

# THE DIANA INITIATIVE

*TDI has compiled this quick reference guide to help job candidates and new hiring managers understand what kinds of questions can be legally and ethically asked during an interview.*

Topic	Overview	What employers CAN ask	What employers CANNOT ask
<b>Address</b>	You can ask about a current address and previous address, but not about ownership or who someone lives with	<i>What is your current address and how long have you been there?</i>  <i>What was your previous address and how long did you live there?</i>	<i>Do you own or rent your home?</i>  <i>Who do you live with? What's your relationship with them?</i>
<b>Age</b>	You can only ask about age if there's a legal requirement, such as being of drinking age to work at a bar.	If there's age-related legal requirement (ie., working in a bar), you can directly ask a candidate their age and for age verification.	<i>How old are you?</i>  <i>What year were you born?</i>  <i>When did you graduate high school?</i>
<b>Arrest Record</b>	Arrests are NOT the same as convictions, and for the most part, you shouldn't ask about them. It's generally accepted that rejecting applicants based on arrest record disproportionately impacts minorities.	Law enforcement agencies can ask about and exclude candidates based on their arrest record.	For non-law enforcement agencies, seek legal counsel before asking about arrest records; there are very few instances where it's relevant.
<b>Availability</b>	All candidates should be asked the same question to reduce any unconscious bias. Focus questions on the ability to meet the requirements of the role.	You can ask about general availability. - <i>This role is for [day, evening] shift - are you able to meet that requirement?</i> - <i>What days/shifts can you work?</i> - <i>Are there shifts you cannot work?</i> - <i>Are you able to travel Y%?</i>	Do not ask about weekend or evening availability if it's not a core requirement to the role, there is a risk of introducing religious bias.  Do not ask about childcare or personal responsibilities to avoid introducing bias against women and families.  Do not ask about car ownership unless it is a requirement of the role.
<b>Citizenship or National Origin</b>	Do not ask about citizenship or national origin; focus on whether or not someone is eligible for work in the US.  Only ask about written/spoken languages if they are a requirement of the role.	<i>Are you legally eligible to work in the United States?</i>  <i>If we hire you, can you show proof of citizenship, a visa, or alien registration?</i>  <i>Are you known by any other names?</i>  <i>Can you speak, read, and write \$Language fluently?</i>	<i>Are you a US citizen?</i>  <i>Can you provide a birth certificate?</i>  <i>What country are your parents from?</i>  <i>Where were you born?</i>  <i>How did you learn \$Language?</i>
<b>Convictions</b>	It's generally accepted that rejecting applicants based on conviction record disproportionately impacts minorities. Unless there is a good reason to ask this question (i.e., you don't want convicted child abusers working with children), avoid it; at the very least, seek legal counsel before including it.	Roles dealing with large sums of money, sensitive information, expensive equipment, or that may put other lives in danger are likely candidates for asking about prior convictions. Seek legal counsel on whether questions should be included and how to phrase them.	Most roles do not require asking about prior convictions. Seek legal counsel before including questions about convictions in your hiring process.

# THE DIANA INITIATIVE

TDI has compiled this quick reference guide to help job candidates and new hiring managers understand what kinds of questions can be legally and ethically asked during an interview.

Topic	Overview	What employers CAN ask	What employers CANNOT ask
<b>Credit Inquiries</b>	The Fair Credit Reporting Act of 1970 allows employers to, <b>with written permission</b> , perform a credit check on potential hires.	You can ask for permission to perform a credit check to assess a candidate's ability to handle money. You should only do this if the role requires the employee to handle money, manage budgets, deal with very sensitive information or expensive equipment. Seek legal counsel before making a credit report a requirement of hiring.	<p><i>Do you have a bank account?</i></p> <p><i>Do you own a home or rent?</i></p> <p><i>Have your wages ever been garnished?</i></p> <p><i>Have you ever declared bankruptcy?</i></p>
<b>Disabilities</b>	You cannot ask a person about their disabilities; you can only describe a role and ask if the candidate can perform the tasks.	<i>Can you perform all the tasks in this role?</i>	<p><i>Do you have a disability?</i></p> <p><i>Have you ever filed a workers compensation claim?</i></p> <p><i>Have you ever suffered a workplace injury?</i></p>
<b>Education</b>	You can ask about the diplomas, degrees or certifications a candidate holds, but you cannot ask when they were achieved.	<p><i>Do you have a high school diploma or equivalent?</i></p> <p><i>What university or college degrees are you working on or have completed?</i></p>	<i>What year did you graduate high school?</i>
<b>Emergency Contact Name</b>	Do not ask this question prior to employment; it may introduce bias about national origin, sexual orientation, etc.	N/A	<i>Who is your emergency contact?</i>
<b>Employment &amp; Salary History</b>	Some states prohibit questions about current salary. In general, don't ask for current salary as it tends to perpetuate the underpayment of women and minorities. It's okay to ask what expectations are, and if it's less than the low end of your range, the most ethical thing you can do is pay to your range (above candidate expectations).	<p><i>How long were you in your last role?</i></p> <p><i>What were your start and finish titles?</i></p> <p><i>What is your expected salary?</i></p>	Do not ask questions that may give an idea of age, such as, "when did you start working?" or "what year was your first job?"
<b>Family or Marital Status</b>	Employers should never ask about a candidate's marital, familial or relationship status.  It's discriminatory to ask some candidates but not others about outside commitments. It's most fair to ask all candidates the same core questions. The focus should be on ensuring the candidates can meet the requirements of the role.	<i>Do you have any commitments that might prevent you from working the assigned shifts?</i>	<p><i>Are you married?</i></p> <p><i>Are you single?</i></p> <p><i>Do you have any children?</i></p>
<b>Financial Status</b>	Questions on financial status are dicey and risk introducing bias against lower income candidates.	If it's a requirement of the role, employers can ask if the candidate owns a vehicle and if their insurance is current.	<p><i>Do you own your own home?</i></p> <p><i>Do you own a car? (*when not required by role)</i></p>
<b>Height or Weight</b>	Unless a specific height or weight is required for a role, which is exceedingly rare, it should not be a topic for discussion.	Accurately describe the role and ask the candidate if they can perform all of the functions.	<p><i>What is your height?</i></p> <p><i>How much do you weigh?</i></p>

## THE DIANA INITIATIVE

*TDI has compiled this quick reference guide to help job candidates and new hiring managers understand what kinds of questions can be legally and ethically asked during an interview.*

Topic	Overview	What employers CAN ask	What employers CANNOT ask
<b>Military Service</b>	Military service, like any previous experience, should focus on what the candidate learned that will be beneficial to the role in question.	Ask about experience and training relevant to the role at hand.	Do not ask questions about discharge.  Do not ask anything that could introduce bias against a candidate based on age.
<b>Personal Information</b>	Avoid asking questions that could indicate relationship status; it's fine to ask questions directly related to prior employment with the company.	<i>Have you ever worked for us before under another name?</i>	<i>Did you ever change your name through marriage or court application?</i>
<b>Pregnancy</b>	It is never acceptable to ask any questions about pregnancy, even if you believe the candidate to be heavily pregnant. Describe the role and ask if they can perform all functions.	<i>Do you have any leave planned?</i>	<i>What is your maiden name?</i> <i>Are you currently or planning to get pregnant?</i> <i>Are you trying to have a family?</i>
<b>Political Affiliations, Organizations and Non-professional activities/groups</b>	Currently, no federal laws prohibit private employers from asking political affiliation, but there may be state laws prohibiting discrimination based on political affiliation, activity or belief. Questions should focus on involvement in professional organizations whenever possible.  Avoid questions that could introduce bias about race, age, sex, etc.	<i>Are you a member of a professional organization?</i>	<i>Are you a member of the local country club?</i>  <i>What sorority did you join?</i>
<b>Race or Color</b>	Never ask questions about race or color. Definitely seek legal advice and coaching on avoiding these questions.	N/A	Any questions about color and race.
<b>Relatives</b>	Nepotism can hurt morale if the relatives hired aren't qualified for the roles. Worse, it risks becoming discriminatory if your company has issues hiring minorities.	<i>Do any of your relatives currently work for us or our competitors?</i>  <i>Can you provide the names of your relatives who work for us?</i>	<i>What is the name of your relatives who work for our competitors?</i>
<b>Religion or Creed</b>	Avoid asking these questions as they can introduce bias.	N/A	<i>What's your religion? What church do you attend?</i>
<b>Sex, Orientation, or Gender Identity</b>	Avoid asking these questions as they can introduce bias.	N/A	N/A