

Common Sense Interviewing

By Theresa M. Gallion

Employment interviews provide lots of opportunities to make equal employment opportunity mistakes. Sometimes, in the process of making an applicant feel welcome or in an effort to show interest in the person's background, we may ask about their family, their outside interests, their background. In a social setting, these questions are good icebreakers. In a business environment, however, these inquiries can sometimes impinge on equal employment opportunity guidelines and regulations.

By and large, human resource professionals know these areas to avoid and do so. Follow-up interviews are often conducted by department heads, or even front line supervisors, who may not always be attuned to pitfalls. The following checklist contains some common sense guidelines. Feel free to adapt it to your use to help keep well intentioned managers out of trouble.

- **Focus on the job and the performance requirements.** Race, age, gender, religious beliefs or affiliations, marital status, sexual orientation, national origin, and other personal characteristics, have nothing to do with performance. Discussion of what is required to do the job is always acceptable and appropriate.

- **Inquiries about age, date of birth, date of graduation from high school, or other inquiries that are designed to determine a person's age, are inappropriate and unrelated to job performance.** In those very few cases when age does

matter, for example, when federal or state law dictates that a person must be over the age of 18 to operate dangerous equipment, then it is appropriate to confirm age. Absent a direct nexus to job functions, inquiries about age are never appropriate in an interview. Of course, human resources professionals can obtain this information for benefit eligibility purposes and related reasons.

- **Arrest and conviction records require special handling.** It is not appropriate for managers and supervisors to inquire about these matters. An appropriate background investigation should be handled by the human resources department. If someone volunteers this information to you, make a mental note and then mention it to the human resources staff, but otherwise do not inquire.

- **Birth control practices, plans with respect to children, daycare arrangements for existing children, plans to marry, etc.** Inquiry into these aspects of life are almost always regarded as gender discrimination or harassment. In some states, marital status (whether married vs. single) is protected under state law. These kinds of inquiries have nothing to do with work and should never be made.

It is acceptable and appropriate, however, to inquire if there is anything in a person's life that might interfere with hours of work, needed job performance, ability to arrive at work on a timely basis, etc. For example, asking someone if their daycare obligations might mean they have to leave at 5:00 p.m. every day could likely be gender discrimination. Asking the same person if there is anything about his or her personal life that might interfere with the performance of occasional overtime, on the other hand, is neutral and entirely acceptable if the job is one that features occasional overtime, and the inquiry is made of all applicants.

- **Disabilities and medical conditions are issues that are best left to human resources professionals.** It is not appropriate for any managers and supervisors to inquire about disabilities or diseases or health status. If

someone volunteers this information, it is acceptable to receive it. If someone indicates they need a job accommodation, it is acceptable to receive the information and ask any related questions that are necessary to understand the limitations that the person is describing. This information should then be communicated to the human resources professionals

for action and no affirmative or opinion-related statements about the disability or health condition should be made by managers and supervisors.

- **Ethnicity and citizenship are not performance-related.** It is difficult to imagine a performance issue that requires knowledge of someone's ethnicity or citizenship status. These are not aspects of life that would be appropriate for inquiry by managers and supervisors. Human resources professionals will, for purposes of compliance with immigration laws, require appropriate documentation and make appropriate inquiry. Issues concerning ethnicity and national origin are completely irrelevant to performance of the job and are not areas for inquiry or discussion. On the other hand, inquiring about language skills necessary to the job may be appropriate.

- **Religious beliefs or religious affiliations are generally not proper topics for interviews.** These too are inquiries that have nothing to do with job performance. The organization itself does not promote any particular religious beliefs, and discussion of religious beliefs in an interview setting is not appropriate.

There may be occasion, however, where a person may volunteer that he or she engages in some form of religious observance and therefore requires accommodation. It's appropriate to obtain enough information to understand the needed accommodation, but all responses and processing of this information should be handled by human resources professionals.

- **Military experience and obligations are protected by federal law.** Inquiries about military obligations are another area best left to human resources professionals. Managers and supervisors should not be inquiring about these matters. For example, if someone reveals that they are a reservist, and subsequently is not hired, they might have an argument that the revelation of this information was regarded as negative and that is the reason they were not hired. If someone volunteers this information, you may make note of it, but it is not wise to inquire about military duty obligations. This is best left to human resources professionals.

So What Can I Talk About?

There are many areas that are always appropriate for inquiry and discussion. These would include information about the Company and its culture; essential aspects of the job and what is required for job performance; discussion of industry standards that might be appropriate to a particular job; a person's work experience as this is often required for many jobs; a person's professional educational background if it is required by a job. Personal information such as family association, religious beliefs, family traditions, living arrangements, marital status, status as a parent, etc., are generally unrelated to work performance and are, therefore, off limits.

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