

5 Questions Employers Should Never Ask In Job Interviews, *Law360*, ft. Ellen Storch

Ellen Storch was quoted in a article by Aaron Vehling published in Law360 on February 10, 2016 on job interviews and the potential for lawsuits.

"Where Are You From?"

One of the cornerstone conversational questions is to ask someone where they are from — it can serve as a useful ice-breaker. "It's the most natural thing to say, and an applicant will readily answer, looking to establish rapport," Kaufman Dolowich & Voluck LLP partner Ellen Storch said.

Interviewers can also ask if someone is authorized to work in the U.S. or if they are fluent in languages specific to the applied-for position, Storch noted.

"Do You Plan to Have a Family?"

Storch recalled a client who was sued for asking the question. The client, a female business owner with her own children, asked a female job candidate if she had any kids or planned to have any as a way to segue into discussing how flexible her workplace was for women with families.

"It was intended as part of a genuine conversation," Storch said.

The employer hired the female applicant, but the problem arose when she was fired. The employee went on leave and was terminated for a legitimate, nondiscriminatory reason, for which Storch's client had objective evidence, and later sued, Storch said.

"When the person filed a lawsuit against my client, she brought up the question [about kids]," Storch said.

"How Do You Spend Your Free Time?"

It could also elicit other information that reveals a person's protected status, such as political affiliation, Storch said.