"> ▪ What was your GPA? ▪ Where is that school located (ONLY if relevant to assessing credentials) ▪ Do you have a high school diploma or equivalent? ▪ Do you have a university or college degree? ▪ What school(s) did you attend? |
| Experience | | <ul style="list-style-type: none"> ▪ Applicant's work experience, including names and addresses of previous employers, dates of employment, reasons for leaving, and salary history |
| Health/Physical Condition | <ul style="list-style-type: none"> ▪ Do you have any handicaps? ▪ What is your HIV status? ▪ What prescriptions do you take? ▪ Genetic Information (i.e. family history of breast cancer or heart attacks). | <ul style="list-style-type: none"> ▪ This job requires that you stand for 12 hour shifts. Can you do the essential functions of the job, with or without accommodation? |

