

## True / False Questions

1. The employer-employee relationship is the most prevalent type of employment relationship.

True False

2. Employment contracts may be written but not in oral form.

True False

3. The specificity of the language used in an employment contract must be very extensive.

True False

4. The formal agreement which specifies the employment terms and conditions for the employee and employer is called an employment contract.

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6. The common law principle of employment-at-will says that, in the absence of any contract language to the contrary, either the employer or employee may terminate the employment relationship at any time, but for only for certain reasons.

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14. Laws and regulations provide protections to employees that they could not possibly acquire individually in an employment contract.

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17. Constitutional law supersedes any other source of law or regulation.

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18. Examples of common law include the Fifth and Fourteenth Amendments to the Constitution.

True False

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20. Agencies that enforce staffing laws typically do not rely on written documents to perform their functions.

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21. Whether an organization is covered by the Civil Rights Act, Age Discrimination in Employment Act (ADEA), and Americans With Disabilities Act (ADA) depends on its number of employees.

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22. When determining if an organization large enough to be covered by ADA law, only full-time employees should be included in the employee count.

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55. Those who get an H-1B are typically employed in occupations such as architect, engineer, computer programmer, accountant, doctor, and professor.

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- A. independent contractor
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  - B. Using an independent contractor increases the employer's exposure to laws and regulations governing the employment relationship.
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67. Which of the following factors increase the likelihood that a worker will be considered an independent contractor?
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  - B. Their purpose is to create a reasonable power advantage for employees.
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71. The primary source of common law is \_\_\_\_\_.
- A. the Constitution
  - B. federal statutes
  - C. past court decisions
  - D. federal agency guidelines
72. Due process rights have their primary source in \_\_\_\_\_.
- A. EEOC guidelines
  - B. federal statutes
  - C. state statutes
  - D. the U.S. Constitution Amendments

73. A \_\_\_\_\_ is a civil wrong that occurs when the employer violates a duty owed to its employees or customers that results in harm or damages.

- A. tort
- B. crime
- C. constitutional law violation
- D. failure of due process

74. Statutory law is derived from \_\_\_\_\_.

- A. court cases
- B. the U.S. constitution and its amendments
- C. written documents passed by legislative bodies
- D. agencies at the federal, state and local levels

75. Agencies that regulate fair employment practice exist at which level?

- A. federal
- B. state
- C. local
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76. The role of federal agencies is to \_\_\_\_\_.

- A. develop, create, and implement the law
- B. interpret, administer, and enforce the law
- C. facilitate greater communication between courts
- D. render decisions in court cases regarding employment law

77. Which of the following is(are) true regarding federal EEO/AA laws?

- A. They are very narrow in their coverage of employers.
- B. Specific agencies exist which regulate administration and enforcement.
- C. They cover only women, minorities, and certain religious groups.
- D. None of these is true.

78. Which of the following is *not* covered by the Civil Rights Act?

- A. race
- B. sex
- C. disability status
- D. all of these are covered by the Civil Rights Act

79. The Age Discrimination in Employment Act focuses on individuals over the age of \_\_\_\_\_.

- A. 40
- B. 30
- C. 20
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80. Disparate treatment focuses on \_\_\_\_\_.

- A. allegations and evidence about the effects of discriminatory actions
- B. allegations and evidence about intentions to discriminate
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81. The initial burden of proof in discrimination claims lies \_\_\_\_\_.
- A. with the defendant
  - B. with the court
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82. When using stock statistics in job selection discrimination cases, the comparison being made is \_\_\_\_\_.
- A. differences in proportions of groups hired
  - B. percentages of groups concentrated in certain job categories
  - C. percentages of groups in job categories relative to their availability in the population
  - D. percentages of union versus non-unionized employees
83. The key to a successful rebuttal in a disparate treatment case is \_\_\_\_\_.
- A. to prove adverse impact
  - B. to provide nondiscriminatory reasons for the practice(s) in question
  - C. to show the presence of a "mixed motive"
  - D. to prove discrimination
84. In EEOC cases, a consent decree is \_\_\_\_\_.
- A. mandated by law
  - B. court approved
  - C. limited to non-monetary relief
  - D. limited to affirmative action remedies

85. Enforcement mechanisms used by the OFCCP \_\_\_\_\_.
- A. rarely involve employer site visits
  - B. are identical to those used by the EEOC
  - C. are unrelated to specific AA plans
  - D. may involve conciliation agreements
86. Which of the following is prohibited discrimination under civil rights law?
- A. discrimination in hiring
  - B. discrimination in compensation
  - C. discrimination in classification
  - D. all of these
87. The essence of a BFOQ is that \_\_\_\_\_.
- A. it is always illegal
  - B. it reduces discrimination
  - C. it justifies discrimination based on reasonable necessity of the job
  - D. it prohibits selection through use of a protected characteristic (e.g., gender)
88. Regarding the use of tests in staffing, it can be said that \_\_\_\_\_.
- A. they are permitted by law
  - B. they are illegal
  - C. they should be adjusted by protected characteristics to be fair
  - D. they should be "race normed" for fairness

89. The legal status of seniority and merit systems is that \_\_\_\_\_.
- A. seniority is legal
  - B. merit systems are legal
  - C. both are legal
  - D. both are illegal
90. The Age Discrimination In Employment Act (1967) prohibits discrimination against individuals who are \_\_\_\_ years or older.
- A. 40
  - B. 50
  - C. 60
  - D. 65
91. Employers can use which of the following techniques without violating the Age Discrimination in Employment Act.
- A. using reasonable factors other than age in making employment decisions
  - B. using seniority systems
  - C. using terms or phrases that express a preference for older workers
  - D. all of these
92. Where the Americans with Disabilities Act is concerned, \_\_\_\_\_.
- A. the law only applies to disabled individuals who are otherwise qualified
  - B. the law requires the hiring of all disabled people
  - C. the law prohibits refusal to hire a disabled person
  - D. the law provides advantages to disabled people



93. Where reasonable accommodations for disabled individuals are concerned, it can be said that \_\_\_\_\_.

- A. accommodation is always required for an otherwise qualified individual
- B. specific examples of accommodations are rarely indicated in laws and regulations
- C. the issue of "undue hardship" to the employer is not addressed by the law
- D. the need to accommodate often hinges on whether or not a given job function is necessary or essential

94. Which of the following is not prohibited by the ADA?

- A. medical exams of job applicants
- B. asking a job applicant if he/she is disabled
- C. asking a job applicant to undergo a medical exam after a job offer has been made
- D. refusing to interview a person who is disabled

95. Executive Order 11246 covers \_\_\_\_\_.

- A. local government employers
- B. private employers with under 15 employees
- C. federal contractors with contracts in excess of \$10,000
- D. private employers with 20 or more employees

96. Noncompliance with the Immigration Reform and Control Act (1986) could result in \_\_\_\_\_.

- A. imprisonment for up to six months
- B. fines equal to \$50,000 for each unauthorized alien employed
- C. summary closing of a business
- D. imprisonment of the alien for up to five years

97. Which of the following is true regarding EEO laws?

- A. State (but not local) government employees are immune from lawsuits by employees who allege violation of ADA or ADEA.
- B. States must pursue age and disability discrimination claims under applicable state laws.
- C. A foreign company which is owned or controlled by an American employer and is doing business overseas generally also must comply with Title VII, the ADA, and the ADEA.
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98. Which of the following is true regarding discrimination on the basis of sexual orientation?

- A. there are no laws covering sexual orientation discrimination
- B. federal law prohibits all discrimination on the basis of sexual orientation
- C. although such discrimination is not covered by federal law, it is covered by some state and local laws
- D. some state and local laws encourage discrimination on the basis of sexual orientation

99. Which of the following is true regarding H-1B visas?

- A. Employers may apply for permanent H-1B visas for foreign workers.
- B. There is a cap of 50,000 workers per year who can obtain such visas.
- C. H-1B visa holders may not change jobs as soon as their employer files an approval petition and they are restricted to their current geographic area.
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## Chapter 02 Legal Compliance **Answer Key**

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  - B. percentages of groups concentrated in certain job categories
  - C.** percentages of groups in job categories relative to their availability in the population
  - D. percentages of union versus non-unionized employees
83. The key to a successful rebuttal in a disparate treatment case is \_\_\_\_\_.
- A. to prove adverse impact
  - B.** to provide nondiscriminatory reasons for the practice(s) in question
  - C. to show the presence of a "mixed motive"
  - D. to prove discrimination



84. In EEOC cases, a consent decree is \_\_\_\_\_.
- A. mandated by law
  - B.** court approved
  - C. limited to non-monetary relief
  - D. limited to affirmative action remedies
85. Enforcement mechanisms used by the OFCCP \_\_\_\_\_.
- A. rarely involve employer site visits
  - B. are identical to those used by the EEOC
  - C. are unrelated to specific AA plans
  - D.** may involve conciliation agreements
86. Which of the following is prohibited discrimination under civil rights law?
- A. discrimination in hiring
  - B. discrimination in compensation
  - C. discrimination in classification
  - D.** all of these
87. The essence of a BFOQ is that \_\_\_\_\_.
- A. it is always illegal
  - B. it reduces discrimination
  - C.** it justifies discrimination based on reasonable necessity of the job
  - D. it prohibits selection through use of a protected characteristic (e.g., gender)

88. Regarding the use of tests in staffing, it can be said that \_\_\_\_\_.
- A.** they are permitted by law
  - B. they are illegal
  - C. they should be adjusted by protected characteristics to be fair
  - D. they should be "race normed" for fairness
89. The legal status of seniority and merit systems is that \_\_\_\_\_.
- A. seniority is legal
  - B. merit systems are legal
  - C.** both are legal
  - D. both are illegal
90. The Age Discrimination In Employment Act (1967) prohibits discrimination against individuals who are \_\_\_\_ years or older.
- A.** 40
  - B. 50
  - C. 60
  - D. 65
91. Employers can use which of the following techniques without violating the Age Discrimination in Employment Act.
- A. using reasonable factors other than age in making employment decisions
  - B. using seniority systems
  - C. using terms or phrases that express a preference for older workers
  - D.** all of these

92. Where the Americans with Disabilities Act is concerned, \_\_\_\_\_.
- A.** the law only applies to disabled individuals who are otherwise qualified
  - B. the law requires the hiring of all disabled people
  - C. the law prohibits refusal to hire a disabled person
  - D. the law provides advantages to disabled people
93. Where reasonable accommodations for disabled individuals are concerned, it can be said that \_\_\_\_\_.
- A. accommodation is always required for an otherwise qualified individual
  - B. specific examples of accommodations are rarely indicated in laws and regulations
  - C. the issue of "undue hardship" to the employer is not addressed by the law
  - D.** the need to accommodate often hinges on whether or not a given job function is necessary or essential
94. Which of the following is not prohibited by the ADA?
- A. medical exams of job applicants
  - B. asking a job applicant if he/she is disabled
  - C.** asking a job applicant to undergo a medical exam after a job offer has been made
  - D. refusing to interview a person who is disabled
95. Executive Order 11246 covers \_\_\_\_\_.
- A. local government employers
  - B. private employers with under 15 employees
  - C.** federal contractors with contracts in excess of \$10,000
  - D. private employers with 20 or more employees

96. Noncompliance with the Immigration Reform and Control Act (1986) could result in \_\_\_\_\_.

- A.** imprisonment for up to six months
- B. fines equal to \$50,000 for each unauthorized alien employed
- C. summary closing of a business
- D. imprisonment of the alien for up to five years

97. Which of the following is true regarding EEO laws?

- A. State (but not local) government employees are immune from lawsuits by employees who allege violation of ADA or ADEA.
- B. States must pursue age and disability discrimination claims under applicable state laws.
- C. A foreign company which is owned or controlled by an American employer and is doing business overseas generally also must comply with Title VII, the ADA, and the ADEA.
- D.** All of these

98. Which of the following is true regarding discrimination on the basis of sexual orientation?

- A. there are no laws covering sexual orientation discrimination
- B. federal law prohibits all discrimination on the basis of sexual orientation
- C.** although such discrimination is not covered by federal law, it is covered by some state and local laws
- D. some state and local laws encourage discrimination on the basis of sexual orientation

99. Which of the following is true regarding H-1B visas?

- A. Employers may apply for permanent H-1B visas for foreign workers.
- B. There is a cap of 50,000 workers per year who can obtain such visas.
- C. H-1B visa holders may not change jobs as soon as their employer files an approval petition and they are restricted to their current geographic area.
- D.** None of these