



STATE OF OREGON  
Legislative Counsel Committee

April 13, 2018

To: Members of the Legislative Revenue Officer Hiring Panel  
From: Jessica A. Santiago, Deputy Legislative Counsel  
Subject: Pre-employment Interview Questions - Guidance

Federal and state laws prohibit discrimination on the basis of an applicant's race, color, national origin, religion, sex (including pregnancy), age or disability, marital status or sexual orientation. Questions specifically relating to one of those characteristics may be used as evidence of employer's discriminatory intent unless a job-related necessity can be demonstrated for asking such questions.

As a general rule, every question should relate to this central theme: "How are you qualified to perform the job you are applying for?" Employers should avoid inquiries that:

- May have a discriminatory effect in that the answer to a question may be evaluated differently between men and women.
- Concern a familial relationship unless one family member would have supervisory capacity over the other.
- Seek a candidate's prior salary history.
- Seek the credit history of a candidate unless that information is related to the job.
- Ask for direct information about or express a preference based on protected class status (e.g. age, disability, marital status, gender, race, national origin, sex, religion, sexual orientation).

The following are specific examples of questions to avoid when conducting an interview:

- Are you married? Do you plan to get married? Are you living with anyone?
- Do you have a family? Do you intend to start a family?
- Do you have day care for your children? What are your day care plans?
- What would you do if your husband was transferred?
- What is your birthdate? What is your age? How old are you? When did you graduate?
- Do you have an illness or disability that would cause you to miss work? Have you ever had or been treated for any of these conditions or diseases? Are you taking any prescribed drugs? Have you ever applied for workers' compensation?
- Can you work Saturdays? What is your religious affiliation? What church do you attend?
- Were you born in the United States? What is your race?
- Are you comfortable supervising men?
- Do you own or rent your home?
- Do you have any debts? Are you looking for work to pay off debts?