

Legal Aspects of Interview Questions Guide for Colorado College Students

TOPIC	MAY NOT ASK OR REQUEST	MAY ASK OR REQUEST
Age	Age, birth date, or any question that might identify your age, such as high school graduation, year you were born, retirement, etc.	Law generally requires that you are at least 14 years of age to work in Colorado and are subject to work hour restrictions until age 16. If hired, can you prove your age? Employees under 18 years of age cannot work in “hazardous” jobs. Proof of age is required. (If required) Are you 18 years or older?
Arrest Record/ Convictions	Cannot ask questions related to arrests if they are not directly related to the job. Have you ever been arrested? If you committed a crime, what was it?	None unless the information directly relates to job duties.
Availability	Directly asking about weekend work could be seen as a proxy question for religious observance. Questions about evening work or childcare arrangements can impact those who have childcare responsibilities. Asking if you own a car can be seen as discriminatory unless it is a requirement of the job.	What days and shifts can you work? Are there shifts you cannot work? Are there any responsibilities you have that could make it difficult for you to travel to work? Do you have a reliable way of getting to work?
Birthplace/ Citizenship	Nationality, ancestry, national origin, parentage of applicant or spouse. How did you learn another language so well? Are you a US citizen? Can you provide a birth certificate?	All offers of employment are contingent upon verification of identity and work authorization in the United States.
Disabilities	Are you physically or mentally disabled? Medical conditions? How many sick days have you taken? Do you need any accommodations to do the job? How did you lose your arm/leg? Have you filed a disability claim in the past year?	Are you able to perform the essential functions of this job?
Economic Status, Credit Inquiries	Credit ratings, charge accounts, bank accounts, bankruptcy, car ownership, length of residence at address, past garnishments of wages.	None
Education	What year did you graduate high school?	Do you have a high school diploma or equivalent? What university or college degrees do you have?

Emergency Contact Name	Who is your emergency contact?	Only after employment is confirmed.
Employment	When did you first start working? (Age discrimination) What is your current salary?	How long did you stay at your last role? What were your start and finish titles?
Family Status	Are you single/married/divorced? Do you have any children? Are you in a long-term relationship? What are your children's ages? Who is taking care of your children while you work?	Do you have any commitments that might prevent you from working the assigned shifts?
Genetic Information	Do you or any of your family members have a history of disorders or disease? What is the health status of your parents/relatives? Has anyone in your family been diagnosed with cancer/heart disease, etc.?	None
Height/Weight	What is your height? How much do you weigh?	Accurately describe the job then asks if you can perform all the essential functions.
Marital Status	Are you married? Are you single? Do you have any children?	None
Military Service	General questions about military services, such as dates, discharge type, or foreign military services.	Only questions about relevant skills, knowledge, and abilities during military service. What experience and training did you receive while serving that would be beneficial to this job?
Name of Applicant	What is your birth name? Did you ever change your name through marriage or court application? What is your maiden name?	Name of Applicant. Have you ever used another name? Any additional information, relative to a change of name or use of an assumed name necessary to enable a check of your educational or work record?
National Origin	Ancestry, birthplace of parents or spouse, or native language.	Ability to write, read and speak English, or another language if job related.
Organizations, Societies, and Activities	List all organizations, clubs, and lodges to which you belong.	Are you a member of a professional organization that relates to this job?
Pregnancy	Are you pregnant? Have you made any childcare arrangements yet? Do you plan to have children soon? Are you trying to have a family? Will these work hours get in the way of your kids' schedules?	The hours for this position are 8am-5pm. Are you able to work those hours?
Race/Color	Color, race, complexion or color of skin, eyes, hair, either directly or indirectly.	None
References	Questions of your former employers or acquaintances that elicit information specifying your color, race, religious creed, national origin, ancestry, any	Who referred you to this position? Will you provide names of people willing to provide professional references?

	physical or mental disability, medical conditions, marital status, age, or sex.	
Relatives	What is the name of your relatives who work for our competitors?	Do any of your relatives currently work for us or our competitors? Can you provide the names of your relatives who work for us?
Religion or Creed	What is your religion? What is your denomination? What church do you go to? Does your religion prevent you from working weekends or holidays?	Are you able to work on the days regularly scheduled for this job?
Residence	What is your current address? Where do you live? Do you own or rent your home? Any roommates? How are you related to the people you live with?	None
Sex, Orientation, or Gender Identity	What gender do you identify with? What is your sexual orientation? Have you ever had transition treatments or surgery? What is your position/views on LGBTQ rights? What pronouns would you like us to use?	Pronouns may reveal gender identity, and employers should not ask for them. They may share their pronouns when introducing themselves, and it is voluntary for you to share.

Responding to Illegal Questions

While many organizations diligently train their interviewers, it is still possible for them to ask inappropriate questions. Oftentimes, these questions are asked without any harmful intentions. In such situations, there isn't a definitive correct or incorrect course of action to follow. You should assess and choose the approach that suits you best. Below are some options to respond to such questions.

Answer the question. If you think the interviewer was simply trying to get to know you and asked the question without ill intent, you could choose to answer it. For example, was the interviewer asking about your birthplace because he or she grew up in the same area and is trying to make a connection? If you are comfortable answering, then it's fine to do so.

Side-step it. You could refuse to directly answer the question but address the concerns that they raise. For example, if your interviewer asks you whether you have children, he or she might really be getting at whether your family responsibilities would interfere with the frequent travel that the job requires. You could respond by saying something like "My personal commitments will not interfere with my professional responsibilities."

Question the relevance. You can ask your interviewer how the question relates to the position you're interviewing for. This may alert them to the inappropriate nature of their question. If you sense that the question is improper or discriminatory, you have the right to decline answering and could try to redirect the conversation or even decide to politely conclude the interview.

Sources:

1. [U.S. Equal Employment Opportunity Commission](#)
2. [Betterteam.com](#)
3. [ocs.yale.edu](#)