Administrative Procedure ~~-~~ General Personnel - Interview Questions

Anti-discrimination laws affect all steps of the employee hiring process. Knowledge of the characteristics on which these laws prohibit inquiry is especially critical when conducting interviews. Any employer that asks applicants to record video interviews and uses an artificial intelligence analysis of the applicant-submitted videos must comply with the Artificial Intelligence Video Interview Act, 820 ILCS 42/. Sloppy interview practices can result in the appearance of illegal discrimination or even actual discrimination.

Interviewers should avoid seeking information that will not be used to make an employment decision. Assume that a rejected applicant may believe that all information acquired was used. The District, if challenged, must explain why it asked for the information – a very difficult task when the information involves race, sex, religion, age, disability, etc. Information needed for insurance, tax, social security, or similar purposes should be obtained after employment. The following list of protected characteristics may not be complete because of the rapidly changing nature of discrimination laws.

Protected Status	Do not ask	Permissible to ask
Race and color	▪ What race are your parents?	
Alienage, ancestry, national origin, nationality, and citizenship status (provided the individual is authorized to work in the U.S.), work authorization status	▪ In what country were you born? ▪ In what country were your parents born? ▪ Are you a naturalized citizen? ▪ Do you have proof that you are authorized to work in the U.S?	▪ Are you legally authorized to work in the United States? ▪ What languages do you read, speak, or write fluently?
Marital status or family responsibilities	▪ Are you married? Single? Divorced? Engaged? ▪ Are you living with someone? ▪ Would your spouse move with you if you got this position? ▪ What is your maiden name? ▪ Are you a caregiver for a family member?	
Gender, including parent and pregnancy status, and reproductive health decisions	▪ What are your future family plans? ▪ Are you pregnant or planning to become pregnant? ▪ Are you receiving fertility treatment? ▪ Do you have children? What are their ages? ▪ Do you have child care?	▪ Is there anything that would interfere with regular work attendance? ▪ Are you available to work overtime?
Sexual orientation, including actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity	▪ Do you have a spouse or partner - which?	▪ How do you feel about supervising a diverse workplace?

Protected Status	Do not ask	Permissible to ask
Religion or creed	▪ What religious holidays do you celebrate?	▪ We need you to work on [insert days]. Are you available to work those days?
Age	▪ When do you plan to retire? ▪ ~~-~~When do you plan to collect your pension?	▪ What are your long-term career goals?
Military status	▪ Will you miss work because you are a member of a U.S. Reserve unit, such as, Army Reserve or Marine Corps Reserve, or a member of a National Guard unit?	▪ How does your military training or experience prepare you for this job?
Unfavorable discharge from military service	▪ Under what circumstances were you discharged from the service?	
Use of lawful products during non-working hours	▪ Do you smoke or use tobacco or cannabis products during non-working hours? ▪ Do you consume alcoholic beverages during non-working hours?	▪ Have you been disciplined by an employer for violating its rules forbidding the use of alcohol or tobacco or cannabis products?
Arrest record Conviction that is not on the School Code's list of disqualifying convictions	▪ Have you ever been arrested? ▪ Spent time in jail? **NOTE** The Job Opportunities for Qualified Applicants Act, 820 ILCS 75/, amended by P.A. 104-2, prohibits an employer from asking about a criminal record until the employer determines that the applicant is qualified for the position; however, this does not apply when employers are required to exclude applicants with certain criminal convictions from employment. Thus, school employers should limit their requests for criminal convictions to job-disqualifying convictions.	▪ Have you ever been convicted of attempting to commit, conspiring to commit, soliciting, or committing any crime in the following list? (1) any ~~sex~~ offense ~~or drug offense, as defined~~ listed in Section 21B-80(a) of the School Code, (2) first degree murder or any Class X felony, or (3) any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. 105 ILCS 5/21B-80.~~, amended by P.A.s 101-531 and 102-552.~~ Consult with the Attorney for the District if the District wants to ask candidates about disqualifying convictions before the job

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		offer state, due to Ill. Dept. of Human Rights guidance on 775 ILCS 5/2-103.1, ~~added by P.A. 101-656,~~ at: https://dhr.illinois.gov/conviction-record-protection-frequently-asked-questions.html. ~~www2.illinois.gov/dhr/Pages/Conviction_Record_Protection_Frequently_Asked_Questions.aspx.~~ See Board Policy 5.30, *Hiring Process and Criteria*, at f/n 6 for additional explanation.
Use of lawful products during non-working hours	▪ Do you smoke or use tobacco products during non-working hours? ▪ Do you consume alcoholic beverages during non-working hours?	▪ Have you been disciplined by an employer for violating its rules forbidding the use of alcohol or tobacco products?
Genetic information	▪ What were the results of any diagnostic, predictive, or pre-symptomatic genetic testing that you've had?	▪ See section on *disability* below.
Whether applicant has ever filed a claim or received benefits under the Illinois Workers' Compensation Act or Workers' Occupational Diseases Act	▪ Have you ever filed a claim or received benefits under the Illinois Worker's Compensation Act or Workers' Occupational Disease Act?	
Credit history/report, unless the Employee Credit Privacy Act permits a satisfactory credit history to be a job requirement, such as, the position's duties include custody of or unsupervised access to cash or marketable assets valued~~s~~ at $2,500 or more. 820 ILCS 70/10(b).	Unless specifically permitted, do not ask: ▪ Do you have a good credit score? ▪ Have you been denied a credit card within the last 5 years? ▪ Have you ever filed bankruptcy?	▪ How long have you lived at your current address?
Wage or salary history, including benefits or other compensation, unless: the applicant's wage or salary history is a matter of public record, or is contained in a	What is your current wage/salary? What was your previous wage/salary?	This position provides the following wage/salary, benefits, and compensation: [insert details]. Does that meet your expectations?

Protected Status	Do not ask	Permissible to ask
document completed by the applicant's current or former employer and then made available to the public by the employer, or then submitted or posted by the employer to comply with State or federal law; or the applicant is a current employee applying for a position with the same current employer. 820 ILCS 112/10, amended by P.A. 103-539.~~1-177.~~ For further discussion, see f/n 19 in Board P~~p~~olicy 5.30, *Hiring Process and Criteria*.	What benefits or other compensation do you currently receive? What benefits or other compensation did you previously receive? What was your highest paid position? This position pays $X; is that more or less than what you are making now? Have you ever filed a complaint with the Ill. Dept. of Labor regarding a job posting?	What are you looking for in terms of wage/salary, benefits, and other compensation for this position?
Victim of domestic violence or being protected un an order of protection	Have you ever requested a restraining order or order of protection against your spouse or other person?	

Disability

Inquiries that are likely to elicit information about a disability, before a bona fide job offer is made, are prohibited. Inquiries about the ability to perform job functions that do not ask about disabilities are permissible.

Protected Status	Do not ask	Permissible to ask, provided all applicants are asked
Disability	▪ Have you had any recent illnesses or operations? ▪ Do you have AIDS? ▪ Do you have asthma? ▪ Do you have a disability which would interfere with your ability to perform the job? ▪ How many days were you sick last year? ▪ Have you ever filed for Workers' Compensation? ▪ Have you ever been injured on the job? ▪ How much alcohol do you drink each week? ▪ Have you ever been treated for alcohol problems? ▪ Have you ever been treated for mental health needs?	▪ Can you perform the functions of this job (essential and/or marginal), with or without reasonable accommodation? ▪ Please describe or demonstrate how you would perform these functions (essential and/or marginal)? ▪ Have you ever been disciplined (oral or written reprimand, suspension or termination) for attendance violations or problems? ▪ Are you a current user of illegal drugs? ▪ Do you have the required licenses to perform this job?

	▪ What prescription drugs are you currently taking?	