

 <p>Washington Women Lawyers King County Chapter</p>	<p>Materials Prepared By: D. Jill Pugh 520 East Denny Way Seattle, WA 98122 Tel: 206-325-2801 Fax: 206-260-9154 jill@EmploymentLawWA.com www.EmploymentLawWA.com</p>
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Interview Questions – What Can They Ask? What *Can't* They Ask?

SUBJECT	FAIR PRE EMPLOYMENT QUESTIONS	UNFAIR PRE EMPLOYMENT QUESTIONS
Age	Questions as to your birth date and proof of true age are permitted.	Any questions that imply a preference for someone younger than 40 years of age.
Arrests (See also Convictions)	Questions about arrests are allowed as long as the questions include whether the charges are still pending, have been dismissed or led to a conviction of a crime involving behavior that would adversely affect job performance, and may only ask about the previous ten years. EXCEPTION: These rules do not apply if it is a job in law enforcement, a state agency, school district or a business that has a direct responsibility for the supervision, care, or treatment of children, mentally ill persons, developmentally disabled persons, or other vulnerable adults.	Any question that does not comply with the rules for fair pre employment questions.

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Citizenship	Whether you are prevented from lawfully becoming employed in this country because of visa or immigration status. Whether you can provide proof of a legal right to work in the United States after hire.	Whether you are a citizen. A requirement before hire that you present a birth certificate or other documents relating to place of birth or family history.
Convictions (See also Arrests)	Questions about convictions are only allowed if the crimes asked about relate to the job duties and only about convictions (or release from prison) within the last ten years. EXCEPTION: These rules do not apply if it is a job in law enforcement, a state agency, school district or a business that has a direct responsibility for the supervision, care, or treatment of children, mentally ill persons, developmentally disabled persons, or other vulnerable adults.	Questions about convictions older than ten years or convictions which do not relate to job duties.
Family	Questions about whether you can meet certain work schedules or have activities or commitments or responsibilities that may prevent you from meeting work attendance requirements.	Specific questions about your husband or wife, your husband/wife's employment or salary, children, child care arrangements or other dependents (like parents or sick relatives).

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Disability	Questions about whether you are able to perform the essential functions of the job for which you are applying, with or without reasonable accommodation. Questions as to how you could demonstrate or describe the performance of these specific job functions with or without reasonable accommodation.	Questions about the nature, severity or extent of a disability or whether you require reasonable accommodation before a job offer has been made. Questions about whether you have applied for or received workers' compensation. Any questions about disabilities that are not related to the job or business necessity.
Height and Weight	Height and weight may not be asked about unless an employer can show that all or almost all employees who fail to meet certain height/weight requirements would be unable to perform the job in question with reasonable safety and efficiency.	Any questions not based on actual job requirements and any questions not consistent with business necessity.
Marital Status (see also Name and Family)	No questions are allowed.	Requiring you to check a box ("Ms.", "Mr.", "Mrs.", "Miss", "Ms."). Questions about whether you are married, single, divorced, separated, engaged, or widowed.
Military	Questions about your education, training or work experience in the armed forces of the United States.	Questions as to the type or condition of your military discharge. Questions about your experience in the military other than United States armed forces. Requests for your discharge papers.

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Name	Questions about any other names you have worked under or that a reference might know you as, and if so, what name or names.	Questions about your original name if it has been changed by court order or by marriage. Questions about your name that would require providing information about marital status, ancestry, national origin, or descent.
National Origin	Questions about your ability to read, write and speak foreign languages, when such questions are based on job requirements.	Questions about your national origin, birthplace, ancestry, mother tongue. Questions about your parents or husband/wife.
Organizations	Questions about organizations to which you belong, excluding any organization which might indicate the race, color, creed, sex, marital status, religion, or national origin of its members.	Requirement that you list all organizations, clubs, societies or lodges to which you belong.
Photographs	May be requested <i>after</i> hiring for identification purposes.	Request that you submit a photograph at any time before hiring.
Pregnancy (see also Disability)	Questions as to duration of stay on job or anticipated absences <u>if made to men and women both</u>	All questions as to pregnancy and medical history concerning pregnancy and related matters.
Race or color.	None, unless the application indicates the employer is required to ask by Washington government or the United States government or because of a court order.	
Relatives	Name of your relatives (if any) already employed by the potential employer or by a competitor of the employer.	No other questions regarding marital status, the identity of your husband/wife or your husband/wife's occupation.

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Religion	None.	No questions about your religious preference, denomination, religious affiliations, church, parish, pastor or religious holidays observed.
Residence	Questions about your address to the extent necessary to contact you later.	No questions about the relationship of people with whom you live. No questions about whether you own or rent your home.
Sex.	None.	Any questions about your gender are not allowed.
Sexual orientation.	None.	Any questions about your sexual orientation are not allowed.