

GUIDE FOR LEGAL INTERVIEWING

	On-Target	Off-Target
Name	a) To ask whether an applicant's work records are under another name, for purposes of access to these records.	a) To ask the ethnic origin of an applicant's name. b) To ask if a woman is a Miss, Mrs., or Ms. c) To request applicant to provide maiden name.
Address/Housing	a) To ask for applicant's address, phone number, and/or how he or she can be reached.	a) To request place and length of current and previous addresses.
Age	a) After hiring: to require proof of age by birth certificate. b) To indicate minimum legal age for specific type of employment.	a) To ask age or age group of applicant. b) Before hiring: to request birth certificate or baptismal record.
Race/Color National Origin	a) To indicate that the institution is an equal opportunity employer. b) After hiring: to ask race and/or national origin for Affirmative Action Plan statistics.	a) To make any inquiry that would indicate race, color, or national origin.
Gender	a) To indicate that the institution is an equal opportunity employer. b) After hiring: to ask gender Affirmative Action Plan statistics.	a) To make an inquiry which would indicate gender unless job related. (Such jobs require written state government approval.)
Religion/Creed		a) To ask an applicant's religion or religious customs and holidays. b) To request recommendations from church officials.
Sexual Orientation		a) To inquire about sexual preference.
Citizenship	a) To ask whether ALL applicants are legally authorized to work in the United States.	a) To ask for date of citizenship or whether applicant is native-born or naturalized citizen. b) To ask whether parents or spouse is native-born or naturalized. c) Before hiring: to require proof of citizenship.
Marital/Parental/ Family Status	a) After hiring: to ask marital and parental status for insurance and tax purposes. b) After hiring: to ask name, relationship, and address of person to be notified in case of emergency.	a) Before hiring: to ask marital status. b) To ask the number and/or age of children, who cares for them, and if applicant plans to have more children.
Military Service	a) To inquire into service in the U.S. armed forces. b) To ask about branch of service, rank attained, and any job-related experience.	a) To request military service records. b) To ask about military service in armed service of any other country. c) To ask about type of discharge.

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Education	<p>a) To ask whether the applicant has the academic, professional, or vocational training required for the job, and to ask which institution provided it.</p> <p>b) To ask about language skills such as reading and writing foreign languages, if job related.</p>	<p>a) To ask the racial or religious affiliation of schools attended.</p> <p>b) To ask how foreign language ability was acquired.</p>
Criminal Record	<p>a) To inquire about convictions if the reason for the inquiry is a business necessity.</p>	<p>a) To inquire about arrests.</p>
References	<p>a) To request general and work references not relating to race, color, religion, sex, national or ethnic origin, age, disability, or marital status.</p>	<p>a) To request references specifically from clergy or any other persons who might reflect race, color, religion, sex, national or ethnic origin, age, disability, or marital status.</p>
Organizations	<p>a) To inquire about professional organizations, union memberships, and any offices held.</p>	<p>a) To request listing of all clubs to which applicant belongs or has belonged.</p>
Photographs	<p>a) After hiring: to require photographs for identification purposes.</p>	<p>a) Before hiring: to request photographs.</p>
Work Schedule	<p>a) To ask about willingness to work the required work schedule.</p> <p>b) To ask if applicant has military reservist obligations.</p>	<p>a) To ask about willingness to work any particular religious holiday.</p>
Physical Data	<p>a) To require proof of ability to do manual labor, lifting, and other written physical requirements if necessary for the job.</p>	<p>a) To ask height and weight, impairment, or other non-performance related physical data.</p>
Disability	<p>a) To ask whether the applicant is capable of performing the essential functions of the job with or without reasonable accommodation.</p> <p>b) If an accommodation is identified by the applicant before hiring, clarification about the accommodation (not the disability) may be requested by the interviewer.</p>	<p>a) To exclude disabled applicants as a class on the basis of their type of disability. (Each case must be determined on an individual basis by law.)</p> <p>b) Before hiring: to initiate questions regarding the specific accommodations needed.</p>
Other Qualifications	<p>a) To inquire about any area that has direct relevance to the job.</p>	<p>a) To inquire about political affiliation.</p> <p>b) To make any inquiry not related to a bona fide requirement of the job that may present information permitting unlawful discrimination.</p>