

**#101**

***Prohibited Interview Questions***

“When hiring, managers must know what questions can and cannot be asked during interviews. The questions that should not be asked are derived from federal anti-discrimination law which prohibits employment discrimination based on protected groups. Direct questions of a job applicant on the following topics are prohibited:

- Age – including questions that may reveal age, such as the year of high school graduation.
- Religion – you can and should state the working hours of the position, particularly if it includes weekend work and whether the applicant can work those hours with reasonable accommodation.
- Race
- Gender
- National Origin/Citizenship – you can ask if an applicant is a U.S. citizen, permanent resident, or authorized to work in the U.S.
- Disability – you can ask if an applicant is able to perform the essential functions of the job with or without reasonable accommodation.
- Union Membership
- Language Proficiency – you can ask if an applicant can communicate in English.
- Marital Status
- You can ask if an applicant is authorized to work in the U.S. and if an applicant has ever been arrested or convicted of a crime.
- Work History – you can ask if an applicant has ever been employed by a competitor.
- Prior Criminal Record – you can ask if an applicant has ever been arrested or convicted of a crime. A conviction for a crime is not the same as being convicted.
- Current Military Service and Type of Discharge from any Previous Service – you can ask if an applicant was formerly in the military, but enquiries should be limited to length of service, final rank upon discharge, and the type of applicable work experience gained in the military.
- Sexual Orientation
- Past Bankruptcies or Garnishment of Wages – employers may still use credit reports in their hiring process, but they must ensure that they comply with the Fair Credit Reporting Act, as well as any applicable state privacy laws.
- Frequency of and/or Treatment for Illegal Drug/Alcohol Abuse – some very limited questions about illegal drug use are technically permitted. Specific questions such as ‘Have you ever used illegal drugs?’ ‘Have you ever used illegal drugs in the last 6 months?’ can be asked.
- Clubs/Organizations – you can ask if an applicant belongs to any clubs or organizations.
- Home/Car Ownership

**SAMPLE**

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**Take Away:** While prohibited questions can be quite specific, a good rule of thumb if ever in doubt about a potential question is “If it’s not job-related, don’t ask.”