



The FindLaw Guide to Interviewing

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Applying and interviewing for work can be a challenging and stressful process for job seekers that can raise legal problems. Here, we provide information on common legal issues that arise during the interview process.

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Introduction

What does the law have to do with getting a job? Probably more than you think. Your future employer is subject to legal restrictions that affect what the company is allowed to ask in the interview and what kind of pre-employment testing can be required. Some laws also affect how you conduct yourself in the job-hunting process. FindLaw and its directory of attorneys can help you navigate each step of the way.

Preparing for the Interview

Be honest on your resume and during the interview. You may think that everyone lies and exaggerates during the interview. After all, it's very tempting to exaggerate your experience and qualifications to make yourself the ideal candidate. However, the [downside to exaggerating the truth](#) is not worth it.

Most interviewers can spot a liar in a heartbeat. So, you just come off as foolish during the interview. Even if you're an exceptionally good liar and land the job based on exaggerations, you should know that you could be fired at any point for those lies – even if you perform your job adequately. Additionally, if you obtained your job by lying on a resume, you may not be able to sue your employer, even if your employer has violated your legal rights.

Also, don't assume you can dress however you want at the job interview. It's better to be overdressed than underdressed. Companies are allowed to impose a reasonable dress code, and you have no legal right to dress however you want.

Legal Rights During the Interview

Job [applicants have legal rights](#) even before they become employees. For example, an employer cannot illegally discriminate in its hiring process based on a job applicant's protected characteristics like race, national origin, gender, pregnancy, age, disability, or religion. State and local laws may specify additional protected classes based on factors such as the sexual orientation of a job applicant.

You should know that employers generally should avoid questions that get into these protected characteristics and if they do, you can politely ask them to stop. If you encountered questions during the interview process that dug into your protected characteristics, and you believe you did not get the job because of your answers to these questions, you should contact an employment attorney to learn your legal rights.

Pre-Employment Background Checks

Prospective employers have access to a treasure trove of personal information, both online and offline, which may factor into their hiring decisions. However, while most public information is fair game, state background check laws may prohibit employers from accessing certain types of information like criminal records, military records, and medical history.



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In addition, background check laws may allow a prospective employer to access certain information only with the employee's consent such as drug screenings and credit reports. Background check laws vary from state to state. [Click here to learn more](#) about pre-employment background checks.

Negotiating a Job Offer

You can always negotiate the terms of your job offer. Whether you get what you want depends upon how much the employer wants to hire you.

Once you receive the job offer, you must decide whether the job is right for you. You will need to evaluate factors of the job itself that were not necessarily discussed during the interview like the salary, title, benefits, vacation pay, and severance.

When you receive a job offer, and are negotiating an offer, you should request the offer in writing. You'll want to understand all the basic terms of the employment, including hours per week, salary, and benefits, so there won't be any misunderstanding or disappointment once you start the job. You should also request clarification on any terms that are vague. You'll want to know as much as possible about the job itself so that you can make an informed decision, and you should not shy away from asking questions. Getting the offer in writing is important, as it will be a legally binding contract.

STOP

Should I Talk to an Attorney?

The law protects job applicants even before they become employees. If you have been asked inappropriate questions during the interview and believe that your answers led to you not getting the job, you may want to contact an attorney. Additionally, if you believe that the employer dug a little too deep when conducting a background check, an attorney can let you know if any laws were violated.

For certain applicants, a good employment lawyer can also help you negotiate the ideal job offer, making sure the clauses you want are included. You can find an experienced employment attorney in your by visiting [Findlaw's directory of attorneys](#).

For More Information

Regarding interviews and the employment process, please visit our website at <http://www.findlaw.com> or <http://employment.findlaw.com/hiring-process/>

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