



# THE UNIVERSITY OF NORTH CAROLINA SYSTEM

## EEO GUIDELINES FOR INTERVIEWING

Category <sup>1</sup>	Acceptable <sup>2</sup>	Unacceptable
Age-based ( <i>ADEA</i> )	<ul style="list-style-type: none"> <li>If age is a legal requirement for the position, an applicant can be asked “If hired, can you furnish proof of age?”</li> </ul>	<ul style="list-style-type: none"> <li>How old are you?</li> <li>What is your date of birth?</li> </ul>
Religious Inquiries ( <i>Title VII</i> )	<ul style="list-style-type: none"> <li>Only if there is a bona fide occupational qualification.</li> </ul>	<ul style="list-style-type: none"> <li>What religion are you?</li> <li>Do you observe any religious holidays?</li> </ul>
National Origin ( <i>Title VII, IRCA</i> )	<ul style="list-style-type: none"> <li>Are you fluent in Spanish?</li> <li>What languages do you speak and write fluently? (only if the job requires additional languages)</li> <li>Are you authorized to work in the United States?</li> </ul>	<ul style="list-style-type: none"> <li>Are you a native Spanish speaker?</li> <li>How did you learn to read, write or speak a foreign language?</li> <li>What country is your family from?</li> <li>How long have you been in the United States?</li> <li>Are you a US citizen?</li> </ul>
Race/Color Inquiries ( <i>Title VII</i> )	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Any question related to complexion or color of skin.</li> <li>What is your race?</li> <li>Do you belong to a minority group?</li> <li>What is the race or nationality of your spouse?</li> </ul>
Sex Discrimination - includes sexual orientation and gender identity ( <i>Title VII, PDA, EO 11246</i> )	<ul style="list-style-type: none"> <li>None before hiring. After hiring, such questions if relevant for insurance and tax purposes can be asked by HR or Payroll personnel.</li> </ul>	<ul style="list-style-type: none"> <li>What do you think about working in an all-male department?</li> <li>What are your child care arrangements?</li> <li>How many children do you have?</li> <li>Are you known as Mr., Ms., Miss, or Mrs.?</li> <li>Are you married, engaged, or do you have a partner?</li> </ul>
Disability-based Inquiries ( <i>ADA</i> )	<ul style="list-style-type: none"> <li>None about the applicant’s record of disability or treatment at the pre-offer stage.</li> <li>Are you able to perform the essential functions of the job, with or without accommodations?</li> <li>Can you meet the requirements of the unit’s work hours, overtime work, and attendance policies?</li> </ul>	<ul style="list-style-type: none"> <li>Do you have a disability?</li> <li>What is the nature or severity of your disability?</li> <li>How many days were you sick during your last job?</li> <li>Will you need time off for medical treatments or for other reasons associated with your disability?</li> <li>Have you ever filed a worker’s compensation claim or suffered a disabling injury in a previous job?</li> </ul>

<sup>1</sup> See References at end of this document for links to these EEO and other regulations and policies.

<sup>2</sup> Only ask questions that are directly related to the duties and responsibilities of the position.

Caregivers ( <i>ADA, EPA, PDA, Title VII, FMLA, ERISA</i> )	<ul style="list-style-type: none"> <li>Travel is an important part of the job. Do you have any restrictions on your ability to travel?</li> </ul>	<ul style="list-style-type: none"> <li>What are your child care arrangements?</li> </ul>
Genetic Information ( <i>GINA</i> )	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>Any question related to being genetically tested for a predisposition to an illness or diseases.</li> <li>What is your family medical history?</li> <li>Are there any diseases in your family's medical history that might require you to miss work?</li> </ul>
Military/Veteran Record ( <i>USERRA, ADA</i> )	<ul style="list-style-type: none"> <li>What type of education, training and work experience relevant to the job did you receive while in the military?</li> </ul>	<ul style="list-style-type: none"> <li>What type of discharge did you receive?</li> <li>Have you ever been diagnosed with PTSD?</li> </ul>
Job Commitment/ Work Schedule ( <i>Title VII – Racial, Sex, Religion; PDA, ADA, FMLA, ERISA</i> )	<ul style="list-style-type: none"> <li>This job requires someone who can work 8-5, Monday through Friday. Are you available to work these hours and days?</li> </ul>	<ul style="list-style-type: none"> <li>Are you available to work on weekends (<i>not appropriate unless indicated on posting as a business necessity</i>)?</li> <li>Does your religion or family situation restrict you from working on weekends?</li> <li>Are you pregnant? When are you expecting?</li> <li>Do you own a car? (<i>unless owning a car is required for the job</i>)</li> </ul>
Education ( <i>ADEA; Title VII – Sex, Race, National Origin, Religion</i> )	<ul style="list-style-type: none"> <li>Education, degrees, university attended, licenses/certificates related to the job position</li> </ul>	<ul style="list-style-type: none"> <li>When did you graduate from high school? College?</li> <li>General questions about education unless necessary to perform the work</li> </ul>
Affiliation/Organization Membership ( <i>Title VII – Racial, Sex, Religion, National Origin</i> )	<ul style="list-style-type: none"> <li>Job-related skills associated with role in professional organization listed on resume: Tell me about your leadership experience in a professional organization.</li> </ul>	<ul style="list-style-type: none"> <li>What clubs or organizations do you belong to?</li> <li>"...[I]nquiries about organizations, clubs, societies, and lodges of which an applicant may be a member or any other questions, which may indicate the applicant's race, sex, national origin, disability status, age, religion, color or ancestry if answered, should generally be avoided" <a href="https://www.eeoc.gov/laws/practices/">https://www.eeoc.gov/laws/practices/</a></li> <li>Do you belong to an organization that restricts or prohibits you from working on particular days, or limits or restricts compliance with departmental standards of appearance and/or grooming? (<i>Information can be misused as a</i></li> </ul>

		<p><i>basis for discrimination on the bases of religion, national origin and, potentially, race).</i></p> <p><a href="https://www.gpo.gov/fdsys/pkg/FR-2003-12-16/html/03-30925.htm">https://www.gpo.gov/fdsys/pkg/FR-2003-12-16/html/03-30925.htm</a></p>
Physical Characteristics (Title VII – Race, Sex, National Origin)	<ul style="list-style-type: none"> <li>• Only if there is a bona fide occupational qualification.</li> <li>• This job requires the ability to lift a specific weight. Are you able to lift a 50-pound weight and carry it 100 yards?</li> </ul>	<ul style="list-style-type: none"> <li>• To ask questions about height, weight, impairment, or other physical data not related to the job.</li> </ul>
Background Check (Title VII – Race, Sex, National Origin)*  *Background checks are initiated in Human Resources.	<ul style="list-style-type: none"> <li>• What professional organizations or trade groups do you belong to relevant to your ability to perform this job?</li> </ul>	<ul style="list-style-type: none"> <li>• Do you own your own home?</li> <li>• Have you ever declared bankruptcy?</li> <li>• What clubs, societies and lodges do you belong to?</li> <li>• If related to job duties, background check information about convictions can be used: Have you ever been convicted of embezzlement? (<i>Best practice – let HR confirm during background check process on finalists</i>)</li> </ul>
Alcohol or <a href="#">Drug Use</a> (ADA)	<ul style="list-style-type: none"> <li>• Have you ever used illegal drugs?</li> <li>• When is the last time you used illegal drugs?</li> <li>• Asking questions about whether an applicant drinks alcohol does not reveal whether someone has alcoholism but may lead to prohibited information.</li> </ul>	<ul style="list-style-type: none"> <li>• Questions asking how much alcohol an applicant drinks may lead to prohibited information about a disability, such as alcoholism.</li> <li>• How much do you drink socially?</li> <li>• How often did you use illegal drugs in the past?</li> <li>• Have you ever been addicted to drugs?</li> </ul>

## Resources

### Age (Age Discrimination in Employment Act of 1967 (ADEA))

<https://www.eeoc.gov/laws/types/age.cfm>)

### Religion (Title VII)

- Title VII Religious Discrimination <https://www.eeoc.gov/laws/types/religion.cfm>; <https://www.eeoc.gov/policy/docs/religion.html>
- Title VII Religious Inquiries [https://www.eeoc.gov/laws/practices/inquiries\\_religious.cfm](https://www.eeoc.gov/laws/practices/inquiries_religious.cfm); [https://www.eeoc.gov/laws/types/fs-relig\\_ethnic.cfm](https://www.eeoc.gov/laws/types/fs-relig_ethnic.cfm)

### National Origin (Title VII; Immigration Reform and Control Act of 1986 [IRCA])

- Title VII National Origin <https://www.eeoc.gov/laws/types/nationalorigin.cfm>
- Immigration Reform and Control Act of 1986 (IRCA) <https://www.justice.gov/sites/default/files/eoir/legacy/2009/03/04/IRCA.pdf>

### Race/Color (Title VII)

- Race/Color Discrimination [https://www.eeoc.gov/laws/types/race\\_color.cfm](https://www.eeoc.gov/laws/types/race_color.cfm)

- Title VII Pre-employment Inquiries - [https://www.eeoc.gov/eeoc/foia/letters/2007/titlevii\\_preemployment\\_inquiries.html](https://www.eeoc.gov/eeoc/foia/letters/2007/titlevii_preemployment_inquiries.html)

#### **Sex (Title VII, PDA, EO 11246)**

- Title VII Sex Discrimination - <https://www.eeoc.gov/laws/types/sex.cfm>
- Title VII Marital Status Inquiries [https://www.eeoc.gov/laws/practices/inquiries\\_marital\\_status.cfm](https://www.eeoc.gov/laws/practices/inquiries_marital_status.cfm)
- Pregnancy Discrimination Act (PDA) of 1978 <https://www.eeoc.gov/laws/types/pregnancy.cfm>;  
<https://www.eeoc.gov/laws/statutes/pregnancy.cfm>
- Executive Order 11246: Discrimination on basis of Race, Color, Religion, sex, sexual orientation, gender identity, or national origin: <https://www.dol.gov/ofccp/regs/statutes/eo11246.htm>

#### **Americans with Disabilities Act (ADA)** [https://www.eeoc.gov/eeoc/publications/ada\\_veterans.cfm](https://www.eeoc.gov/eeoc/publications/ada_veterans.cfm)

#### **Genetic Information Nondiscrimination Act of 2008 (GINA)** <https://www.eeoc.gov/laws/types/genetic.cfm>

#### **Veteran Status/Military Status (USERRA, ADA)**

- Uniformed Services Employment and Reemployment Rights Act (USERRA), Title I of ADA [https://www.eeoc.gov/eeoc/publications/ada\\_veterans.cfm](https://www.eeoc.gov/eeoc/publications/ada_veterans.cfm)
- Pre-employment Disability-Related Questions (ADA) - <https://www.eeoc.gov/policy/docs/preemp.html>

#### **Family Medical Leave Act (FMLA)**

- FMLA Fact Sheet <https://www.dol.gov/whd/regs/compliance/whdfs28.htm>
- FMLA <https://www.dol.gov/general/topic/benefits-leave/fmla>

#### **Employee Retirement Income Security Act of 1975 (ERISA)** <https://www.dol.gov/general/topic/health-plans/erisa>

#### **Caregiver (ADA, PDA, EPA, Title VII, FMLA, ERISA)**

- Caregiver Best Practices <https://www.eeoc.gov/policy/docs/caregiver-best-practices.html>
- Pre-employment disability-related questions <https://www.eeoc.gov/policy/docs/preemp.html>
- Americans with Disabilities Act (ADA) [https://www.eeoc.gov/eeoc/publications/ada\\_veterans.cfm](https://www.eeoc.gov/eeoc/publications/ada_veterans.cfm)
- Pregnancy Discrimination Act (PDA) of 1978 <https://www.eeoc.gov/laws/types/pregnancy.cfm>;  
<https://www.eeoc.gov/laws/statutes/pregnancy.cfm>
- The Equal Pay Act of 1963 (EPA) <https://www.eeoc.gov/laws/statutes/epa.cfm>;  
<https://www.eeoc.gov/eeoc/publications/fs-epa.cfm>
- Title VII of the Civil Rights Act of 1964 <https://www.eeoc.gov/laws/statutes/titlevii.cfm>
- Title VII (Sex) - <https://www.eeoc.gov/laws/types/sex.cfm>

#### **Financial Information (Title VII; US Federal Trade Commission's Fair Credit Reporting Act (FCRA))**

- Pre-Employment Inquiries and Financial Information [https://www.eeoc.gov/laws/practices/financial\\_information.cfm](https://www.eeoc.gov/laws/practices/financial_information.cfm)
- Fair Credit Reporting Act (FCRA) <https://www.consumer.ftc.gov/articles/0157-background-checks>

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