

### **The Art of the Interview – What to Ask and What Not to Ask in an Interview**

If you were a tree, what kind of tree would you be? An oak? Maple? Perhaps a weeping willow? Knowing what can and (more importantly) what cannot be asked during a job interview is an issue that has long plagued HR directors. The question above, while not particularly helpful at ascertaining whether a candidate will be a good fit for a job, squarely falls into the “safe” category. Tree preference is not a protected classification – at least for now.

**Focus on job-related questions.** The most important thing to keep in mind during an interview is: “What do I need to know to determine whether this candidate can do the job?” If you are looking for someone to supervise a widget manufacturing line, logical interview questions would include: “Have you ever worked in a widget factory?” “Have you ever supervised employees before?” “What experience do you have working with this type of machinery?” Don’t be afraid to delve deeper into the candidate’s responses with follow-up questions – “Tell me about your experiences.” Hypothetical questions can also be a good indicator of how a candidate might perform in a job – “How would you handle a situation in which . . . .” In addition to staying clear of legal troubles, keeping a job-related focus will give you a better measure of how one candidate measures against the rest.

**Don’t avoid the tough questions.** Many interviewers mistakenly avoid asking tough questions. Failure to ask the tough questions may result in wasted time and resources training an individual ill-equipped to do a job. Worse yet, it could expose your company to legal liability for negligently hiring an applicant with a dark past that could have been discovered. For example: “Do you even know what a widget is?” “Why did you leave your last job?” “Have you ever been fired from a job? What were the circumstances surrounding that?” “Can you explain the two-year gap in your resume?” “Why did you not include your GPA on your resume?” “Can I contact your former employers to ask about your performance at their company?” “Have you ever been convicted of a crime?” Asking these questions during the interview process will weed-out unworthy candidates.

**Do avoid questions that may reveal membership in a protected classification.** The suggestion to avoid questions revealing protected status may seem obvious [1]. Interviewers today generally know not to ask direct questions about these classifications: “So, when are you planning to have kids?” However, even sophisticated interviewers sometimes fall into a trap that could reveal an applicant’s protected status. It’s easy to do. This usually occurs deep into the interview. You discover that you and the candidate went to the same high school. And then you ask the dreaded question: “What year did you graduate?” It seemed totally innocent at the time. However, now even a third grader can determine the candidate’s age. Whoops! If he’s younger than 40, you can breathe a sigh of relief. If he’s older than 40, you may have exposed your company to an age discrimination lawsuit if you do not hire the candidate. Even if he does not prevail in the suit (because you, of course, had legitimate, non-discriminatory reasons for rejecting the applicant), it is doubtful that your boss will appreciate the hassle and expense caused by your question.

It is important to note that there may be times when it is appropriate to ask a question that could lead to the revelation of protected class status. For example: Your Company just got a contract to supply parts to a firm in Tokyo. You need someone to serve as an interpreter. There is no problem asking candidates if they are fluent in Japanese – that question is 100% job related. However, it could be problematic if you follow-up with “Were you born in Japan?” “Is your family from Japan” or even the innocent-sounding “Where did you learn to speak the language?” The latter questions all could lead to a revelation of the candidate’s national origin – a classification protected by Title VII of the Civil Rights Act of 1964.

The moral of the story is to keep the interview’s focus on job-related questions. Find out why the candidate believes she is qualified for the job. Has she ever done it before? Is she a leader? What are her strengths [2] and weaknesses [3]? Determine if the person will still be in the job in six months or if this is just a stepping-stone to another opportunity. And if you must, go ahead and ask about the tree. If the answer is “crab apple,” you probably better move on to the next candidate!

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[1] Protected classifications include: gender, race, color, religion, national origin, age, disability, pregnancy, FMLA status, union status and veteran status. Depending upon your location, sexual orientation, transgender status and others may also fall into the “protected” category.

[2] Likely answer: “I’m a hard worker.”

[3] Likely answer: “I work too hard.”