

LEGAL GUIDELINES FOR INTERVIEWING

REMINDER: Selection decision must be based on job related criteria *ONLY*. None of the illegal questions can be asked at any time during the selection process, including, for example, in one on one conversations with the candidate before or after an interview, during meals when the candidate is present, etc.

Subject	Illegal Questions	Legal Questions	Additional Information
Age	How old are you? What's your birth date?	None	No questions or statements about age can be made.
Arrests	Have you ever been arrested?	None	Only questions pertaining to felony convictions may be asked.
Convictions	Have you been convicted of any illegal activities?	Have you ever been convicted of a felony? If so, what was the nature and result of the conviction? You've applied for the job of cashier. Have you ever been convicted of stealing?	If candidate has been convicted, evaluate the relevancy of the felony to the position.
Handicaps	I can see you have a disability. Can you do this job?	This job would require you to carry out X, Y and Z duties. Can you perform those duties?	No questions about disabilities are allowed.
Gender	Almost all our employees are men. Are you sure you would feel comfortable in this environment?	None unless there is a bona fide occupational qualification for the job requiring a person of a particular sex.	The EEOC must decide if a position qualifies for a BFOQ. If this is a BFOQ, it must be determined on the front end - when the job description is being finalized.
Family	How many children do you have? Do you plan to start a family soon?	Can you work such and such hours?	No questions about applicant's family are allowed.
Marital Status	Have you ever been married? Are you married?	None	No questions about applicant's marital status are allowed.
Child Care Arrangements	Is your child in an all-day nursery school?	Can you work such and such hours?	No questions about childcare are allowed.

Subject	Illegal Questions	Legal Questions	Additional Information
Education	You received your degree from OSU. Did you belong to the Society of Hispanic Professional Engineers?	You may ask about degrees earned, training completed related to work or education-related accomplishments.	No questions allowed about school connections to specific racial, ancestral, national or religious groups.
Race	Are you bi-racial?	None	No questions about race are allowed.
Ancestry or National Origin	I noticed the unique spelling of your name. Is that Irish?	To do this job, you must be able to speak Spanish. How well do you speak that language?	No questions about ancestry or national origin are allowed.
Citizenship	Are you a U.S. citizen?	Can you legally work in this country?	No questions allowed about applicant's specific country of citizenship.
Military Duty	Were you honorably discharged?	You may ask about specific jobs held while in the service.	No questions about type of discharge are allowed.
Memberships	Do you attend the local United Methodist Church? Are you a member of the NAACP?	Do you belong to your professional association? What trade groups do you belong to?	No questions allowed about non work-related organizations, such as religious or ethnic groups.

Candidate Communication Protocol

When reviewing the legal guidelines for interviewing, keep in mind that none of the information listed should ever be discussed or referred to in any way at any time. This includes:

- One on one conversations with the candidate in any setting including
 - Social settings
 - Meals during phone and on site interview process
 - Before or after an interview
- Conversations with others about the candidate
- Drawings of candidate
- Attempts at determining age, ethnicity, etc.
- Documentation or note taking on any of the listed illegal topics
- Joking about any of the listed illegal topics

Applicant information is considered confidential and needs to be treated as such. Only those involved in the selection process are to have access to information pertaining to applicants, interview questions and the selection decision.

REMINDER—Any interview notes or other documentation can be subject to review by outside parties such as the EEOC, attorneys, juries etc.

Scenarios to Avoid

- An interview committee member runs into a candidate at the mall and strikes up a conversation. They ask the candidate what their husband's name is because they think they may have worked with him in the past.
- The interview committee is dining with a candidate during the interview process. One of the committee asks the candidate if their last name is of Brazilian (or any other) origin.
- During an interview, a committee member makes a sketch of the candidate on the back of their interview notes.
- While interviewing, the candidate mentions the year they graduated from high school. A committee member does immediate calculations to determine their age.
 - They then document that age in their interview notes
 - They proceed to inform the committee of what they think to be the candidate's age
 - The committee then jokes about whether or not the "old-timer" can do the job
- A committee member realizes during the interview that their children go to school with the candidate's child. On a break during the interview process they talk to the candidate in the hall and ask how many of her children attend St. Pius Catholic School. That committee member asks the candidate if he and his spouse are parishioners at St. Pius Church.
- A candidate has a foreign accent. One of the committee members asks, "That is a lovely accent. Are you Japanese?"
- During the interview, the candidate volunteers information pertaining to his age. Even though this information was unsolicited, a committee member documents the candidate's age on the interview notes.
- A candidate voluntarily tells the committee that her pre-school daughter has a hard time adjusting to any changes in the family's routine. A committee member asks a follow up question, "How will your daughter react if you are selected for this job and your work hours change?"

Committee Facilitator's role

- If the candidate volunteers information that does not pertain to his/her qualifications and the information can be classified as "illegal", the facilitator needs to redirect the conversation. Tell the candidate that the interview needs to focus on job related information only. The facilitator should also document that the candidate was notified of this.
- If a committee member asks an inappropriate/illegal question, the facilitator needs to tell the candidate not to respond and explain to the committee member that the question cannot be asked. This information should also be documented.