



## The Dos, Don'ts and Whys of Interview Questions

Even the most experienced interviewer can find themselves asking potentially inappropriate questions in an interview. The table below provides examples of appropriate and inappropriate questions to discuss with candidates during the hiring and selection process. It's important to note that if a question is appropriate and is asked in an interview, then the question must be asked of all interviewed candidates. If you have any questions regarding this document or topics not addressed, please feel free to contact HR Employment at (859) 257-2608.

### Topics covered in this document:

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### Absenteeism

#### Examples of **inappropriate** interview questions:

- How many days were you absent last year?
- Have you ever taken Family Medical Leave for yourself or a family member?
- Have you ever filed for Worker's Compensation?

#### Examples of **appropriate** interview questions:

- Have you ever been warned, disciplined, or terminated for absenteeism or tardiness?
- After reviewing our department's attendance policy, are you able to abide by that policy?

### Federal Legislation

The Family Medical Leave Act prohibits discrimination against employees who have the right to take time off to care for themselves or a family member. Worker's Compensation is also a legal right that employees have.

### Additional Details to Consider

The number of days that an employee is absent may not constitute an attendance problem per the company's policy. HR best practice is to provide your department's attendance/tardiness policy (or essential employee/Plan B requirement) to all candidates and confirm that each candidate is able to abide by the policy if hired. Human Resources Policy and Procedures to also consider - Number 70.0: Attendance/Hours of Work & Number 71.0: University Emergencies.

### Age

#### Examples of **inappropriate** interview questions:

- What is your date of birth?
- How old are you?
- What year did you graduate from high school?

#### Examples of **appropriate** interview questions:

- If hired, can you provide proof that you are at least 18 years of age?
- This position requires a high school degree or equivalent, do you meet this requirement?

### Federal Legislation

The Age Discrimination in Employment Act prohibits employment discrimination against individuals age 40 and over. The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in federal, state, and local governments. The federal youth employment provisions, authorized by the FLSA of 1938, also known as the child labor laws, were enacted to ensure that when young people work, the work is safe and does not jeopardize their health, well-being or educational opportunities.

### Additional Details to Consider

Departments wishing to hire employees ages 14-17 may do so through HR Temporary Employment (STEPS) as STEPS is able to manage the appropriate tracking and documents necessary for employment of minors. Human Resources Policy and Procedures to also consider - Number 2.0: Equal Opportunity, Discrimination, and Harassment & Number 16.0: Employment of Minors.

<b>Alcohol, Drug, and Tobacco Use</b>	
What's <b>inappropriate</b> to ask in an interview:	What's <b>appropriate</b> to ask in an interview:
<ul style="list-style-type: none"> <li>• Have you ever been treated for alcoholism?</li> <li>• Have you been addicted to or used any illegal drugs in the past?</li> <li>• This position requires a drug screen, are you taking any legal or prescription drugs?</li> </ul>	<ul style="list-style-type: none"> <li>• The University of Kentucky is a Tobacco &amp; Drug Free campus. Are you willing to abide by these policies?</li> </ul>
Federal Legislation	
The Americans with Disabilities Act prohibits discrimination against a qualified candidate who in the past was addicted to or used illegal drugs and/or alcohol. There is no ADA protection for people currently using illegal drugs.	
Additional Details to Consider	
Before making an offer, state that the offer is contingent upon the successful completion of a pre-employment screening that can include a national background check and/or drug screen as mandated by University of Kentucky Human Resources. Human Resources Policy and Procedures to also consider - Number 2.0: Equal Opportunity, Discrimination, and Harassment, Number 11.0: Pre-employment Screening, Number 13.0: Drug Abuse, Number 14.0: Alcohol Abuse; & UK Administrative Regulation 6.5: Tobacco Policy prohibits the use of all tobacco products on all property that is owned, operated, leased, occupied, or controlled by the University.	

<b>Citizenship, Nationality or Ethnic Origin</b>	
Examples of <b>inappropriate</b> interview questions:	Examples of <b>appropriate</b> interview questions:
<ul style="list-style-type: none"> <li>• What country were you born in?</li> <li>• Do you agree with the foreign policy of the U.S.?</li> <li>• What an unusual name. Are you from ...?</li> <li>• What an interesting accent. Where are you from?</li> <li>• Do you speak any other languages other than English?</li> <li>• How long have you lived in Kentucky?</li> </ul>	<ul style="list-style-type: none"> <li>• I see on your application that you have answered "No" to the "Are you legally able to work in the United States?" question. Do you have a visa or other documentation that will allow you to work in the U.S.?</li> <li>• Do you speak/write/understand (specific language(s) required for the job)? (Ask only if speaking/writing/understanding a particular language is a job requirement established with HR through the Job Analysis Questionnaire/Position Description).</li> </ul>
Federal Legislation	
The Civil Rights Act of 1964/1991 and the Immigration Reform and Control Act of 1986 prohibit discrimination based on national origin, citizenship status and/or appearance.	
Additional Details to Consider	
Review the application question, "Are you legally able to work in the United States?" with all interviewed candidates. Ask for additional details if applicable. Before making any offer of employment to a candidate who holds a non-immigrant visa status in the U.S. or who resides outside the U.S., consult with UK's Office of International Affairs at (859) 257-4067.	

<b>Criminal Arrests and Convictions</b>	
Examples of <b>inappropriate</b> interview questions:	Examples of <b>appropriate</b> interview questions:
<ul style="list-style-type: none"> <li>• Have you ever been arrested?</li> <li>• Have you ever committed any crimes that I should be aware of?</li> </ul>	<ul style="list-style-type: none"> <li>• I see on your application that you have answered "Yes" to the "Criminal History" question, could you please provide additional information?</li> </ul>
State Legislation	
Kentucky Revised Statute, KRS 017.165 requires universities to complete a national background and sex offender registry check on all new hires.	
Additional Details to Consider	
Questions can only be asked about convictions or currently pending arrest charges. Being arrested or charged does not mean that one is guilty. It is inappropriate to hold a conviction against someone when the conviction is not related to the job. HR best practice is to review the "Criminal History" section on the application as you screen applicants and determine if the convictions may be job related. During the interview, confirm the candidate's response on the "Criminal History" question to ensure the information provided is accurate. Ask for additional details if applicable. Human Resources Policy and Procedure to also consider - Number 11.0: Pre-employment Screening.	

### Disabilities

<p>Examples of <b>inappropriate</b> interview questions:</p> <ul style="list-style-type: none"> <li>• Are you disabled?</li> <li>• I see that you use a cane, how will you get to meetings across campus?</li> </ul>	<p>Examples of <b>appropriate</b> interview questions:</p> <ul style="list-style-type: none"> <li>• This position requires you to stand and sit for long periods of time as well as work with a diverse population can you perform these responsibilities with or without reasonable accommodations?</li> </ul>
<b>Federal Legislation</b>	
The Americans with Disabilities Act prohibits discrimination against any qualified candidate with a disability who could perform the job with or without a reasonable accommodation.	
<b>Additional Details to Consider</b>	
An essential functions question should be asked of every interviewed candidate. This question states the essential functions of the position and asks if the candidate can perform these functions with or without reasonable accommodation. HR best practice is to ask this question during the phone interview so that a candidate doesn't perceive that you are asking the question due to a visible disability. If a qualified candidate states they need a reasonable accommodation contact the Office of Institutional Equity and Equal Opportunity at (859) 257-8927 or via their website at <a href="http://www.uky.edu/evpfa/eo">www.uky.edu/evpfa/eo</a> to determine if and how the University could accommodate the request.	

### Marital or Family Status

<p>What's <b>inappropriate</b> to ask in an interview:</p> <ul style="list-style-type: none"> <li>• Are you married? What is your spouse's name?</li> <li>• Do you have children? Who will take care of your children when you are working?</li> <li>• Do you have any commitments that would prevent you from working extra hours?</li> </ul>	<p>What's <b>appropriate</b> to ask in an interview:</p> <ul style="list-style-type: none"> <li>• Are you currently or have you previously worked at UK? If yes, please tell me the department, dates of employment and other names you were employed under at UK.</li> <li>• This position requires you to work 12 hours shifts, are you able to meet this requirement?</li> </ul>
<b>Federal Legislation</b>	
The Civil Rights Act of 1964 and 1991 prohibits discrimination based on marital status.	
<b>Additional Details to Consider</b>	
Review the candidate's application prior to the interview and note the section regarding current or previous employment at UK. During the interview, confirm the candidate's responses, if candidate is currently or has previously worked for UK confirm - name, department and dates of employment. This information will provide additional details when reviewing the personnel records. HR best practice is to review all personnel records prior to conducting interviews. The information that can be viewed includes: performance evaluations, corrective action, separation sheets, etc. It is also important to state the requirements (over-time expectations, shifts, weekend work, etc.) of the position to allow all potential candidates to understand what would be required of them if hired.	

### Physical Characteristics

<p>What's <b>inappropriate</b> to ask in an interview:</p> <ul style="list-style-type: none"> <li>• Do you have any distinguishing physical characteristics such as scars, birthmarks, tattoos, body piercings, etc.?</li> </ul>	<p>What's <b>appropriate</b> to ask in an interview:</p> <ul style="list-style-type: none"> <li>• Please review our department's dress code. If hired, would you be able to meet these requirements?</li> </ul>
<b>Federal Legislation</b>	
Although we cannot say the above questions are illegal, the American with Disabilities Act and Civil Rights Act of 1964 and 1991 does prohibit employment discrimination based on the assumption that certain scars are associated with past medical history, tattoos with certain lifestyles, risky behaviors, or such.	
<b>Additional Details to Consider</b>	
If your department has a specific dress code it is important to share this policy during the interview to allow the candidate to understand what would be required of them if hired.	

### Political Belief

What's <b>inappropriate</b> to ask in an interview:	What's <b>appropriate</b> to ask in an interview:
<ul style="list-style-type: none"> <li>• Are you Republican?</li> <li>• Who did you vote for in the last election?</li> <li>• How do you think the President is doing? What do you think of the Governor?</li> </ul>	<ul style="list-style-type: none"> <li>• No questions are appropriate.</li> </ul>
Federal Legislation	
None.	
Additional Details to Consider	
Human Resources Policy and Procedure to consider - Number 2.0: Equal Opportunity, Discrimination, and Harassment.	

### Pregnancy

What's <b>inappropriate</b> to ask in an interview:	What's <b>appropriate</b> to ask in an interview:
<ul style="list-style-type: none"> <li>• Are you pregnant?</li> <li>• Do you plan to become pregnant in the next few years?</li> </ul>	<ul style="list-style-type: none"> <li>• This position requires that you travel throughout the state for a week at a time 4-5 times a year. Would you be able to meet this requirement?</li> </ul>
Federal Legislation	
The Pregnancy Discrimination Act of 1978 prohibits employment discrimination based on whether women were pregnant or could become pregnant during their employment.	
Additional Details to Consider	
HR best practice is to remind all interviewers that the subject of pregnancy is off limits with candidates during the selection process.	

### Race or Color

What's <b>inappropriate</b> to ask in an interview:	What's <b>appropriate</b> to ask in an interview:
<ul style="list-style-type: none"> <li>• Are you bi-racial?</li> <li>• What color is your hair, eyes, or skin?</li> </ul>	<ul style="list-style-type: none"> <li>• No questions are appropriate.</li> </ul>
Federal Legislation	
The Civil Rights Act of 1964 and 1991 prohibits employment discrimination based on race or color.	
Additional Details to Consider	
Voluntary disclosure of an applicant's race is requested when he/she completes the online application. In addition, when an individual is hired, the University is required to again obtain this information. Both sets of information are used to fulfill state and federal reporting requirements and remain distinct from the individual's application.	

### Religion or Creed

What's <b>inappropriate</b> to ask in an interview:	What's <b>appropriate</b> to ask in an interview:
<ul style="list-style-type: none"> <li>• What church do you belong to?</li> <li>• If I called your pastor, what would they say about you?</li> <li>• Would it be a problem for you to work on Sundays?</li> </ul>	<ul style="list-style-type: none"> <li>• This position requires that you work 6:30am – 3:00pm Wednesday through Sunday. Are you able to meet this requirement?</li> </ul>
Federal Legislation	
The Civil Rights Act of 1964 and 1991 prohibits employment discrimination based on religious affiliation.	
Additional Details to Consider	
If a qualified candidate states they need a reasonable accommodation for religious beliefs contact the Office of Institutional Equity and Equal Opportunity at (859) 257-8927 or via their website at <a href="http://www.uky.edu/evpfa/eo">www.uky.edu/evpfa/eo</a> to determine if and how the University could accommodate the request.	

<b>Sex, Gender or Sexual Orientation</b>	
What's <b>inappropriate</b> to ask in an interview:	What's <b>appropriate</b> to ask in an interview:
<ul style="list-style-type: none"> <li>• My wife didn't work after we got married. Will you?</li> <li>• This is a female dominated field; why do you want to work in this field?</li> <li>• UK has sponsor dependent health benefits – would that be something you are interested in?</li> </ul>	<ul style="list-style-type: none"> <li>• No questions are appropriate.</li> </ul>
Federal Legislation	
The Civil Rights Act of 1964 and 1991 prohibits employment discrimination based on sex.	
Additional Details to Consider	
Voluntary disclosure of an applicant's gender is requested when he/she completes the online application. In addition, when an individual is hired, the University is required to again obtain this information. Both sets of information are used to fulfill state and federal reporting requirements and remain distinct from the individual's application. Human Resources Policy and Procedures to also consider - Number 2.0 Equal Opportunity, Discrimination, and Harassment & Number 10.0 Staff Employment.	

<b>Union Beliefs or Affiliation</b>	
What's <b>inappropriate</b> to ask in an interview:	What's <b>appropriate</b> to ask in an interview:
<ul style="list-style-type: none"> <li>• Are you a member of a union?</li> <li>• What are your thoughts about unions?</li> </ul>	<ul style="list-style-type: none"> <li>• Are you a member of a professional organization related to this position?</li> </ul>
Federal Legislation	
The National Labor Relations Act of 1935 provides that all employees have the right to form, join, and assist labor organizations, and to bargain collectively with their employers. In addition, it forbids employers from interfering with, restraining, or coercing employees in the exercise of rights relating to organizing, forming, joining or assisting a labor organization for collective bargaining purposes, or engaging in protected concerted activities, or refraining from any such activity.	
Additional Details to Consider	
None.	

<b>Veteran Status or Military Service</b>	
What's <b>inappropriate</b> to ask in an interview:	What's <b>appropriate</b> to ask in an interview:
<ul style="list-style-type: none"> <li>• Are you a veteran? Did you serve in Iraq or Afghanistan?</li> <li>• Are you currently in the National Guard?</li> </ul>	<ul style="list-style-type: none"> <li>• Describe how your experiences relate to this position.</li> </ul>
Federal Legislation	
The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA) makes it illegal to discriminate against veterans and disabled veterans and the Uniformed Services Reemployment Rights Act of 1994 (USERRA) makes it illegal to discriminate against members of the active or reserve military.	
Additional Details to Consider	
When an individual is hired, the University is required to obtain his/her veteran status which is used to fulfill state and federal reporting requirements. Human Resources Policy & Procedure to also consider - Number 75.0 Uniformed Services Leave (Military Leave).	