



## Unlawful Inquiries: Religion, Military, Photo, Citizenship, Education, Conviction

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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:

### **Religion**

- Applicant's religion (affiliation, church, parish, pastor or religious holidays).
- Applicants may not be told that any particular religious groups are required to work on their religious holidays.
- Any inquiry to indicate or identify religious denomination or customs.

### **Military**

- Current military status.
- Type or condition of military discharge.
- Applicants experience in other US armed forces.
- Request for discharge papers.

### **Photo**

- Request for a photograph before hiring.
- Requirement that applicant affix a photograph to the application.
- Request the applicant, at his/her option, submit photograph.
- Requirement of photograph after interview but before hiring.

### **Citizenship**

- Are you a citizen of the US?
- Of what country are you a citizen?
- Whether applicant or his/her parents or spouse are naturalized or native-born U.S. citizens.
- Date that applicant or parents or spouse acquired a U.S. citizenship.
- Requirement that applicant produce his/her naturalization papers.
- Whether applicant's parents or spouse are citizens or the U.S.

### **Ancestry of National Origin**

- Inquiries into applicant's lineage or ancestry, national origin, descent, birthplace or native language.
- Asking how applicant acquired the ability to speak, read or write a foreign language.
- National origin, descent, birthplace or native language of applicant's parents or spouse.

### **Education**

- Any inquiry asking specifically the nationality, racial or religious affiliation of a school.
- Inquiry as to the applicant's native language or how foreign language ability was acquired.

### **Conviction**

- Any inquiry relating to arrests.
- Asking or checking into a person's arrest.
- Court or conviction record if not substantially related to functions and responsibilities of the prospective employment.

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*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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INSTITUTE *for* PUBLIC SERVICE