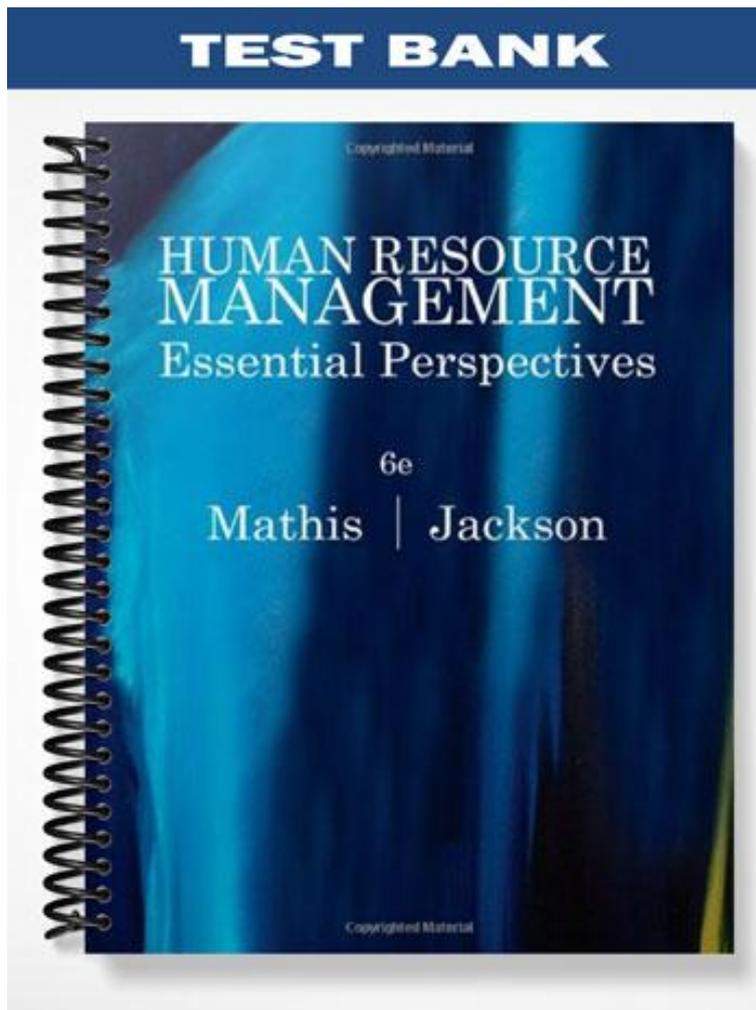


TEST BANK



**HUMAN RESOURCE
MANAGEMENT**
Essential Perspectives

6e

Mathis | Jackson

Chapter 2

Equal Employment Opportunity

Multiple Choice

1. Which of the following is not a basis for protection under federal laws?
 - a. military experience
 - b. age
 - c. gender
 - d. sexual orientation

ANSWER: D, 26

2. A large commercial cleaning service in the Southwest requires all Hispanic applicants for supervisory positions to have a high school diploma from a U.S. high school, rather than a school in another country, such as Mexico. This is an example of _____.
 - a. disparate treatment
 - b. a bona fide occupational requirement
 - c. disparate impact
 - d. a business necessity

ANSWER: A, 26

3. Borderline Cafeterias has discovered that most of its wait staff is white, while most of its kitchen staff is minority. When interviewed by the local news anchor, the CEO of Borderline Cafeterias said, "There has been no conscious or deliberate practice to staff the cafeterias in a discriminatory manner; it just happened to turn out this way." The CEO's argument is an example of _____.
 - a. disparate treatment
 - b. blind discrimination
 - c. disparate impact
 - d. discriminatory intent

ANSWER: C, 26

4. Mapleton Fitness Center (MFC) wants to hire females to fill the female locker room attendant positions. Which of the following statements is most appropriate in this situation?
 - a. The Civil Rights Act of 1964 prohibits this kind of gender discrimination in hiring practices.
 - b. There is nothing wrong with MFC's hiring plan so long as the female locker room attendants are paid the same as their male counterparts.
 - c. MFC may hire female locker room attendants so long as there is not a disparate impact

on the male population.

- d. MFC would likely be able to substantiate this hiring plan on the argument of a bona fide occupational qualification.

ANSWER: D, 27

- 5. Plaintiffs filing cases of illegal discrimination against their employers have the burden of proof, which requires that they must be a protected class member and must prove that _____.
 - a. disparate impact or disparate treatment existed
 - b. the employer retaliated against them because of their protected class status
 - c. the employer's actions were consistent with business necessity
 - d. the employer did not have a bona fide occupational qualification (BFOQ)

ANSWER: A, 28

- 6. A practice necessary for safe and efficient organizational operations is called a _____.
 - a. 4/5ths rule
 - b. business necessity
 - c. validity generalization
 - d. bona fide occupational qualification

ANSWER: B, 27

- 7. A _____ is a characteristic providing a legitimate reason why an employer can exclude persons on otherwise illegal bases of consideration.
 - a. 4/5ths rule
 - b. business necessity
 - c. validity generalization
 - d. bona fide occupational qualification

ANSWER: D, 27

- 8. Which of the following would be defined as retaliation under EEO laws?
 - a. A hospital demotes a radiology technician who has complained about ethnic discrimination.
 - b. An employer fires a supervisor who discriminates against a protected-class member.
 - c. A dismissed employee files a false complaint of discrimination with the EEOC.
 - d. The EEOC targets an employer with a history of unlawful discrimination.

ANSWER: A, 28

- 9. Which of the following types of organizations do not fall under Title VII?

- a. public educational institutions
- b. private employers of 15 or more persons
- c. federal government departments
- d. labor unions with 15 or more members

ANSWER: C, 29

10. Which agency, created by the 1964 Civil Rights Act, has enforcement authority for Title VII, the portion of the Act that deals with employment?
- a. The OFCCP
 - b. The EEOC
 - c. The U.S. Justice Department
 - d. The U.S. Civil Rights Commission

ANSWER: B, 29

11. The Civil Rights Act of 1991 emphasized the importance of _____.
- a. test reliability
 - b. affirmative action
 - c. business necessity
 - d. job descriptions

ANSWER: C, 29

12. Executive orders requiring nondiscrimination by federal contractors are issued by:
- a. President Of The United States
 - b. U.S. Department Of Labor
 - c. Office Of Federal Contract Compliance
 - d. federal Judges

ANSWER: A, 29

13. The major provision of the Pregnancy Discrimination Act of 1978 was that _____.
- a. pregnant employees are to be given 12 weeks family leave without pay
 - b. pregnant employees are entitled to 12 weeks of paid maternity leave
 - c. maternity leave was to be treated the same as other personal or medical leaves
 - d. employers could not discriminate against employees based on family status

ANSWER: C, 32

14. Emily works for a small architecture firm with about a dozen employees. Emily has

discovered that she is pregnant. Which of the following statements is true under the Pregnancy Discrimination Act?

- a. If the employer has a medical leave program for other circumstances it must treat Emily's pregnancy the same way.
- b. Emily has job protection when she returns from maternity leave if she is one of the firm's architects, but not if she is an hourly employee.
- c. Emily has job protection when she returns from maternity leave if she is an hourly employee, and not one of the firm's architects, who are professionals on salary and thus not protected by the PDA.
- d. Emily is not protected by the PDA.

ANSWER: D, 32

15. The Equal Pay Act, enacted in 1963, requires employers to _____.
- a. pay similar wages for similar work without regard to gender
 - b. establish pay rates based upon merit rather than seniority
 - c. conduct wage and salary surveys to ensure pay equity
 - d. ensure that older employees are not discriminated against in compensation

ANSWER: A, 35

16. Under the Equal Pay Act a female doing the same work as a male _____.
- a. must be paid the same salary and benefits as the male
 - b. must be paid the same unless the male employee has more seniority
 - c. may be paid less than the male if there are seniority differences
 - d. is not eligible for leave under the Family and Medical Leave Act

ANSWER: C, 33

17. "Actions that are sexually directed, are unwanted, and subject the worker to adverse employment conditions or create a hostile work environment," is a definition of _____.
- a. *quid pro quo* discrimination
 - b. gender discrimination
 - c. sexual assault
 - d. sexual harassment

ANSWER: D, 33

18. The ADA prohibits employment-related discrimination against _____.
- a. individuals with disabilities

- b. employees who are pregnant
- c. disabled Vietnam-era veterans
- d. individuals unable to perform certain essential job functions

ANSWER: A, 38

19. The fundamental job duties of the employment position that an individual with a disability holds or desires are called _____.
- a. job specifications
 - b. essential job functions
 - c. reasonable accommodations
 - d. minimum job requirements

ANSWER: B, 38

20. A _____ is the modification to a job or work environment that enables a qualified individual with a disability to enjoy equal employment opportunity.
- a. job concessions
 - b. workplace essential job function
 - c. job modification
 - d. reasonable accommodation

ANSWER: D, 38-39

21. The Age Discrimination in Employment Act protects individuals over the age of _____.
- a. 40
 - b. 50
 - c. 62
 - d. 67

ANSWER: A, 42

22. The Older Workers Benefit Protection Act was passed to ensure that _____.
- a. pension plans were administered fairly regardless of an employee's age
 - b. employees are protected when signing liability waivers for age discrimination in exchange for severance packages
 - c. medical insurance would not be denied to retirees
 - d. companies fund retirement benefits in a financially-sound manner

ANSWER: B, 42

23. The Immigration Reform and Control Act _____.
- a. permits employers to hire only U.S. citizens
 - b. permits employers to require more documentation for some prospective employees than

- for others to ensure that illegal aliens are not hired
- c. prevents employers from discriminating against undocumented aliens
- d. makes it illegal for employers to knowingly hire illegal aliens

ANSWER: D, 43

24. To comply with Title VII of the Civil Rights Act of 1964 concerning religion, employers should _____.
- a. prohibit all religious expression in the workplace
 - b. ensure that one employee's religious expression does not interfere with other employees
 - c. establish a dress code that is "religion-neutral"
 - d. make reasonable accommodation of employees' religious beliefs

ANSWER: D, 43

25. Which statement is true about the Age Discrimination in Employment Act (ADEA)?
- a. It requires employers to have affirmative action plans for older workers.
 - b. It covers only employees with vested pension rights.
 - c. It is the basis for an increasing number of discrimination charges.
 - d. It allows state employees to sue their states over age discrimination.

ANSWER: C, 42

26. Executive orders requiring nondiscrimination by federal contractors are issued by:
- a. the President of the United States
 - b. the U.S. Department of Labor
 - c. the Office of Federal Contract Compliance
 - e. federal courts

ANSWER: A, 29

27. The original purpose of the Civil Rights Act of 1964 was to address _____ and _____ discrimination.
- a. race and sex
 - b. sex and age
 - c. color and religion
 - d. race and national origin

ANSWER: C, 29

28. Which of the following is not a recommended guideline employers should follow to guard against pay inequities?
- a. Make sure to factor out benefits and other remuneration when comparing pay levels as there should be equity in base pay alone.

- b. Benchmark against local and national markets so that pay structures are competitive.
- c. Make sure employees know how the pay practices work.
- d. Conduct frequent audits to ensure that pay is fair internally.

ANSWER: A, 34

29. Who is covered by Title VII of the 1964 Civil Rights Act?
- a. federal agencies
 - b. state and local governments
 - c. all private employers
 - d. federal government contractors only

ANSWER: B, 29

30. Workplace romances are _____.
- a. illegal between supervisors and subordinates
 - b. legal but strongly discouraged by the EEOC
 - c. risky because of the potential for causing conflict
 - d. not an employer's concern if the individuals in the relationship are careful to keep their relationship separate from the workplace

ANSWER: C, 36

31. *Quid pro quo* harassment occurs when _____.
- a. the harassment has the effect of unreasonably interfering with work performance or psychological well-being
 - b. employment outcomes are linked to the individual granting sexual favors
 - c. intimidating or offensive working conditions are created
 - d. an employee demands sexual preference as a condition of employment

ANSWER: B, 37

32. _____ occurs when the individual's work performance or psychological well-being is unreasonably affected by intimidating or offensive working conditions.
- a. *Quid pro quo* harassment
 - b. Sexual misconduct
 - c. Victimization
 - d. Hostile environment harassment

ANSWER: D, 37

33. An employer may avoid liability for sexual harassment in which of the following situations?
- a. The victim and alleged harasser are both heterosexual males.
 - b. The employer took reasonable care to prohibit sexual harassment.
 - c. The employee did not suffer any tangible employment action.
 - d. The employer had no knowledge of the offensive behavior.

ANSWER: B, 38

34. An employer's defense in a sexual harassment complaint is aided when _____.
- a. the employer investigates and takes action when complaints are voiced
 - b. the employer immediately dismisses the alleged harasser
 - c. the victim is immediately transferred to another supervisor
 - d. the alleged harasser is moved to a work site remote from the complainant

ANSWER: A, 38

35. Bobby Backache is a customer service representative in a call center. Bobby has a permanent injury to the back. He is only able to sit for one hour at a time, and then he seeks relief by standing for at least 30 minutes. Unfortunately, he works in a cubicle with a computer and headset 8 hours a day. Which of the following might be a reasonable accommodation for Bobby under the ADA?
- a. Provide Bobby with 30-minute breaks after every hour of sitting.
 - b. Transfer Bobby to another position in which he is not tied to a cubicle and can stand more frequently.
 - c. Purchase Bobby a desk and chair which are adjustable by height.
 - d. Pair Bobby with a co-worker who can sit at his desk and type on the computer while Bobby is standing.

ANSWER: C, 39

36. The goals of diversity training include each of the following except _____.
- a. minimizing discrimination lawsuits
 - b. increasing harassment training
 - c. minimizing harassment lawsuit
 - d. improving acceptance and understanding of differences in people

ANSWER: B, 47

37. Affirmative action consists of _____ to specify how many of which types of individuals they hope to have in their workplaces in the future.
- a. goals, methods of recruitment, and timetables
 - b. targets, methods of recruitment, and staffing policies
 - c. targets, staffing policies, and timetables
 - d. goals, targets, and timetables

ANSWER: D, 32

38. Which of the following is required by the Family and Medical Leave Act of 1993?
- a. Maternity leave was to be treated the same as other personal or medical leaves.
 - b. Individuals are to be given up to 12 weeks of family leave without pay.
 - c. Employers could not discriminate against employees based on family status.

- d. Both male and female employees are entitled to paid family leave following the birth of a child.

ANSWER: B, 32

39. What is the main reason workers are bypassing the normal retirement age of 65?

- a. enhanced pensions
- b. enthusiasm for work
- c. desire to remain productive
- d. economic conditions

ANSWER: D, 46

40. Which statement is NOT true regarding women in the workforce?

- a. Jobs in which they dominate have been hit as hard as men's jobs during shifts in the job market.
- b. They have lower average pay than men.
- c. They work fewer hours than men.
- d. There are proportionately fewer senior-level female than male senior executives.

ANSWER: A, 47

41. Employers must consider all but which of the following as indicators of diversity?

- a. Gender
- b. Race.
- c. Nationality
- d. Cognitive Style

ANSWER: D, 45

True and False

42. *Discrimination* could simply be described as "recognizing differences among items or people."

ANSWER: True, 25

43. Disparate treatment is focused on the under-representation of a protected class as a whole, while disparate impact is more individual-based.

ANSWER: False, 26

Disparate treatment is the different treatment of (a) certain member(s) of the protected class,

while disparate impact focuses on the protected class.

44. The ADA defines a disabled person as someone who has a physical or mental impairment that substantially limits their ability to perform their job.

ANSWER: False, 39

The disabled person has such an impairment that substantially limits that person in some major life activities has a record of such impairment, or who is regarded as having such impairment.

45. The Uniformed Services Employment and Reemployment Rights Act requires employers to provide military leaves of absence.

ANSWER: True, 44

46. In the absence of national legislation, some cities and states have passed laws prohibiting discrimination against individuals with differing sexual orientations.

ANSWER: True, 44

47. Many court decisions have ruled against an employer's right to enforce a dress code, citing reasons related to disparate impact against some ethnic groups.

ANSWER: False, 44

Courts decisions have consistently allowed employers to set dress codes so long as they are applied uniformly. Employers should be mindful of the business necessity involved when enforcing them.

48. Under the 1991 Civil Rights Act, an employer cannot simply require that all job applicants have a minimum level of education, such as a high school diploma. They must be able to defend the requirement as job related for the position.

ANSWER: True, 29

49. The Equal Pay Act prohibits employers from having different pay rates based on race.

ANSWER: False, 33

The Equal Pay Act prohibits differences in pay based on sex.

50. In order to file a claim of sexual harassment, an individual must claim that they were victim to pervasive and unwelcome conduct of a sexual nature, and that the harasser had a "matching" sexual orientation with the victim.

ANSWER: False, 34

Court decisions have held that an individual's sexual orientation is effectively irrelevant in a sexual harassment claim.

51. Withholding a raise from someone who refuses to date you is an example of *quid pro quo* harassment.

ANSWER: True, 37

52. A manager who permits lewd posters to be displayed in the workplace may be creating a hostile work environment leading to complaints of sexual harassment.

ANSWER: True, 37

53. One way in which employers have addressed the prohibition of discrimination in religion is to offer "holiday swapping pools."

ANSWER: True, 43

54. The continuum on approaches to diversity runs from ignoring diversity to building acceptance of diversity.

ANSWER: False, 45

The continuum extends beyond building acceptance, to solving diversity issues and creating an inclusive culture.

55. The three approaches to diversity training are legal awareness, cultural awareness, and sensitivity training.

ANSWER: True, 47

56. Diversity training has proven to be an effective tool for increasing employees' "acceptance of others."

ANSWER: False, 48

Relatively few studies have been done on the effectiveness of diversity training. There is some concern that the programs may be seen as entertaining but may not produce long-term changes in people's attitudes and behaviors toward others.

Essay

57. Discuss the following statement with reference to EEO laws and regulations:
"This is my business ... I founded it ... I can hire and fire whomever I choose without interference from the government."

ANSWER: 25-26

An assortment of federal, state, and local laws limits the ability of a business to hire and fire at will. Regulations prohibit discrimination based on disability, age, race, color, religion, sex, ethnic and national origin, etc. A business owner acting upon this expressed sentiment could face legal actions.

58. Explain the significance of the Civil Rights Act and why is it so important in equal employment opportunity. Identify which groups it provides coverage to.

ANSWER: 28

The Civil Rights Act was the keystone of anti-discrimination in employment. It prohibits discrimination in employment based on an individual's race, color, religion, sex, or national origin.

59. Define sexual harassment and identify the actions that an organization can take to minimize the probability of sexual harassment charges being filed.

ANSWER: 37-38

Sexual harassment - any action that is sexually directed, unwanted, subject the worker to adverse employment conditions or create a hostile work environment. It may be *quid pro quo* or hostile environment harassment, and covers employees and non-employees, such as customers. Organizations may limit liability by producing evidence that it took reasonable care to prohibit sexual harassment.

60. Identify the actions an employer should take to insure compliance with the ADA.

ANSWER: 40-42

Employers are required to identify the essential functions of the job and to make reasonable accommodation for individuals with disabilities. Employers must be cautious not to ask job applicants any questions about past or present medical information until a conditional job offer is made.

61. Discuss the various approaches to diversity, beginning with the least aggressive and ending with the most.

ANSWER: 45

The least aggressive approach to diversity is to ignore it, in which the status quo is protected and diversity is not considered important. The second approach is to begin dealing with it, which might include providing some diversity training, complying with affirmative action, and focusing on protected classes. The third approach is to build acceptance of diversity. Under this approach, it is believed that diversity pays off, conflicts are reduced, and the company addresses internal problems. The most aggressive approach to diversity is to solve diversity issues and create an inclusive culture. Activities under this approach will permeate the company because problems are approached in a proactive manner, employees "get along," and business results can actually be seen to improve.

62. Provide a summary on the debate on affirmative action, including the arguments for it, and the arguments against it.

ANSWER: 31

Proponents argue that affirmative action enables women, minorities, and other protected classes to compete with males and whites. They argue that affirmative action is needed to overcome past injustices or eliminate their effects; it creates more equality for all persons; and it will benefit U.S. society in the long run. Opponents argue that affirmative action is divisive, categorizing each individual into one of two groups. They argue that it creates preferential selection and results in reverse discrimination. Opponents further argue that affirmative action penalizes males and whites who are innocent of discrimination; it creates preferences for certain groups which results in discrimination against others; and it stigmatizes those it is designed to help.