

# Ten Questions Not to Ask During an Interview

By KEVIN V. MALTBY, Esq.

**1** *When did you graduate high school?* This question is impermissible when it is designed to determine the age of an employee. Employers should stick to the employee's resume and any dates that may be disclosed. An employer may ask if the employee is under 18 years of age.

**2** *Are you receiving a military service-connected disability pension?* An employer may not make this inquiry because it relates to an employee's disability. However, an employer may ask whether an employee is a U.S. veteran.

**3** *Have you ever been arrested?* This question is impermissible because people are innocent until proven guilty. In the alternative, an employer may ask if an employee has ever been convicted of a felony.

**4** *Have you ever received workers' compensation?* This is an impermissible question because an employer cannot make an employment decision based on whether an employee ever received worker's compensation. However, an employer may ask, "can you meet the attendance requirements?"

**5** *Have you ever been addicted to illegal drugs or alcohol?* This question is impermissible because recovering alcoholics and recovering drug users are protected under the Americans with Disabilities Act (depending on certain circumstances).

**6** *What is the origin of your name?*

**7** *What is the ancestry or ethnicity of your parents and/or spouse?* Questions 6 and 7 are impermissible questions because they lead the employer down the road of making an employment decision based on the employee's ancestry or ethnicity.

**8** *What are your religious obligations?* It is impermissible to make an employment decision based on an employee's religious practices.

**9** *Do you plan on getting married?* An employer may not make an employment decision based on an employee's sexual orientation, and therefore may not inquire about it.

**10** *Do you have childcare arrangements?* An employer may not make an employment decision based on an employee's childcare obligations.



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