

General Personnel

Administrative Procedure - Job Interviews *Questions*

The anti-discrimination laws affect all steps of the employee hiring process. Knowledge of the characteristics on which these laws prohibit inquiry is especially critical when conducting interviews. Sloppy interview practices can result in the appearance of illegal discrimination or even actual discrimination.

Interviewers should avoid seeking information that will not actually be used to make an employment decision. Assume that a rejected applicant may believe that all information acquired was used. Remember, it will be the School District's burden to explain that not all information elicited was used – a very difficult burden when the information involves race, sex, religion, age, disability, etc. Information needed for insurance, tax, social security, or similar purposes should be obtained after employment. *The following list of protected characteristics may not be complete because of the rapidly changing nature of discrimination laws.*

Race and Color

For example, do not ask:

- What race are your parents?

Alienage, Ancestry, National Origin, Nationality, and Citizen Status

For example, do not ask:

- In what country were you born?
- In what country were your parents born?

Permissible to ask:

- Are you legally authorized to work in the United States?

Marital Status

For example, do not ask:

- Are you married? Single? Divorced? Engaged?
- Are you living with someone?
- Would your spouse move with you if you got this position?

Sex, Including Children and Pregnancy

For example, do not ask:

- What are your future family plans?
- Are you pregnant?
- Do you have children? What are their ages?
- Do you have child care?

Religion or Creed

For example, do not ask:

- What religious holidays do you celebrate?

Age

For example, do not ask:

- When do you plan to retire?

<i>Protected Status</i>	<i>Do not ask</i>	<i>Permissible to ask</i>
<i>Race and color</i>	<i>What race are your parents?</i>	
<i>Alienage, ancestry, national origin, nationality, and citizen status (provided the individual is authorized to work in the U.S.)</i>	<i>In what country were you born? In what country were your parents born? Are you a naturalized citizen?</i>	<i>Are you legally authorized to work in the United States? What languages do you read, speak, or write fluently?</i>
<i>Marital status</i>	<i>Are you married? Single? Divorced? Engaged? Are you living with someone? Would your spouse move with you if you got this position? What is your maiden name?</i>	
<i>Gender, including parent and pregnancy status</i>	<i>What are your future family plans? Are you pregnant? Do you have children? What are their ages? Do you have child care?</i>	<i>Is there anything that would interfere with regular work attendance? Are you available to work overtime?</i>
<i>Sexual orientation, including actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity</i>	<i>Do you have a spouse or partner – which?</i>	<i>How do you feel about supervising a diverse workplace?</i>
<i>Religion or creed</i>	<i>What religious holidays do you celebrate?</i>	<i>What days are you available to work?</i>
<i>Age</i>	<i>When do you plan to retire? How would you feel about working for someone younger than you?</i>	<i>What are your long-term career goals?</i>
<i>Military status</i>	<i>Will you miss work because you are a member of a U.S. Reserve unit, such as, Army Reserve or Marine Corps</i>	<i>How does your military training or experience prepare you for this job?</i>

<i>Protected Status</i>	<i>Do not ask</i>	<i>Permissible to ask</i>
	<i>Reserve, or a member of a National Guard unit?</i>	
<i>Unfavorable discharge from military service</i>	<i>Under what circumstances were you discharged from the service?</i>	
<i>Arrest record</i>	<i>Have you ever been arrested? Spent time in jail?</i>	<i>Have you ever been convicted of a crime? Have you ever been employed under a different name?</i>
<i>Use of lawful products during non-working hours</i>	<i>Do you smoke or use tobacco products during non-working hours? Do you consume alcoholic beverages during non-working hours?</i>	<i>Have you been disciplined by an employer for violating its rules forbidding the use of alcohol or tobacco products?</i>
<i>Genetic information</i>	<i>What were the results of any diagnostic, predictive, or pre-symptomatic genetic testing that you've had?</i>	<i>See section on disability below.</i>
<i>Whether applicant has ever filed a claim or received benefits under the Illinois Workers' Compensation Act or Workers' Occupational Diseases Act</i>	<i>Have you ever filed a claim or received benefits under the Illinois Worker's Compensation Act or Workers' Occupational Disease Act?</i>	
<i>Credit history/report, unless the Employee Credit Privacy Act permits a satisfactory credit history to be a job requirement, such as, the position's duties include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more. 820 ILCS 70/, added by P.A. 96-1426.</i>	<i>Unless the Employee Credit Privacy Act permits a satisfactory credit history to be a job requirement for a specific position, do not ask: Do you have a good credit score? Have you been denied a credit card within last 5 years? Have you ever filed bankruptcy?</i>	<i>How long have you lived at your current address?</i>

Disability

Inquiries that are likely to elicit information about a disability, before a *bona fide* job offer is made, are prohibited. Inquiries about the ability to perform job functions *that do not ask about disabilities* are not disability-related inquiries, and thus are permissible.

<i>Protected Status</i>	<i>Do not ask</i>	<i>Permissible to ask, provided all applicants are asked</i>
<i>Disability</i>	<p><i>Have you had any recent illnesses or operations?</i></p> <p><i>Do you have AIDS?</i></p> <p><i>Do you have asthma?</i></p> <p><i>Do you have a disability which would interfere with your ability to perform the job?</i></p> <p><i>How many days were you sick last year?</i></p> <p><i>Have you ever filed for Workers' Compensation?</i></p> <p><i>Have you ever been injured on the job?</i></p> <p><i>How much alcohol do you drink each week?</i></p> <p><i>Have you ever been treated for alcohol problems?</i></p> <p><i>Have you ever been treated for mental health problems?</i></p> <p><i>What prescription drugs are you currently taking?</i></p>	<p><i>Can you perform the functions of this job (essential and/or marginal), with or without reasonable accommodation?</i></p> <p><i>Please describe/demonstrate how you would perform these functions (essential and/or marginal).</i></p> <p><i>Have you ever been disciplined (oral or written reprimand, suspension or termination) for attendance violations or problems?</i></p> <p><i>Are you a current user of illegal drugs?</i></p> <p><i>Do you have the required licenses to perform this job?</i></p>

For example, before a bona fide job offer is made, do not ask:

- ~~Do you have AIDS? Do you have asthma?~~
- ~~Do you have a disability which would interfere with your ability to perform the job?~~
- ~~How many days were you sick last year?~~
- ~~Have you ever filed for Workers' Compensation? Have you ever been injured on the job?~~
- ~~How much alcohol do you drink each week? Have you ever been treated for alcohol problems?~~
- ~~Have you ever been treated for mental health problems?~~
- ~~What prescription drugs are you currently taking?~~

Permissible to ask, provided that all applicants are asked:

- ~~• Can you perform the functions of this job (essential and/or marginal), with or without reasonable accommodation?~~
- ~~• Please describe/demonstrate how you would perform these functions (essential and/or marginal).~~
- ~~• Have you ever been disciplined (oral or written reprimand, suspension or termination) for attendance violations or problems?~~
- ~~• Are you a current user of illegal drugs?~~
- ~~• Do you have the required licenses to perform this job?~~

Unfavorable Discharge from Military Service

For example, do not ask:

- ~~• Under what circumstances were you discharged from the service?~~

Arrest Record

For example, do not ask:

- ~~• Have you ever been arrested? Spent time in jail?~~

Financial Status and Housing

For example, do not ask:

- ~~• Have you ever filed bankruptcy?~~
- ~~• Do you own your home?~~

Use of Lawful Products During Non-working Hours

For example, do not ask:

- ~~• Do you smoke or use tobacco products during non-working hours?~~
- ~~• Do you consume alcoholic beverages during non-working hours?~~

Whether Applicant Has Ever Filed a Claim or Received Benefits Under the Illinois Workers' Compensation Act or Workers' Occupational Diseases Act

For example, do not ask:

- ~~• Have you ever filed a claim or received benefits under the Illinois Workers' Compensation Act or Workers' Occupational Disease Act?~~

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