**INTERVIEW QUESTIONS NOT TO ASK**

Application and interview questions should be designed to determine if the applicant has the appropriate experience, skill, interest, temperament, and physical ability to perform the job for which he or she is applying, and to avoid illegal discrimination or the appearance of illegal discrimination.

In general, in light of the legal restrictions on discrimination applicable to most private employers, the following interview questions are rarely, if ever, appropriate and should be avoided. Likewise, if the applicant brings them up unsolicited, the interviewer should steer the conversation back to relevant topics and if necessary indicate to the applicant that qualification for the job is what are important to the employer.

* What is your race? What neighborhood did you grow up in?
* What is your religion? Do you believe in God (or a higher being)?
* What church or place of worship do you attend or belong to?
* How old are you?
* When did you graduate from (elementary/middle/high school / college)?
* Do you have any children?
* Are you pregnant? Do you plan to have any children?
* Are you married?
* But whether or not a spouse or domestic partner works for the employer may be relevant, if anti-nepotism policies are in place.
* Asking for prior (e.g., maiden) names used is permissible in order to perform otherwise allowable background, employment, or credit checks.
* Do you plan to get married? Are you engaged?
* Are you gay? What is your sexual preference / orientation?
* Which political party are you a member of? Who did you vote for in the last election? Who do you plan to vote for in the next election? Do you support or oppose the President’s / governor’s policies?
* Have you ever filed a lawsuit or claim of discrimination against a former employer?
* Are you disabled? Do you have any disabilities?
* But inquiries such as, ‘Can you lift 50 pounds?’ and ‘Are you able to stand for up to four hours at a time?’ are permissible where these are a part of the job requirements.
* Have you ever been on disability insurance or leave?
* Have you ever filed a workers’ compensation claim?
* How many sick days did you take last year (or at your former employer)?
* But informing an applicant that there is a limit to the number of sick days or that number of sick days off affects pay, bonuses, promotion opportunities, or the like, and asking if this poses any problem for the applicant, is permissible.
* What prescription drugs are you taking (or have you taken in the past)?
* What is your family medical history like? Are you mother and father healthy?
* Have you ever been convicted of a felony or a crime of dishonesty that has not been expunged?
* Note that conviction of a crime may not automatically disqualify an applicant; the nature and circumstances of the crime(s) and of the job the applicant is applying for, along with the rest of applicant’s qualifications, must be taken into account.
* Inquiries about discipline or termination for sexual harassment in the workplace are permissible.