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# CALIFORNIA JOB INTERVIEWERS: DO NOT ASK THESE QUESTIONS

California laws about what employers can and cannot ask job applicants continue to grow and evolve. The following areas of inquiry are off limits!

## **Do Not Ask Questions About Prior Salary.**

As of January 1, 2018, employers in California may not ask an applicant about the applicant's salary history, including information about compensation and benefits.

## **Do Not Ask Questions About Criminal Convictions.**

As of January 1, 2018, employers in California with five or more employees may not ask applicants about criminal convictions before making a conditional offer of employment. Questions about prior arrests are also not allowed. Employers who wish to rely on criminal conviction information to withdraw a conditional job offer must jump through a variety of legal hoops prior to doing so.

## **Do Not Ask Questions About Protected Classes.**

Employers in California are prohibited from asking inappropriate questions such as:

- ☐ *What year did you graduate high school?*
- ☐ *What medical condition do you have?*
- ☐ *What religion do you practice?*
- ☐ *What religious holidays do you observe?*
- ☐ *What is the origin of your name?*
- ☐ *What is the nationality of your parents?*

- ☐ *Are you a citizen of the United States?*
- ☐ *What is your maiden name?*
- ☐ *Do you plan to have children?*
- ☐ *Is English your first language?*
- ☐ *How did you learn to speak a foreign language?*
- ☐ *Are you pregnant or breastfeeding?*

## **Do Not Ask Medical Questions.**

Before an offer of employment, employers should not inquire about an applicant's health, medical condition, surgeries or procedures, on-the-job injuries, or mental or physical disability.

The preceding is not a comprehensive list of questions or categories of questions that should be avoided, but are some samples for your information. In sum, be sure the individuals in your company who conduct employment interviews are trained and knowledgeable about the most-recent California law regarding legal interview questions, and be sure to review your written employment application and job advertisements for impermissible content.

If you have questions, contact Finch, Thornton & Baird, LLP at (858) 737-3100 for information.

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