

# Interviewing Guidelines

## University of North Dakota - Office of Human Resources

701-777-4361

<u>Item</u>	<u>Prohibited Information</u> (Cannot be used to disqualify candidates)	<u>Lawful Information</u> (Can be used to disqualify candidates)
Age	Age, birth certificate. Any inquiry for purpose of excluding persons age 40 and over. Inquiries as to dates of graduation to determine age should be avoided.	Whether candidate meets minimum age requirement. That candidate submit proof of age after hired. Whether candidate can meet terms and conditions of job.
Arrest Record	Any inquiry relating to arrest.	None.
Conviction Record	Inquiries regarding convictions that do not relate to performing the particular job under consideration.	Inquiries about actual convictions which relate reasonably to performing a particular job.
Credit	Any inquiries concerning charge accounts, credit ratings, etc., that do not relate to performing the particular job under consideration.	Inquiries about credit rating, charge accounts, etc., that relate reasonably to performing the particular job in question.
Education	Disqualification of a candidate who does not have a particular degree unless the employer has proven that the specific degree is the only way to measure a candidate's ability to perform the job in question.	Inquiries regarding degrees or equivalent experience. Information regarding courses relevant to a particular job.
Disabilities	General inquiries that would elicit information about disabilities or health conditions which do not relate to job performance.	Whether candidate can perform the essential functions of the job and meet the employer's performance standards with reasonable accommodations by employer, if necessary. (Should be asked of all candidates).
Marital and Family Status	Child care problems, unwed motherhood, contraceptive practices, spouse's preferences regarding job conditions. Inquiries indicating marital status, number of children, pregnancy. Any question directly or indirectly resulting in limitation of job opportunity in any way.	Whether candidate can meet work schedule of job. Whether candidate has activities, responsibilities, or commitments that may hinder meeting attendance requirements. (Should be asked of both sexes).
Military Record	Discharge status, unless it is a result of a military conviction.	Type of experience and education in service as it relates to a particular job.
Name	Inquiries to determine national origin, ancestry, or prior marital status.	Whether candidate has ever worked under a different name.
Nationality	Lineage, ancestry, descent, mother tongue, birthplace, citizenship. National origin of spouse or parents.	Whether candidate is legally eligible to work in the United States.
Organizations	Inquiries about membership to determine the race, color, religion, sex, national origin, or age of candidates.	Inquiries which do not elicit discriminatory information.
Race or Color	Complexion, color of skin, height or weight where it is not related to the job.	None.
Religion	Religious preference, affiliation, denomination.	Whether candidate can meet work schedules of job with reasonable accommodation by employer if necessary.
Sex	Sex of applicant, where sex is not a bona fide occupational qualification (BFOQ).	Sex of applicant, where sex is a BFOQ, i.e., the physical characteristics of one sex are necessary to perform the job.
Work Experience	Inquiries of protected class members based on generalizations about that class.	Candidate's previous job-related experience.

# DO'S AND DON'TS FOR HIRING PEOPLE WITH DISABILITIES

## Do

- . . .Relax and make the applicant feel comfortable.
- . . .Treat an individual with a disability with the same dignity and respect you would give any applicant.
- . . . Keep in mind that among those protected by the ADA are qualified individuals who have a substantial limitation in a major life activity. Whether qualified individuals with a medical condition like AIDS, cancer, mental retardation, traumatic brain injuries, and learning disabilities will be considered disabled under the law will depend on the facts of each case.
- . . Develop procedures for maintaining and protecting confidential medical records.
- . . .Evaluate each candidate for the job based on whether he or she has met the employer's requirements for the job, such as education, training, employment experience, skills or licenses.
- . . .Consider whether a person with a disability can perform the essential functions of the job, with or without a reasonable accommodation.
- . . .Recognize that there are often many ways to accomplish the same task.
- . . .Remember that accessibility pertains not only to a physical environment. Application forms and other relevant information should be available in alternative formats for people with visual or cognitive disabilities.

## Don't

- . . .Assume that certain jobs are more suited to persons with disabilities.
- . . .Assume that a person cannot or does not want a particular job because of apparent or non-apparent disabilities.
- . . .Assume a person with a disability does not have the requisite education and training for a job.
- . . .Hire a person with a disability who is not qualified to perform the essential functions of a job, even with a reasonable accommodation.
- . . .Make medical judgments.
- . . .Ask an applicant if he or she has a disability during a job interview.
- . . .Assume that a work environment will be unsafe if an employee has a disability.
- . . .Assume that a person does not need an accommodation because he or she does not have a visible disability.
- . . .Assume that accommodations are expensive or difficult to implement. Most are not, and a number of resources are available to assist in making accommodations.