

Chapter 2

True / False

1. Title VII of the Civil Rights Act of 1964 created the Equal Employment Opportunity Commission.

- a. True
- b. False

ANSWER: True

2. Disparate treatment occurs when two people are treated differently in similar situations based on a protected characteristic.

- a. True
- b. False

ANSWER: True

3. A bona fide occupational qualification (BFOQ) exception must be supported with a justified position of business necessity.

- a. True
- b. False

ANSWER: True

4. Disparate impact occurs when an employer knowingly practices illegal discrimination.

- a. True
- b. False

ANSWER: False

5. The Equal Pay Act requires companies to pay men and women the same compensation for performing equal work.

- a. True
- b. False

ANSWER: True

6. The Pregnancy Discrimination Act specifies that a woman can be refused a promotion simply because she is pregnant or has had an abortion.

- a. True
- b. False

ANSWER: False

7. Both AIDS and HIV are covered by the Americans with Disabilities Act.

- a. True
- b. False

ANSWER: True

8. The Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Procedures are the two primary regulatory agencies for enforcing employment legislation.

- a. True
- b. False

ANSWER: True

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9. Sexual harassment is defined by the Equal Employment Opportunity Commission as unwelcome sexual advances in the work environment.

- a. True
- b. False

ANSWER: True

10. The Civil Rights Act of 1991 was passed as a direct amendment of Title VII of the Civil Rights Act of 1964.

- a. True
- b. False

ANSWER: True

Multiple Choice

11. Which of the following is the third step in the legal and regulatory environment of human resource management in the United States?

- a. Enforcement of regulations
- b. Modification of national regulations
- c. Creation of regulations
- d. Reestablishment of existing regulations
- e. Practice of regulations

ANSWER: e

12. Which of the following is stated by Title VII of the Civil Rights Act of 1964?

- a It states that that a pregnant woman should be treated like any other employee in the workplace.
.
- b It states that, for the purposes of deciding who receives federal benefits, marriage is defined as only between a
. man and a woman.
- c It states that it is legal to differentiate pay for male and female employees doing essentially the same job.
.
- d It states that even if a condition like race, sex, or other personal characteristic legitimately affects a person's
. ability to perform a job, it cannot be used as a legal requirement for selection.
- e It states that it is illegal for an employer to refuse to hire any individual with respect to any aspect of the
. employment relationship on the basis of that individual's religious beliefs.

ANSWER: e

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13. Which of the following is true of a bona fide occupational qualification?

- a. It is applicable only to members of a protected class.
- b. It is a form of disparate treatment that occurs on a classwide or systemic basis.
- c. It permits an employer to discriminate against applicants on the basis of sex for business necessities.
- d. It cannot be used by employers to discriminate against applicants on the basis of age.
- e. It is a type of affirmative action that actively seeks qualified applicants from groups underrepresented in the workforce.

ANSWER: c

14. A local office supply business routinely hires younger workers for stock staff over older applicants because much of the work requires heavy lifting and good mobility. Which of the following is true in this case?

- a. The company needs to show that the job requirements are a business necessity.
- b. The company can be sued for illegal discrimination by a rejected applicant.
- c. The company violates the Lilly Ledbetter Fair Pay Act of 2009.
- d. The company policy is based on Executive Order 11478.
- e. The company is involved in disparate treatment against the older applicants.

ANSWER: a

15. Which of the following is necessary for establishing a prima facie case of discrimination based on the McDonnell-Douglas test?

- a. An applicant of a job need not necessarily be a member of a protected class.
- b. A prima facie case of discrimination is established only by a female applicant against an organization.
- c. It is mandatory for an applicant to prove that he or she is disabled to establish a prima facie case of discrimination using the McDonnell-Douglas test.
- d. An individual should be an employee of the organization against which a prima facie case of discrimination is charged.
- e. An individual should prove that an organization continued to seek other applicants with the same qualifications.

ANSWER: e

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16. Which of the following is true of a utilization analysis?

- a. It is done against an organization giving preferential treatment to minority workers during a layoff.
- b. It is a step taken by organizations to actively seek qualified applicants from groups underrepresented in the workforce.
- c. It compares the racial, sex, and ethnic composition of an employer's workforce to that of the available labor supply.
- d. It analyzes an organization's employee productivity in terms of output and the wages paid to those employees.
- e. It is extensively used to curb the number of age-discrimination complaints that seems to be growing rapidly.

ANSWER: c

17. Quid pro quo sexual harassment typically involves:

- a. inviting a coworker to join a potluck.
- b. sexual favors in exchange for something of value.
- c. making jokes about a particular gender.
- d. decorating the work environment with inappropriate photographs.
- e. the process of bringing the perpetrators of sexual harassment to book.

ANSWER: b

18. Executive Order 11478 requires:

- a. written affirmative action plans from those organizations with contracts greater than \$50,000.
- b. the federal government to base all of its own employment policies on merit and fitness.
- c. that contractors of the federal government receiving more than \$2,500 a year from the government engage in affirmative action for disabled individuals.
- d. that federal contractors take affirmative action toward employing Vietnam-era veterans.
- e. employers having more than fifty employees to provide as many as 12 weeks unpaid leave for employees after the birth or adoption of a child

ANSWER: b

19. The _____ prohibits discrimination against employees who are 40 years or older.

- a. Americans with Disabilities Act
- b. Age Discrimination and Employment Act
- c. Civil Rights Act
- d. Equal Employment Opportunity Act
- e. Age Discrimination Act

ANSWER: b

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20. Which of the following is NOT covered by the Americans with Disabilities Act?

- a. Mental retardation
- b. Learning disability
- c. Paralysis
- d. Substance abuse
- e. Heart disease

ANSWER: d

21. Which of the following is NOT true of the Family and Medical Leave Act of 1993?

- a. The law requires an organization to pay the health-care coverage of employees during their leave.
- b. The law, with the passage of the Supporting Military Families Act, mandates emergency leave for all covered active-duty members.
- c. The law requires an organization to provide employees with the same or comparable job upon return from unpaid leave.
- d. The law requires employers to provide as many as 12 weeks of unpaid leave for employees after the birth or adoption of a child.
- e. The law applies to those employees who have worked an average of 20 hours a week in the previous 12 months.

ANSWER: e

22. The _____ requires that executive agencies and subcontractors and contractors of the federal government receiving more than \$2,500 a year from the government engage in affirmative action for disabled individuals.

- a. Occupational Safety and Health Act of 1970
- b. Union Relief Act of 2009
- c. Vocational Rehabilitation Act of 1973
- d. Family and Medical Leave Act of 1993
- e. Americans with Disabilities Act of 1990

ANSWER: c

23. The Americans with Disabilities Act of 1990 requires companies to:

- a. hire all applicants with a documented disability.
- b. discriminate against those persons who have a disability.
- c. hire a diversity consultant.
- d. make reasonable accommodations for disabled individuals.
- e. spend \$100,000 per year on disability training.

ANSWER: d

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24. Which of the following is true of the Fair Labor Standards Act?

- a. It established the workweek in the United States as 40 hours per week.
- b. It protects employee investments in their pensions and ensures that employees would be able to receive at least some pension benefits at the time of retirement.
- c. It makes provisions only for daily work time.
- d. It majorly makes provisions for full-time employees and ignores temporary workers.
- e. It does not include provisions for child labor.

ANSWER: a

25. A construction company provides hard hats to employees working at a construction site. This measure taken by the company for its employees is a provision under the _____.

- a. Worker Adjustment and Retraining Notification Act
- b. Taft-Hartley Act
- c. Landrum-Griffin Act
- d. Occupational Safety and Health Act
- e. PATRIOT Act

ANSWER: d

26. The _____ ensures that employees would be able to receive at least some pension benefits at the time of termination.

- a. Labor Management Relations Act
- b. Worker Adjustment and Retraining Notification Act
- c. Employee Retirement Income Security Act
- d. Fair Labor Standards Act
- e. National Labor Relations Act

ANSWER: c

27. The _____ was passed to regulate union actions and their internal affairs in a way that puts them on an equal footing with management and organizations.

- a. Taft-Hartley Act
- b. Fair Practices Act
- c. Wagner Act
- d. Employee Retirement Income Security Act
- e. Fair Labor Standards Act

ANSWER: a

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28. Which of the following is NOT true of the Worker Adjustment and Retraining Notification Act of 1988?

- a The penalty for failing to comply with the act is equal to one day's pay plus benefits for each employee for each . day that notice should have been given.
- b It requires employers with more than fifty employees to provide as many as 12 weeks of paid leave for . employees in case of temporary closure of facilities.
- c The act provides for warnings about pending reductions in work hours.
.
- d An organization that closes a plant without any warning and lays off 1,000 employees would be liable for 60 . days of pay and benefits for those 1,000 employees.
- e It stipulates that an organization with at least 100 employees must provide notice at least 60 days in advance of . plans to close a facility or lay off 50 or more employees.

ANSWER: b

29. Employees at Borders Bookstore recently held a strike to force their employer to negotiate a labor contract. Borders's employees possessed the right to do this because of the _____.

- a. Taft-Hartley Act
- b. National Labor Relations Act
- c. Employee Retirement Income Security Act
- d. Occupational Safety and Health Act
- e. Fair Labor Standards Act

ANSWER: b

30. The Occupational Safety and Health Act:

- a. is enforced by the Equal Employment Opportunity Commission (EEOC).
- b. requires employers to furnish each employee with a place of employment that is free from hazards.
- c. is mostly applicable for industries related to the service sector.
- d. does not require employers to keep records of illnesses and injuries that occur in the workplace.
- e. stipulates that an organization with at least 100 employees must provide notice at least 60 days in advance of plans to close a facility.

ANSWER: b

31. The Drug-Free Workplace Act of 1988:

- a. prohibits the use of any drug in the workplace.
- b. reduces the use of illegal drugs in the workplace.
- c. prohibits the use of alcohol in the workplace.
- d. does not cover organizations regulated by the Department of Transportation.
- e. was primarily passed for private employers.

ANSWER: b

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32. The Privacy Act of 1974:

- a. ensures that federal employees can review their personnel files for accuracy.
- b. allows law enforcement agencies to use surveillance to gather information related to a full range of terrorist crimes.
- c. prohibits employers from monitoring the e-mail correspondence of employees at work.
- d. mandates monitoring employees' behavior outside of work.
- e. allows employers to collect genetic information about their employees.

ANSWER: a

33. The _____ prohibits employers from collecting information about an employee's family history of disease.

- a. Age Discrimination and Employment Act
- b. Pregnancy Discrimination Act
- c. Family and Medical Leave Act
- d. Americans with Disabilities Act
- e. Genetic Information Nondiscrimination Act

ANSWER: e

34. Addison Inc. planned to close one of its plants due to a slump in its business. The closing was announced by the company managers on April 1 and took place 60 days after the announcement. In this case, the company conforms to the _____.

- a. Fair Labor Standards Act
- b. Employee Retirement Income Security Act
- c. Labor Management Relations Act
- d. Occupational and Health Safety Act
- e. Worker Adjustment and Retraining Notification Act

ANSWER: e

35. Which of the following laws allows law enforcement agencies to carry out investigations of potential terrorists without having to inform the targets of those investigations?

- a. The Taft-Hartley Act
- b. The Landrum-Griffin Act
- c. The PATRIOT Act
- d. The Occupational Safety and Health Act
- e. The Civil Rights Act

ANSWER: c

36. _____ requires written affirmative action plans from those organizations with contracts greater than \$50,000.

- a. The Fair Labor Standards Act
- b. Executive Order 13603
- c. Executive Order 11246
- d. Executive Order 11110
- e. The Wagner Act

ANSWER: c

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37. The Vietnam Era Veterans' Readjustment Act of 1974 is enforced through the _____.
a. National Labor Relations Board
b. Equal Employment Opportunity Commission
c. U.S. Department of Justice
d. Office of Federal Contract Compliance Procedures
e. U.S. Department of Labor

ANSWER: d

38. The ____ established the workweek in the United States as 40 hours per week.
a. Americans with Disabilities Act of 1990
b. Age Discrimination and Employment Act of 1967
c. Lilly Ledbetter Fair Pay Act of 2009
d. Employee Retirement Income Security Act of 1974
e. Fair Labor Standards Act of 1938

ANSWER: e

39. The ____ is given the power to apply the Occupational Safety and Health Act standards and enforce its provisions.
a. Department of Justice
b. Office of Federal Contract Compliance Procedures
c. Department of Labor
d. Equal Employment Opportunity Commission
e. Department of Health

ANSWER: c

40. Jeffrey Inc., an animation company, asks job applicants to fill out a form for hereditary illness or health conditions experienced by the applicants or their family members. This is a breach of the _____.
a. Genetic Information Nondiscrimination Act
b. Occupational Safety and Health Act
c. Privacy Act
d. Worker Adjustment and Retraining Notification Act
e. Fair Labor Standards Act

ANSWER: a

Scenario 2.1

Tia's tamale factory employs 50 workers to make and ship food products all over the United States. The factory is located in a county where 60 percent of the residents are identified as people belonging to a protected class. Tia must hire an additional supervisor and despite her best efforts, she gets only three applicants: Conchita, a 35-year-old female; Sancho, a 17-year-old male belonging to the protected class; and Maureen, a 48-year-old disabled woman.

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41. Refer to Scenario 2.1. Tia's workers are mostly women. If Tia believes that only a woman could fit in at the factory and eliminates Sancho's application, it will most likely be:

- a. a discrimination on the basis of gender in violation of Title VII of the Civil Rights Act.
- b. a discrimination on the basis of age in violation of the Age Discrimination and Employment Act.
- c. a case of disparate impact under the Civil Rights Act.
- d. permissible because most of the local residents belong to the protected class.
- e. permissible because Tia is a private employer.

ANSWER: a

42. Refer to Scenario 2.1. Suppose, Conchita and Maureen are equally qualified, and Tia decides to choose Maureen owing to her additional years of work experience, this action would most likely to be:

- a. permissible under Executive Order 11246.
- b. prohibited under Equal Protection Clause of the Fourteenth Amendment.
- c. a violation of Title VII of the Civil Rights Act.
- d. a violation of Title VII because the other employees are primarily Hispanic.
- e. permissible under Title VII of the Civil Rights Act because the applicants were treated equally.

ANSWER: e

43. Refer to scenario 2.1. Tia hires Sancho who pursues a distance education course. He requests his manager, Rachel, for leave for two weeks owing to the submission of a project. Rachel decides to sanction his leave in return for a sexual favor and conveys the same to Sancho. This is an example of _____.

- a. a hostile work environment
- b. reverse discrimination
- c. quid pro quo harassment
- d. retaliation
- e. disparate treatment

ANSWER: c

44. Refer to Scenario 2.1. Suppose Conchita and Maureen are equally qualified, but Tia must spend an additional \$10,000 to accommodate Maureen's disability at the workplace. To avoid the additional expense, Tia hires Conchita. It is likely that this action is:

- a. lawful under the Americans with Disabilities Act because the applicants were equally qualified.
- b. unlawful under Title VII Civil Rights Act because the applicants were of different races.
- c. lawful under the Americans with Disabilities Act since the accommodation was an undue hardship on Tia.
- d. lawful under the Americans with Disabilities Act (ADA). Maureen is not considered disabled under ADA because her disability is correctable with a wheelchair.
- e. unlawful under the Age Discrimination and Employment Act because Conchita is younger than Maureen.

ANSWER: c

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45. Refer to Scenario 2.1. Suppose Tia hires Sancho and requires him to take a drug test because of safety issues on the job. Is Tia's requirement legal?

- a. Yes. Tia can ask Sancho to take a drug test.
- b. Yes. This is because men are more likely to use drugs than women in the workplace.
- c. No. This would be against the Fair Labor Standards Act.
- d. No. This would violate the Americans with Disabilities Act.
- e. No. This would violate the Age Discrimination and Employment Act.

ANSWER: a

Subjective Short Answer

46. Define a protected class under Title VII of the Civil Rights Act of 1964. When is a job qualification said to have a disparate impact on protected groups?

AN Protected classes in the workforce are groups who were discriminated against on the basis of race, color, sex, religion, SW or national origin prior to 1964. Normally they are women and minorities, but they can be white males under certain ER circumstances. A job qualification is said to have a disparate impact on protected groups when the selection rate of : members of protected groups is less than four-fifths of the selection rate of the majority group.

47. Describe the two types of sexual harassment identified by the courts.

AN The courts have ruled that there are two types of sexual harassment and have defined both types. One type of sexual SW harassment is quid pro quo harassment. In this case, the harasser offers to exchange something of value for sexual ER favors. A more subtle type of sexual harassment is the creation of a hostile work environment, and this situation is not : always so easy to define. For example, a group of male employees who continually make off-color jokes and lewd comments and perhaps decorate the work environment with inappropriate photographs may create a hostile work environment for a female colleague to the point where she is uncomfortable working in that job setting.

48. Summarize the Fair Labor Standards Act of 1938.

AN The Fair Labor Standards Act guarantees that a worker will earn a minimum hourly wage. Another provision is the SW establishment of the 40-hour workweek with the requirement that employers pay time-and-a-half for hours worked in ER excess of 40. The FLSA also forbids child labor, including forbidding the employment of workers between 16 and 18 : in certain hazardous industries and restricting the employment opportunities and hours for which persons under the age of 16 can work.

49. What are the worker rights regulated by the National Labor Relations Act? How does this act differ from the Taft-Hartley Act and the Landrum-Griffin Act?

AN The National Labor Relations Act (the Wagner Act) gives employees the right to form unions and requires employers SW to negotiate in good faith with legally established unions. This legislation increased worker rights and union ER membership. In contrast, the Taft-Hartley Act and the Landrum-Griffin Act were both enacted to limit the power of : unions. When the Wagner Act led to workers having too much power over employers, the latter acts redressed the imbalance and returned power to the employers.

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50. How does an organization evaluate its compliance with legal requirements?

AN Legal requirements of businesses are clearly numerous and complex, so organizations must use a variety of
SW mechanisms to ensure compliance. One important technique is to educate all managers and workers, not only those in
ER the human resource function, about issues ranging from sexual harassment to racial discrimination to employee
: privacy rights. This helps reduce behavior that might cause legal problems and allow workers and managers to serve
as on-the-spot observers for problematic behavior. It is also important for the firm's legal and human resource staff to
possess and communicate up-to-date information about the legal environment. This mandates continuing education for
these workers. In addition, many organizations obtain the help of consultants from outside to monitor and report
compliance problems. This is especially helpful in specialized areas such as the correct use of manufacturing safety
procedures.