

## WHAT QUESTIONS CAN I ASK OF A POTENTIAL EMPLOYEE?

Can an employer be subject to *even more* employment litigation?

The answer is simple: *You Bet!*

Unfortunately one of the areas of litigation which recently has greatly expanded is that of employment law.

So many companies are – and **should be** worried – about the questions they can pose to a potential employee. The following is a **non-inclusive** guideline for an interview:

<u>SUBJECT</u>	<u>I CAN ASK THIS</u>	<u>I CANNOT ASK THIS</u>
Name	Applicant's full name	Applicant's maiden name
Age	Are you 18 years or older?	How old are you?
Religion/Creed	None	Inquiry into denomination
Marital Status	Is your spouse employed by this employer?	Requirement that an applicant provide information regarding marital status or children
Citizenship	Are you a U.S. citizen? Do you intend to become a U.S. Citizen?	Nope, unless asked as part of the Federal I-9 Process.
Natural Origin	What language do you fluently write and speak?	Applicant's lineage, ancestry national origin or descent.
Arrests	Ever been convicted of a felony? Are there any pending felony charges against you?	Arrests which did not result in a conviction.