

## From inappropriate to illegal: interview questions to avoid

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The NFL Scouting Combine-the showcase for NFL Draft hopefuls that takes place in Indianapolis each year- gets more than its fair share of press. Thousands of articles are written about how much prospective players can bench press, how fast they can run the 40-yard dash, and how high they can jump. In the last few years, though, a number of articles have also included allegations by several prospective and current players that they were asked highly inappropriate personal questions in team interviews about their sexual orientation, their mothers' private lives or even what kind of underwear they wear.

Thankfully, these are extreme examples of questions not to ask in job interviews. I've never heard that any of my students were asked these types of questions, but they have definitely shared stories about fielding questions they knew shouldn't be asked: if they were planning to get married soon, if they had kids, or about their religious faith. One student was even asked to dance in front of an interviewer to prove the student was outgoing clearly, there are better ways to determine this quality.

My HR students know which questions are inappropriate because we spend quite a bit of time discussing them, and it's not unusual for one of them to reach out to me a couple of years after graduation asking for my "checklist" so they can use it to train managers in their new jobs. The checklist is simply a list of questions that asks whether each question is appropriate. Many on the list are not.

Most managers know they shouldn't ask about marital status or kids because they could be accused of violating crimationent laws. course of a conversation, anti-disemployIn the friendly though, they often forget this fact and, before they know it, they have crossed the line from professional questions to personal ones.

Beyond family status, though, many managers really aren't aware of what is not appropriate to ask. Most are aware, for example, that knowingly hiring someone who is not legally eligible to work in the United States is prohibited by the Immigration Reform and Control Act of 1986. But many don't realize-or haven't been informed-that the same law also makes it illegal to discriminate against someone who is not a citizen but who does have the legal right to work in this country-a permanent resident with a green card, for example. (The proper question for everyone, by the way, is along the lines of, "Are you legally eligible to work in the U.S.?" )

Similarly, while most know they shouldn't ask an interviewee's date of birth due to age-discrimination laws, they don't realize they also shouldn't ask for high school or college

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graduation dates (it doesn't take complex math to figure out someone's age that way). Again, it's not something interviewers intentionally try to manipulate; it just comes up conversationally: "I went to that high school, too!"

- When did you graduate?" It requires discipline to remain professional in these situations.

Another common area of concern has to do with physical fitness for a position. Employers might think it's "job-related" to ask if a candidate has ever had back problems or a Worker's Compensation claim, but the Americans with Disabilities Act specifically prohibits any medical questions. Instead, you need to describe the duties of the job and ask the candidate if he or she can-with or without reasonable accommodation-perform those duties. It's up to the candidate to volunteer any accommodations needed.

Sometimes, well-meaning employers who want to be open to cultural diversity might ask, "Are there any religious holidays that you can't be available to work?" What these employers don't stop to realize is that they are inadvertently inquiring as to the candidate's religion-certainly not what they meant to do!

And finally, there is the "salary question," which Michael Blickman covered in this space last month. If you missed the column, you should go back and read it. Asking the candidate's salary has been a standard question for years, but it's become clear that relying on someone's current pay to determine your salary offer can potentially result in a continuation of past discrimination-and legal headaches for you.

Perhaps you've heard these warnings from your HR department and didn't take them seriously, but there is solid reasoning behind their directives. Asking inappropriate questions can lead candidates to feel that you are discriminating against them-or, at the very least, can make you look uninformed and out-of-date to potential candidates.