

EEO Guidelines for Interviewing Applicants

Source: U.S. Equal Employment Opportunity Commission

TOPIC	OK TO ASK	NOT OK TO ASK
Employment	Any question related to education, experience, strengths and weaknesses, promotions, accomplishments, current salary, salary requirements, reasons for leaving a position.	None
Age	No acceptable pre-employment inquiries. (The exception, as always, is when you can prove that age is a bona fide occupational qualification – i.e., is necessary to perform the job, usually difficult or impossible to prove.)	Any question designed to discover someone’s age.
Arrest Record	No acceptable pre-employment inquiries. (Law enforcement agencies are exempt from this restriction)	Any inquiry relating to arrests. Since, under our judicial system, you are presumed innocent until proven guilty.
Availability for Saturday or Sunday Work (pertaining to Religious discrimination)	Although you may want to know about an applicant’s availability for Saturday or Sunday work, the answer may not do you any good since even when an applicant’s religious observance makes him or her unavailable for weekend shifts, this fact cannot be used in any hiring decision. Title VII requires employers to make “reasonable accommodation” even for a “prospective employee’s religious observance”, unless it causes “undue hardship”. If you decide to ask, let the applicant know that a reasonable effort will be made to accommodate any religious needs should he or she be hired.	Any question about religious observance.
Availability for Weekend or Evening Work (pertaining to sex discrimination)	Inquiries about an applicant’s availability for evening and/or weekend work provided that the inquiry is made of both male and female applicants and provided that the person now doing the job works evenings and/or weekends, or that a definite change in schedule is being implemented.	Asking this question because you think you’ll want the person to work evenings or weekends. (Reason: Question is likely to have a discriminatory impact on applicants with families – particularly women.)
Citizenship	Whether the applicant is prevented from lawfully becoming employed in this country because of visa or immigration status. Whether applicant can show proof of citizenship, visa or alien registration number after being hired.	Whether applicant is a citizen. Any requirement that the applicant present birth, naturalization, or baptismal certificate before being hired.
Convictions	It is all right to inquire about an applicant’s conviction record for “security sensitive” jobs, since it has been shown that people with high conviction rates are poor risks for these jobs. “Security sensitive” jobs include not only the obvious – treasurer, cashier, etc. – but peripheral positions as well –janitor, typist, trucker or other jobs where the employee would be working near a security sensitive area.	Questions about conviction unrelated to job requirements –e.g., inquiries about gambling arrests for the job of pipefitter.
Credit Inquiries	No acceptable pre-employment inquiries unless job related.	Inquiries about charge accounts, bank accounts, etc.

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Family Status	Whether applicant has any activities, commitments, or responsibilities that might prevent him or her from meeting work schedules or attendance requirements. NOTE: These questions must be asked of both men and women or of neither.	Whether the applicant is married or single, number and age of children. Asking only women about child-care arrangements.
Financial Status	No acceptable pre-employment inquiries.	Inquiries about an applicant's financial condition, home or car ownership (unless owning a car is required for the job) have been found to result in discrimination against minorities since more non-whites than whites are below the poverty level.
Disabilities	Are you able to perform the essential functions of the job with reasonable accommodation? (Provide applicant with a job description.)	General inquiries – e.g., “Do you have any disabilities?” – which might reveal disabilities not related to ability to perform a specific job.
Height and Weight	Inquiries about ability to perform the job (without mentioning the person's height or weight). Protects those of Spanish, Asian background and women.	Any inquiry about height or weight not based on the actual job requirements, in which case you or your superiors must be able to prove that a specific minimum or maximum height or weight is required to perform the job.
Marital Status	No acceptable pre-employment inquiries.	Whether the applicant is married, single, divorced, separated, engaged, widowed.
Military	Inquiries about education, training or work experience gained in U.S. armed forces.	Type or condition of military discharge. Experience in other than U.S. armed forces. Request for discharge papers.
National Origin	Inquiries into applicant's ability to read, write and speak English or foreign languages when required for a specific job.	Questions about applicant's lineage, ancestry, national origin, descent, place of birth or mother tongue, national origin of applicant's parents or spouse. How applicant acquired ability to read, write or speak a foreign language.
Personal Information	Whether the applicant has ever worked for your organization under the current name or another name. Names of character references.	General inquiries about change of name through court application or marriage.
Education	If the individual has the specific education or training required for the specific job.	General questions about high school or college degrees unless you (or your supervisors) can prove the educational degree inquired about is necessary to perform the job.

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Race or Color	No acceptable pre-employment inquiries.	Any questions about race or color.
Relatives	Name of applicant's relatives already employed by our organization or competitor. (This inquiry becomes unlawful when hiring preference is given to relatives of employees at a time when minorities are under-represented in your organization's work force.)	Requests for the names and addresses of any relatives other than those working for your organization.
Religion or Creed	No acceptable pre-employment inquiries.	Questions about applicant's religious denomination, religious affiliation, church, pastor, or religious holidays observed.
Residence	Inquiries about the applicant's address needed for future contact with the applicant.	Whether the applicant owns or rents own home (denotes economic class). Names and relationship of persons with whom the applicant resides.
Sex	No acceptable pre-employment inquiries.	No acceptable inquiries.
Pregnancy	Inquiries about the applicant's anticipated duration of stay on the job or anticipated absences – only if made to both male and female applicants.	Any question relating to pregnancy or medical history concerning pregnancy. NOTE: The EEOC has ruled that to refuse to hire a female solely because she is pregnant amounts to sex discrimination.
Organization	Inquiries about membership in professional organizations related to the job – e.g., does the applicant for a chemical engineering job belong to a chemical engineering society?	Questions about organizations whose name or character indicates members' economic or social class, race, color, creed, sex, marital status, religion or national origin – e.g., country clubs, social clubs, religious clubs, fraternal orders.

Federal Equal Employment Opportunity (EEO) Laws:

- Title VII of the Civil Rights Act of 1964 (Title VII), prohibits employment discrimination based on race, color, religion, sex, or national origin;
- Equal Pay Act of 1963 (EPA), protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination;
- Age Discrimination in Employment Act of 1967 (ADEA), protects individuals who are 40 years of age or older;
- Pregnancy Discrimination Act of 1978, prohibits sex discrimination on the basis of pregnancy;
- Title I and Title V of the Americans with Disabilities Act of 1990, as amended (ADA), prohibits employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments;
- Civil Rights Act of 1991, this law amends Title VII and the ADA to permit jury trials and compensatory and punitive damage awards in intentional discrimination cases.
- Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits genetic information discrimination in employment.