

# LEGAL CONSIDERATIONS

## Hiring Do's and Don'ts

1. Do:
  - a. Ask the same questions of all applicants for the same position.
  - b. Use interview questionnaire form; fill out a form for each interviewee.
  - c. Review job description with each applicant; verify ability to perform essential tasks (with/without reasonable accommodation).
  - d. Carefully verify employment history.
  - e. Carefully check references.
  - f. Carefully check completion of application.
  - g. Use innovative, open questions:
    - i. Best/worst job?
    - ii. Best/worst supervisor?
    - iii. Past discipline for tardiness, absenteeism, rule infractions?
  - h. Have the interview process planned out.
  
2. Don't Ask About:
  - a. Date of birth, age.
  - b. Fraternal, ethnic, or religious organizations.
  - c. Natural origin.
  - d. Race or color.
  - e. Education qualifications (unless job-related).
  - f. Marital status / gender.
  - g. Arrest/conviction record.
  - h. Pregnancy / children / child care arrangements.
  - i. Weight / height (unless job-related).
  - j. Previous Work Comp injuries.
  - k. Credit rating / property ownership.
  - l. Availability to work / family.
  - m. Citizenship.
  - n. Disabilities.
  - o. Alcohol / Drinking.
  - p. Military record.
  - q. Sexual orientation.
  - r. Smoking.
  - s. Welfare experience.

This template is provided courtesy of the Greater Des Moines Partnership.

For additional resources visit [DSMpartnership.com/internships101](http://DSMpartnership.com/internships101).

Template sources include: Ames Economic Development Corporation's Employer Intern Guide, Internships.com, Technology Council of Central Pennsylvania and LookSharp.com.



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## Permissible Pre-Employment Questions

1. Can you perform the essential functions with, or without, reasonable accommodation?
2. Please describe (or demonstrate) how you would perform these essential (job-related) functions.
3. Can you meet the attendance requirements of the job?
4. Focus on applicant's qualifications, including:
  - a. Technical qualifications.
  - b. What does applicant perceive position to be?
  - c. Education and other background relevant to position.
5. Why would you like to work here?
6. Where else have you worked?
7. What jobs did you hold?
8. What would your supervisor at \_\_\_\_\_ tell me about your performance?
9. Why did you leave \_\_\_\_\_?
10. What do you think you did particularly well when you were at \_\_\_\_\_?
11. Was there room for improvement in your performance?
12. Have you ever been discharged, or asked to resign from, any job? Why?
13. Describe favorite/least favorite supervisor?
14. What positive skills/qualities do you think you will bring to this position?
15. Have you ever been warned or disciplined for violating a company work rule?
16. How did you do in your training courses, in school, etc.?
17. What do you owe your employer?
18. What does your employer owe you?

## Impermissible Questions

1. Do you have AIDS, asthma, etc.?
2. Do you have a disability that would interfere with your ability to perform the job?
3. How many days were you sick last year?
4. Have you ever filed for worker's compensation (vs. post-offer health questionnaires)?
5. Have you ever been injured on the job?
6. How much alcohol do you drink each week?
7. Have you ever been treated for alcohol or mental health problems?
8. What prescription drugs are you currently taking?

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