

LEGAL AND ILLEGAL AREAS ON INTERVIEW INQUIRY

AREA OF INQUIRY	LEGAL	ILLEGAL
Name	For access purposes, inquiry into whether the applicant's work records are under another name.	To ask if a woman is a Miss, Mrs., or Ms. To request applicant to give maiden name or any other previous name he/she has used.
Address/Housing	To request place and length of current and previous addresses. To ask for applicant's phone number or how he/she can be reached if a number is not available.	To ask applicants if they own their own home, rent, or live in an apartment or house.
Age	Requires proof of age by birth certificate after hiring.	To ask age or age group of applicant. To request birth certificate or baptismal record before hiring.
Birthplace/National Origin		To ask birthplace of applicant or that of his or her parents, or spouse. Any other inquiry into national origin.
Race/Color	To indicate that the institution is an equal opportunity employer. To ask race for affirmative action plan statistics, after hiring.	Any inquiry that would indicate race or color.
Sex	To indicate that the institution is an equal opportunity employer.	To ask applicant any inquiry that would indicate sex, unless job related.
Religion/Creed		To ask an applicant's religion or religious customs and holidays. To request recommendations from church officials.
Citizenship	Whether a US citizen. If applicant is eligible to work in the US. Require proof of citizenship after hiring.	If native-born or naturalized. Proof of citizenship before hiring. Whether parents or spouse are native born or naturalized.
Marital/Parental	Status (only married or single) after hiring for insurance purposes. Number and ages of dependants and/or spouse after hiring for insurance purposes.	To ask marital status before hiring. To ask the number and ages of children, who cares for them and if applicant plans to have more children.
Relatives	To ask name, relationship and address of person to be notified in case of emergency, after hiring.	Names of relatives working for the institution or in a district. (Nepotism policies that impact disparately on one sex are illegal.)
Military Service	Inquiry into service in the US Armed Forces. Rank attained. Branch of Service. Any job-related experience. Require military discharge certificate after hiring. To ask if applicant has reservist obligations.	To ask type of discharge. To request military service records. To ask about military service in Armed Service of any country but the US.
Education	To ask what academic, professional, or vocational schools attended. To ask about language skills, such as reading and writing foreign languages.	To ask how foreign language ability was acquired.
Criminal Record	To request listing of convictions and other misdemeanors.	To inquire about arrests.
References	To request general and work references not relating to race, color, religion, sex, national origin or ancestry.	To request references specifically from clergy, or any other persons who might reflect race, color, religion, sex, national origin or ancestry.
Organizations	To as organizational membership – professional, social, etc., so long as affiliation is not used to discriminate on the basis of race, sex, national origin, or ancestry. Offices held, if any.	To request listing of all clubs applicant belongs or has belonged to.
Photographs	May be required after hiring for identification purposes.	Request photographs before hiring. To take pictures of applicants during interviews.
Work Schedule	To ask willingness to work required work schedule.	To ask willingness to work any particular religious holidays.
Handicap	To inquire for the purpose of determining applicant's capability to perform the job. (Burden of proof for non-discrimination lies with the employer.)	To exclude handicapped applicants as a class on the basis of their type of handicap. (Each case must be determined on an individual basis by law.)
Other Qualifications	To inquire about any area that has a direct reflection on the job applied for.	Any non-job-related inquiry that may reveal information permitting unlawful discrimination.