

## **Prohibited Interview and Reference Check Questions**

Federal anti-discrimination laws enforced by the Equal Employment Opportunity Commission and many state and local rulings prohibit interviewers from asking:

- **Marital Status - Family Situation**
  - Are you married? Is this your maiden name? With whom do you live? Do you have small children? Are you planning to have children soon? Are you pregnant?
  - *Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972; Title IX of the Education Amendments; and Virginia Human Rights Act*
  
- **Age**
  - How old are you? What year were you born? When did you graduate from high school? Can you provide us a copy of your birth certificate?
  - *Age Discrimination in Employment Act of 1967; Age Discrimination Act of 1975*
  
- **National Origin**
  - Where were you born? Where are your parents from? What's your heritage?
  - *Title VII of the Civil Rights Act of 1964*
  
- **Race or Skin Color**
  - What race are you? Are you a member of a minority group?
  - *Title VII of the Civil Rights Act of 1964*
  
- **Religion**
  - What religion are you? Which religious holidays will you be taking off from work to celebrate? Do you attend church regularly?
  - *Title VII of the Civil Rights Act of 1964*
  
- **Criminal Record**
  - Have you been arrested? Have you ever spent a night in jail? (Specific convictions, if related to fitness to perform the job are permissible. In general, employers can ask only about convictions and not arrests, except for law enforcement and security-clearance agencies.)
  
- **Disabilities and Health Issues**
  - Do you have any disabilities or medical conditions? How serious is your disability? Do you take prescription drugs? Have you ever been in rehab? Do you have AIDS? Have you ever been diagnosed with any mental illness? Have you ever received worker's compensation or been on disability leave?
  - *The Americans with Disabilities Amendments Act Amendments Act; Rehabilitation Act*