



## STATE OF INDIANA HIRING PANEL TOOLKIT | Illegal Questions

TOPIC	DON'T ASK THIS	ASK THIS INSTEAD
<b>Address/Residence</b>	<ul style="list-style-type: none"> <li>• About foreign addresses that would indicate a national origin</li> <li>• Who do you live with?</li> <li>• Do you own or rent?</li> </ul>	<p>Phone number and other contact information, like current address.</p>
<b>Age</b>	<ul style="list-style-type: none"> <li>• How old are you?</li> <li>• When were you born?</li> <li>• When did you graduate from high school / college?</li> <li>• Any question that would tend to identify persons who are 40 and older (“Do you remember working before e-mail was around?”)</li> </ul>	<p>Are you at least 18 years of age? (If their status as an adult may be an important legal factor for the job.)</p> <p>No other questions should be asked about a person’s age. Your HR Representative will verify age, if necessary.</p>
<b>Arrest and Conviction</b>	<ul style="list-style-type: none"> <li>• Have you ever been arrested?</li> <li>• Have you ever gone to jail?</li> </ul>	<p>Your HR Representative will conduct a background check which includes the candidate’s criminal convictions.</p> <p>If you need your new hire to pass a security clearance, then you can inform them about this requirement, but it’s best to avoid specifics.</p>
<b>Attendance/Reliability</b>	<ul style="list-style-type: none"> <li>• Who is going to babysit your children?</li> <li>• Do you have pre-school age children at home?</li> <li>• Do you have a car?</li> </ul>	<p>What hours and days can you work?</p> <p>Are there specific times that you cannot work?</p> <p>Do you have reliable transportation to get to and from work?</p> <p>Do you have reliable transportation to accomplish and travel related aspects of the job?</p>

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<b>Citizenship/National Origin</b>	<ul style="list-style-type: none"> <li>• What is your national origin?</li> <li>• Are you native-born or naturalized?</li> <li>• Where are your parents from?</li> <li>• What is your maiden name?</li> <li>• (Before hiring) Can you show proof of citizenship?</li> </ul>	<p>No questions should be asked about a person's citizenship or national origin. Your HR Representative will verify if the new hire is authorized to work in the United States.</p>
<b>Disability/Handicaps/ Illness</b>	<ul style="list-style-type: none"> <li>• Do you have any disabilities?</li> <li>• About the nature of or severity of a disability/handicap</li> <li>• Have you ever been addicted to illegal drugs or treated for drug or alcohol abuse, received workers compensation, or been hospitalized/treated for physical or mental health conditions, or ever been absent from work due to illness?</li> </ul>	<p>Can you perform the duties of the job you are applying for (describe duties to candidate)?</p> <p>Can you meet the attendance requirements?</p> <p>*If a candidate discloses that they have a disability and asks if they can perform the job with an accommodation, we may need to provide an accommodation depending on what accommodation is requested and if the accommodation would cause and undue hardship. Ask the candidate what they would need.</p>
<b>Education</b>	<ul style="list-style-type: none"> <li>• When did you graduate from high school or college?</li> </ul>	<p>Do you have a high school diploma or equivalent?</p> <p>Do you have a college degree?</p>
<b>Gender/Sex</b>	<ul style="list-style-type: none"> <li>• Do you wish to be addressed as Mr.? Mrs.? Miss? Ms.? Mx.?</li> <li>• Are you female or male?</li> </ul>	<p>No questions about gender or sex should be asked.</p>
<b>Language</b>	<ul style="list-style-type: none"> <li>• What is your native language?</li> <li>• Inquiry into how the candidate acquired the ability to read, write or speak a foreign language.</li> </ul>	<p>What languages do you speak and write fluently? (If the job requires additional languages.)</p>
<b>Military Record</b>	<ul style="list-style-type: none"> <li>• What type of military discharge did you receive?</li> <li>• Were you dishonorably discharged?</li> </ul>	<p>What type of education, training, work experience related to this position did you receive while in the military?</p> <p>You may ask whether an applicant is a veteran or whether they have any job-related experience in the military. But you shouldn't ask about their discharge status.</p>

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<b>Organizational Affiliation</b>	<ul style="list-style-type: none"> <li>• What clubs, societies and lodges do you belong to?</li> </ul>	<p>Which professional organizations do you belong to which you consider relevant to your ability to perform this position?</p> <p>Inquiry into the candidate's membership in organizations which the candidate considers relevant to their ability to perform job such as, professional organizations (e.g., Society for Human Resource Management).</p>
<b>Parental/Marital Status</b>	<ul style="list-style-type: none"> <li>• Do you have children?</li> <li>• Do you plan to have children?</li> <li>• Are you married, divorced, engaged, separated, widowed?</li> <li>• Is your spouse in the military?</li> </ul>	<p>No questions about parental or marital status should be asked.</p> <p>While it's irrelevant to ask this during the interview, you may ask about dependents for insurance purposes after they're hired.</p>
<b>Physical Features</b>	<ul style="list-style-type: none"> <li>• Weight, height, impairment, or other non-specified job-related physical data.</li> </ul>	<p>No questions should be asked about physical features.</p>
<b>Race or Color</b> (See also Citizenship/ National Origin)	<ul style="list-style-type: none"> <li>• Anything directly or indirectly related to race.</li> </ul>	<p>No questions should be asked about a person's race or color.</p>
<b>Religion or Creed</b>	<ul style="list-style-type: none"> <li>• Do you attend church?</li> <li>• What church do you attend?</li> <li>• What religious holidays do you observe?</li> </ul>	<p>Can advise candidate about normal hours and days of work required by the job to avoid possible conflict with religious or other observances.</p>
<b>Sexual Orientation</b>	<ul style="list-style-type: none"> <li>• Are you LGBTQ+?</li> <li>• What is your spouses gender?</li> </ul>	<p>No questions about sexual orientation should be asked.</p>
<b>Worker's Compensation</b>	<ul style="list-style-type: none"> <li>• Have you ever filed for worker's compensation?</li> <li>• Have you had any prior work injuries?</li> </ul>	<p>No questions about worker's compensation should be asked</p>
<b>Union</b>	<ul style="list-style-type: none"> <li>• Are You Now, or Have You Ever Been, in a Union?</li> </ul>	<p>While you can tell an applicant about the union status of your workplace, you can't ask about their current or past affiliation with a union.</p>