



EXPLORE
EXPERIENCE
EXECUTE

CAREER

Quick Tips

Illegal interview questions

Various federal, state, and local laws regulate the questions a prospective employer can ask you, the job candidate. An employer's questions—whether on the job application, in the interview, or during the testing process—*must* be related to the job you're seeking. For the employer, the focus might be, "What do I need to know to decide whether this person can perform the functions of this job?"

If you are asked an illegal question (see reverse), you have three options:

1. **You can answer the question**—you're free to do so, if you wish. However, if you choose to answer an illegal question, remember that you are giving information that isn't related to the job. In fact, you might be giving the "wrong" answer, which could harm your chances of getting the job.
2. **You can refuse to answer the question**, which is well within your rights. Unfortunately, depending on how you phrase your refusal, you run the risk of appearing uncooperative or confrontational—hardly words an employer would use to describe the ideal candidate.
3. **You can examine the question for its intent**, and respond with an answer as it might apply to the job. For instance, if an interviewer asks, "Are you a U.S. citizen?" or, "What country are you from?" You've just been asked an illegal question! However, an appropriate response could be, "I'm authorized to work in the United States." Similarly, let's say an interviewer asks you, "Who is going to take care of your children while you're at work?" You may answer with something like, "I can meet the travel and work schedule that this job requires."

Remember, how you answer questions in an interview is your decision and yours alone.

Please note that sexual and gender orientation are *not* nationally-protected statuses, and states may have different laws regarding protected status. You can check the American Civil Liberties Union website for your state's legal status:

<http://www.aclu.org/maps/non-discrimination-laws-state-state-information-map>

Follow Us!



MSUDenverCareerServices



@MetroCareerServ



Group: MSU Denver Career Services

Tivoli 215
303-556-3664
MSUDenver.edu/career



Area of Inquiry	Acceptable Areas of Inquiry	Unacceptable Areas of Inquiry
Address, Housing	Current address and phone or how the applicant can be reached	If they own their own home or rent it; live in an apartment or house. Foreign address as indicated national origin. Name and relationship of the person with whom the applicant resides.
Age	None	Age or proof of age prior to selection.
Ancestry, Birthplace, National Origin	None	National origin or birthplace of applicant or relatives. Date of citizenship. How foreign language skills or accent were acquired, unless it is clearly job related.
Arrests	None	Any inquiries relating to arrests.
Citizenship	May ask if able to provide specified proof upon request that they are a U.S. citizen, legal alien or authorized to work in the U.S.	Other country citizenships. Whether the applicant or parents are naturalized. Documentation of citizenship or authorization to work in the U.S. prior to selection.
Convictions, Court Records	If related to ability to perform a specific job, may ask about actual convictions.	Any conviction or court record that is not reasonably or substantially related to an applicant's ability to perform job duties.
Disability	Ability to perform the identified essential functions of the job.	Disability or about serious illnesses. Nature of or severity of their disability, if visible.
Education	Academic, professional or vocations schools attended; degrees, certificates, licenses held, if substantially related to ability to perform job duties.	Nationality, racial or religious affiliation of the schools attended.
Language Skills	Job-related language skills, including English and foreign languages.	How language or accent was acquired unless job-related.
Marital / Parental Status	Whether applicant can meet required work schedules and attendance rules. May ask if they plan to stay on the job, or anticipated absences when related to ability to perform the job.	Marital status, pregnancy plans, birth control, children or child care arrangements; spouse's name, age, place of employment or income.
Military Record	Experience and education in the U.S. Armed Forces that relates to specific job duties.	Type or date of discharge, service in another country's armed forces, or general military experience that is not substantially related to ability to perform specific job duties.
Name	Work or education records under a different name for access purposes.	If a woman is a miss, Mrs. or Ms. Maiden name. Former names if not required to check necessary records.
Other Qualifications	Any area that directly and substantially relates to an applicant's ability to perform specific job duties.	Any information not substantially related to specific job duties that can potentially be used for unlawful discriminatory purposes.
Photographs	May give notice that photo may be required after hire for identification purposes.	Picture of an applicant unless substantially related to specific job duties; e.g., video-taping a lecture to evaluate applicant's performance.
Race, Color	None	Any questions about race, color of skin, eyes or hair or hair type.
References	Professional and character references or who referred the applicant.	Religious references or any other reference that would reflect race, color, or national origin.
Relatives	Names of relatives already working for the employer.	Names of applicant's relatives other than those who work for the employer.
Religion	None	Religious affiliations, denomination, customs or practices, holidays observed or name of minister.
Sex	Only if the employer has determined that sex is a bona fide occupational qualification (BFOQ) for the job; e.g., women's or men's locker room attendant.	Information that closely correlates with gender. The courts interpret BFOQ very strictly.
Sexual Orientation	None	Sexual or affectional orientation or a question closely correlated with it.
Work Schedule	May inform applicants what the expected work schedule is and ask if they are willing or able to meet that schedule.	Willingness to work on specific religious holidays or if there will be potential conflicts in work schedules associated with medical treatments for a known or suspected disability.