Handling Illegal Questions

When it comes to handling illegal questions you have a couple of options:

1. **You can answer the question**—you are free to do so, if you wish. However, if you choose to answer an illegal question, remember that you are giving information that is not related to the job; in fact, you might be giving the “wrong” answer, which could harm your chances of getting the job.

2. **You can refuse to answer the question which is within your rights.** Unfortunately, depending on how you phrase your refusal, you run the risk of coming off as uncooperative or confrontational—words that employers do not utilize to describe the “ideal” candidate.

3. **You can examine the question for its intent and respond with an answer as it might apply to the job.** For example, the interviewer asks, “Are you a U.S. citizen?” You have just been asked an illegal question. You could respond, however, with “I’m authorized to work in the United States.” Similarly, let’s say the interviewer asks, “Who is going to take care of your children when you have to travel for the job?” You might answer, “I can meet the travel and work schedule that this job requires.”

Listed below are examples of illegal questions and their legal counterparts.

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<th>Inquiry Area</th>
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| National Origin/Citizenship| • Are you a U.S. citizen?  
• Where were you/your parents born?  
• What is your “native tongue?” | • Are you authorized to work in the U.S.?  
• What languages do you read/speak/write fluently? |
| Age                        | • How old are you?  
• When did you graduate?  
• What is your birth date? | • Are you over the age of 18?  
• Do you have the minimum age requirement for this job? |
| Marital/Family Status       | • What is your marital status?  
• With whom do you live?  
• Do you plan to have a family?  
• When?  
• How many kids do you have?  
• What are your childcare arrangements? | • Would you be willing to relocate if necessary?  
• Would you be able and willing to travel as needed for the job?  
• Would you be able and willing to work overtime as necessary? |
| Personal                   | • How tall are you?  
• How much do you weigh? | • Are you able to lift a 50 pound weight and carry it 100 yards, as it is required for this job. |

Note: Questions about height and weight are not acceptable unless minimum standards are essential for the safe performance of the job.
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| Disabilities | • Do you have any disabilities?  
• Please complete the following medical history?  
• Have you had any recent or past illnesses or operations? If yes, list them and give dates when these occurred.  
• What was the date of your last physical exam?  
• How is your family’s health?  
• When did you lose your eyesight? How?  
• Do you need an accommodation to perform the job? (This question can be asked only after a job offer has been made.) | • Are you able to perform the essential functions of this job? (This question is okay of the interviewer has thoroughly described the job.)  
• Can you demonstrate how you would perform the following job-related functions?  
• As part of the hiring process after a job offer has been made, you will be required to undergo a medical exam. (Exam results must be kept strictly confidential, except medical/safety personnel may be informed if emergency medical treatment is required, and supervisors may be informed about necessary job accommodations, based on exam results.) |
| Affiliations | • To what clubs or social organizations do you belong to? | • Do you belong to any professional or trade groups or organizations that you consider relevant to your ability to perform this job? |
| Arrest Record | • Have you ever been arrested? | • Have you ever been convicted of ________? (The crime named should be reasonably related to the performance of the job in question.) |
| Military | • If you have been in the military, were you honorably discharged? | • In what branch of the Armed Forces did you serve?  
• What type of training or education did you receive in the military? |