

# QUESTIONABLE TACTICS

## SOME INTERVIEW QUERIES CROSS THE LEGAL LINE



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**W**ith unemployment figures at uncharacteristic highs and scores of people applying for open positions, potential employees are understandably eager to impress and show their willingness to land the job.

Meanwhile, employers, just as eager to survive economic turmoil, remain steadfast in their plans to hire people who will bring special skills and a strong commitment to the workplace. Yet, in their quest to bring in team members who can deliver on expectations, employers must also pay attention to their interview questions, recognizing that inquiries about family status, age and religion can land them in legal hot water.

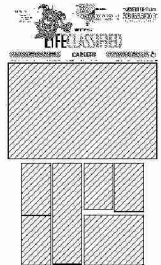
“Employers need to be careful about the questions they ask because not only are some questions inappropriate they can be illegal,” said attorney Jeff Isaac, author of “The Wacky World of Laws.” “(Employers) certainly may not mean to be violating the law, and the conversation can be harmless, but a simple understanding of

the laws can save a lot of trouble.”

When the Civil Rights Act of 1964 arrived, its Title 7 protected people against employment discrimination on the basis of race, color, sex, religion or national origin. In subsequent years, other federal legislation added such items as birthplace, age, disability and family status to the equation. Such measures aimed to prevent workplace discrimination and grant all employees a fair shot at job openings.

“What the law is saying is that personal information like this is none of the employer’s business,” said Chris Easley, an associate professor of management at Governors State University, adding that state law can often be more rigorous and expansive, covering such issues as sexual preference and socioeconomic conditions.

With legislation dangling over the employer’s head — along with the threat of litigation if they are presumed to be intentionally discriminating against a specific group of job candidates — some workplace experts feel the laws overprotect job candidates and restrict candid conversation.



Isaac said many hiring managers engage in small talk with little knowledge that questions about children or outside activities are illegal.

"So many of these questions are not asked with the intent to weed out a specific type of employee, but rather to learn more about the employee and his or her background," Isaac said. "Such rigid laws are difficult to comply with and probably restrict a more fluid, human conversation."

Despite the perceived rigidity of such legislation as well as the hurdles they might put before free-flowing dialogue, many recognize the laws seek a noble aim.

"It's these very steps that bring about diversity in an organization and allow it to expand its reach," said Charmaine Sevier, manager of diversity and employment at Moraine Valley Community College.

Indeed, the line between small talk and illegal interview questions is a thin one, but a line that needs to be in place to protect job seekers from those interviewers who are not asking questions with innocence or an appropriate motive. As with most laws, a few cheating players change the game for all involved.

"The vast majority of employers are merely looking to manage their business as effectively as possible and to get employees involved who can help make that happen," Easley said. "Still, employers need to recognize the information that's off limits."

Such legalese, of course, does not prevent a job candidate from answering questions they feel could bolster their case. A common metaphor urges job seekers to use the contents of their tool box to build rapport, discussing experiences, values or attitudes that match those of a given organization.

"If the candidate feels comfortable, then there's no reason that they cannot answer a personal question directly or even volunteer information," Isaac said.

In the event an employer asks inappropriate or downright illegal questions, a job candidate has two courses of action.

"Ignore the question and deflect conversation to another topic area or answer as succinctly as possible and then introduce a new, more appropriate point for discussion," Isaac said.

Or, Easley suggests, candidates may

move the discussion to their own competencies and accomplishments, a redirect that will quell the personal discussion and allow the candidate to better discuss their potential to fill the open position's skill sets and address the organization's needs.

"More often than not, this will compel the interviewer to want to know more about what the candidate can bring to the organization," she said. "When a job candidate focuses on his or her own abilities and experiences, it deflects much of the personal conversation and helps to avoid those legal waters."

In the end, the safest road will almost always be the legal road. Employers mindful of the law and executing an interview with such knowledge will better focus on a candidate's merits and avoid courtroom tussles. Though some questions might seem harmless, they are still questions that should not be asked.

"In an effort to get to know people and determine if they're a fit, employers need to make sure they're asking job-specific questions," Sevier said. "That's really the bottom line."

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 AUTHOR OF "THE WACKY  
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