



Unlawful Inquiries: Sex, Race, Residence, Birthplace

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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Employers may not make inquiries in the following areas:

Gender (the state of being male or female)

- Gender of the applicant.
- Any other inquiry that would indicate gender.
- Name or relationship of persons with whom applicant resides.
- Gender cannot be used as a factor to determine whether or not an applicant will be satisfied in a particular job.

Gender is not a bona fide occupational qualification even if a job involves physical labor (such as lifting) beyond the capacity of some women. Employment cannot be restricted to a particular gender just because the job is traditionally labeled “men’s work” or “women’s work.”

Applicant's Race

- Color of applicant’s skin, eyes, hair, etc., or other questions directly or indirectly indicating race or color.
- Applicant’s height or weight where it is not relative to the job.

Address

- Specific inquiry into foreign addresses that would indicate national origin.
- Names or relationship of persons with whom applicant resides.
- Whether applicant owns or rents home.
- Whether applicant has an automobile.

Birthplace

- Birthplace of applicant.
- Birthplace of applicant’s parents, spouse or other relatives.
- Requirement that applicant submit a birth certificate, naturalization or baptismal record before employment.
- Any other inquiry into national origin.

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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