

Inappropriate Pre-Employment Inquiries

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Reference Number: MTAS-887

Generally, employers should not ask any question that would illicit information about an applicants race, color, religion, gender, national origin, age, genetic information or military status. Listed below are examples of inappropriate pre-employment inquiries found on employment applications that should not be on your applicaiton. ^[13]

Without EEOC Disclaimer

- What is your birth date?
- What is your birthplace?
- What was your age on your last birthday?
- What is your sex?
- What is your race or ethnic group?
- Do you have any handicaps or physical defects?

With or Without EEOC Disclaimer

- Are you known or have you been known by any other name(s)?
- Which do you prefer: Mr., Mrs., or Ms.?
- What is your marital status?
- How many dependants do you have?
- What is your height and weight?
- What are the dates of your education and/or degrees?
- Have you ever been convicted of a crime?
- Do you posses a valid driver's license?
- Do you have transportation to work?
- What were the dates of your military service?
- What was your rank when you left military service?
- If claiming veteran's preference, have you submitted the appropriate documentation?
- Do you read and write English?
- What is the lowest pay you will accept?
- Do you have any relatives employed by the state?
- Are you willing to travel?
- Are you willing to work shifts/overtime?
- Are you willing to lift heavy weights?
- Do any of your relatives have any disabilities or disorders?

Under the Americans with Disabilities Act, an employer may ask questions to determine whether an applicant can perform specific job functions. The questions should focus on the applicant's ability to perform the job, not a disability.

[13] Derbra D. Burrington, "A Review of State Government Application Forms for Suspect Questions," Public Personnel Management Journal, May 1982.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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