Guidelines on Interview and Employment Application Questions

Dear Saint Louis University Hiring Manager:

Now more than ever, it is critical to conduct lawful employment interviews, as the cost for an employer to defend itself against a claim of discrimination can be several hundred thousand dollars.

The guiding principle behind any question to an applicant—whether the question is asked by the interviewer or appears on the application form—should be, **"Can the employer demonstrate a job-related necessity for asking the question?"** The intent behind the question, as well as how the information is used, is what the Equal Employment Opportunity Commission (EEOC) examines to determine if any discrimination has occurred.

Therefore, an applicant should only be asked questions that are *job-related*. Before asking the question, the interviewer should first determine whether this information is really necessary in order to judge the applicant's qualifications, level of skills and overall competence for the job in question.

Following is a representative list of unacceptable and acceptable questions. ***Please note that this list is NOT all-inclusive***. For additional guidance, please contact the HR Department at (314) 977-3711.

Acceptable and Unacceptable Inquiries for Interviews

TOPIC	ACCEPTABLE	*UNACCEPTABLE*	If unacceptable, why?
Attendance/Reliability	What hours and days can you work?	*How many children do you have?*	Could be viewed as discriminatory toward females
	Are there specific times that you cannot work?	*What religion are you?*	Could be viewed as religious discrimination
	Do you have responsibilities other than work that will interfere with specific job requirements such as traveling?	*What are your child care arrangements?*	Could be viewed as discriminatory toward females
	Do you have a reliable method of getting to work?	*Do you own a car?*	Irrelevant and could be considered racial discrimination
Citizenship/ National Origin	Are you legally eligible for employment in the United States?	*What is your national origin? Where are your parents from?*	Could be considered national origin discrimination
	Have you ever worked under a different name?	*What is your maiden name?*	Could be considered national origin discrimination
National Origin	None	*What is your father's surname? What are the names of your relatives?*	Not only are these irrelevant, but they could be considered national origin discrimination
Arrest and conviction	Have you ever been convicted of a felony? * Please see note below for additional guidance	*Have you ever been arrested?*	Could be considered racial discrimination

TOPIC	ACCEPTABLE	*UNACCEPTABLE*	If unacceptable, why?
Disabilities	None	*Have you ever filed a workers' compensation claim?* *Have you ever been injured on the job?*	Could be considered discrimination against disabled persons
	None	*How is your health?*	Could be considered discrimination against disabled persons
Emergency contact information	What is the name and address of the person to be notified in case of an emergency? (Requested only after the individual has been employed)	*What is the name and address of the relative to be notified in case of an emergency?*	Could be considered national origin discrimination and possibly could violate state anti-discrimination laws relative to sexual orientation
Credit record	None	*Do you own your own home?*	Irrelevant and could be considered racial discrimination
	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	*Have your wages ever been garnished?*	Irrelevant and could be considered racial discrimination
	None	*Have you ever declared bankruptcy?*	Irrelevant and could be considered racial discrimination
Military record	What type of education, training and work experience relevant to job did you receive while in the military?	*What type of discharge did you receive?*	Irrelevant and could be considered racial discrimination
Language	What languages do you speak and write fluently? (if the job requires additional languages)	*What is your native language?* *How did you learn to read, write or speak a foreign language?* *You speak with an accent…* *Where are you from?*	Could be considered national origin discrimination

TOPIC	ACCEPTABLE	*UNACCEPTABLE*	If unacceptable, why?
Organizations	Inquiry into an applicant's membership in organizations that the applicant considers relevant to his or her ability to perform job	*List all clubs, societies and lodges to which you belong.*	Could be considered racial or national origin discrimination
Race or Color	None	*What is your complexion or skin color?*	Could be considered racial or national origin discrimination
Weight, Height, Eye Color	[Can be asked only if there is a bona fide occupational qualification]		Could be considered racial or national origin discrimination
Religion	[Can be asked only if there is a bona fide occupational qualification]	*What is your religious denomination, religious affiliations, church, parish, pastor? What religious holidays do you observe?*	Could be considered religious discrimination
Gender	[Can be asked only if there is a bona fide occupational qualification]	*Do you wish to be addressed as Mr.?, Mrs.?, Miss? or Ms.?*	Could be considered gender discrimination
Marital Status	None	*Are you married, divorced, separated, widowed or single?*	Irrelevant. Could be considered gender discrimination and possibly could violate state anti-discrimination laws relative to sexual orientation
Previous and current addresses	None	*What was your previous address? How long did you reside there? How long have you lived at your current address? Do you own your own home?*	Could be considered racial or national origin discrimination
Education	Do you have a high school diploma or equivalent? Do you have a university or college degree? (if relevant to job performance)	*What year did you graduate from high school or college?*	Could be considered age discrimination

*__Note on arrest records__: Using arrest or conviction records as an absolute bar to employment disproportionately excludes certain racial groups. Therefore, such records should not be used in this manner unless there is a business need for their use. Thus, an exclusion based on an arrest record is only justified if it appears not only that the conduct is job-related and relatively recent but also that the applicant or employee actually engaged in the conduct for which he or she was arrested. According to the EEOC, whether there is a business need to exclude persons with **conviction** records from particular jobs depends on the nature of the job, the nature and seriousness of the offense, and the length of time since the conviction and/or incarceration. In addition, some states bar the use of arrest records in employment decisions.

Source: SHRM (Society of Human Resources Management) Knowledge Center
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