

Who Makes the Rules for Interview Questions?

There is no single federal, state, or local agency or court that defines for all cases which interview questions are legal or illegal. Instead, a plethora of court rulings, legislative decisions, agency regulations, and constitutional laws combine to produce the often confusing and frequently changing list of what you can and can't ask a job applicant.

How can you be sure that your list of questions passes legal muster in your locality? We recommend that you write out all interview questions in advance and have them checked by an attorney familiar with labor law at local, state, and federal levels.

What follows are our suggestions for some of the more difficult areas in which you must exercise caution as an employer when formulating interview questions.

Marital Circumstances

*Appropriate Questions **

<p>Courts have ruled that it's none of your business how many children an applicant has; whether he or she is married, single, divorced, or engaged; whether the applicant plans to become pregnant at any time in the future; how the applicant's spouse or partner feels about overnight travel; or what plans the applicant has made for child-care during the workday.</p>	<p>§ Do you have responsibilities or commitments that will prevent you from meeting specified work schedules?</p>
	<p>§ Do you anticipate any absences from work on a regular basis? If so, please explain the circumstances.</p>

Age

Appropriate Questions

<p>In order to prevent age discrimination in hiring, courts have disallowed these sorts of questions: "How old are you?", "In what year were you born?", "When did you graduate from high school?", and so forth. You do have the right to ask if the applicant meets the legal age requirements for work in your city or state.</p>	<p>§ Do you meet the minimum age requirement set by law in our area? If hired, can you produce proof of your age?</p>
	<p>§ If you are a minor, can you provide proof of age in the form of a work permit or certificate of age?</p>

Sex and Physical Appearance

Appropriate Question

<p>You cannot ask questions about the person's sex unless the job specifications strictly require either a male or a female. The burden of proof is on the employer to demonstrate that only a man or a woman can do the job. Beware: courts and the EEOC have interpreted very narrowly the notion that only one sex can perform a particular job. In addition, avoid questions about the person's physical appearance, including height, weight, grooming, and dress unless these bear clearly upon job requirements.</p>	<p></p>
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