Shelby County Attorney's Office

Memorandum

To: Honorable Sidney Chism, Commissioner
Shelby County Board of Commissioners

From: Brian L. Kuhn
Shelby County Attorney

Date: May 19, 2009

Subject: **Sexual orientation/gender identity or expression ordinance**

You requested information regarding the scope of federal and state anti-discrimination laws prohibiting employment discrimination.

Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000, *et seq.*) prohibits employment discrimination on the basis of race, color, religion, sex, national origin and retaliation. In 1978, Title VII was amended to prohibit employment discrimination based on pregnancy. The Americans with Disabilities Act of 1990 (42 U.S.C. § 12101, *et seq.*) prohibits employment discrimination based on disability. Additionally, the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621, *et seq.*) prohibits age-based employment discrimination.

The Tennessee Human Rights Act (Tenn. Code Ann. § 4-21-101, *et seq.*) proscribes employment discrimination on the basis of race, creed, color, religion, sex, age or national origin. State law also prohibits employment discrimination on the basis of physical, mental or visual handicap (Tenn. Code Ann. § 8-50-103).

Shelby County Government prohibits "[d]iscrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration because of race, color, sex, national origin, age, creed, religion, disability, or other non-merit factors." Shelby County Employee Handbook, page 26.

In summary, federal and state law explicitly prohibit employment discrimination based on the grounds articulated above. None of the federal or state laws referenced above enumerate sexual orientation or gender identity or expression as a form of unlawful employment discrimination.

Should you have any questions or need any additional information, please contact our office.

BLK/
cc: All Shelby County Commissioners
Christy Kinard, Assistant County Attorney

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