



8-11-1980

## **Technical Bulletins: Tennessee's Anti-Discrimination Law: A Reminder about the Handicapped**

MTAS

Follow this and additional works at: [https://trace.tennessee.edu/utk\\_mtastech](https://trace.tennessee.edu/utk_mtastech)



Part of the [Public Administration Commons](#)

The MTAS publications provided on this website are archival documents intended for informational purposes only and should not be considered as authoritative. The content contained in these publications may be outdated, and the laws referenced therein may have changed or may not be applicable to your city or circumstances.

For current information, please visit the MTAS website at: [mtas.tennessee.edu](https://mtas.tennessee.edu).

---

### **Recommended Citation**

MTAS, "Technical Bulletins: Tennessee's Anti-Discrimination Law: A Reminder about the Handicapped" (1980). *MTAS Publications: Technical Bulletins*.  
[https://trace.tennessee.edu/utk\\_mtastech/297](https://trace.tennessee.edu/utk_mtastech/297)

This Bulletin is brought to you for free and open access by the Municipal Technical Advisory Service (MTAS) at TRACE: Tennessee Research and Creative Exchange. It has been accepted for inclusion in MTAS Publications: Technical Bulletins by an authorized administrator of TRACE: Tennessee Research and Creative Exchange. For more information, please contact [trace@utk.edu](mailto:trace@utk.edu).



## technical bulletin

Municipal Technical Advisory Service  
Institute for Public Service, The University of Tennessee  
In cooperation with the Tennessee Municipal League

August 11, 1980

### TENNESSEE'S ANTI-DISCRIMINATION LAW: A REMINDER ABOUT THE HANDICAPPED

Some city officials may not be familiar with some or all of the provisions of Tennessee's anti-discrimination law as it applies to the employment of handicapped persons. For your information, these are outlined below, and the actual language of the act (TCA 8-50-103, 104) is reproduced.

Types of Discrimination Prohibited: The Tennessee Anti-Discrimination Act forbids job discrimination on the basis of race, creed, color, religion, sex, age, or national origin. State law also prohibits discrimination against handicapped persons in both public and private employment. In addition, state law prohibits discrimination in rate of pay because of sex, and an executive order prohibits discrimination on the basis of handicap, race, color, religion, sex, or national origin, in public employment and by state contractors.

Coverage of Law: Employers, labor organizations, and employment agencies are covered by the Anti-Discrimination Act. An "employer" includes the state or any of its political or civil subdivisions, and persons employing eight or more persons within the state. All public and private employers are covered under the equal pay, handicap discrimination laws. Public employers and state contractors are covered by the executive order.

Administration and Enforcement: The Tennessee Commission for Human Development is empowered by the Anti-Discrimination Act to enforce the law. However, until new rules are promulgated, the commission will continue to act upon discrimination complaints according to rules certified in 1974.

Agency Information: For further information on the Tennessee law, contact the Tennessee Commission for Human Development, 208 Tennessee Bldg., 535 Church St., Nashville-37219. Field Offices: 170 N. Main St., Room 113, Memphis-38103, and 409 Chestnut St., Room 202, Chattanooga-37402.

MTAS will be happy to provide assistance in affirmative action planning.

**8-50-103. Employment of the handicapped — Discrimination prohibited — Penalty — Complaint.** — (a) There shall be no discrimination in the hiring practices of the state of Tennessee or any department, agency, institution, or political subdivision of the state, or of any private employer against any applicant for employment based solely upon any physical, mental or visual handicap of the applicant, unless such handicap to some degree prevents the applicant from performing the duties required by the employment sought or

impairs the performance of the work involved. Furthermore, no blind person shall be discriminated against in any such hiring practices because such person uses a guide dog. Violation of this provision is a misdemeanor, punishable as provided by law for misdemeanors generally.

(b) Any person claiming to be aggrieved by a discriminatory practice prohibited by this section may file with the Tennessee human development commission a written sworn complaint stating that a discriminatory practice has been committed, setting forth the facts sufficient to enable the commission to identify the persons charged. Upon receipt of such complaint, the commission shall follow the procedure and exercise the powers and duties provided in §§ 4-21-115 — 4-21-124, inclusive, and said person shall have all rights provided therein. [Acts 1976 (Adj. S.), ch. 457, § 1; 1979, ch. 104, § 1; 1979, ch. 222, § 1; T.C.A., § 8-4131.]

**8-50-104. Employment of the handicapped — Assistance programs — Studies.** — It is the policy of the state to give positive emphasis to the recruitment, evaluation, and employment of handicapped persons in the public service. The department of personnel shall develop methods and programs to assist and encourage the departments, agencies and institutions of the state and the various political subdivisions of the state in carrying out the stated policy and shall provide for appropriate study and review of the employment of handicapped persons in the public service. Private employers in the state may in like manner develop policies for complying with the provisions of § 8-50-103. [Acts 1976 (Adj. S.), ch. 457, § 2; T.C.A., § 8-4132.]

(Emphasis added)

Municipal Technical Advisory Service  
The University of Tennessee  
Knoxville, TN 37916

|  |
|--|
| Non-Profit Org.<br>U.S. POSTAGE<br>PAID<br>Knoxville, TN<br>Permit No. 481 |
|--|

DR VICTOR C HOBDAV EX DR  
MUNICIPAL TECH ADVISORY SERV  
UNIVERSITY OF TENNESSEE  
KNOXVILLE TN 37916