

Inappropriate Interview Questions

Interview questions should be concerned with the experience, training, skills, etc.

These answers should provide evidence of whether the candidate possesses the knowledge, skills or abilities (KSA) set by the supervisor of the position. For example, the KSA of "ability to give oral presentations to large groups" may be one to be examined in the interview. A good interview question might be: "What experience have you had in presenting technical information to large groups?" In the questioning, you could ask about the size of the group addressed, if audience addressed challenged the information being presented, and to what extent the candidate participated in preparing the presentation. This type of question is objective; it does not "lead" the candidate to an answer, serves to find job related information. Less effective questions for this KSA would be: "Do you have trouble speaking before large groups?" "Can you speak well?"

Do not formulate hypothetical cases and ask the candidate to provide possible solutions.

For example, a typical KSA for supervisory positions is the "ability to delegate work." A good interview question would state: "What experience do you have in delegating work; what was the workload, how many subordinates did you supervise, what situations were encountered?" Do not ask: "What would you do in the following situation: You have 1,000 cartons of widgets to deliver.....your clerk is on leave; how do you get the cartons delivered?" This type of questions is not objective and there are no right answers.

Do not ask questions that have an obvious answer and provide no means for distinguishing among candidates.

The questions "Do you like working with people?" have an obvious response. A question such as "What experience have you had that shows you can effectively deal with the public?" would be more appropriate.

Some questions have been included in so many interviews that candidates may expect them.

An example of this type of question would be "Why do you want this job?" There is no right answer. Candidates tend to have prepared answers for these kinds of questions aimed at what they think interviewers want to hear. This type of question adds nothing to the interview.

The vocabulary used in interview questions should be geared to the level of the candidates.

Specialized terminology, organizational abbreviations, and so forth, may intimidate or confuse the candidate and should not be used.

There are some areas that are sensitive and should not be part of the interview.

Interview Subjects

Subject	Illegal	Legal If Job Related
AGE	Any question which tends to identify applicants between 40-64 years of age is illegal. EXAMPLE: "Do you remember the 1940 election?"	There is no legal question you can ask regarding this subject. The personnel office may request documentation to verify age, if necessary, to ensure legally set minimum age and maximum age limits are met.
CITIZENSHIP	Any of the following questions can not be asked: Are you a citizen of the United States? Are your parents/ spouse a US citizen? When did you acquire US citizenship? Are you/spouse/ parent native born or naturalized?	There is no legal question you can ask regarding this subject. The personnel office may request documentation to verify citizenship requirements, if they exist for the job being filled.
NATIONAL ORIGIN	Any of the following questions can not be asked: What is your national origin? What language is spoken in your home? What is your native language?	There is no legal question you can ask regarding this subject.
RACE/COLOR	You may not ask any question that directly or indirectly relates to race or color.	There is no legal question you can ask regarding this subject.
RELIGION	The following questions can not be asked: What church do you attend? What religious holidays do you observe?	There is no legal question you can ask regarding this subject.

<p>SEX</p>	<p>You may not ask any question which inquires as to one's gender. For example: What are your plans regarding having children in the near future? Do you mind having a male/ female supervisor? Can you work with a group of men/ women?</p>	<p>There is no legal question you can ask regarding this subject.</p>
<p>MARITAL STATUS/FAMILY</p>	<p>Any of the following questions can not be asked: Are you married? Divorced? Widowed? With whom do you live? Do your children live with you? What ages are your children? Is your husband/ wife in the military?</p>	<p>There is no legal question you can ask regarding this subject. The personnel office may request documentation to verify if other family members work at the installation to fulfill OPM requirements.</p>
<p>EDUCATION</p>	<p>You may not ask questions that specifically ask the nationality, racial, or religious affiliation of a school; the candidates education level in general, if not related to the job being filled.</p>	<p>You may ask questions concerning a candidate's academic, vocation, or professional education as long as it pertains to KSAs related to the position being filled.</p>
<p>ORGANIZATIONAL AFFILIATION</p>	<p>You may not ask the following question: To what organization, societies and clubs do you belong?</p>	<p>You may ask questions related to this subject if they are related to the job being filled and how the candidate's participation in the organization may fulfill the KSAs.</p>
<p>POLICE RECORD</p>	<p>Do not ask: Have you ever been arrested?</p>	<p>If the job being filled has special requirements (i.e., bonding), you may ask a question such as: In order to fill this job, you must be bonded. Is there any problem that this presents?</p>

<p>WORK SCHEDULE/ TRAVEL</p>	<p>Do not ask any questions that relate to child care, ages of children or other non job-related areas.</p>	<p>If the job being filled has special requirements (i.e., travel, overtime, unusual hours, etc.) these conditions may be stated. For example: In this job you would have to travel 1 week in every month. Does this present a problem to you?</p>
<p>MILITARY DISCHARGE</p>	<p>The following question may not be asked: Were you honorably discharged from military service?</p>	<p>There is no legal question you can ask regarding this subject. The personnel office may request documentation to verify this information if there is a requirement to do so.</p>
<p>ECONOMIC STATUS</p>	<p>The following questions may not be asked: Do you have a good credit rating? Do you have any trouble with bills/collection agencies?</p>	<p>There is no legal question you can ask regarding this subject.</p>
<p>SECURITY CLEARANCE</p>	<p>The following question may not be asked: Do you have a secret/ top secret/ other security clearance?</p>	<p>If the job to be filled requires a certain type of security clearance, this condition may be stated. For example: "This job requires a top secret clearance. Does this requirement present any problem?"</p>
<p>PERSONAL PLANS</p>	<p>The following question may not be asked: Do you have plans to live in this area long?</p>	<p>There is no legal question you can ask regarding this subject.</p>
<p>PARTICIPATION IN CERTAIN ACTIVITIES</p>	<p>Do not ask the following questions: Do you plan to take savings bonds/ contribute to the Combined Federal Campaign/ join the coffee club/ join the United States Army Association (USAA)?</p>	<p>There is no legal question you can ask regarding this subject.</p>

MISCELLANEOUS	You should not ask any question that is not job related or necessary for determining a candidate's possession of required KSAs.	You may notify the candidate that statements, misstatements or omissions of significant facts may be cause for non-selection.
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http://msn.careerbuilder.com/Article/MSN-3503-Interviewing-11-common-interview-questions-that-are-actually-illegal/?SiteId=cbmsn43503&sc_extcmp=JS_3503_advice

11 common interview questions that are actually illegal

By Vivian Giang, Business Insider

During job interviews, employers will try to gather as much information about you as possible, mostly through perfectly legal questioning, but sometimes through simple yet illegal questions. It's up to the interviewee to recognize these questions for what they are.

Any questions that reveal your age, race, national origin, gender, religion, marital status and sexual orientation are off-limits.

"State and federal laws make discrimination based on certain protected categories, such as national origin, citizenship, age, marital status, disabilities, arrest and conviction record, military discharge status, race, gender or pregnancy status, illegal," Lori Adelson, a labor and employment attorney and partner with law firm Arnstein & Lehr, tells Business Insider. "Any question that asks a candidate to reveal information about such topics without the question having a job-related basis will violate the various state and federal discrimination laws.

"However, if the employer states questions so that they directly relate to specific occupational qualifications, then the questions may be legitimate. Clearly, the intent behind the question needs to be examined."

If you are asked any inappropriate questions, Adelson advises not to lie, but, instead, politely decline to answer. "Could they not give you a job because of that? Sure. But if they do, they would be doing exactly what they're not supposed to do."

We compiled the following illegal interview questions that are often mistaken as appropriate from Adelson and Joan K. Ustin & Associates, a consultant firm specializing in human resources and organization development.

1. Have you ever been arrested?

An employer can't legally ask you about your arrest record, but they can ask if you've ever been convicted of a crime. Depending on the state, a conviction record shouldn't automatically disqualify you for employment unless it substantially relates to your job. For example, if you've been convicted of statutory rape and you're applying for a teaching position, you will probably not get the job.

2. Are you married?

Although the interviewer may ask you this question to see how much time you'd be able to commit to your job, it's illegal because it reveals your marital status and can also reveal your sexual orientation.

3. What religious holidays do you practice?

Employers may want to ask you this to see if your lifestyle interferes with work schedules, but this question reveals your religion and that's illegal. They can ask you if you're available to work on Sundays.

4. Do you have children?

It is unlawful to deny someone employment if they have children or if they are planning on having children in the future. If the employer wants to find out how committed you will be to your job, they should ask questions about your work. For example, "What hours can you work?" or "Do you have responsibilities other than work that will interfere with specific job requirements such as traveling?"

5. What country are you from?

If you have an accent, this may seem like an innocent question, but it's illegal because it involves your national origin. Employers can't legally inquire about your nationality, but they can ask if you're authorized to work in a certain country.

6. Is English your first language?

It's not the employers' lawful right to know whether a language is your first language. In order to find out language proficiency, employers can ask you what other languages you read, speak or write fluently.

7. Do you have any outstanding debt?

Employers must have permission before asking about your credit history. Similar to a criminal background history, they can't disqualify you from employment unless it directly affects your ability to perform the position you're interviewing for. Furthermore, they can't ask you how well you balance your personal finances or inquire about you owning property.

8. Do you socially drink?

Employers cannot ask about your drinking habits, because it violates the Americans with Disabilities Act of 1990. For example, if you're a recovering alcoholic, treatment of alcoholism is protected under this act, and you don't have to disclose any disability information before landing an official job offer.

9. When was the last time you used illegal drugs?

It's illegal for employers to ask you about past drug addiction, but they can ask you if you're currently using illegal drugs. A person who is currently using drugs is not protected under ADA. For example, an employer may ask you: "Do you currently use illegal drugs? What illegal drugs have you used in the past six months?"

10. How long have you been working?

This question allows employers to guess your age, which is unlawful. Similarly, they can't ask you what year you graduated from high school or college or even your birthday. However, they can ask you how long you've been working in a certain industry.

11. What type of discharge did you receive in the military?

This is not appropriate for the interviewer to ask you, but they can ask what type of education, training or work experience you've received while in the military.

This article originally appeared on Business Insider.