

5 Interview Questions

– That Can Land You in Hot Water

Effective interviews are a critical part of the hiring process. Employers should base hiring decisions on objective, job-related criteria, without considering factors such as race, gender, age, or other protected characteristics that are unrelated to the job.

1 What Year Did You Graduate?



The federal Age Discrimination in Employment Act (ADEA) prohibits discrimination against individuals who are 40 and older. Many states also prohibit age discrimination, some protecting younger workers.

Alternative: If laws or insurance policies require a minimum employment age, you may ask whether the applicant meets that requirement.

2 Are You Pregnant? Are You Married?



Federal law and many state laws prohibit discriminating against individuals because of pregnancy. Some states also expressly prohibit applicant discrimination because of marital and/or family status. Don't provide an opportunity for applicants to infer that your hiring decision is based on answers to those questions.

Alternative: Explain the job requirements relating to regular work hours, overtime, and travel and ask the applicant whether they can meet them.


3 Do You Have a Disability?



The Americans with Disabilities Act generally prohibits employers from asking questions regarding an applicant's medical condition; employers should generally avoid this topic during interviews.

Alternative: Under certain circumstances, employers should discuss whether a qualified candidate with a disability can perform the essential functions of the job, with or without reasonable accommodation.

4 Do You Have Military Obligations?



Under the Uniform Services Employment and Reemployment Act (USERRA) employers are, among other things, prohibited from discriminating against applicants and employees due to past, present, or future membership in the uniformed services. Avoid questions about an applicant's military obligations.

Alternative: If applicants voluntarily disclose that they served in the military (e.g. on a resume), you may ask questions about relevant job-related skills acquired during their service.

5 What Religion Do You Practice?



Employers are prohibited from discriminating against individuals on the basis of religion (including religious beliefs and religious practices). Questions that tend to elicit information about religious beliefs and practices should generally be avoided.

Alternative: State the regular days, hours, or shifts for the job and ask whether the candidate can work such a schedule. Note: You may be required to reasonably accommodate an employee's religious beliefs or practices.

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