

Employment regulations place a lot of restrictions on questions that should be asked when interviewing a candidate. When in doubt about an interview question, focus on the applicant's abilities as they relate to the job requirements and consult with your HR Representative to help you design your question list.

During the interview process you may ask questions and/or discuss:

- The duties and responsibilities of the job
- Individual's qualifications, experience, and education
- Individual's past performance relevant to the job
- Issues or challenges experienced in past jobs
- Likes and/or dislikes of past employment
- Where the job is located, facilities available, travel and other requirements of the job
- Why they are in the job market
- What is the applicant's pay expectations
- The organization's vision, mission, and values

Helpful Hint! If a candidate offers information you know you not discuss (i.e. it relates to protected class information), do not ask follow-up questions or pursue the topic further. Redirect the interview to your planned questions and keep the conversation focused to the job.

Topic	Avoid These Illegal Questions	Acceptable Alternative
Age	<ul style="list-style-type: none"> • How old are you? • What is your date of birth? • What year did you graduate from high school/ college? 	<ul style="list-style-type: none"> • If hired can you furnish proof that you are 18 or over? <p><i>*only if the position requires.</i></p>
Arrests and/or Convictions	<ul style="list-style-type: none"> • Have you ever been arrested? • Tell me about any convicted crimes that are on your record? 	<p><i>*You can explain that the organization conducts background checks, if applicable to the particular job, or that some customers may require background checks in order to perform work on their behalf.</i></p>
Attendance	<ul style="list-style-type: none"> • How many children do you have? • How old are your children? • Do you have a car? • Is your transportation reliable? • What childcare arrangements have you made? 	<ul style="list-style-type: none"> • What hours and days are you available to work? • Are you able to meet the work schedule and attendance requirements of the job? • The position requires 50% overnight travel. Will you be available for the travel requirements of the job? <p><i>*Asked after first explaining the work schedules and attendance requirements of the job. Must be asked to both male and female applicants.</i></p>

Interview Dos & Don'ts

Topic	Avoid These Illegal Questions	Acceptable Alternative
Citizenship	<ul style="list-style-type: none"> Are you a citizen of the United States? Did you take the exam to become a citizen? 	Are you able to submit proof of eligibility to work in the United States?
Color	<ul style="list-style-type: none"> You appear to be light-skinned. What color are you? 	None
Credit History/Rating	<ul style="list-style-type: none"> What's your credit score? Have you gone through a bankruptcy? 	<i>*Can explain that the organization conducts credit history checks, if applicable and allowed by law.</i>
Disability-Mental or Physical	<ul style="list-style-type: none"> What disabilities do you have? Do you have any mental or physical conditions which would prevent you from doing this job? 	<p>With or without an accommodation, are you able to perform the essential functions of the job?</p> <p><i>*Question should be accompanied by the job description and asked consistently of all applicants.</i></p>
Education	<ul style="list-style-type: none"> Where did you graduate from high school? What college did you attend? 	Questions specific to the educational requirements of the job, such as "Do you have a bachelor's degree in Engineering?"
Gender/Sex	<ul style="list-style-type: none"> Do you wish to be addressed as Mr., Mrs., Miss, or Ms.? 	None
Genetic Information	<ul style="list-style-type: none"> Do you have serious diseases that run in your family? I noticed you are involved in promoting cancer research. Do you have relatives affected by cancer? 	None
Marital Status	<ul style="list-style-type: none"> Are you married? What does your spouse do for work? Does your spouse's job require that you move around a lot? What was your maiden name? 	Do you have any commitments that may prevent you from meeting the work schedule/ attendance requirements of the job?
Military Service/Record	<ul style="list-style-type: none"> What countries did you serve while in the military? What type of discharge did you receive? When is your annual military training scheduled? 	<ul style="list-style-type: none"> What education or job-related experience did you obtain in the military that would relate to the job you are being considered for? The position requires extensive travel during the summer months. Will you be available for the travel requirements of the job?

Interview Dos & Don'ts

Topic	Avoid These Illegal Questions	Acceptable Alternative
National Origin/Ancestry	<ul style="list-style-type: none"> • What country were you born in? • Where are your parents from? • What accent is that? 	<p>Are you able to submit proof of eligibility to work in the United States?</p> <p><i>*If asked in an interview, must be asked of all applicants.</i></p>
Public Assistance Status	<ul style="list-style-type: none"> • Do you receive financial assistance from the state or federal government? 	None
Pregnancy	<ul style="list-style-type: none"> • Do you plan to have children? • How far along are you? • How much time are you planning to take off after the baby is born? • What childcare arrangements have you made after your baby is born? 	None
Race	<ul style="list-style-type: none"> • What race do you identify with? • Your last name is Smith but you look Latino. What race are you? 	None
Religion/Creed	<ul style="list-style-type: none"> • What church do you go to? • What religious holiday celebrations do you have to attend? • Do you always have to wear that jibab? • What religion are you? 	<p>None</p> <p><i>*May advise about the normal business hours and days of work and ask all applicants if they are able to work the required schedule as described.</i></p>
Sexual Orientation/Gender Identity	<ul style="list-style-type: none"> • When is your transition surgery? • What sexual orientation are you? 	None
Tobacco and Alcohol-Use of Lawful Substances	<ul style="list-style-type: none"> • Do you use any type of tobacco or e- cigarettes? • How much alcohol do you drink? • Do you own and use a gun? 	None
Union Membership	<ul style="list-style-type: none"> • Did you belong to a union at your previous job? 	None
Worker's Compensation	<ul style="list-style-type: none"> • Have you ever had a work related injury? • Have you ever filed for Worker's Compensation? 	None



Interview Evaluation



Candidate Name: _____ Date: _____

Position Title: _____

Interviewer Name: _____

Rating Scale

Please circle the number that best reflects the candidate's performance on each criterion:

- 1 – Poor: Does not meet expectations
- 2 – Fair: Meets some expectations, needs improvement
- 3 – Good: Meets expectations
- 4 – Very Good: Exceeds expectations
- 5 – Excellent: Far exceeds expectations

Questions

1. Relevant Experience

Comments: _____

Score: 1 2 3 4 5

2. Technical or Job-Specific Knowledge

Comments: _____

Score: 1 2 3 4 5

3. Communication Skills

Comments: _____

Score: 1 2 3 4 5

4. Problem-Solving or Critical Thinking

Comments: _____

Score: 1 2 3 4 5

5. Interpersonal Skills / Team Fit

Comments: _____

Score: 1 2 3 4 5

6. Enthusiasm / Interest in the Role

Comments: _____

Score: 1 2 3 4 5

7. Alignment with Organization's Values or Mission

Comments: _____

Score: 1 2 3 4 5

Other Notes

Overall Recommendation

Yes No

Reason for Recommendation:

Early Check-In (Week 2 or ~30 Days)

- How are you settling in so far?
- Do you feel clear on your job responsibilities?
- What's been the easiest part of your job so far? The hardest?
- Do you know who to go to with questions or support?
- Has the onboarding process been helpful? Anything missing?
- Are there any tools, access, or training you still need?
- How would you rate your workload so far—too much, too little, or just right?

Midpoint (~60 Days)

- What are you most proud of accomplishing so far?
- What's still unclear about your role or expectations?
- How is your relationship with your supervisor and team?
- What has helped you succeed in your role so far?
- Have you received helpful feedback on your work?
- Is there anything you think we could improve about onboarding for future hires?

Final Onboarding Check-In (~90 Days)

- What's gone well during your first 90 days?
- Where do you feel most confident? Least confident?
- What additional support or training would help you feel more successful?
- How well do you understand how your work contributes to the team or department goals?
- What ideas do you have for improving processes or communication?
- Do you see yourself growing here? If so, how?
- Is there anything I can do to better support your growth?

Employer Setup & Registration

- Federal Employer Identification Number (EIN) – IRS
- Minnesota Tax ID Number – MN Department of Revenue
- Unemployment Insurance Account – MN DEED
- Workers' Compensation Insurance – active policy in place
- MN New Hire Reporting within 20 days of hire

Required Recordkeeping

- Employee personnel files with job offers, performance, and termination documents
- Form I-9 for each employee (retain 3 years or 1 year post-termination)
- Signed MN Wage Theft Notice (and updates)
- Payroll records (retain at least 4 years)
- Time records for non-exempt employees (start/end time, hours)
- Benefit enrollment and policy acknowledgments
- Signed employee handbook and policy acknowledgments
- Leave documentation (FMLA, MN PFML, PTO, sick leave)

Postings & Notices

- Federal labor law posters (FLSA, EEOC, FMLA, USERRA)
- MN labor posters (Wage and Hour, Workers' Comp, OSHA)
- Local city-required posters (Minneapolis, St. Paul, Duluth)
- Safety Data Sheets (if applicable under OSHA)

Wage & Hour Compliance

- Compliance with state/local minimum wage laws
- Proper overtime calculation and pay for non-exempt staff
- Pay stub accuracy: hours, rate, deductions, gross/net pay
- Final paycheck timelines upon separation

Insurance & Tax Reporting

- Workers' Compensation notice and insurance documents
- Unemployment insurance tax filings (quarterly)
- MN withholding tax filings (monthly, quarterly, annually)
- Annual W-2/W-3 submission to SSA and employees
- 1099 filings for contractors

OSHA & Long-Term Recordkeeping

- OSHA 300, 301, and 300A logs (retain 5 years)
- Employee medical and exposure records (retain for 30 years if applicable)
- Accident and injury documentation as required by OSHA

Recommended Retention Timeframes

- Personnel files – 7 years after separation
- Payroll and wage records – at least 4 years
- Benefit documents – 6 years for ERISA-covered plans
- Safety/accident records – minimum 5 years (30 if exposure-related)