

Illegal and Legal Forms of Questions to ask Applicants

Illegal Questions – Sex Discrimination

1. Do you wish to be addressed as Miss, Mrs. or Ms.?
2. Are you married? Single? Divorced? Separated? A single parent?
3. I noticed that you are wearing an engagement ring. When are you going to be married?
4. What is your spouse's name? What does (s)he do for a living?
5. How does your spouse feel about you having a career?
6. Do you believe residents should use birth control?
7. What was your maiden name? (Can ask: What name is on your transcripts, diplomas, licenses, etc.?)
8. Are you planning to have children? Anytime soon? (Can ask: Do you foresee any long-term absences during your residency?)
9. How will you take care of your children while at work? (Can ask: Is there any reason why you cannot be at work at 6 A.M. or stay in the hospital for in-house night call?)

Other Questions – Legal and Illegal Forms

Legal Form	Illegal Form
1. How well can you handle stress?	1. Does stress ever affect your ability to be productive?
2. Are you currently using illegal drugs?	2. What medications do you currently use?
3. Do you drink alcohol?	3. How much alcohol do you drink per week?
4. Do you have 20/20 corrected vision?	4. What is your corrected vision?
5. Can you perform as a resident with or without reasonable accommodations?	5. Would you need reasonable accommodations to perform your job as a resident?
6. How many days were you absent from school last year?	6. How many days were you sick last year?
7. To what <u>professional</u> organizations, clubs, societies and lodges do you belong?	7. To what organizations, clubs, societies and lodges do you belong?
8. What languages do you speak, read or write fluently?	8. What is your nationality? How did you learn to speak, read or write a foreign language?
9. If you are not a U.S. citizen, do you have the legal right to remain permanently in the U.S.? If "no": What is your visa status and can you provide proof of eligibility for employment if hired?	9. Are you a U.S. citizen?

Americans With Disabilities Act

If an individual has a visible disability (for example, uses a wheelchair or guide dog) or discloses voluntarily that he or she has a disability, the interviewer may not ask about its nature, its severity, the condition causing the disability, the prognosis or treatments. They may ask about the applicant's ability to satisfy essential functions or requirements of the position, as long as all applicants are asked the same questions.