

Handling illegal interview questions

Potential employers are required by law to refrain from asking job seekers certain questions, but there are alternatives some employers might use to further vet candidates.

“Employers cannot legally ask a veteran how old they are,” said DAV National Director of Human Resources Randy Reese. “They aren’t even supposed to ask someone how much longer they plan to work before they retire. But, a question that is lawful could be something similar to, ‘What are your long term career goals?’”

Hiring disabled veterans in particular may offer lucrative [benefits](#) to employers; however, while a veteran is well within their right to volunteer this information, an interviewer is prohibited from asking the veteran directly.

“It’s against the law to ask someone about disabilities, past surgeries or an

illness the candidate had or has,” said Reese. “However, asking whether you can perform the central functions of the job with or without reasonable accommodations is allowed.”

Reese said potential employers usually cannot ask about a veteran’s discharge status.

“Specific types of military discharges are protected in most cases,” Reese said. “They can ask whether your military experience would apply to the position or if you feel it would be beneficial but that’s as far as they can go, with a few exceptions.”

Those exceptions can be found [here](#), through the Society for Human Resource Management (SHRM) website.

Knowing what questions are permissible may help a veteran better prepare for an interview, but what should one do if they are confronted with an illegal interview question?

“You really have about three options when asked a question that shouldn’t have been asked,” said DAV National Employment Director Jeff Hall. “You can always choose to answer it if you’re comfortable.

“The second alternative is to not answer the question directly but address the interviewer’s intent,” Hall said. “For example, if asked whether you have or are planning to have children you can always say something like, ‘I assure you I can meet whatever schedule or travel requirements you have.’”

The third choice is what Hall calls the “nuclear option.”

“A candidate is well within their rights to ask about the relevance of the question or even excuse themselves from the interview, but this could make you appear confrontational or abrasive,” said Hall. “Most of the time, people with hiring authority are well aware of what they can or can’t ask. Illegal questions are usually accidental or an oversight.

“If it is known that the employer in question has an incentive to hire service-disabled veterans, it may benefit you to self-identify,” said Hall. “That doesn’t mean you are obligated to disclose your disability and they aren’t supposed to ask. But you can disclose that you have a disability without providing further information.”

Information concerning prohibited recruitment, application and hiring practices is available from the [Equal Employment Opportunity Commission](#), and more advice for handling illegal interview questions is available from the [Yale College Office of Career Strategy](#).