



Lawful Inquiries: Name, Family Status, Age, Disability

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-1555

Name

- Have you worked for this company under a different name?
- Is any additional information relative to a change of name, use of an assumed name or nickname necessary to enable a check on your work and educational record? If yes, explain.

Marital/Family Status

- **NONE** about marital/family status but may ask:
 - Whether applicant can meet work schedules or activities; commitments that may hinder the meeting of work attendance requirements.
 - Inquiries as to duration of stay or anticipated absences that are made to males and females alike.

Age

- **If a minor**, require proof of age in the form of a work permit or a certificate of age.
- Require proof of age by birth certificate after being hired.
- Inquiry as to whether or not applicant meets the minimum age requirements as set by law confirmed with a birth certificate or other forms of proof of age.
- If age is a legal requirement: "If hired, can you furnish proof of age?" or that hire is subject to verification of age.
- Inquiry as to whether or not an applicant is younger than the employer's regular retirement age.

Disabilities

The applicant could be asked:

- Can you perform the essential functions of this job?
- Are you able to perform these tasks? (If the applicant indicates that he or she can perform the tasks with an accommodation, you may ask:
- Can you show me how you would perform the task?

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.

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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