

General Personnel

Administrative Procedure - Interview Questions

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 be used to make an employment decision. Assume that a rejected applicant may believe that all information acquired was used. The District, if challenged, must explain why it asked for the information – a very difficult task 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.

Protected Status	Do not ask	Permissible to ask
Race and color	What race are your parents?	
Alienage, ancestry, national origin, nationality, and citizen status (provided the individual is authorized to work in the U.S.)	In what country were you born? In what country were your parents born? Are you a naturalized citizen?	Are you legally authorized to work in the United States? What languages do you read, speak, or write fluently?
Marital status	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?	
Gender, including parent and pregnancy status	What are your future family plans? Are you pregnant? Do you have children? What are their ages? Do you have child care?	Is there anything that would interfere with regular work attendance? Are you available to work overtime?
Sexual orientation, including actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity	Do you have a spouse or partner – which?	How do you feel about supervising a diverse workplace?
Religion or creed	What religious holidays do you celebrate?	We need you to work on [<i>insert days</i>]. Are you available to work those days?

Protected Status	Do not ask	Permissible to ask
Age	When do you plan to retire? When do you plan to collect your pension?	What are your long-term career goals?
Military status	Will you miss work because you are a member of a U.S. Reserve unit, such as, Army Reserve or Marine Corps Reserve, or a member of a National Guard unit?	How does your military training or experience prepare you for this job?
Unfavorable discharge from military service	Under what circumstances were you discharged from the service?	
<p>Arrest record</p> <p>Conviction that is not on the School Code’s list of disqualifying convictions</p> <p>The Job Opportunities for Qualified Applicants Act, 820 ILCS 75/, prohibits an employer from asking about a criminal record until the employer determines that the applicant is qualified for the position; however, this does not apply when employers are required to exclude applicants with certain criminal convictions from employment. Thus, school employers should limit their requests for criminal convictions to job-disqualifying convictions.</p>	<p>Have you ever been arrested?</p> <p>Spent time in jail?</p>	<p>Have you ever been convicted of attempting to commit, conspiring to commit, soliciting, or committing any crime in the following list? (1) any sex offense or drug offense, as defined in Sec. 21B-80(a) of the School Code, (2) first degree murder or a Class X felony, or (3) any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. 105 ILCS 5/21B-80.</p>
Use of lawful products during non-working hours	<p>Do you smoke or use tobacco products during non-working hours?</p> <p>Do you consume alcoholic beverages during non-working hours?</p>	Have you been disciplined by an employer for violating its rules forbidding the use of alcohol or tobacco products?
Genetic information	What were the results of any diagnostic, predictive, or pre-symptomatic genetic testing that you’ve had?	See section on <i>disability</i> below.
Whether applicant has ever filed a claim or received benefits under the Illinois Workers’ Compensation Act or Workers’	Have you ever filed a claim or received benefits under the Illinois Worker’s Compensation Act or Workers’ Occupational Disease Act?	

Protected Status	Do not ask	Permissible to ask
Occupational Diseases Act		
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 70/10(b).	Unless specifically permitted, 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?	How long have you lived at your current address?
Victim of domestic violence or being protected under an order of protection	Have you ever requested a restraining order or order of protection against your spouse or other person?	

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 permissible.

Protected Status	Do not ask	Permissible to ask, provided all applicants are asked
Disability	Have you had any recent illnesses or operations? 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 needs? What prescription drugs are you currently taking?	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?