

*Workshop Session*

*January 28, 2008 @ 5:30 pm*

*Memorandum from City Attorney*

**DORAN, WOLFE, ANSAY & KUNDID**

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**MEMORANDUM**

TO: Michael L. Thomas, Mayor  
Harriet E. Rhodes, Vice Mayor  
Debra J. Rogers, Councilwoman  
Gigi Bennington, Councilwoman  
Ted Cooper, Councilman

CC: Tracey Barlow, Interim City Manager

FROM: Carolyn S. Ansay, City Attorney

DATE: January 23, 2008

RE: City Clerk Interviews

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CITY ATTORNEY

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As you prepare to interview the candidates for the City Clerk position, you should be aware that Florida and federal law present pitfalls which should be avoided during this process. Please accept this memorandum as guidance for the interviews and the types of questions which may be asked.

**Potential Problem Subjects:**

1. Age: Do not ask questions which could reveal the age of the candidate. For example, do not ask about dates of birth, dates of degree awards or dates of graduation from an educational program. The Age Discrimination in Employment Act of 1967 protects employees 40 years and older. 29 U.S.C. § 621 et seq.
2. Disability: It is improper to ask questions related to a candidate's health or physical disability. The Americans With Disabilities Act of 1990 prohibits discrimination based upon disability. For example, do not ask if a candidate has ever been hospitalized, takes medication or about a candidate's general health.
3. Religion: Refrain from questions regarding the religious beliefs of the candidate. For example, avoid asking whether a candidate is of a particular religious denomination or would be

routinely available for work related projects during a particular Sabbath period. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on religion. 42 U.S.C. § 2000 et seq.

4. National Origin and Race: Do not ask questions related to a candidate's national origin or race. For instance, do not ask a candidate for information about their birth city or country. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on national origin and race.

5. Gender: Avoid questions which appear to discriminate based upon gender or private family matters. For example, avoid asking questions which deal with the applicant's ability to balance the demands of family life and the workplace or a candidate's plans for raising children or marriage. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on gender.

6. Marital Status: Refrain from questions which may reveal the marital status of the candidate. For instance, do not ask questions eliciting information about a candidate's spouse. Section 760.11, Fla. Stat., provides that it is not permissible for employers to discriminate based upon marital status.

7. Organized Labor: Avoid questions which may reveal a candidate's prior or current union involvement.

Please do not hesitate to contact me should you have any questions or concerns.

CSA:kl