

## May I Ask You a Question?

Keeping up with the frequent and often subtle changes in personnel law is certainly a challenging aspect of managing a practice. Just what questions can you ask a prospective job applicant during an interview, and what is the wording that might leave your office open to a potential lawsuit?

Elaine Fox, a partner at D'ancona and Pflaum in Chicago, Illinois, is a member of the firm's labor employee relations practice group and a former Chair of the Chicago Bar Association's Labor/Employee Relations Committee. She has supplied us with the following legal guidelines for employee interviewing:

### Illegal Interview Questions

- A candidate's age
- Any questions about specific years of school attendance or graduation.
- Whether married, divorced, separated, widowed or single.
- Whether or not the applicant has children or plans to have children, and the ages of their children. Also, who will care for the children if the applicant is hired.
- Whether the person belongs to any organizations, clubs, societies or lodges that would indicate the applicant's race, religion, color or ancestry.
- Height or weight where it is not relevant to the job.
- Whether he/she has ever had wages garnished.
- Whether he/she has ever been arrested.
- Who resides with the applicant.
- If the applicant rents or owns his or her home.
- The name or address of any relative of an adult applicant.
- The candidate's race or nationality.

### Instead You May Ask...

- "If hired, can you furnish proof of age?"
- What academic, vocational, or professional education the applicant has had, as well as the schools they have attended (if job related).
- "Would you like to be addressed as Mrs., Miss or Ms.?" and you may also ask about any information relative to a name change, to enable a check on the applicant's work record.
- "Can you do extensive traveling?" (if job related) and (to a homemaker) "Why do you want to return to work?"
- "Are you a member of any professional, trade, or service organization(s)?"
- "Do you have any disabilities that would prevent you from doing the job for which you applied?"
- "A credit check may be required - - is this agreeable with you?"
- "Have you had any felony convictions?" "for what?"
- "Whom may we notify in case of emergency?"
- "The names of persons who can supply professional and character references."