

**Managing Human Resources, 8e, Global Edition (Gomez-Mejia et al.)**  
**Chapter 3 Understanding Equal Opportunity and the Legal Environment**

1) All of the following are HR responsibilities EXCEPT:

- A) monitoring the company's HR decisions.
- B) rendering official legal opinions.
- C) maintaining employment records.
- D) implementing HR policies.

Answer: B

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.1: Recognize why understanding the legal environment is important

2) HR legal environments are constantly changing. The court case that set the standard to place the burden of proof in employment discrimination on the company was:

- A) *Wards Cove Packing vs. Antonio*.
- B) *Albemarle Paper Company vs. Moody*.
- C) *Washington vs. Davis*.
- D) *Griggs vs. Duke Power*.

Answer: D

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.1: Recognize why understanding the legal environment is important

3) A fully functioning and competent Human Resource Department can replace the need for any legal advice on employment discrimination issues.

Answer: FALSE

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.1: Recognize why understanding the legal environment is important

4) Typical awards for age, sex, or disability discrimination range from \$50,000 to \$300,000 depending on the size of the employer.

Answer: TRUE

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.1: Recognize why understanding the legal environment is important

5) The landmark civil rights case that placed the burden of proof on employers in employment discrimination cases was *Griggs vs. Duke Power*.

Answer: TRUE

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.1: Recognize why understanding the legal environment is important

6) Based on Supreme Court rulings, it is best to say that employers may:

A) make employment decisions based solely on affirmative action criteria.

B) never use affirmative action criteria for making employment decisions.

C) base employment decisions partially on affirmative action criteria.

D) always use affirmative action criteria in layoff situations.

Answer: C

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.2: Become aware of conflicting strategies for fair employment

7) Which statement is true regarding ideal behavior strategy and affirmative action strategy?

A) Affirmative action asserts that employment decisions should be based solely on race, religion, and national origin. Ideal behavior asserts that such criteria should be only partially considered.

B) Affirmative action is illegal in most states, while ideal behavior strategy is legal and encouraged in all large companies.

C) Affirmative action asserts that employment decisions should be partially based on race, religion, and national origin. Ideal behavior strategy asserts that employment decisions should ignore such criteria.

D) Ideal behavior strategy has been upheld by the Supreme Court. Affirmative action is legal during layoffs but not in other employment situations.

Answer: C

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.2: Become aware of conflicting strategies for fair employment

8) The majority of Americans with Disabilities Act claims have been filed by:

A) job applicants denied employment.

B) pregnant women dismissed from work.

C) current employees injured on the job.

D) older workers nearing retirement.

Answer: C

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.2: Become aware of conflicting strategies for fair employment

9) There are a number of compliance challenges HR faces. Identify and explain at least four.

Answer: Summary of suggested answer -

- The dynamic or changing legal landscape — Court opinions are reshaping EEO compliance standards.
- The complexity of the laws — EEO-related laws tend to be highly complex, covering a multitude of situations.
- Conflicting strategies for fair employment — Sometimes politics, societal values, and legislation conflict and cause fair treatment for one group to be unfair to another group.
- Unintended consequences — Legislation can create unexpected consequences that have a significant negative impact.

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Critical Thinking

LO: 3.2: Become aware of conflicting strategies for fair employment

### Additional Case 3.1

You have been hired as HR Director of a company with about 100 employees. As you begin to learn about the company, you discover that female managers are paid about 20% less than their male counterparts. When you ask why, the CEO explains that men have families to support and women are earning extra income. As you review personnel files, it becomes apparent that protected-class employees are promoted less often and have longer terms between promotions and raises than white employees. A test is used as part of the promotion process, and protected-class candidates always do about 25% worse on it than white candidates. Another test is used to screen job applicants. It screens out about 25% of white male applicants and about 50% of protected-class applicants.

The firm has a hazardous products division. Traditionally, women are not hired or promoted into that division because the CEO is concerned that the toxic nature of the production process will adversely affect the female employees' reproductive processes.

10) Refer to Additional Case 3.1. As HR Director, you would most likely inform the CEO that the firm's current promotion test is:

- A) causing disparate treatment.
- B) violating the Equal Pay Act.
- C) violating BFOQ guidelines.
- D) causing an adverse impact.

Answer: D

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Synthesis

LO: 3.2: Become aware of conflicting strategies for fair employment

11) The Vocational Rehabilitation Act of 1973 resembles Executive Order 11246 in what way?

- A) They both require employers to make accommodations at any expense for disabled workers.
- B) They both mandate that ideal behavior strategy be implemented in all decisions regarding employment and termination of employment.
- C) They both require that covered organizations have an affirmative action plan to promote the employment of the respective protected groups.
- D) They both are enforced by the Equal Employment Opportunity Commission (EEOC).

Answer: C

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Synthesis

LO: 3.2: Become aware of conflicting strategies for fair employment

12) The Equal Pay Act of 1963:

- A) permits pay differences for quality and quantity of production.
- B) requires that gender be considered on compensation issues.
- C) eliminated pay plans based on seniority.
- D) prohibits the use of merit pay plans.
- E) has resulted in an increasing compensation gap between men and women.

Answer: A

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

13) The Equal Pay Act permits pay distinctions based on certain factors. Which of the following is NOT one of those factors?

- A) Gender
- B) Merit system
- C) Seniority system
- D) Production quality

Answer: A

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

14) Which of the following compensation possibilities is NOT permissible under the Equal Pay Act?

- A) Paying a man more than a woman when they are performing the same job in the same organization
- B) Enforcing a seniority plan that pays a woman more per year if she has been with the company longer than a man
- C) Paying a male employee more than a female employee if he has more responsibility and more job duties than she does
- D) Paying a woman more than a man if she is living in a different geographical region in which the cost of living is considerably more than the region in which the male employee is living

Answer: A

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

15) On average, in 2010, women earned how much for each dollar earned by men?

- A) \$.64
- B) \$.71
- C) \$.83
- D) \$.98

Answer: C

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

16) Dorothy discovers that her employer is paying female managers about 15% less than male managers with the same responsibilities. Dorothy's employer is violating:

- A) Title VII of the Civil Rights Act.
- B) the Civil Rights Act of 1991.
- C) Executive Order 11246.
- D) the Equal Pay Act.

Answer: D

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.3: Gain mastery of the equal employment opportunity laws

17) Booker International keeps employee records, including their national origin and gender, because the firm has overseas customers who are concerned about these issues. This practice by Booker International is a violation of which law?

- A) Equal Pay Act
- B) Americans with Disabilities Act
- C) Immigration and Naturalization Act
- D) Title VII of the Civil Rights Act of 1964

Answer: D

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.3: Gain mastery of the equal employment opportunity laws

18) Title VII of the Civil Rights Act applies to labor unions, employment agencies, and employers who have at least \_\_\_\_\_ employees.

- A) 10
- B) 15
- C) 25
- D) 50

Answer: B

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

19) Which of the following is NOT a member of a protected class?

- A) Sheena Thomas, a 25-year-old African-American woman
- B) Mark Chung, a 37-year-old Asian-American with a dependent child
- C) Gib Johnson, a 38-year-old Caucasian male, Persian Gulf War veteran
- D) Peggy Sue Smith, a 47-year-old Caucasian female, naturalized U.S. citizen

Answer: C

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.3: Gain mastery of the equal employment opportunity laws

20) Cody is a middle manager with Corwell Corporation. When on a business trip with other middle managers, Cody is required to fly coach while the other middle managers fly first class. Cody is Hispanic, while his boss and the other managers are African-American. This is most likely an example of:

- A) adverse impact.
- B) disparate impact.
- C) disparate treatment.
- D) affirmative action.

Answer: C

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.3: Gain mastery of the equal employment opportunity laws

21) SkySeekers, Inc. uses an employment test that seems to screen out a disproportionate number of young Asian-American women. If true, this practice would be an example of:

- A) the four-fifths rule.
- B) adverse impact.
- C) disparate treatment.
- D) unequal treatment.

Answer: B

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.3: Gain mastery of the equal employment opportunity laws

22) Which of the following is a characteristic of adverse impact?

- A) Neutral actions
- B) Prejudiced actions
- C) Unequal treatment
- D) Direct discrimination

Answer: C

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

23) B.J. is among a group of 25 applicants for a manager's position. As part of the selection process, all applicants take an exam. It is apparent from the results that African-American applicants tend to score lower than any other subgroup. B.J. is African-American and not selected because of his test score. B.J. may have grounds to sue due to:

- A) disparate treatment.
- B) adverse impact.
- C) a violation of Executive Order 11246.
- D) a violation of the Vocational Rehabilitation Act.

Answer: B

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.3: Gain mastery of the equal employment opportunity laws

24) The Supreme Court case, *Albemarle Paper Company vs. Moody*, ruled that:

- A) the four-fifths rule must be applied in only selective cases of clear discrimination.
- B) employment tests must be valid predictors of job performance.
- C) disparate treatment is illegal.
- D) age discrimination is illegal.

Answer: B

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

25) An employer can defend an employment practice that might otherwise be discriminatory if the employer:

- A) employs fewer than 100 employees.
- B) can demonstrate that at least four-fifths of employees are from protected classes.
- C) is foreign held and only the plant is in the United States.
- D) can demonstrate the job-relatedness of the criteria governing the job.

Answer: D

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws



26) A charter bus company requires drug tests of all its drivers prior to every charter. As a consequence of this testing, accident rates have fallen by 75%. This test seems to screen out more young minority males than any other group or protected class. This drug test is most likely:

- A) an example of disparate treatment.
- B) illegal because of adverse impact on a protected class.
- C) a *prima facie* case of discrimination based on race.
- D) legally defensible as a reasonable business necessity.

Answer: D

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.3: Gain mastery of the equal employment opportunity laws

27) Theresa Gomez has brought discrimination charges against Paper Makers, Inc. and has established a *prima facie* case based on the four-fifths rule. What most likely happens next?

- A) Theresa must contact the EEOC for a right-to-sue letter.
- B) Paper Makers, Inc. must now prove that the discrimination did not occur.
- C) Theresa must prove that she is qualified for the position and was discriminated against simply because of her gender.
- D) Paper Makers, Inc. must prove that it has been meeting the four-fifths rule for all other protected groups.

Answer: B

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.3: Gain mastery of the equal employment opportunity laws

28) Discrimination on the basis of pregnancy was explicitly prohibited by the:

- A) 1964 Civil Rights Act.
- B) Pregnancy Discrimination Act of 1978.
- C) 1991 Civil Rights Act.
- D) Sexual Harassment Act of 1988.

Answer: B

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

29) During a conversation about a promotion with his boss, George is told that if he will meet her at the Slumberland Motel and spend the night with her, he will get the promotion. This is most likely an example of:

- A) a hostile work environment.
- B) harassment.
- C) illegal employment discrimination.
- D) "quid pro quo" sexual harassment.

Answer: D

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.3: Gain mastery of the equal employment opportunity laws

30) Myrna is a fifty-year-old technical professional. She has worked for her company for over 15 years. She is Serbian by birth, but looks black because of her dark pigmentation. Myrna's new boss dislikes her for personal reasons. In meetings, he makes disparaging remarks about Serbians. In a recent argument, he cursed at her and called her an offensive name. On two occasions, he has refused to travel with her on business. What Myrna is experiencing would most likely be classified as \_\_\_\_\_ by the EEOC.

- A) sexual harassment
- B) harassment
- C) *quid pro quo* harassment
- D) adverse impact

Answer: B

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.3: Gain mastery of the equal employment opportunity laws

31) If a woman has been subjected to undesirable and offensive sexual behavior by customers in the workplace, she has most likely been a victim of:

- A) *quid pro quo* sexual harassment.
- B) harassment.
- C) discrimination.
- D) hostile work environment sexual harassment.

Answer: D

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

32) In order to decide whether verbal and other nonphysical behavior of a sexual nature create a hostile work environment, which of the following is LEAST important to consider?

- A) The age and gender of the employee
- B) Whether the conduct interferes with the employee's work performance
- C) The frequency of the discriminatory conduct
- D) Whether the conduct is physically threatening or humiliating

Answer: A

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

33) Which of the following was established by the *Oncale* case?

- A) Women's sexual harassment of men can be the basis for a sexual harassment lawsuit.
- B) Men's sexual harassment of women is not the basis for a sexual harassment lawsuit if the woman doesn't report the conduct until after she is no longer an employee at the company in question.
- C) Same-sex harassment can be the basis for a sexual harassment lawsuit.
- D) Unlawful harassment consists of any verbal or physical conduct that shows hostility towards an individual in the work environment.

Answer: C

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

34) Collette has worked for Organix Creamery for 12 years. The company has internal procedures for reporting sexual harassment problems. Recently, Collette has been experiencing sexual harassment from a new supervisor. She immediately files a complaint with the EEOC. It is likely that Organix Creamery will:

- A) have to pay punitive and compensatory damages because Collette filed an EEOC complaint.
- B) have to pay only compensatory damages to Collette.
- C) have a good defense because Collette did not first report the problem to management.
- D) have to revise its zero-tolerance sexual harassment policy.

Answer: C

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.3: Gain mastery of the equal employment opportunity laws

35) When handling a sexual harassment investigation, managers should most likely do all of the following to minimize liability EXCEPT:

- A) contacting witnesses.
- B) interviewing the alleged harasser.
- C) responding within three to five days of the complaint.
- D) determining what result or response the employee is seeking.

Answer: C

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

36) The Civil Rights Act of 1991 had several important effects on Title VII, such as:

- A) placing the burden of proof on the employee.
- B) including people with disabilities as a protected class.
- C) permitting plaintiffs to collect damages as well as back pay.
- D) setting aside the standard of proof established in the *Griggs* case.

Answer: C

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

37) The Civil Rights Act of 1991 prohibited:

- A) quotas.
- B) affirmative action plans.
- C) jury trials in sexual harassment suits.
- D) punitive and compensatory damage payments.

Answer: A

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

38) The *Wards Cove Packing Co. vs. Antonio* case affected discrimination suits by:

- A) allowing plaintiffs to collect back pay awards.
- B) stressing the importance of BFOQ as a defense.
- C) placing more of the burden of proof on the plaintiff.
- D) challenging the fairness and necessity of the four-fifths rule.

Answer: C

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

39) Which term refers to fines awarded to a plaintiff for psychological harm the plaintiff suffers?

- A) Punitive damages
- B) Disciplinary fines
- C) Restorative justice
- D) Compensatory damages

Answer: D

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

40) Executive Order 11246:

- A) was incorporated into Title VII of the Civil Rights Act of 1964.
- B) laid the groundwork for the eventual passage of the Americans with Disabilities Act.
- C) required organizations with at least 50 employees to set up affirmative action programs.
- D) required all firms with at least 50 employees to establish EEOC policies and procedures.

Answer: C

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

41) A firm is required to abide by executive orders when it has:

- A) at least 10 employees and earns over \$50,000 a year.
- B) previous EEOC violation complaints.
- C) pending discrimination trials.
- D) government contracts.

Answer: D

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

42) The Age Discrimination in Employment Act of 1967 was amended in 1986 to:

- A) remove the upper age limit.
- B) raise the retirement age to 70.
- C) require age quotas for federal contractors.
- D) include employers with fewer than 15 employees.

Answer: A

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

43) Which of the following prohibits employers from discriminating on the basis of age when providing benefits?

- A) Age Discrimination and Retirement Act
- B) Older Workers Protection Act
- C) 1991 Civil Rights Act
- D) Executive Order 11246

Answer: B

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

44) The Americans with Disabilities Act applies to any employer with at least \_\_\_\_\_ employees.

- A) 10
- B) 15
- C) 25
- D) 50

Answer: B

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

45) For a disabled employee to be protected by the ADA, the:

- A) disability must be due to cultural or economic disadvantage.
- B) disability must impair a major life activity.
- C) employee must have been employed for at least 90 days.
- D) employer must be a federal contractor.

Answer: B

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

46) Tyrone is an African-American freelance music composer. He has not held a regular job due to mental stress since his involvement, as a reservist, in the Persian Gulf War. He is seeking a jingle-writing position with an advertising firm. While Tyrone does read and write, he composes by ear. He cannot read music, he records his songs on a tape, and his wife transcribes the recorded music into sheet music. The central requirement of this job is that the composer be able to read music because the employee must work with client ideas and music ideas from other staff. Tyrone is not hired because he cannot read music. Has management made a decision that makes the firm legally liable for discrimination under the ADA?

A) Yes, because a major life function is impaired and that impairment prevented him from receiving the job.

B) No, because no major life activity is impaired. He cannot read music, but he can read.

C) Yes, because the company could have rewritten the job description to accommodate his disability.

D) No, because the requirement to read music is a secondary requirement of the job.

Answer: B

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Synthesis

LO: 3.3: Gain mastery of the equal employment opportunity laws

47) A company needs to hire a telephone customer service representative. The job is 100% telephone contact with customers and requires the ability to speak clearly and quickly due to high call volume. It also requires the ability to use a computer and to think and solve problems independently of supervision. Pauline, who is bright and experienced with computers, has a speech impediment that makes enunciation difficult and slow for her. She has an excellent track record for working unsupervised at previous jobs. Pauline is not hired due to the speech impediment. Has management made a decision that makes the firm legally liable for discrimination under the ADA?

A) Yes, because she has a major life activity impairment.

B) No, because the speech requirement is a marginal job duty.

C) Yes, because she is disqualified solely due to the impediment.

D) No, because the speech requirement is an essential task that cannot be accommodated.

Answer: D

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Synthesis

LO: 3.3: Gain mastery of the equal employment opportunity laws

48) Ralph is wheelchair-bound. After a construction injury, he attended vocational school and was trained to be a telemarketer. He has an interview for a telephone marketing position for which he is fully qualified. When he arrives, he realizes that the interview office is located on the third floor of a building without an elevator. He calls and explains his problem, but the interviewer refuses to change the appointment or location. Has management made a decision that makes the firm legally liable for discrimination under the ADA?

- A) No, because Ralph cannot get to the job location.
- B) Yes, because being wheelchair-bound disqualifies Ralph from the job.
- C) No, because the employer didn't know Ralph was disabled when scheduling the interview.
- D) Yes, because the employer is required to accommodate Ralph for the employment interview.

Answer: D

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Synthesis

LO: 3.3: Gain mastery of the equal employment opportunity laws

49) Studies show that making reasonable accommodations for disabled applicants and employees:

- A) bankrupts most small companies.
- B) adds nearly 10% to product costs.
- C) requires no money in 20% of all cases.
- D) generally costs \$5,000-\$10,000 per employer.

Answer: C

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

50) ADA claims are primarily filed for:

- A) visual impairments.
- B) speech impediments.
- C) emotional impairments.
- D) drug and alcohol addiction.

Answer: C

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws



51) The legislation that laid the foundation for the Americans with Disabilities Act was the:

- A) Vocational Rehabilitation Act.
- B) Civil Rights Act of 1964.
- C) Age Discrimination in Employment Act.
- D) Equal Pay Act.

Answer: A

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

52) The Vietnam Era Veterans Readjustment Act:

- A) prohibits federal contractors from discriminating against Vietnam-era veterans.
- B) prohibits all employers from discriminating against Vietnam-era veterans.
- C) added military service to the Civil Rights Act of 1964 as a criterion for protected classes.
- D) instituted drug testing and opened the door for later drug testing of all employees.

Answer: A

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

53) Your business is a government contractor. To begin your affirmative action plan, you start with a utilization analysis. What is your first step in conducting this analysis?

- A) Determining the percentage of protected classes in the available labor market
- B) Dividing all of the jobs in your business into classifications
- C) Assessing the percentage of persons from all protected classes working in your business
- D) Determining if your company is violating the four-fifths rule

Answer: B

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.3: Gain mastery of the equal employment opportunity laws

54) Which of the following is required to have an affirmative action plan?

- A) International corporations
- B) Private firms with at least 100 employees
- C) Government agencies
- D) Private firms with at least 25 employees

Answer: C

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

55) Once the utilization analysis has been completed, what is the next step in developing an affirmative action plan?

- A) Setting goals for correcting the underutilization of protected class groups
- B) Recruiting protected-class members for available positions
- C) Redesigning jobs so that underrepresented workers are more likely to be qualified
- D) Determining the percentage of protected classes in the available labor market

Answer: A

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

56) When creating an affirmative action plan, the central concern is:

- A) determining how many of each protected class to hire.
- B) determining how much preference to give members of the underutilized protected class.
- C) analyzing the impact of the plan on nonprotected classes in light of recent court decisions regarding reverse discrimination.
- D) setting up the appropriate barriers to nonprotected class applicants.

Answer: B

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

### Additional Case 3.1

You have been hired as HR Director of a company with about 100 employees. As you begin to learn about the company, you discover that female managers are paid about 20% less than their male counterparts. When you ask why, the CEO explains that men have families to support and women are earning extra income. As you review personnel files, it becomes apparent that protected-class employees are promoted less often and have longer terms between promotions and raises than white employees. A test is used as part of the promotion process, and protected-class candidates always do about 25% worse on it than white candidates. Another test is used to screen job applicants. It screens out about 25% of white male applicants and about 50% of protected-class applicants.

The firm has a hazardous products division. Traditionally, women are not hired or promoted into that division because the CEO is concerned that the toxic nature of the production process will adversely affect the female employees' reproductive processes.

57) Refer to Additional Case 3.1. As the HR Director, you are meeting with the CEO to discuss manager compensation. You should most likely advise the CEO that:

- A) the company is in violation of Title VII of the Civil Rights Act of 1964.
- B) the firm faces legal liability for violations of the Equal Pay Act of 1963.
- C) the OFCCP is probably monitoring the firm's lack of compliance and will soon be filing a lawsuit.
- D) what the company is doing isn't right, but it is legal since it started before the passage of relevant legislation.

Answer: B

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Synthesis

LO: 3.3: Gain mastery of the equal employment opportunity laws

58) Refer to Additional Case 3.1. For your company's recruiting test to pass the four-fifths rule, about \_\_\_\_\_ of employees would need to pass it.

- A) 40%
- B) 50%
- C) 60%
- D) 75%

Answer: C

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.3: Gain mastery of the equal employment opportunity laws

59) Refer to Additional Case 3.1. As HR Director, you should most likely inform the CEO that the company policy prohibiting women from working in the hazardous waste products division is:

- A) a wise company policy to limit potential liability from women filing suit over birth defects.
- B) well-meaning but illegal due to the 1978 amendment to Title VII of the Civil Rights Act.
- C) illegal according to the Supreme Court decision of *Griggs vs. Duke Power*.
- D) creating an adverse impact on women employees.

Answer: B

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Synthesis

LO: 3.3: Gain mastery of the equal employment opportunity laws

### Additional Case 3.2

You have recently been hired as the HR Director of a mid-sized architectural service company that designs buildings for both private firms and federal agencies. Your predecessor lost her job when she did not anticipate and handle an HR-based lawsuit to the CEO's satisfaction. The CEO believes that HRM should help the company avoid problems. As HR Director, you have three primary tasks: to anticipate future problems, advise management, and be an advocate for employees. Your boss doesn't see a conflict in these roles.

The upper-management team consists of all males who are over the age of 50. Most of the upper-level managers have been with the company for at least 25 years. Middle managers, who are mostly in their 30s, are 40% female, and 3% minority. Hourly employees are 60% minority and 35% female. The communities from which the firm hires hourly employees is approximately 75% minority and consists primarily of Haitians and Hispanics.

You discover many incomplete employee recruitment records that lack I-9 forms. You immediately begin to work on an affirmative action plan because of what you see happening in the company.

60) Refer to Additional Case 3.2. Which of the following is most likely true about this firm?

- A) A quid pro quo sexual harassment case could be made against the firm.
- B) The firm is in compliance with the Immigration Reform and Control Act.
- C) A *prima facie* case for discrimination could be made using the four-fifths rule.
- D) The firm is guilty of reverse discrimination.

Answer: C

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Critical Thinking

LO: 3.3: Gain mastery of the equal employment opportunity laws

### Additional Case 3.3

Tyra has been the head of HR at SPI for 20 years. During her time there, she has instituted an internal EEO complaint resolution process and a no-tolerance policy for sexual harassment.

Many SPI employees are Asian immigrants, but there are half a dozen countries represented within the company. Such diversity benefits the firm because many of the firm's product manuals are translated into foreign languages.

Due to an increase in product demand, SPI needs to hire many new employees. Tyra has received 70 applications for positions in the production department. She hires 60% of the white applicants and 25% of the African-Americans applicants.

61) Refer to Additional Case 3.3. Ellie, a production assistant at SPI, has been sexually harassed by a male manager. What should be Ellie's first course of action?

- A) File a complaint with the EEOC.
- B) Report the harassment to HR and begin the internal complaint resolution process.
- C) Hire an attorney and file a complaint with OSHA.
- D) Speak with other employees who may have been harassed.

Answer: B

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Critical Thinking

LO: 3.3: Gain mastery of the equal employment opportunity laws

62) Refer to Additional Case 3.3. An applicant for a type-setting job at SPI does not meet the minimum qualifications and has a visual impairment that calls for special lighting in order for her to see at a functional level. Which of the following adjustments should SPI make in order to serve the applicant?

- A) The necessary lighting should be made available once the applicant receives the job.
- B) The necessary lighting needs to be made available once the applicant requests it.
- C) No adjustment needs to be made because the applicant is not qualified for the position.
- D) No adjustment needs to be made because the applicant is not legally disabled.

Answer: C

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Synthesis

LO: 3.3: Gain mastery of the equal employment opportunity laws

63) Title VII prohibits disparate treatment and disparate impact.

Answer: TRUE

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

64) It is permissible to make employment decisions entirely on the basis of race, age, and sex if such actions rectify past inequities.

Answer: FALSE

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

65) The primary purpose of the ADA was to implement a national workers' compensation law.

Answer: FALSE

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

66) Since passage of the Equal Pay Act, the earnings gap between females and males has widened, contrary to the intent of the law.

Answer: FALSE

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

67) Employment discrimination is prohibited under Title VII of the Civil Rights Act of 1964.

Answer: TRUE

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

68) Title IX prohibits discrimination within educational institutions.

Answer: TRUE

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

69) A protected class is any group of people who suffered discrimination in the past, such as Asian-Americans, African-Americans, and women.

Answer: TRUE

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

70) Adverse impact occurs when an employer treats an employee differently because of his or her protected-class status.

Answer: FALSE

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

71) The *Griggs vs. Duke Power* case set a legal precedent for responding to disparate treatment in the workplace.

Answer: FALSE

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

72) Policies that have an adverse effect on protected persons may be defended if the policies mandate a regulation that is essential for good job performance.

Answer: TRUE

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

73) An important tool for proving a *prima facie* case of adverse impact is the four-fifths rule.

Answer: TRUE

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

74) The four-fifths rule claims that a practice has an adverse impact if the hiring rate of a protected class is greater than four-fifths that of a majority group.

Answer: FALSE

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

75) Bona fide occupational qualification is a basic defense that an employer can use in a discrimination case.

Answer: TRUE

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

76) Hostile work environment sexual harassment occurs when sexual activity is required in return for keeping a job.

Answer: FALSE

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

77) *Wards Cove Packing vs. Antonio* placed the burden of proof of discrimination on the plaintiff, but the Civil Rights Act of 1991 returned the burden of proof to the employer.

Answer: TRUE

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

78) The federal law that permits plaintiffs to collect punitive and compensatory damages is the Civil Rights Act of 1991.

Answer: TRUE

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

79) The ADA broadened the definition of a disability and added communicating to the list of major life activities.

Answer: FALSE

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

80) A disabled individual has either experienced environmental disadvantages or has a physical impairment that limits one or more major life activities.

Answer: FALSE

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

81) The Supreme Court has ruled that an employer must accommodate a disabled job applicant or employee for both essential and marginal job functions.

Answer: FALSE

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

82) Reasonable accommodations provided for disabled employees may include modifying work schedules or reassigning job duties.

Answer: TRUE



Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

83) The law that requires the same pay for men and women who do the same job in the same organization is called the \_\_\_\_\_.

Answer: Equal Pay Act (1963)

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

84) \_\_\_\_\_ is the section of the Civil Rights Act of 1964 that applies to employment decisions and mandates that employment decisions not be based on race, color, religion, sex, or national origin.

Answer: Title VII

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

85) \_\_\_\_\_ is discrimination that occurs when individuals are treated differently because of their membership in a protected class.

Answer: Disparate treatment

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

86) Discrimination that occurs when the equal application of an employment standard has an unequal effect on one or more protected classes is referred to as \_\_\_\_\_.

Answer: adverse impact

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

87) A characteristic that must be present in all employees for a particular job is called a(n) \_\_\_\_\_.

Answer: bona fide occupational qualification (BFOQ)

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

88) \_\_\_\_\_ is harassment that occurs when sexual activity is required in return for getting or keeping a job or job-related benefit.

Answer: *Quid pro quo* sexual harassment

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

89) Fines awarded to a plaintiff in order to punish the defendant are called \_\_\_\_\_.

Answer: punitive damages

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

90) A policy with which all federal agencies and organizations doing business with the federal government must comply is referred to as a(n) \_\_\_\_\_.

Answer: executive order

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

91) The law forbidding employment discrimination against people with disabilities who are able to perform the essential functions of the job with or without reasonable accommodation is the \_\_\_\_\_.

Answer: Americans with Disabilities Act (1990)

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

92) Job duties that each person in a certain position must do or must be able to do to be an effective employee are referred to as \_\_\_\_\_.

Answer: essential functions

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

93) \_\_\_\_\_ is an action taken to accommodate the known disabilities of applicants or

employees so that disabled persons enjoy equal employment opportunity.

Answer: Reasonable accommodation

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

94) \_\_\_\_\_ is discrimination against a nonprotected-class member resulting from attempts to recruit and hire members of protected classes.

Answer: Reverse discrimination

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

95) The federal agency responsible for monitoring and enforcing the laws and executive orders that apply to the federal government and its contractors is referred to as the \_\_\_\_\_.

Answer: Office of Federal Contract Compliance Programs (OFCCP)

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.3: Gain mastery of the equal employment opportunity laws

96) The most universally important law for EEO matters is Title VII of the Civil Rights Act of 1964. Review its general provisions, defining key terms.

Answer: Summary of suggested answer -

- It prohibits basing any employment decisions on race, color, religion, sex, or national origin.
- It creates protected classes, those who have suffered discrimination in the past. Discrimination is making non-job related distinctions in employment decisions. (See page 90, Figure 3-2.)
- Disparate treatment is treating employees differently because of their protected class status.
- Adverse impact is when an employment practice impacts a protected class negatively.
- The four-fifths rule is a tool for proving a *prima facie* case of discrimination.

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Critical Thinking

LO: 3.3: Gain mastery of the equal employment opportunity laws

97) What changes did the Civil Rights Act of 1991 bring to the EEO environment?

Answer: Summary of suggested answer - It shifted the burden of proof back onto the employer in discrimination cases and prohibited quotas. It permits compensatory and punitive damages to be collected by plaintiffs.

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Critical Thinking

LO: 3.3: Gain mastery of the equal employment opportunity laws

98) The Americans with Disabilities Act has been called the most significant HRM civil rights legislation in the 1990s. Discuss the essential elements of the act and key terms.

Answer: Summary of suggested answer - Title I contains employment provisions, Titles II and

III focus on government and public access to facilities. It affects employers with more than 15 employees. It prohibits discrimination against people with disabilities who are able to perform essential job functions with or without accommodation. A disability is a physical or mental impairment of one or more life activities, such as walking, speaking, breathing, sitting, lifting, etc. (See page 97 for list.) Essential functions are those which every employee must be able to do. Reasonable accommodation is providing the means for the disabled person to work without undue hardship to the employer.

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Critical Thinking

LO: 3.3: Gain mastery of the equal employment opportunity laws

99) Which of the following enforces EEO laws?

- A) Judicial branch
- B) Executive branch
- C) U.S. Congress
- D) State governments

Answer: B

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.4: Understand EEO enforcement and compliance

100) Beau, an agent for the EEOC, has just received a complaint filed by Samar against Universal Pharmaceuticals Corp. What is Beau's first step in processing the complaint?

- A) To attempt to resolve the case through conciliation
- B) To inform Universal Pharmaceuticals Corp. of the complaint
- C) To begin an investigation of the complaint
- D) To issue a right-to-sue letter to Samar

Answer: B

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.4: Understand EEO enforcement and compliance

101) The number of complaints filed with the EEOC in recent years has:

- A) declined sharply since 1990.
- B) shifted towards reverse discrimination cases.
- C) fluctuated with the state of the economy.
- D) increased since 1990.

Answer: D

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.4: Understand EEO enforcement and compliance

102) If a complaint is filed with the EEOC, and the EEOC finds no probable cause of a violation of the law, then the EEOC will most likely:

- A) initiate the conciliation process.
- B) notify the complainant who may still file a lawsuit.
- C) initiate litigation anyway.
- D) refer the case to the OFCCP for appeal.

Answer: B

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.4: Understand EEO enforcement and compliance

103) Which of the following is NOT a principal EEOC regulation?

- A) Executive Order 11246 interpretations
- B) Sex discrimination guidelines
- C) EEO in the federal government
- D) Equal Pay Act interpretations

Answer: A

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.4: Understand EEO enforcement and compliance

104) The OFCCP's jurisdiction over discrimination issues is:

- A) limited to the federal government and its contractors.
- B) as broad as the jurisdiction of the EEOC.
- C) limited to cases referred to it by the EEOC.
- D) tied to affirmative action programs.

Answer: A

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.4: Understand EEO enforcement and compliance

105) Unlike the EEOC, the OFCCP:

- A) must wait for complaints to be filed before it can act.
- B) has no enforcement power.
- C) monitors compliance with its regulations.
- D) was created by Title VII legislation.

Answer: C

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.4: Understand EEO enforcement and compliance

106) The establishment of an affirmation action plan has three steps. The first is to:

- A) establish goals and timetables for compliance.
- B) investigate the claim of discrimination.
- C) develop action plans to meet federal guidelines.
- D) conduct a utilization analysis.

Answer: D

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.4: Understand EEO enforcement and compliance

107) In a utilization analysis, you do NOT need to determine the percentage of protected-class members in which of the following groups of people?

- A) Local population
- B) Participants in employer-sponsored training programs
- C) Local labor force
- D) Unqualified workers in the local labor market

Answer: D

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.4: Understand EEO enforcement and compliance

108) Reverse discrimination involves discrimination against:

- A) nonprotected class members.
- B) disabled individuals
- C) protected class members
- D) women.

Answer: A

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.4: Understand EEO enforcement and compliance

109) Which legislation would most likely protect an individual from reverse discrimination?

- A) Civil Rights Act of 1991
- B) Vocational Rehabilitation Act of 1973
- C) Fair Labor Standards Act
- D) Title VII of the Civil Rights Act of 1964

Answer: D

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.4: Understand EEO enforcement and compliance

110) Which of the following best describes affirmative action in countries other than the United States?

- A) Affirmative action is virtually non-existent outside of the United States.
- B) France is one of the few countries that has an affirmative action policy to include all disadvantaged groups.
- C) A number of countries have created affirmative action programs that are designed to meet the needs of their respective populations.
- D) Affirmative action laws are common in Western Europe, but very uncommon in eastern and south-eastern countries.

Answer: C

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.4: Understand EEO enforcement and compliance

111) A utilization analysis looks at which of the following criteria?

- A) The national population
- B) Qualified workers in the local labor pool
- C) The number of potential employees in public schools in the area
- D) The number of federal contractors in the labor pool area

Answer: B

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.4: Understand EEO enforcement and compliance

### Additional Case 3.2

You have recently been hired as the HR Director of a mid-sized architectural service company that designs buildings for both private firms and federal agencies. Your predecessor lost her job when she did not anticipate and handle an HR-based lawsuit to the CEO's satisfaction. The CEO believes that HRM should help the company avoid problems. As HR Director, you have three primary tasks: to anticipate future problems, advise management, and be an advocate for employees. Your boss doesn't see a conflict in these roles.

The upper-management team consists of all males who are over the age of 50. Most of the upper-level managers have been with the company for at least 25 years. Middle managers, who are mostly in their 30s, are 40% female, and 3% minority. Hourly employees are 60% minority and 35% female. The communities from which the firm hires hourly employees is approximately 75% minority and consists primarily of Haitians and Hispanics.

You discover many incomplete employee recruitment records that lack I-9 forms. You immediately begin to work on an affirmative action plan because of what you see happening in the company.

112) Refer to Additional Case 3.2. Based on your utilization study of the company, which of the following EEO-related problems does the firm most likely have?

- A) Minorities are significantly underrepresented in management.
- B) Women are significantly underrepresented in middle management.
- C) The firm's hourly workforce does not reflect the labor pool population.
- D) You are probably in violation of the Vocational Rehabilitation Act.

Answer: A

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Critical Thinking

LO: 3.4: Understand EEO enforcement and compliance

113) Refer to Additional Case 3.2. Which of the following would most likely check the firm for compliance with EEO regulations?

- A) EEOC
- B) DOJ
- C) OFCCP
- D) OSHA

Answer: C

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.4: Understand EEO enforcement and compliance



114) The EEOC investigates complaints, resolves complaints through conciliation, forces employers to pay compensation, and issues regulations and guidelines.

Answer: FALSE

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.4: Understand EEO enforcement and compliance

115) The first step in affirmative action planning is conducting a utilization analysis.

Answer: TRUE

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.4: Understand EEO enforcement and compliance

116) A strategy intended to achieve fair employment by urging employers to hire certain groups of people who were discriminated against in the past is referred to as \_\_\_\_\_.

Answer: affirmative action

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.4: Understand EEO enforcement and compliance

117) \_\_\_\_\_ is an attempt to reach a negotiated settlement between the employer and an employee or applicant in an EEO case.

Answer: Conciliation

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.4: Understand EEO enforcement and compliance

118) Your text refers to two major regulatory agencies that are responsible for the enforcement of EEO law. Name them and discuss their individual responsibilities and differences.

Answer: Summary of suggested answer - The Equal Employment Opportunity Commission (EEOC) and the Office of Federal Contract Compliance Programs (OFCCP). The EEOC has three functions: processing discriminating complaints, issuing written regulations, and information gathering and dissemination. The EEOC attempts to resolve cases by conciliation. It cannot compel an employer to pay compensation or damages, but it may issue a right-to-sue letter to the complainant if conciliation does not resolve the case. The (OFCCP) only regulates the EEO laws in companies that are run or contracted by the federal government. Unlike the EEOC, it is proactive in monitoring compliance with the regulations and it can also mete out financial consequences for non-compliance.

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Critical Thinking

LO: 3.4: Understand EEO enforcement and compliance

119) Explain the development of affirmative action plans.

Answer: Summary of suggested answer - It is a three-step process involving a utilization

analysis, setting goals and timetables, and finally the plan itself. Utilization analysis involves determining the demographic composition of the current workforce, then determining the percentage of protected class workers within that labor market, and comparing the two sets of data. (See page 102, Figure 3-7, for the components of the eight-factor availability analysis.) Setting goals and timetables is simply determining the timeframe and degree of correcting the underutilization. The action plan may involve recruiting, job redesign, specialized training for underprepared applicants, and removing unnecessary barriers.

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Critical Thinking

LO: 3.4: Understand EEO enforcement and compliance

120) The Immigration Act of 1990 served the purpose of:

- A) reducing the flow of illegal immigrants into the United States.
- B) requiring employers to verify I-9 documentation from workers.
- C) making it easier for skilled immigrants to enter the United States.
- D) requiring immigrants to have family members who are U.S. citizens.

Answer: C

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.5: Have familiarity with other important laws

121) Since the passage of the Drug Free Workplace Act of 1988, about \_\_\_\_\_ of Fortune 200 companies conduct some form of drug testing.

- A) 43%
- B) 58%
- C) 84%
- D) 98%

Answer: D

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.5: Have familiarity with other important laws

122) The rights of individuals who must take short leaves from their private-sector employers to perform military service are protected by:

- A) Title VII of the Civil Rights Act of 1964.
- B) the Civil Rights Act of 1991.
- C) the Uniformed Service Employment and Reemployment Rights Act of 1994.
- D) the OFCCP.

Answer: C

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.5: Have familiarity with other important laws

123) According to your book, which of the following would LEAST likely minimize EEO complaints in organizations?

- A) Documenting decisions
- B) Being honest in employee evaluations
- C) Providing training to employees
- D) Asking applicants personal questions

Answer: D

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.6: Ensure avoiding pitfalls in EEO

124) The best way companies can avoid a number of EEO problems is by:

- A) providing training.
- B) employing effective legal departments.
- C) referring all complaints to the EEOC immediately.
- D) enlarging the HR department by creating an ombudsman position.

Answer: A

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.6: Ensure avoiding pitfalls in EEO

125) All of the following are most likely results of establishing a complaint resolution process EXCEPT:

- A) Lowering legal expenses
- B) Increasing employee morale
- C) Documenting performance appraisals
- D) Avoiding EEOC and OFCCP involvement

Answer: C

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.6: Ensure avoiding pitfalls in EEO

126) Many employers are accused of using non-job-related criteria in hiring decisions. The best management practice for an employer to use in refuting this type of allegation would most likely

be:

- A) appropriately documenting the decision.
- B) providing workers with EEOC training.
- C) establishing a complaint resolution process.
- D) being honest with job applicants.

Answer: A

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.6: Ensure avoiding pitfalls in EEO

127) A 50-year-old African-American employee has been "carried" by management for years. His substandard performance has been largely ignored because of personal concerns for his family and his supervisor's inability to confront poor performance. Now after seven years, the employee is fired as part of a layoff and files an age- and race-based discrimination suit. The primary way this problem could have been avoided would have been for the company and supervisor to have:

- A) provided EEOC training to all supervisors.
- B) established a complaint resolution system.
- C) documented the employee's work history.
- D) argued for reverse discrimination.

Answer: C

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.6: Ensure avoiding pitfalls in EEO

128) Which of the following is NOT one of the methods Marriott uses to handle employee grievances?

- A) Assigning a mediator to handle disputes
- B) Creating an employee hotline for complaints
- C) Developing a legal team to administer decisions
- D) Establishing a panel of peers to make binding decisions

Answer: C

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.6: Ensure avoiding pitfalls in EEO

129) The EEOC primarily uses alternative dispute resolution systems to:

- A) document employee concerns.
- B) handle cases more quickly.
- C) comply with employer requests.
- D) meet federal requirements.

Answer: B

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.6: Ensure avoiding pitfalls in EEO

130) When conducting a job interview, an interviewer:

- A) may ask questions regarding health to ensure proper consideration of ADA issues.
- B) should only ask questions that are clearly related to job performance.
- C) may ask questions regarding ethnic origin to meet affirmative action requirements.
- D) should investigate any EEO-related issues observed in the applicant.

Answer: B

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.6: Ensure avoiding pitfalls in EEO

131) You need to know if an applicant can speak a foreign language, as a job-related skill. Which of the following is an acceptable way to ask for the information in an interview?

- A) What language do you commonly use?
- B) Do you read, write, or speak a foreign language?
- C) What is your ethnic background?
- D) Where did you learn to speak \_\_\_\_\_, at home or in school?

Answer: B

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.6: Ensure avoiding pitfalls in EEO

132) A job requires rotating shift work. Which is an acceptable question for evaluating an applicant's ability to perform that shift work?

- A) You understand that this job requires a rotating shift, don't you?
- B) What childcare provisions have you made in order to be available for this rotating shift?
- C) Does your faith keep you from working weekends?
- D) Are there any physical limitations that would make it difficult for you to work a rotating shift?

Answer: A

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.6: Ensure avoiding pitfalls in EEO

133) Your insurance carrier requires a health evaluation of all new hires for insurance purposes. To assess an applicant's health state, you could legally ask:

- A) Do you have any physical limitations that would inhibit your performance of this job?
- B) Are you willing to take a physical examination if you were offered this position?
- C) How would you describe your general health?
- D) When was your last physical examination?

Answer: B

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.6: Ensure avoiding pitfalls in EEO

134) Which of the following is an appropriate interview question?

- A) Have you ever been denied credit?
- B) Have you ever been arrested?
- C) Are you at least 18 years old?
- D) What is your current marital status?

Answer: C

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.6: Ensure avoiding pitfalls in EEO

135) What is the most likely problem with asking applicants about their hobbies and club memberships?

- A) This is too familiar a question to be appropriate in a job interview.
- B) Information may be given that indicates the applicant's race, sex, or religion.
- C) The information could be used for commercial purposes by those with data access.
- D) Such questions tend to encourage reverse discrimination and adverse impact on minorities.

Answer: B

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.6: Ensure avoiding pitfalls in EEO

### Additional Case 3.3

Tyra has been the head of HR at SPI for 20 years. During her time there, she has instituted an internal EEO complaint resolution process and a no-tolerance policy for sexual harassment.

Many SPI employees are Asian immigrants, but there are half a dozen countries represented within the company. Such diversity benefits the firm because many of the firm's product manuals are translated into foreign languages.

Due to an increase in product demand, SPI needs to hire many new employees. Tyra has received 70 applications for positions in the production department. She hires 60% of the white applicants and 25% of the African-Americans applicants.

136) Refer to Additional Case 3.3. Which of the following is an appropriate question for Tyra to ask an applicant?

- A) What language do you speak at home?
- B) Do you speak or write in another language fluently?
- C) How did you learn to read or write in a foreign language?
- D) What language do you feel most comfortable with?

Answer: B

Diff: 3

AACSB: Diverse and multicultural work environments

Skill: Application

LO: 3.6: Ensure avoiding pitfalls in EEO

137) A helpful strategy for minimizing EEO complaints is to be honest with employees regarding their poor job performance.

Answer: TRUE

Diff: 1

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.6: Ensure avoiding pitfalls in EEO

138) It is appropriate for an employer to ask, "Does your religion keep you from working on weekends?" if weekend shift work is a normal part of the job.

Answer: FALSE

Diff: 2

AACSB: Diverse and multicultural work environments

Skill: Concept

LO: 3.6: Ensure avoiding pitfalls in EEO