



**PCI**<sup>TM</sup>  
Pennsylvania  
Chamber Insurance

**HUMAN RESOURCES**



## Avoiding Pitfalls in Interviews

Interviews are like an overcomplicated first date: you want to make a good first impression and show interest, but you don't want to get too personal. In the case of an interview, there are things you outright can't ask and probably some things you shouldn't ask because even if the question itself isn't illegal, it could put your organization at risk.

Subject	Permissible	Avoid
Name	Inquiry whether an applicant's work records are under another name, for purposes of access to these records: "Have you worked for the Company under a different name?"	Inquiry into any title which indicates race, color, religion, sex, national origin, handicap, age or ancestry.  Asking if a woman is a Miss, Mrs., or Ms.
Address	How long have you been at your current address? What is your current address? What was your previous address and how long did you live there?	Do you own or rent your home? Who do you live with? How are you related to the people you live with?
National Origin/Citizenship	To indicate that the institution is an equal opportunity employer  "What languages do you read, speak or write fluently?" (This question is fine, as long as this ability is relevant to performance of the job)  Are you legally eligible to work in the US?	If native-born or naturalized.  Whether parents or spouse are native-born or naturalized.  Where you from? Where is your family from?
Age	Any inquiry limited to establishing that applicant meets any minimum age requirement that may be established by law. Typically this is to inquire whether the applicant is over or under 18 years of age. In certain food service industries, this question will tend to be asked more specifically due to child labor laws.	Requiring birth certificate or baptismal record before hiring.  Any inquiry which may reveal the date of high school graduation.  Any other inquiry which may reveal whether applicant is at least 40 years of age.
Sex/Gender/Sexual Orientation	There are no acceptable questions.	Any inquiry which would indicate sex, sexual identification, or sexual preference.  Any inquiry made of members of one sex, but not the other.

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Marital/Parental/Family Status	<p>Whether an applicant can meet specified work schedules or has activities, commitments and responsibilities that may hinder the meeting or work attendance requirements. “This job requires overtime occasionally, would you be able and willing to work overtime as necessary?” (This question is fine as long as ALL applicants for the job are asked consistently).</p> <p>“Would you be willing to relocate if necessary?”</p>	<p>Before hiring: to ask marital status: “What’s your marital status (married, single, divorced, engaged)?”</p> <p>To ask the number and/or age of children, who cares for them, and of applicant’s plans to have more children?</p> <p>“Who lives with you?”</p> <p>“Do you plan to have a family? When?”</p> <p>“How many kids do you have?”</p> <p>“What are your childcare arrangements?”</p>
Education	<p>Inquiry into nature and extent of academic, professional or vocational training.</p> <p>Inquiry into language skills, such as reading and writing of foreign languages, if job related.</p> <p>Ok to ask “did you graduate?”</p>	<p>To ask the racial or religious affiliation of schools attended.</p> <p>Inquiry as to what mother tongue is or how foreign language ability was acquired.</p> <p>Don’t ask the year of graduation – could tie back to age</p>
Work Schedule	<p>Inquiry into willingness or ability to work required work schedule</p>	<p>Any inquiry into willingness or ability to work any religious holidays. Be careful asking about weekends and make sure you ask everyone – not just a particular gender.</p>
Religion/Creed	<p>Unless you are a bona fide religious organization, there are no acceptable questions.</p>	<p>Any inquiry which would indicate or identify religious denomination or custom of the applicant.</p>
Organizations/ Affiliations	<p>Inquiry into membership in professional organizations and offices held, excluding any organization, the name or character of which indicates the race, color, religion, sex, national origin, handicap, age or ancestry of its members.</p> <p>Be careful about inquiries regarding hobbies; response could lead to disclosures.</p>	<p>Inquiry into every club and organization where membership is held.</p>
Personal/Physical Data	<p>Inquiries as to ability to perform essential job functions with or without reasonable accommodation.</p> <p>There are no good personal appearance questions.</p> <p>While you are able to ask about any upcoming leave planned, it’s best to leave this alone if the applicant is obviously pregnant. These questions are best left unasked.</p>	<p>If there are physical requirements, make sure they have solid legal footing and you use an external source for vetting.</p> <p>Careful asking about things like being clean shaven – this could fall into religion.</p>

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Disabilities	<p>To ask whether the applicant is capable of performing the essential functions of the job with reasonable accommodation</p> <p>Note: This question may be asked after the interviewer thoroughly described the job and if all applicants are going to be asked in a consistent manner whether they are able to carry out all the necessary job assignments and perform them in a safe way.</p>	<p>Before hiring: to initiate questions regarding the specific accommodation needed.</p> <p>Inquire if job applicant is handicapped or ask about nature and severity of handicap: "Do you have any disability?"</p> <p>"Have you had any operation or recent/past illnesses?"</p>
Criminal Record	<p>Inquiries into conviction of specific crimes related to qualifications for the job applied for.</p> <p>Do not ask about arrest record; this is typically reserved for law enforcement. Arrest does not equal conviction.</p>	<p>Any inquiry relating to arrests if not substantially related to functions and responsibilities of the particular job in question. Do not ask: "Have you ever been arrested?" You can inform applicants about a background screening.</p>
Military Service	<p>Inquiry into service in U.S. Armed Forces when such service is a qualification for the job.</p> <p>What experience and training did you receive while serving that would be beneficial to this job?</p>	<p>Inquiry about the type of discharge.</p> <p>To request military service records.</p> <p>To ask about military service in the armed services of another country.</p>
References	<p>To request general and work references not relating to race, color, religion, sex or national or ethnic origin, age, disability or marital status.</p>	<p>To request references specifically from any person who might reflect race, color, religion, ethnicity, sex or national origin, age disability or marital status.</p>
Wage History	<p>Best practice is ask what they are looking for, not what they make today. You know the value of the position and what your organization is willing to pay, other information really isn't that relevant.</p>	<p>Many municipalities have, or will have, ordinances forbidding this line of questioning. There have been studies showing this question tends to perpetuate the wage disparity between genders and other potentially other ethnic groups.</p> <p>It's best not to ask.</p>