

Chapter 03 - Providing Equal Employment Opportunity and a Safe Workplace

Chapter 03

Providing Equal Employment Opportunity and a Safe Workplace

True / False Questions

1. The legislative branch of the U.S. government is responsible for enforcing the laws passed by Congress.

True False

2. The Thirteenth Amendment to the U.S. constitution has been applied in cases where discrimination involved the "badges" and "incidents" of slavery.

True False

3. A person can use fourteenth amendment for protection in charges of reverse discrimination if he had been fired by a private employer or a government entity.

True False

4. Under the Equal Pay Act of 1963, men and women within the same organization must receive equal pay for equal work, unless the difference in pay results from seniority, merit, quality or quantity of production, or any factor other than sex.

True False

5. Title VII of the Civil Rights Act of 1964 does not apply to an organization that has 40 employees.

True False

6. Older workers are not covered by the Title VII of the Civil Rights Act of 1964.

True False

7. The Vocational Rehabilitation Act of 1973 prohibits an organization's active effort to involve in affirmative action.

True False

8. It is illegal for an employer to refuse to hire a woman because she is pregnant.

True False

9. A person with a history of heart disease is covered under the Americans with Disabilities Act (ADA) of 1990.

True False

10. Americans with Disabilities Act cover conditions such as substance abuse and left-handedness.

True False

11. In contrast to other EEO laws, the Americans with Disabilities Act goes beyond prohibiting discrimination to require that employees take steps to accommodate individuals covered under the act.

True False

12. One major change in EEO law under CRA 1991 has been the addition of compensatory and punitive damages in cases of discrimination under Title VII and the Americans with Disabilities Act.

True False

13. Under the Uniformed Services Employment and Reemployment Rights Act of 1994 employers must reemploy workers who left jobs to fulfill military duties for up to ten years.

True False

14. Plexio is a chemical Company that engages in the manufacture and sale of chemicals, plastics, and fibers in the United States. The company has 600 employees. It is illegal for the company to use genetic information to hire and promote employees.

True False

15. Executive Order 11478 requires the federal government to base all its employment policies on merit and fitness.

True False

16. Each year organizations that are government contractors or subcontractors or have 100 or more employees must file an Employer Information Report with the EEOC.

True False

17. Courts could consider equal employment opportunity commission's guidelines as laws by itself.

True False

18. An employer who checks references and investigates the conviction records of minority applicants, but who does not do so for majority applicants, is likely to be challenged on the basis of disparate treatment.

True False

19. Disparate treatment on the basis of sex or race is illegal even if it is a bona fide occupational qualification.

True False

20. A plaintiff must show employers intent to prove disparate impact in court.

True False

21. In Title VII sexual harassment cases, only male-to-female or female-to-male behaviors are actionable.

True False

22. The Occupational Safety and Health Act authorized the federal government through the Department of Labor and the Department of Health to establish and enforce occupational safety and health standards for all places of employment engaging in interstate commerce.

True False

23. Under the OSH act, employees have the right to have employer violations posted at the work site.

True False

24. Office workers who encounter a chemical infrequently are also covered by the requirements of OSHA's Hazard Communication Standard.

True False

25. Occupational Safety and Health Act directly regulate the employer and employee behavior in work places to ensure safety.

True False

Multiple Choice Questions

26. The _____ is responsible for enforcing the laws passed by Congress.

- A. judicial branch of the government
- B. EEOC
- C. executive branch of the government
- D. legislative branch of the government
- E. Supreme Court

27. The legislative branch:

- A. consists of the two houses of Congress.
- B. cannot develop laws in response to perceived societal needs.
- C. is overseen and fully controlled by the president.
- D. is the same as the judicial branch of US government.
- E. is responsible for enforcing the laws passed by Congress.

28. Which legislative/regulatory actions are under the direct control of the President?

- A. Constitutional amendments
- B. Judicial decisions
- C. Legislation
- D. Executive orders
- E. Legislative branch orders

29. Which one of the following laws requires all organizations holding federal contracts to engage in affirmative action to hire women and minorities?

- A. Title VII of CRA
- B. Executive Order 11246
- C. Civil Rights Act of 1991
- D. Thirteenth Amendment to the Constitution
- E. Rehabilitation Act of 1973

30. Which of the following amendments to the U.S. Constitution have major implications for human resource management?

- A. Third
- B. Fourth
- C. Seventh
- D. Tenth
- E. Fourteenth

31. Which of the following amendments to the constitution abolished slavery?

- A. Third
- B. Fourth
- C. Thirteenth
- D. Fourteenth
- E. Tenth

32. When Alan Bakke sued the University of California Board of Regents, he was claiming protection from reverse discrimination stemming from:

- A. the thirteenth amendment.
- B. the fourteenth amendment.
- C. the Age Discrimination Act.
- D. the Civil Rights Act of 1991.
- E. Title VII of CRA.

33. A white male applicant for employment is refused a job in favor of a less-qualified minority applicant. He sues the employer for reverse discrimination, claiming equal protection under the Fourteenth Amendment. Identify the employer who would not be covered by this amendment and, thus, would have a good chance of winning the case.

- A. Michigan State University
- B. Texas Department of Corrections
- C. United States Equal Employment Opportunity Commission
- D. International Business Machines (IBM)
- E. US Commission on National Security

34. Which of the following is enforced by the Equal Employment Opportunity Commission?

- A. Thirteenth Amendment
- B. Rehabilitation Act of 1973
- C. Fourteenth Amendment
- D. Civil Rights Acts
- E. Americans with Disabilities Act of 1990

35. The Civil Rights Acts of 1866 and 1871 still play an active role in employment rights cases because they:

- A. allow plaintiffs to recover both compensatory and punitive damages.
- B. allow white citizens the right to enter into and enforce contracts.
- C. cover age discrimination, an employment category not covered by the 1964 Civil Rights Act.
- D. not only cover race, color, religion, age, disability, and national origin, but sexual orientation as well.
- E. provide protection against reverse discrimination.

36. The _____ granted all persons the same property rights as white citizens, as well as the right to enter into and enforce contracts.

- A. Thirteenth Amendment
- B. Fourteenth Amendment
- C. Civil Rights Act of 1866
- D. Title VII of CRA
- E. Executive Order 11246

37. The Equal Pay Act of 1963 does not allow men and women performing the same job to be paid differently as a result of:

- A. merit.
- B. seniority.
- C. education.
- D. quality of production.
- E. gender.

38. Which of the following is true about Title VII of the Civil Rights Act of 1964?

- A. The act is enforced by the U.S. Department of Labor.
- B. The act applies to organizations with 15 employees or more.
- C. The act prohibits employers from discriminating against workers due to their age.
- D. The act protects employers from employee threats.
- E. The act abolished the use of affirmative action by organizations.

39. Title VII of the Civil Rights Act of 1964 would apply to an organization that has:

- A. 10 employees working 40 weeks in a year.
- B. 15 employees working 10 weeks in a year.
- C. 20 employees working 5 weeks in a year.
- D. 15 employees working 20 weeks in a year.
- E. 5 employees working 20 weeks/year and 5 employees working 30 weeks/year.

40. You think that your company is discriminating illegally against a particular group, and you express your concern through the usual chain of command. This would be considered:

- A. opposition.
- B. retaliation.
- C. participation in a proceeding.
- D. discrimination.
- E. reprising.

41. Which of the following can be referred to as participation in a proceeding?

- A. Participation in the creation of a law
- B. Suing the previous employer
- C. Expressing dissatisfaction over employment
- D. Whistle blowing
- E. Testifying in an investigation

42. Discrimination on the basis of _____ is not covered by Title VII.

- A. age
- B. race
- C. religion
- D. national origin
- E. color

43. Why do complaints of age discrimination grow when the economy is slow?

- A. Older employees provide a tremendous pool of potential.
- B. Companies are forced to retain their best talent during times of recession.
- C. Companies try to save labor costs by laying off older workers.
- D. Companies try to provide more opportunities to younger workers.
- E. Older workers are least affected by a slow economy.

44. Age Discrimination in Employment Act (ADEA) protects only those workers who are over the age of:

- A. sixty.
- B. sixty five.
- C. fifty.
- D. forty.
- E. fifty five.

45. Which of the following statements, even if true, would be a violation of Age Discrimination in Employment Act?

- A. Older employees are allowed to work even after attaining the retirement age.
- B. Employees over the age of 45 are asked to retire as a part of a company's downsizing program.
- C. An employee is denied employment because of the fact that he is a minor.
- D. Older workers in an organization are compensated higher than the younger workers.
- E. An employee avails voluntary retirement before attaining the retirement age.

46. Which of the following terms refers to an organization's active effort to find opportunities to hire or promote people in a particular group?

- A. Affirmative action
- B. Disparate treatment
- C. Reasonable accommodation
- D. Discrimination
- E. Grievance procedure

47. Vocational Rehabilitation Act of 1973 was introduced to enhance employment opportunity for:

- A. women.
- B. minors.
- C. older employees.
- D. individuals with disabilities.
- E. minorities.

48. Americans with Disabilities Act protects some one who:

- A. is obese.
- B. is severely disfigured.
- C. is subject to substance abuse.
- D. has red albino eyes.
- E. is left-handed.

49. Which of the following conditions is not covered under the Americans with Disabilities Act?

- A. History of heart disease
- B. History of mental illness
- C. Cancer in remission
- D. Deafness
- E. Substance abuse

50. In contrast to most other EEO laws, the Americans with Disabilities Act:

- A. applies to all U.S. employers regardless of the number of employees employed.
- B. covers employment practices such as job application procedures and training, but does not include activities such as fringe benefits.
- C. goes beyond prohibiting discrimination to require that employers take steps to accommodate individuals covered under the act.
- D. has resulted in the largest number of charges filed with the EEOC.
- E. is used to protect individuals with minor disabilities such as left-handedness and obesity.

51. One of the major changes in EEO law under the Civil Rights Act of 1991 is:

- A. the limitation of damage awards to equitable relief.
- B. the inclusion of Hispanics as a protected group.
- C. the addition of compensatory and punitive damage awards.
- D. the inclusion of all businesses regardless of size.
- E. the inclusion of special conditions such as substance abuse.

52. Cellant Solar Energy, Inc. is company that produces solar panels for domestic use. It has 800 employees. What is the maximum punitive damage allowed for Cellar under the Civil Rights Act of 1991?

- A. \$50,000
- B. \$100,000
- C. \$200,000
- D. \$300,000
- E. \$250,000

53. The Civil Rights Act of 1991:

- A. limits damage claims to lost benefits and attorney's fees and costs.
- B. requires violators to pay punitive damages that cover emotional pain and suffering.
- C. requires violators to pay compensatory damages, an amount beyond actual loss.
- D. limits the maximum punitive damages allowed, depending on the size of the organization.
- E. has limited the maximum punitive damages to \$50,000 for all kinds of organizations.

54. Under Uniformed Services Employment and Reemployment Rights Act of 1994, employers must reemploy workers who left jobs to fulfill military duties for up to:

- A. five years
- B. four years
- C. three years
- D. seven years
- E. ten years

55. A worker leaves an organization for three years to fulfill military duties. Which of the following observations is true of the employer's obligation to reemploy the worker?

- A. The employer is not obligated to reemploy the worker.
- B. Employer must reemploy the worker with the same seniority.
- C. The employer can reemploy the worker two years later.
- D. Employer should reemploy the worker; may be with a different status.
- E. The employer must reemploy the worker with a different pay scale.

56. Which of the following laws prohibits federal contractors and subcontractors from discriminating based on race, color, religion, sex, or national origin?

- A. Thirteenth Amendment to constitution
- B. Civil Rights Act of 1866
- C. Civil Rights Act of 1871
- D. Executive Order 11478
- E. Executive Order 11246

57. Which of the following laws requires the federal government to base all its employment policies on merit and fitness?

- A. Thirteenth Amendment to constitution
- B. Executive Order 11478
- C. Civil Rights Act of 1866
- D. Civil Rights Act of 1871
- E. Executive Order 11246

58. An individual wishing to file a complaint with the EEOC or a similar state agency must file the complaint within _____ days of the incident.

- A. 30
- B. 60
- C. 90
- D. 120
- E. 180

59. After filing a discrimination complaint with the EEOC or other governmental agency, how long does an individual have to wait to sue in federal court?

- A. 30 days
- B. 60 days
- C. 90 days
- D. 120 days
- E. 180 days

60. An individual should NOT file a law suit in federal court:

- A. immediately after the incident involving discrimination has occurred.
- B. when the complaint is found to be invalid after the investigation.
- C. when EEOC fails to complete the investigation within the stipulated time.
- D. when all attempts at settlement have failed.
- E. before the investigation by EEOC is completed.

61. _____ refers to an agreement between the EEOC and an organization that the organization will cease certain discriminatory practices and possibly institute additional affirmative-action practices to rectify its history of discrimination.

- A. Trust agreement
- B. Good faith agreement
- C. Consent decree
- D. Stipulation
- E. Estoppel

62. EEO-1 form has to be filed by all organizations that has:

- A. engaged in interstate commerce.
- B. a hundred or more employees.
- C. has been in existence for less than three years.
- D. been doing business overseas.
- E. an annual revenue of more than \$100,000.

63. The set of guidelines issued jointly by the EEOC and other government agencies involved in employment rights enforcement responsibilities are known as the:

- A. Uniform Commercial Code.
- B. Code of U.S. Employment Practices.
- C. Procedural Guidelines for Title VII.
- D. Uniform Guidelines on Employee Selection Procedures.
- E. Federal Contract Compliance Procedures.

64. Who is responsible for enforcing the executive orders that cover companies doing business with the federal government?

- A. Court system
- B. OSHA
- C. OFCCP
- D. EEOC
- E. OCFO

65. Which of the following refers to a comparison of the race, sex, and ethnic composition of the employer's workforce with that of the available labor supply?

- A. Discrimination analysis
- B. Job analysis
- C. Occupational analysis
- D. Utilization analysis
- E. Action steps

66. _____ refer(s) to a plan for how the organization will meet its diversity goals.

- A. Action steps
- B. Utilization Schedule
- C. Diversification
- D. Job analysis
- E. Occupational maps

67. Differing treatment of individuals, where the differences are based on the individuals' race, color, religion, sex, national origin, age, or disability status is termed as:

- A. disparate impact.
- B. affirmative action.
- C. disparate treatment.
- D. reasonable accommodation.
- E. inordinate accommodation.

68. Disparate treatment could be legal if the discrimination:

- A. results in increased efficiency.
- B. is performed by a governmental organization.
- C. is performed by a private employer.
- D. is intended to reduce reverse discrimination.
- E. is for a bona fide occupational qualification.

69. A company is not performing an illegal activity if it engages in disparate treatment based on gender for hiring a(n):

- A. salesperson.
- B. electrician.
- C. customer service professional.
- D. bathroom attendant.
- E. marketing manager.

70. A bona fide occupational qualification must be:

- A. an industry-wide recognized practice.
- B. a necessary qualification for the job.
- C. court-approved.
- D. a preferred qualification for the job.
- E. directly related to worker's sex or race.

71. _____ refers to a condition in which employment practices are seemingly neutral yet disproportionately exclude a protected group from employment.

- A. Disparate impact
- B. Disparate treatment
- C. Fortuitous treatment
- D. Accidental action
- E. Inordinate accommodation

72. Which one of the following cases would most likely be filed under the theory of disparate impact?

- A. White applicants with high test scores are rejected due to an affirmative action plan.
- B. A white applicant is told he will not be hired because the company does not hire white people.
- C. Black applicants are being disproportionately rejected relative to whites by a paper-and-pencil test.
- D. A black employee is fired for testifying in a discrimination suit filed against an employer.
- E. A company has more black women than white men and black women.

73. 50 white applicants and 40 black applicants apply for a job. Assume that you have hired 25 of 50 white applicants. In order to avoid an adverse impact, you should hire a minimum of _____ blacks.

- A. 10
- B. 12
- C. 14
- D. 16
- E. 20

74. Identify the situation where an employer is most likely to defend his action against a discrimination law suit.

- A. An airline company specifying heights for pilots.
- B. A manufacturing company excluding women to protect them from the adverse effect of chemicals.
- C. A company bringing starting pay into line with competitors.
- D. A restaurant hiring only young women as waiters.
- E. A company that pays more to men workers than women workers.

75. The ratio of the hiring rate of a majority group to the hiring rate of a minority group is given below. Which of these ratios provide evidence for discrimination?

- A. 1
- B. 0.8
- C. 0.5
- D. 1.2
- E. 1.5

76. Identify the type of case where most of the debate focuses on discriminatory consequences rather than the intent to discriminate.

- A. Disparate impact
- B. Disparate treatment
- C. Reasonable accommodation
- D. Retaliation
- E. Gender discrimination

77. Which of the following actions of employers can result in reverse discrimination?

- A. Affirmative action
- B. Reasonable accommodation
- C. Disparate treatment
- D. General duty clause
- E. Disparate impact

78. Which of the following refers to an employer's obligation to do something to enable an otherwise qualified person to perform a job?

- A. Reverse discrimination
- B. Reasonable accommodation
- C. Utilization analysis
- D. General duty clause
- E. Affirmative action

79. Reasonable accommodation must be given to:

- A. individuals without college education.
- B. individuals with college education.
- C. individuals with disability.
- D. management professionals.
- E. production workers.

80. Which of the following adjustments can be exempted from reasonable accommodation?

- A. A large firm required to modify its examinations and training programs.
- B. A software firm required to change its work schedule to accommodate employees of certain religious faiths.
- C. A person needs to be given leave from duties on a certain date to perform religious activities.
- D. A medium-sized firm required to change a job assignment so that the person with disability can function.
- E. A small firm required to change the design and structure of the building to allow access to wheelchairs.

81. Sexual harassment refers to:

- A. unwelcome sexual advances.
- B. discrimination based on gender.
- C. preferential treatment for a sex.
- D. undue benefits provided to males.
- E. unreasonable accommodation based on gender.

82. When an individual is promised a positive outcome for submission to sex, or threatened with a negative outcome for failure to submit to sex, this is referred to as:

- A. disparate treatment.
- B. disparate impact.
- C. reverse discrimination.
- D. undue hardship.
- E. quid pro quo harassment.

83. Quid pro quo harassment refers to:

- A. mocking an individual's sexual orientation.
- B. promising benefits in return for a sexual favor.
- C. making hiring decisions based on the gender of the applicant.
- D. creating a fatal and hazardous work environment.
- E. preferential treatment for a gender at workplace.

84. A male employee, over the objections of his female colleagues, continues to display a highly suggestive calendar within his office. This is likely to result in a charge of:

- A. disparate treatment.
- B. disparate impact.
- C. reverse discrimination.
- D. sexual harassment.
- E. undue hardship.

85. Which of the following is the most comprehensive U.S. law regarding workers safety?

- A. Thirteenth amendment
- B. Fourteenth amendment
- C. OSH act
- D. Rehabilitation Act of 1973
- E. Civil Rights Act of 1991

86. Which of the following is responsible for inspecting employers, applying safety and health standards, and levying fines for violation of the OSH Act?

- A. Department of Health
- B. Department of Commerce
- C. Department of Human Services
- D. Department of Labor
- E. Department of Development

87. Which of the following is responsible for developing criteria for specific operations or occupations and for training employers to comply with?

- A. Department of Health
- B. Department of Commerce
- C. Department of Human Services
- D. Department of Labor
- E. Department of Development

88. OSH Act provides employees the right to:

- A. obtain safe living conditions near the workplace.
- B. take action against peers who violate safety rules.
- C. obtain additional money for working in unsafe conditions.
- D. obtain safety training on a daily basis.
- E. have employer violations posted at the work site.

89. In order to conduct inspection, OSHA compliance officers typically arrive at a workplace:

- A. with 7 days advance notice.
- B. with 5 days advance notice.
- C. with 3 days advance notice.
- D. with 1 day advance notice.
- E. unannounced.

90. Which of the following categories of workers will not be covered under OSHA's Hazard Communication Standards?

- A. A technician servicing copy machines for the most part of the day.
- B. A receptionist changing the toner in the copier machine.
- C. Production engineers manufacturing car batteries.
- D. Healthcare workers exposed to latex and disinfectants.
- E. A truck driver who is subject to severe risk.

91. Which of the following techniques breaks down a job into basic elements to rate them for potential for harm or injury?

- A. Job hazard analysis technique
- B. Technic of safety review
- C. Technic of operations review
- D. Reasonable accommodation
- E. Material safety data sheets

92. Which of the following methods is useful in promoting safety by determining which specific element of a job led to a past accident?

- A. Reasonable accommodation
- B. Technic of safety review
- C. Technic of operations review
- D. Job hazard analysis technique
- E. Material safety data sheets

93. The first step in a technic of operations review is to:

- A. break down each job into basic elements.
- B. establish the facts surrounding the incident.
- C. identify and communicate potential hazards to employees.
- D. prepare a material safety data sheet for each potential hazard.
- E. ranking each element on its potential for harm.

94. Which of the following is a safety challenge associated with young workers?

- A. Young workers are not motivated to use safety equipments.
- B. Young workers are more likely to submit disability claims than others.
- C. Young workers risk a decrease in co-ordination and balance.
- D. Young workers are fearful in challenging authority on safety issues.
- E. Young workers are likely to get injured due to cumulative trauma.

Essay Questions

95. What are the three branches of the U.S. government? Discuss the makeup, role, and responsibilities of each of these governing bodies in establishing and enforcing employment-related laws.

96. What are the amendments to U. S. Constitution that have implications for human resources management? Explain their impact.

97. Explain the purpose and the scope of Title VII of the Civil Rights Act of 1964.

98. What is affirmative action? Do you think this would lead to reverse discrimination? Explain your answer.

99. What are the types of disabilities covered by Americans with Disabilities Act (ADA) of 1990? Explain with reference to the definition of disability.

100. What are the executive orders that directly impact human resources management? Explain their impact.

101. Discuss the three major responsibilities of the Equal Employment Opportunity Commission.

102. Distinguish between disparate treatment, disparate impact, and reasonable accommodation theories of discrimination in terms of (a) number of plaintiffs, (b) intent, and (c) defenses.

103. Define sexual harassment, identify and discuss the two major types of harassment, and indicate four actions firms may take to ensure workplaces are free from sexual harassment.

104. Discuss the four major components of an OSHA inspection.

Chapter 03 Providing Equal Employment Opportunity and a Safe Workplace

Answer Key

True / False Questions

1. (p. 60) The legislative branch of the U.S. government is responsible for enforcing the laws passed by Congress.

FALSE

The executive branch, including the many regulatory agencies that the president oversees, is responsible for enforcing the laws passed by Congress.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-01 Explain how the three branches of government regulate human resource management.

Topic: Regulation of Human Resource Management

2. (p. 61) The Thirteenth Amendment to the U.S. constitution has been applied in cases where discrimination involved the "badges" and "incidents" of slavery.

TRUE

Thirteenth Amendment has been applied in cases where discrimination involved the "badges" (symbols) and "incidents" of slavery.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Constitutional Amendments

3. (p. 63) A person can use fourteenth amendment for protection in charges of reverse discrimination if he had been fired by a private employer or a government entity.

FALSE

A person could file a claim under the Fourteenth Amendment if he or she had been fired from a state university (a government organization) but not if the person had been fired by a private employer.

AACSB: Ethics

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Constitutional Amendments

4. (p. 63) Under the Equal Pay Act of 1963, men and women within the same organization must receive equal pay for equal work, unless the difference in pay results from seniority, merit, quality or quantity of production, or any factor other than sex.

TRUE

Under the Equal Pay Act of 1963, if men and women in an organization are doing equal work, the employer must pay them equally. The act defines equal in terms of skill, effort, responsibility, and working conditions. If the pay differences result from differences in seniority, merit, quantity or quality of production, or any factor other than sex, then the differences are legal.

AACSB: Ethics

Bloom's: Understand

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Equal Pay Act of 1963

5. (p. 63-64) Title VII of the Civil Rights Act of 1964 does not apply to an organization that has 40 employees.

FALSE

The act applies to organizations that employ 15 or more persons working 20 or more weeks a year and that are involved in interstate commerce, as well as state and local governments, employment agencies, and labor organizations.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Title VII of the Civil Rights Act of 1964

6. (p. 64) Older workers are not covered by the Title VII of the Civil Rights Act of 1964.

TRUE

One category of employees not covered by Title VII is older workers.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Title VII of the Civil Rights Act of 1964

7. (p. 65) The Vocational Rehabilitation Act of 1973 prohibits an organization's active effort to involve in affirmative action.

FALSE

The Vocational Rehabilitation Act of 1973 covers executive agencies and contractors and subcontractors that receive more than \$2,500 annually from the federal government. These organizations must engage in affirmative action for individuals with disabilities.

AACSB: Ethics

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Vocational Rehabilitation Act of 1973

8. (p. 66) It is illegal for an employer to refuse to hire a woman because she is pregnant.

TRUE

Pregnancy Discrimination Act of 1978 defines discrimination on the basis of pregnancy, childbirth, or related medical conditions to be a form of illegal sex discrimination. An employer may not refuse to hire a woman because she is pregnant.

AACSB: Ethics

Bloom's: Understand

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Pregnancy Discrimination Act of 1978

9. (p. 67) A person with a history of heart disease is covered under the Americans with Disabilities Act (ADA) of 1990.

TRUE

The ADA defines disability as a physical or mental impairment that substantially limits one or more major life activities, a record of having such impairment, or being regarded as having such impairment. The second part of this definition refers to individuals who have a history of disability, such as someone who has had cancer but is currently in remission, someone with a history of mental illness, and someone with a history of heart disease.

AACSB: Ethics

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Americans with Disabilities Act (ADA) of 1990

10. (p. 68) Americans with Disabilities Act cover conditions such as substance abuse and left-handedness.

FALSE

Conditions not covered by ADA include obesity, substance abuse, eye and hair color, and left-handedness.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Americans with Disabilities Act

11. (p. 68) In contrast to other EEO laws, the Americans with Disabilities Act goes beyond prohibiting discrimination to require that employees take steps to accommodate individuals covered under the act.

TRUE

In contrast to other EEO laws, the Americans with Disabilities Act goes beyond prohibiting discrimination to require that employees take steps to accommodate individuals covered under the act.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Americans with Disabilities Act (ADA) of 1990

12. (p. 68) One major change in EEO law under CRA 1991 has been the addition of compensatory and punitive damages in cases of discrimination under Title VII and the Americans with Disabilities Act.

TRUE

One major change in EEO law under CRA 1991 has been the addition of compensatory and punitive damages in cases of discrimination under Title VII and the Americans with Disabilities Act. Before CRA 1991, Title VII limited damage claims to equitable relief, which courts have defined to include back pay, lost benefits, front pay in some cases, and attorney's fees and costs.

AACSB: Ethics

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Civil Rights Act of 1991

13. (p. 69) Under the Uniformed Services Employment and Reemployment Rights Act of 1994 employers must reemploy workers who left jobs to fulfill military duties for up to ten years.

FALSE

Employers must reemploy workers who left jobs to fulfill military duties for up to five years.

AACSB: Ethics

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Uniformed Services Employment and Reemployment Rights Act of 1994

14. (p. 69) Plexio is a chemical Company that engages in the manufacture and sale of chemicals, plastics, and fibers in the United States. The company has 600 employees. It is illegal for the company to use genetic information to hire and promote employees.

TRUE

Under GINA's requirements, companies with 15 or more employees may not use genetic information in making decisions related to the terms, conditions, or privileges of employment

AACSB: Ethics

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Genetic Information Nondiscrimination Act of 2008

15. (p. 70) Executive Order 11478 requires the federal government to base all its employment policies on merit and fitness.

TRUE

Executive Order 11478 requires the federal government to base all its employment policies on merit and fitness.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Executive Orders

16. (p. 71) Each year organizations that are government contractors or subcontractors or have 100 or more employees must file an Employer Information Report with the EEOC.

TRUE

Each year organizations that are government contractors or subcontractors or have 100 or more employees must file an Employer Information Report (EEO-1) with the EEOC.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-03 Identify the federal agencies that enforce equal employment opportunity; and describe the role of each.

Topic: Equal Employment Opportunity Commission (EEOC)

17. (p. 72) Courts could consider equal employment opportunity commission's guidelines as laws by itself.

FALSE

EEOC issues guidelines designed to help employers determine when their decisions violate the laws enforced by the EEOC. These guidelines are not laws themselves.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-03 Identify the federal agencies that enforce equal employment opportunity; and describe the role of each.

Topic: Equal Employment Opportunity Commission (EEOC)

18. (p. 74) An employer who checks references and investigates the conviction records of minority applicants, but who does not do so for majority applicants, is likely to be challenged on the basis of disparate treatment.

TRUE

To avoid disparate treatment, companies can evaluate the questions and investigations they use in making employment decisions. These should be applied equally. For example, if the company investigates conviction records of job applicants, it should investigate them for all applicants, not just for applicants from certain racial groups.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Avoiding Discrimination

19. (p. 74) Disparate treatment on the basis of sex or race is illegal even if it is a bona fide occupational qualification.

FALSE

The courts have held that in some situations, a factor such as sex or race may be a bona fide occupational qualification (BFOQ), that is, a necessary (not merely preferred) qualification for performing a job.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Avoiding Discrimination

20. (p. 75) A plaintiff must show employers intent to prove disparate impact in court.

FALSE

An important distinction between disparate treatment and disparate impact is the role of the employer's intent. Proving disparate treatment in court requires showing that the employer intended the disparate treatment, but a plaintiff need not show intent in the case of disparate impact.

AACSB: Ethics

Bloom's: Understand

Difficulty: Easy

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Avoiding Discrimination

21. (p. 79) In Title VII sexual harassment cases, only male-to-female or female-to-male behaviors are actionable.

FALSE

Based on Title VII's prohibition of sex discrimination, same-sex harassment also occurs and is illegal.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-05 Define sexual harassment; and tell how employers can eliminate or minimize it.

Topic: Preventing Sexual Harassment

22. (p. 80) The Occupational Safety and Health Act authorized the federal government through the Department of Labor and the Department of Health to establish and enforce occupational safety and health standards for all places of employment engaging in interstate commerce.

TRUE

The Occupational Safety and Health Act authorized the federal government through the Department of Labor and the Department of Health to establish and enforce occupational safety and health standards for all places of employment engaging in interstate commerce.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-06 Explain employers' duties under the Occupational Safety and Health Act.

Topic: Occupational Safety and Health Act (OSH Act)

23. (p. 82) Under the OSH act, employees have the right to have employer violations posted at the work site.

TRUE

Under the OSH act, employees have the right to have employer violations posted at the work site.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-07 Describe the role of the occupational safety and health administration.

Topic: General and Specific Duties

24. (p. 83-84) Office workers who encounter a chemical infrequently are also covered by the requirements of OSHA's Hazard Communication Standard.

FALSE

Under OSHA's Hazard Communication Standard, organizations must have material safety data sheets (MSDSs) for chemicals that employees are exposed to. Employers must also ensure that all containers of hazardous chemicals are labeled with information about the hazards, and they must train employees in safe handling of the chemicals. However, workers who encounter a chemical infrequently are not covered by these requirements.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-07 Describe the role of the occupational safety and health administration.

Topic: Employee Rights and Responsibilities

25. (p. 84) Occupational Safety and Health Act directly regulate the employer and employee behavior in work places to ensure safety.

FALSE

OSH act does not directly regulate employee behavior, little behavior change can be expected unless employees are convinced of the standards' importance.

AACSB: Analytic

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-07 Describe the role of the occupational safety and health administration.

Topic: Impact of the OSH Act

Multiple Choice Questions

26. (p. 60) The _____ is responsible for enforcing the laws passed by Congress.

- A. judicial branch of the government
- B. EEOC
- C. executive branch of the government
- D. legislative branch of the government
- E. Supreme Court

All three branches of the U.S. government—legislative, executive, and judicial—play an important role in creating a legal environment for human resource management. The executive branch, including the many regulatory agencies that the president oversees, is responsible for enforcing the laws passed by Congress.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-01 Explain how the three branches of government regulate human resource management.

Topic: Regulation of Human Resource Management

27. (p. 60) The legislative branch:

- A. consists of the two houses of Congress.
- B. cannot develop laws in response to perceived societal needs.
- C. is overseen and fully controlled by the president.
- D. is the same as the judicial branch of US government.
- E. is responsible for enforcing the laws passed by Congress.

The legislative branch, which consists of the two houses of Congress, has enacted a number of laws governing human resource activities. Senators and U.S. Representatives generally develop these laws in response to perceived societal needs.

AACSB: Analytic

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-01 Explain how the three branches of government regulate human resource management.

Topic: Regulation of Human Resource Management

28. (p. 61) Which legislative/regulatory actions are under the direct control of the President?

- A. Constitutional amendments
- B. Judicial decisions
- C. Legislation
- D. Executive orders**
- E. Legislative branch orders

Executive orders are directives issued solely by the president, without requiring congressional approval.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-01 Explain how the three branches of government regulate human resource management.

Topic: Regulation of Human Resource Management

29. (p. 61) Which one of the following laws requires all organizations holding federal contracts to engage in affirmative action to hire women and minorities?

- A. Title VII of CRA
- B. Executive Order 11246**
- C. Civil Rights Act of 1991
- D. Thirteenth Amendment to the Constitution
- E. Rehabilitation Act of 1973

President Lyndon Johnson signed Executive Order 11246, which requires all federal contractors and subcontractors to engage in affirmative-action programs designed to hire and promote women and minorities.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-01 Explain how the three branches of government regulate human resource management.

Topic: Regulation of Human Resource Management

30. (p. 61) Which of the following amendments to the U.S. Constitution have major implications for human resource management?

- A. Third
- B. Fourth
- C. Seventh
- D. Tenth
- E. Fourteenth**

Two amendments to the U.S. Constitution—the Thirteenth and Fourteenth—have implications for human resource management.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Constitutional Amendments

31. (p. 61) Which of the following amendments to the constitution abolished slavery?

- A. Third
- B. Fourth
- C. Thirteenth**
- D. Fourteenth
- E. Tenth

The Thirteenth Amendment abolished slavery in the United States.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Constitutional Amendments

32. (p. 61) When Alan Bakke sued the University of California Board of Regents, he was claiming protection from reverse discrimination stemming from:

- A. the thirteenth amendment.
- B. the fourteenth amendment.**
- C. the Age Discrimination Act.
- D. the Civil Rights Act of 1991.
- E. Title VII of CRA.

Recently the fourteenth amendment has been applied to the protection of whites in charges of reverse discrimination.

AACSB: Analytic

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Constitutional Amendments

33. (p. 61; 63) A white male applicant for employment is refused a job in favor of a less-qualified minority applicant. He sues the employer for reverse discrimination, claiming equal protection under the Fourteenth Amendment. Identify the employer who would not be covered by this amendment and, thus, would have a good chance of winning the case.

- A. Michigan State University
- B. Texas Department of Corrections
- C. United States Equal Employment Opportunity Commission
- D. International Business Machines (IBM)**
- E. US Commission on National Security

An important point regarding the Fourteenth Amendment is that it applies only to the decisions or actions of the government or of private groups whose activities are deemed government actions. Thus, a person could file a claim under the Fourteenth Amendment if he or she had been fired from a state university (a government organization) but not if the person had been fired by a private employer.

AACSB: Reflective Thinking

Bloom's: Apply

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Constitutional Amendments

34. (p. 62) Which of the following is enforced by the Equal Employment Opportunity Commission?

- A. Thirteenth Amendment
- B. Rehabilitation Act of 1973
- C. Fourteenth Amendment
- D. Civil Rights Acts
- E. Americans with Disabilities Act of 1990**

Americans with Disabilities Act of 1990 is administered by the EEOC.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Equal Employment Opportunity

35. (p. 63) The Civil Rights Acts of 1866 and 1871 still play an active role in employment rights cases because they:

- A. allow plaintiffs to recover both compensatory and punitive damages.**
- B. allow white citizens the right to enter into and enforce contracts.
- C. cover age discrimination, an employment category not covered by the 1964 Civil Rights Act.
- D. not only cover race, color, religion, age, disability, and national origin, but sexual orientation as well.
- E. provide protection against reverse discrimination.

Although these laws might seem outdated, they are still used because they allow the plaintiff to recover both compensatory and punitive damages.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Civil Rights Acts of 1866 and 1871

36. (p. 63) The _____ granted all persons the same property rights as white citizens, as well as the right to enter into and enforce contracts.

- A. Thirteenth Amendment
- B. Fourteenth Amendment
- C. Civil Rights Act of 1866**
- D. Title VII of CRA
- E. Executive Order 11246

Civil Rights Act of 1866 granted all persons the same property rights as white citizens, as well as the right to enter into and enforce contracts.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Civil Rights Acts of 1866 and 1871

37. (p. 63) The Equal Pay Act of 1963 does not allow men and women performing the same job to be paid differently as a result of:

- A. merit.
- B. seniority.
- C. education.
- D. quality of production.
- E. gender.**

Under the Equal Pay Act of 1963, if men and women in an organization are doing equal work, the employer must pay them equally. If the pay differences result from differences in seniority, merit, quantity or quality of production, or any factor other than sex, then the differences are legal.

AACSB: Ethics

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Equal Pay Act of 1963

38. (p. 63-64) Which of the following is true about Title VII of the Civil Rights Act of 1964?

- A. The act is enforced by the U.S. Department of Labor.
- B.** The act applies to organizations with 15 employees or more.
- C. The act prohibits employers from discriminating against workers due to their age.
- D. The act protects employers from employee threats.
- E. The act abolished the use of affirmative action by organizations.

The act applies to organizations that employ 15 or more persons working 20 or more weeks a year and that are involved in interstate commerce, as well as state and local governments, employment agencies, and labor organizations.

AACSB: Ethics

Bloom's: Remember

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Title VII of the Civil Rights Act of 1964

39. (p. 63-64) Title VII of the Civil Rights Act of 1964 would apply to an organization that has:

- A. 10 employees working 40 weeks in a year.
- B. 15 employees working 10 weeks in a year.
- C. 20 employees working 5 weeks in a year.
- D.** 15 employees working 20 weeks in a year.
- E. 5 employees working 20 weeks/year and 5 employees working 30 weeks/year.

Title VII of the Civil Rights Act of 1964 applies to organizations that employ 15 or more persons working 20 or more weeks a year and that are involved in interstate commerce, as well as state and local governments, employment agencies, and labor organizations.

AACSB: Ethics

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Title VII of the Civil Rights Act of 1964

40. (p. 64) You think that your company is discriminating illegally against a particular group, and you express your concern through the usual chain of command. This would be considered:

- A. opposition.
- B. retaliation.
- C. participation in a proceeding.
- D. discrimination.
- E. reprising.

Opposition refers to expressing to someone through proper channels that you believe an illegal employment act has taken place or is taking place.

AACSB: Analytic

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Title VII of the Civil Rights Act of 1964

41. (p. 64) Which of the following can be referred to as participation in a proceeding?

- A. Participation in the creation of a law
- B. Suing the previous employer
- C. Expressing dissatisfaction over employment
- D. Whistle blowing
- E. Testifying in an investigation

Participation in a proceeding refers to testifying in an investigation, hearing, or court proceeding regarding an illegal employment act.

AACSB: Ethics

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Title VII of the Civil Rights Act of 1964

42. (p. 64) Discrimination on the basis of _____ is not covered by Title VII.

- A. age
- B. race
- C. religion
- D. national origin
- E. color

One category of employees not covered by Title VII is older workers.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Title VII of the Civil Rights Act of 1964

43. (p. 64) Why do complaints of age discrimination grow when the economy is slow?

- A. Older employees provide a tremendous pool of potential.
- B. Companies are forced to retain their best talent during times of recession.
- C. Companies try to save labor costs by laying off older workers.
- D. Companies try to provide more opportunities to younger workers.
- E. Older workers are least affected by a slow economy.

Whenever the economy is slow, the number of complaints grows. When firms downsize during recessions, older employees are laid off.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Title VII of the Civil Rights Act of 1964

44. (p. 64) Age Discrimination in Employment Act (ADEA) protects only those workers who are over the age of:

- A. sixty.
- B. sixty five.
- C. fifty.
- D.** forty.
- E. fifty five.

Congress in 1967 passed the Age Discrimination in Employment Act (ADEA), which prohibits discrimination against workers who are over the age of 40.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Age Discrimination in Employment Act (ADEA)

45. (p. 64) Which of the following statements, even if true, would be a violation of Age Discrimination in Employment Act?

- A. Older employees are allowed to work even after attaining the retirement age.
- B.** Employees over the age of 45 are asked to retire as a part of a company's downsizing program.
- C. An employee is denied employment because of the fact that he is a minor.
- D. Older workers in an organization are compensated higher than the younger workers.
- E. An employee avails voluntary retirement before attaining the retirement age.

Congress in 1967 passed the Age Discrimination in Employment Act (ADEA), which prohibits discrimination against workers who are over the age of 40.

AACSB: Reflective Thinking

Bloom's: Apply

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Age Discrimination in Employment Act (ADEA)

46. (p. 65) Which of the following terms refers to an organization's active effort to find opportunities to hire or promote people in a particular group?

- A. Affirmative action
- B. Disparate treatment
- C. Reasonable accommodation
- D. Discrimination
- E. Grievance procedure

Affirmative action refers to an organization's active effort to find opportunities to hire or promote people in a particular group.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Vocational Rehabilitation Act of 1973

47. (p. 65) Vocational Rehabilitation Act of 1973 was introduced to enhance employment opportunity for:

- A. women.
- B. minors.
- C. older employees.
- D. individuals with disabilities.
- E. minorities.

In 1973, Congress passed the Vocational Rehabilitation Act to enhance employment opportunity for individuals with disabilities.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Vocational Rehabilitation Act of 1973

48. (p. 67-68) Americans with Disabilities Act protects some one who:

- A. is obese.
- B. is severely disfigured.**
- C. is subject to substance abuse.
- D. has red albino eyes.
- E. is left-handed.

Someone who is severely disfigured is covered under the ADA. Conditions not covered include obesity, substance abuse, eye and hair color, and left-handedness.

AACSB: Ethics

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Americans with Disabilities Act (ADA) of 1990

49. (p. 67-68) Which of the following conditions is not covered under the Americans with Disabilities Act?

- A. History of heart disease
- B. History of mental illness
- C. Cancer in remission
- D. Deafness
- E. Substance abuse**

Conditions not covered under the ADA include obesity, substance abuse, eye and hair color, and left-handedness.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Americans with Disabilities Act (ADA) of 1990

50. (p. 68) In contrast to most other EEO laws, the Americans with Disabilities Act:
- A. applies to all U.S. employers regardless of the number of employees employed.
 - B. covers employment practices such as job application procedures and training, but does not include activities such as fringe benefits.
 - C. goes beyond prohibiting discrimination to require that employers take steps to accommodate individuals covered under the act.
 - D. has resulted in the largest number of charges filed with the EEOC.
 - E. is used to protect individuals with minor disabilities such as left-handedness and obesity.

In contrast to other EEO laws, the ADA goes beyond prohibiting discrimination to require that employers take steps to accommodate individuals covered under the act.

AACSB: Analytic

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Americans with Disabilities Act (ADA) of 1990

51. (p. 68) One of the major changes in EEO law under the Civil Rights Act of 1991 is:
- A. the limitation of damage awards to equitable relief.
 - B. the inclusion of Hispanics as a protected group.
 - C. the addition of compensatory and punitive damage awards.
 - D. the inclusion of all businesses regardless of size.
 - E. the inclusion of special conditions such as substance abuse.

One major change in EEO law under CRA 1991 has been the addition of compensatory and punitive damages in cases of discrimination under Title VII and the Americans with Disabilities Act.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Civil Rights Act of 1991

52. (p. 68) Cellant Solar Energy, Inc. is company that produces solar panels for domestic use. It has 800 employees. What is the maximum punitive damage allowed for Cellar under the Civil Rights Act of 1991?

- A. \$50,000
- B. \$100,000
- C. \$200,000
- D. \$300,000
- E.** \$250,000

The maximum punitive damage allowed under the Civil Rights Act of 1991 for an organization that has more than 500 employees is \$300,000. Refer Table 3.2.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Civil Rights Act of 1991

53. (p. 68) The Civil Rights Act of 1991:

- A. limits damage claims to lost benefits and attorney's fees and costs.
- B. requires violators to pay punitive damages that cover emotional pain and suffering.
- C. requires violators to pay compensatory damages, an amount beyond actual loss.
- D.** limits the maximum punitive damages allowed, depending on the size of the organization.
- E. has limited the maximum punitive damages to \$50,000 for all kinds of organizations.

Recognizing that one or a few discrimination cases could put an organization out of business, and so harm many innocent employees, Congress has limited the amount of punitive damages depending on the size of the organization.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Civil Rights Act of 1991

54. (p. 69) Under Uniformed Services Employment and Reemployment Rights Act of 1994, employers must reemploy workers who left jobs to fulfill military duties for up to:

- A.** five years
- B. four years
- C. three years
- D. seven years
- E. ten years

Under Uniformed Services Employment and Reemployment Rights Act of 1994, employers must reemploy workers who left jobs to fulfill military duties for up to five years.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Uniformed Services Employment and Reemployment Rights Act of 1994

55. (p. 6) A worker leaves an organization for three years to fulfill military duties. Which of the following observations is true of the employer's obligation to reemploy the worker?

- A. The employer is not obligated to reemploy the worker.
- B.** Employer must reemploy the worker with the same seniority.
- C. The employer can reemploy the worker two years later.
- D. Employer should reemploy the worker; may be with a different status.
- E. The employer must reemploy the worker with a different pay scale.

Under Uniformed Services Employment and Reemployment Rights Act of 1994, employers must reemploy workers who left jobs to fulfill military duties for up to five years. When service members return from active duty, the employer must reemploy them in the job they would have held if they had not left to serve in the military, including the same seniority, status, and pay rate they would have earned if their employment had not been interrupted.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Uniformed Services Employment and Reemployment Rights Act of 1994

56. (p. 70) Which of the following laws prohibits federal contractors and subcontractors from discriminating based on race, color, religion, sex, or national origin?

- A. Thirteenth Amendment to constitution
- B. Civil Rights Act of 1866
- C. Civil Rights Act of 1871
- D. Executive Order 11478
- E.** Executive Order 11246

Executive Order 11246 prohibits federal contractors and subcontractors from discriminating based on race, color, religion, sex, or national origin.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Executive Orders

57. (p. 70) Which of the following laws requires the federal government to base all its employment policies on merit and fitness?

- A. Thirteenth Amendment to constitution
- B.** Executive Order 11478
- C. Civil Rights Act of 1866
- D. Civil Rights Act of 1871
- E. Executive Order 11246

Executive Order 11478 requires the federal government to base all its employment policies on merit and fitness.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Executive Orders

58. (p. 70) An individual wishing to file a complaint with the EEOC or a similar state agency must file the complaint within _____ days of the incident.

- A. 30
- B. 60
- C. 90
- D. 120
- E. 180**

An individual wishing to file a complaint with the EEOC or a similar state agency must file the complaint within 180 days of the incident.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-03 Identify the federal agencies that enforce equal employment opportunity; and describe the role of each.

Topic: Equal Employment Opportunity Commission (EEOC)

59. (p. 70) After filing a discrimination complaint with the EEOC or other governmental agency, how long does an individual have to wait to sue in federal court?

- A. 30 days
- B. 60 days**
- C. 90 days
- D. 120 days
- E. 180 days

After the EEOC receives a charge of discrimination, it has 60 days to investigate the complaint. If the EEOC either does not believe the complaint to be valid or fails to complete the investigation within 60 days, the individual has the right to sue in federal court.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-03 Identify the federal agencies that enforce equal employment opportunity; and describe the role of each.

Topic: Equal Employment Opportunity Commission (EEOC)

60. (p. 70) An individual should NOT file a law suit in federal court:

- A. immediately after the incident involving discrimination has occurred.
- B. when the complaint is found to be invalid after the investigation.
- C. when EEOC fails to complete the investigation within the stipulated time.
- D. when all attempts at settlement have failed.
- E. before the investigation by EEOC is completed.

After the EEOC receives a charge of discrimination, it has 60 days to investigate the complaint. If the EEOC either does not believe the complaint to be valid or fails to complete the investigation within 60 days, the individual has the right to sue in federal court.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-03 Identify the federal agencies that enforce equal employment opportunity; and describe the role of each.

Topic: Equal Employment Opportunity Commission (EEOC)

61. (p. 71) _____ refers to an agreement between the EEOC and an organization that the organization will cease certain discriminatory practices and possibly institute additional affirmative-action practices to rectify its history of discrimination.

- A. Trust agreement
- B. Good faith agreement
- C. Consent decree
- D. Stipulation
- E. Estoppel

Sometimes the EEOC enters into a consent decree with the discriminating organization. This decree is an agreement between the agency and the organization that the organization will cease certain discriminatory practices and possibly institute additional affirmative-action practices to rectify its history of discrimination.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-03 Identify the federal agencies that enforce equal employment opportunity; and describe the role of each.

Topic: Equal Employment Opportunity Commission (EEOC)

62. (p. 71) EEO-1 form has to be filed by all organizations that has:

- A. engaged in interstate commerce.
- B. a hundred or more employees.**
- C. has been in existence for less than three years.
- D. been doing business overseas.
- E. an annual revenue of more than \$100,000.

Each year organizations that are government contractors or subcontractors or have 100 or more employees must file an Employer Information Report (EEO-1) with the EEOC.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-03 Identify the federal agencies that enforce equal employment opportunity; and describe the role of each.

Topic: Equal Employment Opportunity Commission (EEOC)

63. (p. 72) The set of guidelines issued jointly by the EEOC and other government agencies involved in employment rights enforcement responsibilities are known as the:

- A. Uniform Commercial Code.
- B. Code of U.S. Employment Practices.
- C. Procedural Guidelines for Title VII.
- D. Uniform Guidelines on Employee Selection Procedures.**
- E. Federal Contract Compliance Procedures.

Uniform Guidelines on Employee Selection Procedures is a set of guidelines issued by the EEOC and other government agencies. The guidelines identify ways an organization should develop and administer its system for selecting employees so as not to violate Title VII.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-03 Identify the federal agencies that enforce equal employment opportunity; and describe the role of each.

Topic: Equal Employment Opportunity Commission (EEOC)

64. (p. 72) Who is responsible for enforcing the executive orders that cover companies doing business with the federal government?

- A. Court system
- B. OSHA
- C. OFCCP**
- D. EEOC
- E. OCFO

The Office of Federal Contract Compliance Procedures (OFCCP) is the agency responsible for enforcing the executive orders that cover companies doing business with the federal government.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-03 Identify the federal agencies that enforce equal employment opportunity; and describe the role of each.

Topic: Office of Federal Contract Compliance Procedures (OFCCP)

65. (p. 72) Which of the following refers to a comparison of the race, sex, and ethnic composition of the employer's workforce with that of the available labor supply?

- A. Discrimination analysis
- B. Job analysis
- C. Occupational analysis
- D. Utilization analysis**
- E. Action steps

Utilization analysis is a comparison of the race, sex, and ethnic composition of the employer's workforce with that of the available labor supply. The percentages in the employer's workforce should not be greatly lower than the percentages in the labor supply.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-03 Identify the federal agencies that enforce equal employment opportunity; and describe the role of each.

Topic: Office of Federal Contract Compliance Procedures (OFCCP)

66. (p. 72) _____ refer(s) to a plan for how the organization will meet its diversity goals.

- A. Action steps
- B. Utilization Schedule
- C. Diversification
- D. Job analysis
- E. Occupational maps

Action steps refer to a plan for how the organization will meet its diversity goals.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-03 Identify the federal agencies that enforce equal employment opportunity; and describe the role of each.

Topic: Office of Federal Contract Compliance Procedures (OFCCP)

67. (p. 73) Differing treatment of individuals, where the differences are based on the individuals' race, color, religion, sex, national origin, age, or disability status is termed as:

- A. disparate impact.
- B. affirmative action.
- C. disparate treatment.
- D. reasonable accommodation.
- E. inordinate accommodation.

Differing treatment of individuals, where the differences are based on the individuals' race, color, religion, sex, national origin, age, or disability status is termed disparate treatment.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Avoiding Discrimination

68. (p. 74) Disparate treatment could be legal if the discrimination:

- A. results in increased efficiency.
- B. is performed by a governmental organization.
- C. is performed by a private employer.
- D. is intended to reduce reverse discrimination.
- E. is for a bona fide occupational qualification.**

The courts have held that in some situations that a factor such as sex or race may be a bona fide occupational qualification (BFOQ), that is, a necessary (not merely preferred) qualification for performing a job.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Avoiding Discrimination

69. (p. 74) A company is not performing an illegal activity if it engages in disparate treatment based on gender for hiring a(n):

- A. salesperson.
- B. electrician.
- C. customer service professional.
- D. bathroom attendant.**
- E. marketing manager.

The courts have held that in some situations that a factor such as sex or race may be a bona fide occupational qualification (BFOQ), that is, a necessary (not merely preferred) qualification for performing a job. In this case disparate treatment is legal.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Avoiding Discrimination

70. (p. 74) A bona fide occupational qualification must be:

- A. an industry-wide recognized practice.
- B. a necessary qualification for the job.**
- C. court-approved.
- D. a preferred qualification for the job.
- E. directly related to worker's sex or race.

The courts have held that in some situations, a factor such as sex or race may be a bona fide occupational qualification (BFOQ), that is, a necessary (not merely preferred) qualification for performing a job. In this case disparate treatment is legal.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Avoiding Discrimination

71. (p. 74) _____ refers to a condition in which employment practices are seemingly neutral yet disproportionately exclude a protected group from employment.

- A. Disparate impact**
- B. Disparate treatment
- C. Fortuitous treatment
- D. Accidental action
- E. Inordinate accommodation

Disparate impact refers to a condition in which employment practices are seemingly neutral yet disproportionately exclude a protected group from employment.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Avoiding Discrimination

72. (p. 74) Which one of the following cases would most likely be filed under the theory of disparate impact?

- A. White applicants with high test scores are rejected due to an affirmative action plan.
- B. A white applicant is told he will not be hired because the company does not hire white people.
- C. Black applicants are being disproportionately rejected relative to whites by a paper-and-pencil test.**
- D. A black employee is fired for testifying in a discrimination suit filed against an employer.
- E. A company has more black women than white men and black women.

Disparate impact refers to a condition in which employment practices are seemingly neutral yet disproportionately exclude a protected group from employment. Whites are not protected groups and discrimination against them cannot be listed as disparate impact.

AACSB: Analytic

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Avoiding Discrimination

73. (p. 75) 50 white applicants and 40 black applicants apply for a job. Assume that you have hired 25 of 50 white applicants. In order to avoid an adverse impact, you should hire a minimum of _____ blacks.

- A. 10
- B. 12
- C. 14
- D. 16**
- E. 20

Four-fifths rule finds evidence of discrimination if an organization's hiring rate for a minority group is less than four-fifths the hiring rate for the majority group.

AACSB: Analytic

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Avoiding Discrimination

74. (p. 75) Identify the situation where an employer is most likely to defend his action against a discrimination law suit.

- A. An airline company specifying heights for pilots.
- B. A manufacturing company excluding women to protect them from the adverse effect of chemicals.
- C. A company bringing starting pay into line with competitors.
- D. A restaurant hiring only young women as waiters.
- E. A company that pays more to men workers than women workers.

To avoid declarations of practicing illegally, an organization must show that the disparate impact caused by the practice is based on a "business necessity." This is accomplished by showing that the employment practice is related to a legitimate business need or goal.

AACSB: Analytic

Bloom's: Understand

Difficulty: Easy

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Avoiding Discrimination

75. (p. 75) The ratio of the hiring rate of a majority group to the hiring rate of a minority group is given below. Which of these ratios provide evidence for discrimination?

- A. 1
- B. 0.8
- C. 0.5
- D. 1.2
- E. 1.5

A commonly used test of disparate impact is the four-fifths rule, which finds evidence of discrimination if the hiring rate for a minority group is less than four-fifths the hiring rate for the majority group. Here, the ratio of majority to minority is given. We need to first convert this ratio to a minority to majority ratio, which will give us a new set of numbers (Hint: Inverse the number to get the minority to majority ratio).

AACSB: Reflective Thinking

Bloom's: Apply

Difficulty: Medium

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Avoiding Discrimination

76. (p. 75) Identify the type of case where most of the debate focuses on discriminatory consequences rather than the intent to discriminate.

- A. Disparate impact
- B. Disparate treatment
- C. Reasonable accommodation
- D. Retaliation
- E. Gender discrimination

Proving disparate treatment in court requires showing that the employer intended the disparate treatment, but a plaintiff need not show intent in the case of disparate impact.

AACSB: Ethics

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Avoiding Discrimination

77. (p. 76) Which of the following actions of employers can result in reverse discrimination?

- A. Affirmative action
- B. Reasonable accommodation
- C. Disparate treatment
- D. General duty clause
- E. Disparate impact

By increasing the proportion of minority or female candidates hired or promoted, they necessarily reduce the proportion of white or male candidates hired or promoted. In many cases, white and/or male individuals have fought against affirmative action and quotas, alleging reverse discrimination.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Avoiding Discrimination

78. (p. 77) Which of the following refers to an employer's obligation to do something to enable an otherwise qualified person to perform a job?

- A. Reverse discrimination
- B. Reasonable accommodation**
- C. Utilization analysis
- D. General duty clause
- E. Affirmative action

An employer's obligation to do something to enable an otherwise qualified person to perform a job is referred to as reasonable accommodation.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Providing Reasonable Accommodation

79. (p. 77) Reasonable accommodation must be given to:

- A. individuals without college education.
- B. individuals with college education.
- C. individuals with disability.**
- D. management professionals.
- E. production workers.

Especially in situations involving religion and individuals with disabilities, equal employment opportunity may require that an employer make reasonable accommodation. In employment law, this term refers to an employer's obligation to do something to enable an otherwise qualified person to perform a job.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Providing Reasonable Accommodation

80. (p. 78) Which of the following adjustments can be exempted from reasonable accommodation?

- A. A large firm required to modify its examinations and training programs.
- B. A software firm required to change its work schedule to accommodate employees of certain religious faiths.
- C. A person needs to be given leave from duties on a certain date to perform religious activities.
- D. A medium-sized firm required to change a job assignment so that the person with disability can function.
- E. A small firm required to change the design and structure of the building to allow access to wheelchairs.

If accommodating a disability would require significant expense or difficulty, however, the employer may be exempt from the reasonable accommodation requirement (although the employer may have to defend this position in court). An accommodation is considered "reasonable" if it does not impose an undue hardship on the employer, such as an expense that is large in relation to a company's resources.

AACSB: Ethics

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Providing Reasonable Accommodation

81. (p. 78) Sexual harassment refers to:

- A. unwelcome sexual advances.
- B. discrimination based on gender.
- C. preferential treatment for a sex.
- D. undue benefits provided to males.
- E. unreasonable accommodation based on gender.

Sexual harassment refers to unwelcome sexual advances as defined by the EEOC.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-05 Define sexual harassment; and tell how employers can eliminate or minimize it.

Topic: Preventing Sexual Harassment

82. (p. 78) When an individual is promised a positive outcome for submission to sex, or threatened with a negative outcome for failure to submit to sex, this is referred to as:

- A. disparate treatment.
- B. disparate impact.
- C. reverse discrimination.
- D. undue hardship.
- E. quid pro quo harassment.**

In general, the most obvious examples of sexual harassment involve quid pro quo harassment, meaning that a person makes a benefit (or punishment) contingent on an employee's submitting to (or rejecting) sexual advances.

AACSB: Analytic

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-05 Define sexual harassment; and tell how employers can eliminate or minimize it.

Topic: Preventing Sexual Harassment

83. (p. 78) Quid pro quo harassment refers to:

- A. mocking an individual's sexual orientation.
- B. promising benefits in return for a sexual favor.**
- C. making hiring decisions based on the gender of the applicant.
- D. creating a fatal and hazardous work environment.
- E. preferential treatment for a gender at workplace.

In general, the most obvious examples of sexual harassment involve quid pro quo harassment, meaning that a person makes a benefit (or punishment) contingent on an employee's submitting to (or rejecting) sexual advances.

AACSB: Analytic

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-05 Define sexual harassment; and tell how employers can eliminate or minimize it.

Topic: Preventing Sexual Harassment

84. (p. 78) A male employee, over the objections of his female colleagues, continues to display a highly suggestive calendar within his office. This is likely to result in a charge of:

- A. disparate treatment.
- B. disparate impact.
- C. reverse discrimination.
- D.** sexual harassment.
- E. undue hardship.

Sexual harassment refers to unwelcome sexual advances as defined by the EEOC. Common complaints in sexual harassment lawsuits include claims that harassers ran their fingers through the plaintiffs' hair, made suggestive remarks, touched intimate body parts, posted pictures with sexual content in the workplace, and used sexually explicit language or told sex-related jokes.

AACSB: Analytic

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-05 Define sexual harassment; and tell how employers can eliminate or minimize it.

Topic: Preventing Sexual Harassment

85. (p. 80) Which of the following is the most comprehensive U.S. law regarding workers safety?

- A. Thirteenth amendment
- B. Fourteenth amendment
- C.** OSH act
- D. Rehabilitation Act of 1973
- E. Civil Rights Act of 1991

Occupational Safety and Health Act (OSH Act) is the most comprehensive U.S. law regarding worker safety.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-06 Explain employers' duties under the Occupational Safety and Health Act.

Topic: Occupational Safety and Health Act (OSH Act)

86. (p. 80) Which of the following is responsible for inspecting employers, applying safety and health standards, and levying fines for violation of the OSH Act?

- A. Department of Health
- B. Department of Commerce
- C. Department of Human Services
- D.** Department of Labor
- E. Department of Development

Under the Department of Labor, OSHA is responsible for inspecting employers, applying safety and health standards, and levying fines for violation.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-06 Explain employers' duties under the Occupational Safety and Health Act.

Topic: Occupational Safety and Health Act (OSH Act)

87. (p. 80) Which of the following is responsible for developing criteria for specific operations or occupations and for training employers to comply with?

- A.** Department of Health
- B. Department of Commerce
- C. Department of Human Services
- D. Department of Labor
- E. Department of Development

The Department of Health is responsible for conducting research to determine the criteria for specific operations or occupations and for training employers to comply with the act.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-06 Explain employers' duties under the Occupational Safety and Health Act.

Topic: Occupational Safety and Health Act (OSH Act)

88. (p. 82) OSH Act provides employees the right to:

- A. obtain safe living conditions near the workplace.
- B. take action against peers who violate safety rules.
- C. obtain additional money for working in unsafe conditions.
- D. obtain safety training on a daily basis.
- E.** have employer violations posted at the work site.

The OSH Act grants specific rights; for example, employees have the right to have employer violations posted at the work site.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-07 Describe the role of the occupational safety and health administration.

Topic: General and Specific Duties

89. (p. 82) In order to conduct inspection, OSHA compliance officers typically arrive at a workplace:

- A. with 7 days advance notice.
- B. with 5 days advance notice.
- C. with 3 days advance notice.
- D. with 1 day advance notice.
- E.** unannounced.

To enforce the OSH Act, the Occupational Safety and Health Administration conducts inspections. OSHA compliance officers typically arrive at a workplace unannounced.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-07 Describe the role of the occupational safety and health administration.

Topic: Enforcement of the OSH Act

90. (p. 83-84) Which of the following categories of workers will not be covered under OSHA's Hazard Communication Standards?

- A. A technician servicing copy machines for the most part of the day.
- B. A receptionist changing the toner in the copier machine.**
- C. Production engineers manufacturing car batteries.
- D. Healthcare workers exposed to latex and disinfectants.
- E. A truck driver who is subject to severe risk.

Office workers who encounter a chemical infrequently (such as a secretary who occasionally changes the toner in a copier) are not covered by OSHA's hazard communication standards.

AACSB: Analytic

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-07 Describe the role of the occupational safety and health administration.

Topic: Employee Rights and Responsibilities

91. (p. 85) Which of the following techniques breaks down a job into basic elements to rate them for potential for harm or injury?

- A. Job hazard analysis technique**
- B. Technic of safety review
- C. Technic of operations review
- D. Reasonable accommodation
- E. Material safety data sheets

Job hazard analysis technique is a safety promotion technique that involves breaking down a job into basic elements, then rating each element for its potential for harm or injury.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-08 Discuss ways employers promote worker safety and health.

Topic: Identifying and Communicating Job Hazards

92. (p. 85) Which of the following methods is useful in promoting safety by determining which specific element of a job led to a past accident?

- A. Reasonable accommodation
- B. Technic of safety review
- C. Technic of operations review**
- D. Job hazard analysis technique
- E. Material safety data sheets

Technic of operations review is the method of promoting safety by determining which specific element of a job led to a past accident.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-08 Discuss ways employers promote worker safety and health.

Topic: Identifying and Communicating Job Hazards

93. (p. 85) The first step in a technic of operations review is to:

- A. break down each job into basic elements.
- B. establish the facts surrounding the incident.**
- C. identify and communicate potential hazards to employees.
- D. prepare a material safety data sheet for each potential hazard.
- E. ranking each element on its potential for harm.

The first step in a TOR analysis is to establish the facts surrounding the incident.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-08 Discuss ways employers promote worker safety and health.

Topic: Identifying and Communicating Job Hazards

94. (p. 87) Which of the following is a safety challenge associated with young workers?

- A. Young workers are not motivated to use safety equipments.
- B. Young workers are more likely to submit disability claims than others.
- C. Young workers risk a decrease in co-ordination and balance.
- D.** Young workers are fearful in challenging authority on safety issues.
- E. Young workers are likely to get injured due to cumulative trauma.

Young workers may be especially eager to please the adults they work with, and they may be more fearful than their older colleagues when safety requires challenging authority.

Employees who are new to the workforce may not be aware of the health and safety laws that are supposed to protect them.

AACSB: Analytic

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-08 Discuss ways employers promote worker safety and health.

Topic: Identifying and Communicating Job Hazards

Essay Questions

95. (p. 60-61) What are the three branches of the U.S. government? Discuss the makeup, role, and responsibilities of each of these governing bodies in establishing and enforcing employment-related laws.

The three branches of the U.S. government are legislative, executive, and judicial.

1) The legislative branch: This branch of the federal government consists of the House of Representatives and the Senate. These bodies develop and pass laws that govern many HR activities, and most of the laws stem from a perceived societal need.

2) The executive branch: The executive branch consists of the President of the United States and the many regulatory agencies the President oversees. The executive branch is responsible for enforcing the laws passed by Congress. Agencies do this through a variety of actions, from drawing up regulations detailing how to abide by the laws to filing suit against alleged violators. In addition, the President may issue executive orders.

3) The judicial branch: The judicial branch, the federal court system, influences employment law by interpreting the law and holding trials concerning violations of the law. The U.S. Supreme Court, at the head of the judicial branch, is the court of final appeal. Decisions made by the Supreme Court are binding; they can be overturned only through laws passed by Congress.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-01 Explain how the three branches of government regulate human resource management.

Topic: Regulation of Human Resource Management

96. (p. 61) What are the amendments to U. S. Constitution that have implications for human resources management? Explain their impact.

Two amendments to the U.S. Constitution—the Thirteenth and Fourteenth—have implications for human resource management. The Thirteenth Amendment abolished slavery in the United States. The Thirteenth Amendment has been applied in cases where discrimination involved the "badges" (symbols) and "incidents" of slavery. The Fourteenth Amendment forbids the states from taking life, liberty, or property without due process of law and prevents the states from denying equal protection of the laws. Recently it has been applied to the protection of whites in charges of reverse discrimination.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Constitutional Amendments

97. (p. 63-64) Explain the purpose and the scope of Title VII of the Civil Rights Act of 1964.

The major law regulating equal employment opportunity in the United States is Title VII of the Civil Rights Act of 1964. The law is enforced by the Equal Employment Opportunity Commission (EEOC), an agency of the Department of Justice. Title VII prohibits employers from discriminating against individuals because of their race, color, religion, sex, or national origin. An employer may not use these characteristics as the basis for not hiring someone, for firing someone, or for discriminating against them in the terms of their pay, conditions of employment, or privileges of employment. In addition, an employer may not use these characteristics to limit, segregate, or classify employees or job applicants in any way that would deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee. The act applies to organizations that employ 15 or more persons working 20 or more weeks a year and that are involved in interstate commerce, as well as state and local governments, employment agencies, and labor organizations.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Title VII of the Civil Rights Act of 1964

98. (p. 65; 76) What is affirmative action? Do you think this would lead to reverse discrimination? Explain your answer.

Affirmative action is an organization's active effort to find opportunities to hire or promote people in a particular group. Thus, Congress intended this act to encourage employers to recruit qualified individuals with disabilities and to make reasonable accommodations to all those people to become active members of the labor market. The Department of Labor's Employment Standards Administration enforces this act.

In its original form, affirmative action was meant as taking extra effort to attract and retain minority employees. These efforts have included extensively recruiting minority candidates on college campuses, advertising in minority-oriented publications, and providing educational and training opportunities to minorities. However, many organizations have resorted to quotas, or numerical goals for the proportion of certain minority groups, to ensure that their workforce mirrors the proportions of the labor market. Sometimes these organizations act voluntarily; in other cases, the quotas are imposed by the courts or the EEOC.

Whatever the reasons for these hiring programs, by increasing the proportion of minority or female candidates hired or promoted, they necessarily reduce the proportion of white or male candidates hired or promoted. The student answers and opinions will vary.

AACSB: Analytic

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Vocational Rehabilitation Act of 1973

99. (p. 67-68) What are the types of disabilities covered by Americans with Disabilities Act (ADA) of 1990? Explain with reference to the definition of disability.

The ADA defines disability as a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment, or being regarded as having such an impairment. The first part of the definition refers to individuals who have serious disabilities—such as epilepsy, blindness, deafness, or paralysis—that affect their ability to perform major bodily functions and major life activities such as walking, seeing, performing manual tasks, learning, caring for oneself, and working. The second part refers to individuals who have a history of disability, such as someone who has had cancer but is currently in remission, someone with a history of mental illness, and someone with a history of heart disease. The third part of the definition, "being regarded as having a disability," refers to people's subjective reactions, as in the case of someone who is severely disfigured; an employer might hesitate to hire such a person on the grounds that people will react negatively to such an employee.

The ADA covers specific physiological disabilities such as cosmetic disfigurement and anatomical loss affecting the body's systems. In addition, it covers mental and psychological disorders such as mental retardation, organic brain syndrome, emotional or mental illness, and learning disabilities. Conditions not covered include obesity, substance abuse, eye and hair color, and left-handedness. Also, if a person needs ordinary eyeglasses or contact lenses to perform each major life activity with little or no difficulty, the person is not considered disabled under the ADA.

AACSB: Analytic

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Americans with Disabilities Act (ADA) of 1990

100. (p. 70) What are the executive orders that directly impact human resources management? Explain their impact.

Two executive orders that directly affect human resource management are Executive Order 11246, issued by Lyndon Johnson, and Executive Order 11478, issued by Richard Nixon. Executive Order 11246 prohibits federal contractors and subcontractors from discriminating based on race, color, religion, sex, or national origin. In addition, employers whose contracts meet minimum size requirements must engage in affirmative action to ensure against discrimination. Executive Order 11478 requires the federal government to base all its employment policies on merit and fitness. It specifies that race, color, sex, religion, and national origin may not be considered. Along with the government, the act covers all contractors and subcontractors doing at least \$10,000 worth of business with the federal government.

AACSB: Ethics

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-02 Summarize the major federal laws requiring equal employment opportunity.

Topic: Executive Orders

101. (p. 70-72) Discuss the three major responsibilities of the Equal Employment Opportunity Commission.

- 1) Investigation and resolution: To investigate discrimination complaints filed and to attempt to resolve the complaints in a way that is reasonable to both parties, usually through arranging consent decrees or issuing a right-to-sue letter to the complainant; to represent the complainant in a federal proceeding.
- 2) Information gathering: To monitor hiring practices of an organization with 100 or more employees. This is achieved primarily through the EEO-1 form, the Employer Information Report which details the number of women and minorities employed in different job categories.
- 3) Issuance of guidelines: To provide written guidelines for interpreting laws so that employers are better aware of what are considered legal or illegal practices. To this end, the EEOC joined with other federal agencies to issue the Uniform Guidelines on Employee Selection Procedures and publishes its guidelines in the Federal Register.

AACSB: Analytic

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-03 Identify the federal agencies that enforce equal employment opportunity; and describe the role of each.

Topic: Equal Employment Opportunity Commission (EEOC)

102. (p. 73-75; 77) Distinguish between disparate treatment, disparate impact, and reasonable accommodation theories of discrimination in terms of (a) number of plaintiffs, (b) intent, and (c) defenses.

1) Disparate treatment: Disparate treatment is individually based, and the employee must demonstrate that the employer intended to discriminate against him/her. A company may defend itself by applying all employment actions and decisions equally or by claiming a particular factor as a bona fide occupational qualification (BFOQ).

2) Disparate impact: Class-based (number of individuals); intent is irrelevant. Only consequences matter, and the burden of proof is to show statistical disparity in hiring rates between the minority and majority groups using the four-fifths rule. One way employers can avoid disparate impact is to be sure that employment decisions are based on valid measurements, that is, all measurements are significantly related to job performance.

3) Reasonable accommodation: Reasonable accommodation is individually based, and the employee must show that the employer was unwilling to modify an employment practice or situation to allow an otherwise qualified person to perform the job. Most cases center on religious- or disability- related concerns. Employers may defend themselves on the basis of an undue hardship, contending that the requested accommodation is very burdensome or extremely expensive in relation to the company's resources.

AACSB: Analytic

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-04 Describe ways employers can avoid illegal discrimination and provide reasonable accommodation.

Topic: Avoiding Discrimination

103. (p. 78-79) Define sexual harassment, identify and discuss the two major types of harassment, and indicate four actions firms may take to ensure workplaces are free from sexual harassment.

1) Sexual harassment refers to unwelcome sexual advancements. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

2) The two major types of harassment include more obvious quid pro quo harassment, where a person makes a benefit (or punishment) contingent on an employee's submitting to (or rejecting) sexual advances, and the more subtle, but possibly more pervasive, hostile working environment harassment, where someone's behavior in the workplace creates an environment in which it is difficult for someone of a particular sex to work.

Steps to be taken include:

- 1) Develop a clear policy statement stating that sexual harassment will not be tolerated.
- 2) Train all employees to identify inappropriate workplace behavior.
- 3) Develop a mechanism for reporting incidents of harassment.
- 4) Take prompt disciplinary action against those who commit sexual harassment.

AACSB: Analytic

Bloom's: Understand

Difficulty: Medium

Learning Objective: 03-05 Define sexual harassment; and tell how employers can eliminate or minimize it.

Topic: Preventing Sexual Harassment

Chapter 03 - Providing Equal Employment Opportunity and a Safe Workplace

104. (p. 82-83) Discuss the four major components of an OSHA inspection.

- 1) First, the compliance officer reviews the employer's records of death, injuries, and illnesses. These types of records are required of all firms with 11 or more full- or part-time employees.
- 2) The officer, typically accompanied by a representative of the employer (and perhaps by a representative of the employees), conducts a 'walkaround' tour of the employer's premises.
- 3) The officer conducts employee interviews. At this time, anyone who is aware of a violation can bring it to the officer's attention.
- 4) The officer holds a closing conference with the employer to discuss his/her findings with the employer, noting any violations. If a violation represents imminent danger, the officer may, through the Department of Labor, seek a restraining order from a U.S. District Court.

AACSB: Analytic

Bloom's: Remember

Difficulty: Easy

Learning Objective: 03-07 Describe the role of the occupational safety and health administration.

Topic: Enforcement of the OSH Act