

Questions You Can and Cannot Ask

Many supervisors fear interviewing because they have heard that the law prohibits asking certain questions. It is easier to remember which questions an interviewer can and cannot ask if a supervisor simply remembers anything that is not related to whether the applicant can do the job should not be asked, because it would be unlawful, and foolish, to base the hiring decision on it.

Sometimes when people ask an unlawful question they are trying to find out something job related, but they are just asking the wrong question. For instance, someone asks a woman about childcare arrangements may be worried about whether the person will be away from work unexpectedly or whether they will be able to under-take the traveling the job requires. If those are important traits for the job, the interviewer(s) should ask everyone about them—both men and women—directly about absences or travel requirements.

The following are examples of questions that are unlawful or unwise to ask, and questions that are better substitutes, if any exist.

<i>Topic</i>	<i>Avoid Asking</i>	<i>Better to Ask</i>
Age	How old are you? What is your date of birth?	Are you at least 18 years old (Or the age of majority in your state)?
Arrest Record	Have you ever been arrested?	Have you ever been convicted of a felony or misdemeanor? Note: Convictions cannot be the grounds for automatic rejection. You should consider the type, number, and recentness of convictions and the relationship to the job in question.
Children or Child Care	Do you have children? How old are your children? What kind of childcare arrangements have you made? Do you plan to have children?	The position requires extensive travel, can you handle traveling for about 8 days per month? This position requires dependable job attendance and frequent last minute overtime. Can you meet these requirements?
Credit Problems	Do you own a home? Have you ever filed for bankruptcy? Have you ever had your wages garnished?	
Disability and Health	Do you have any disabilities? Have you ever been treated for any of the following diseases? Have you sought treatment for any inability to handle stress? Are you able to stand or walk? How many sick leave days did you take last year? What medications are you currently taking? Have you ever been leave	
Height and Weight	Are you at least _____ tall? Do you weigh less than _____ ?	Can you work within the confines of a two-foot-aisle? Can you place packages

<i>Topic</i>	<i>Avoid Asking</i>	<i>Better to Ask</i>
Race and National Origin	Where were you born? Where were your parents or spouse born?	

Courts expect employers to exercise due care, that is, all reasonable and legal steps to protect the organization, other employees, customers, and the general public. Reasonable and lawful steps we can take include:

1. Request conviction information, if related to ability to perform the specific job.
2. Check out gaps in the records; probe.
3. Check out unclear statements or answers.
4. Document all inquiries, including reference checks, in writing.
5. If an applicant volunteers that he/she was hospitalized for mental or emotional problems, pursue the matter.
6. Turn down applicants convicted of a crime or those with a history of injuring other people when they could possibly repeat their offence in a new job situation
7. If a person is on probation or on parole, talk with his/her probation or parole officer.

Suggested Questions for Interviewing Applicants

- How did you choose this line of work?
- What did you enjoy most about your last job?
- What did you like least about your last job?
- What has been your greatest frustration or disappointment on your present job? Why?
- What were some of the pluses and minuses of your last job?
- What were the circumstances surrounding your leaving your last job?
- Did you give notice?
- Why should we hire you?
- What do you expect from this employer?
- What are three things you will not do in your next job?
- What would your last supervisor say your three weaknesses are?
- What are your major strengths?
- How can your supervisor best help you to obtain your goals?
- How did your last supervisor rate your job performance?
- In what ways would you change your last supervisor?
- What are your career goals during the next 1-3 years? 5-10 years?
- How will working for this employer help you reach those goals?
- What did you do the last time you received instructions with which you disagreed?
- What are some of the things about which you and your supervisor disagreed? What did you do?

Example of Reference Check Questions

Some sample questions to ask a former supervisor

- What would you consider the applicant's strengths, assets, and things you liked and respected about him or her personally and professionally?
- Do you know of any shortcomings, weaker points, or areas for improvement?
- Would you please clarify what the applicant's responsibilities and accountabilities were while in that position?
- On a scale of excellent to poor, how would you rate the applicants overall performance? Why?
- Is the applicant eligible for re-hire?
- Let me tell you more about the job for which the applicant is applying. (Describe the job) Now, how do you think the applicant might fit in that job? (Probe for specifics).

Notes

- It is OK to interrupt strengths to get clarification, but do not do so for shortcomings. Get the longest list of shortcomings possible and then go back for clarification. If you interrupt the negatives and get elaboration, the tone might seem too negative, thus closing discussion of further negatives.