

## Illegal Interview Questions

In the United States there are federal and state laws which make it illegal for an employer to discriminate against a job applicant based on race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), age, national origin or disability.

The following are some illegal interview questions along with related questions that are legal. Please note, this list is not all inclusive.

***This content is provided for informational purposes only and is not legal advice. For legal guidance regarding employment rights or interview practices, consult a qualified attorney or contact the University of Cincinnati's [Office of Ethics, Compliance & Community Impact](#).***

Question Category	Illegal	Legal
<b>Age</b>	<ul style="list-style-type: none"> <li>How old are you?</li> <li>What year were you born?</li> <li>What is your date of birth?</li> <li>When did you graduate from high school?</li> </ul>	<ul style="list-style-type: none"> <li>Are you at least 18 years old?</li> <li>After hiring, they may verify your name with a birth certificate or other ID and ask age on insurance forms.</li> </ul>
<b>Citizenship</b>	<ul style="list-style-type: none"> <li>Are you a US citizen?</li> <li>Are your parents or spouse US citizens?</li> <li>When did you, your parents or your spouse become U.S. citizens?</li> <li>Are you, your parents, or your spouse naturalized or native-born U.S. citizens?</li> </ul>	<ul style="list-style-type: none"> <li>Are you legally eligible for employment in the US?</li> <li>Will you now or in the future require sponsorship for employment visa status (e.g., H-1B, TN, etc.)?</li> </ul>
<b>Credit Record</b>	<ul style="list-style-type: none"> <li>Have your wages ever been garnished?</li> <li>Have you ever declared bankruptcy?</li> </ul>	<ul style="list-style-type: none"> <li>Credit references may be used if in compliance with the Fair Credit Reporting Act of 1970 and the Consumer Credit Reporting Reform Act of 1996.</li> </ul>
<b>Criminal Record</b>	<ul style="list-style-type: none"> <li>Have you ever been arrested? *</li> </ul>	<ul style="list-style-type: none"> <li>*There is no Federal law that clearly prohibits an employer from asking about arrest and conviction records, however several state laws limit the use of arrest and conviction records by prospective employers. Review state-specific laws for additional guidelines.</li> <li>Have you ever been convicted of a crime?</li> </ul>

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<b>Disability</b>	<ul style="list-style-type: none"> <li>Do you have any disabilities or medical conditions?</li> <li>Have you ever been to rehab?</li> <li>Have you ever filed a workers' compensation claim?</li> <li>Have you ever been injured on the job?</li> </ul>	<ul style="list-style-type: none"> <li>This position requires you to carry 50 pounds for 100 yards. Can you perform the duties of the job you're applying for?</li> <li>After hiring, employers may ask about medical history on insurance forms.</li> </ul>
<b>Family</b>	<ul style="list-style-type: none"> <li>Any questions concerning spouse, or spouse's employment, salary, arrangements or dependents.</li> <li>What kind of childcare arrangements have you made?</li> <li>How will your spouse feel about the amount of time you will be traveling if you get this job?</li> </ul>	<ul style="list-style-type: none"> <li>Can you work overtime?</li> <li>Is there any reason you couldn't start at 8 am?</li> <li>Can you meet the specified work schedule?</li> <li>Do you have activities or commitments that may prevent you from meeting attendance requirements?</li> </ul>
<b>Gender</b>	<ul style="list-style-type: none"> <li>Do you wish to be addressed as Mr., Mrs., Miss or Ms.?</li> <li>What are your plans to have children in the future?</li> </ul>	None
<b>Marital Status</b>	<ul style="list-style-type: none"> <li>Are you married, divorced, separated, engaged, widowed?</li> <li>Is this your maiden or married name?</li> <li>What is the name of your relative/spouse/children?</li> </ul>	<ul style="list-style-type: none"> <li>After hiring, they may ask you about your marital status on tax and insurance forms.</li> </ul>
<b>Language</b>	<ul style="list-style-type: none"> <li>What is your native language?</li> <li>How did you learn to read, write, or speak a foreign language?</li> <li>What language is spoken in your home?</li> </ul>	<ul style="list-style-type: none"> <li>What languages do you speak and write fluently? (if the job requires additional languages)</li> </ul>
<b>National Origin</b>	<ul style="list-style-type: none"> <li>What is your nationality?</li> <li>Where were you born?</li> <li>Where are your parents from?</li> <li>What's your heritage?</li> <li>How did you acquire familiarity with a foreign country?</li> <li>What language is spoken in your home?</li> </ul>	<ul style="list-style-type: none"> <li>They may verify legal U.S. residence or work visa status.</li> </ul>

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<b>Parental Status</b>	<ul style="list-style-type: none"> <li>Are you pregnant or plan to have any/more children?</li> <li>How many kids do you have?</li> <li>How old are your children?</li> </ul>	<ul style="list-style-type: none"> <li>After hiring, they may ask you for dependent information on tax and insurance forms.</li> </ul>
<b>Race or Skin Color</b>	<ul style="list-style-type: none"> <li>What race are you?</li> <li>Are you a member of a minority group?</li> </ul>	None
<b>Religion or Creed</b>	<ul style="list-style-type: none"> <li>What is your religious affiliation, denomination, church, parish, pastor, etc.?</li> </ul>	<ul style="list-style-type: none"> <li>Can you work on Saturdays or Sundays (should only be asked if the position requires working on the weekends)?</li> </ul>
<b>Religion or Creed, continued</b>	<ul style="list-style-type: none"> <li>Which religious holidays do you observe?</li> <li>Do you attend church regularly?</li> </ul>	<ul style="list-style-type: none"> <li>Questions about an applicant's religious affiliation or beliefs (unless the religion is a bona fide occupational qualification), are generally viewed as non-job-related and problematic under federal law. Religious corporations, associations, educational institutions, or societies are exempt from the federal laws that the U.S. Equal Employment Opportunity Commission enforces when it comes to the employment of individuals based on their religion. In other words, an employer whose purpose and character is primarily religious is permitted to lean towards hiring persons of the same religion.</li> <li>.</li> </ul>
<b>Residence</b>	<ul style="list-style-type: none"> <li>Do you own or rent your home?</li> <li>Do you live in town?</li> <li>With whom do you live?</li> </ul>	<ul style="list-style-type: none"> <li>They may inquire about the address to facilitate contact with the applicant.</li> </ul>
<b>Salary History</b>	<ul style="list-style-type: none"> <li>What is your current salary? **</li> <li>What was your starting and ending salary in any prior positions? **</li> </ul>	<ul style="list-style-type: none"> <li>What are your salary expectations for this position?</li> <li>**As of 2020, <a href="#">18 states have state-wide bans outlawing pay history questions.</a></li> </ul>

## **Four Options for Responding to Illegal Questions**

Many organizations are careful and thorough in training their staff to conduct interviews; however, inappropriate questions can be asked. When this happens, there's no right or wrong way to proceed. You must decide what's best for you.

### **Answer the Question.**

If you think the interviewer was simply trying to get to know you, and naively asked the question, you can choose to answer. Consider the intent of the question. For example, was the interviewer asking about your birthplace because he or she grew up in the same area and is trying to get to know you? If you are comfortable answering, then it's fine to do so.

### **Question the relevance.**

You can ask your interviewer how the question relates to the position you're interviewing for by saying, "Can you please rephrase the question, I don't understand the connection to this role?" This may alert them to the inappropriate nature of their question.

### **Side-step it.**

You could discretely refuse to answer the question but address the concerns you believe they are trying to raise. For example, if your interviewer asks you if you have children, he or she might really be trying to determine whether your family responsibilities would interfere with the frequent travel that the job requires. You could respond by saying something like "My personal life will not interfere with my professional responsibilities."

### **Leave the Interview.**

If you feel the interviewer is asking an inappropriate or discriminatory question, you can refuse to answer their question and excuse yourself from the interview.

More information on federal laws regarding prohibited employment policies/practices can be found on the [\*\*U.S. Equal Employment Opportunities Commission website\*\*](#).

## **Seek Help**

Any student who feels an interviewer or employer has acted inappropriately should contact UC's College of Cooperative Education and Professional Studies at [\*\*careereducation@uc.edu\*\*](mailto:careereducation@uc.edu).