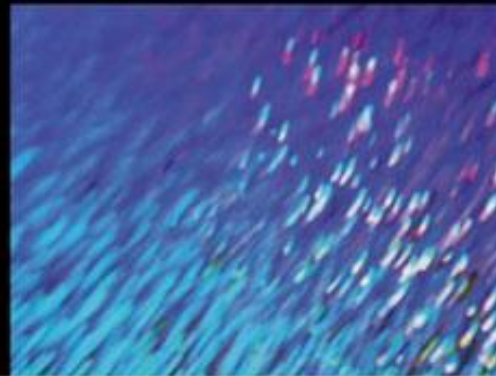


TEST BANK

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**HUMAN
RESOURCE
SELECTION**

SIXTH EDITION



Legal Issues in Selection

TRUE/FALSE

1. The federal agency that regulates personnel activities and discrimination in the workplace covered by Title VII is the Department of Labor.

ANS: F PTS: 1 REF: 34

2. Title VII of the Civil Rights Act of 1964 prohibits, among other things, discrimination on the basis of marital status in the workplace.

ANS: F PTS: 1 REF: 34

3. Title VII of the Civil Rights Act of 1964 requires federal contractors to develop an affirmative action plan

ANS: F PTS: 1 REF: 34

4. Sexual preference discrimination is covered under Title VII of the Civil Rights Act of 1964.

ANS: F PTS: 1 REF: 34

5. The Civil Rights Act of 1991 allows victims of intentional discrimination, including sexual harassment, to sue only for compensatory damages.

ANS: F PTS: 1 REF: 34

6. Race norming is the practice of ranking test scores of minorities higher than nonminorities in order to achieve EEO quotas.

ANS: F PTS: 1 REF: 34

7. Race norming is considered an acceptable practice according to the Civil Rights Act of 1991.

ANS: F PTS: 1 REF: 34

8. Executive Order 11246 prohibits discriminatory acts and is directed only toward contractors doing business with the federal government.

ANS: T PTS: 1 REF: 35

9. OFCCP (Office of Federal Contract Compliance) is responsible for the enforcement of the Age Discrimination in Employment Act of 1967.

ANS: F PTS: 1 REF: 35

10. The "glass ceiling effect" refers to an employer's effort to intentionally create barriers that impede the advancement of women and minorities to higher positions.

ANS: F PTS: 1 REF: 34

23. The Americans with Disabilities Act considers drug testing a medical examination.
ANS: F PTS: 1 REF: 38
24. An employer is required to create a job for a disabled job applicant.
ANS: F PTS: 1 REF: 38
25. "Reasonable accommodation" does not require preferences be awarded to persons with disabilities.
ANS: T PTS: 1 REF: 38
26. An employer may be required to hire a "shadow" employee, someone who actually performs the majority of the essential functions of the disabled employee's position.
ANS: F PTS: 1 REF: 39
27. The Immigration Reform and Control Act of 1986 makes employers liable for knowingly and unknowingly employing any alien not authorized to work in the United States.
ANS: F PTS: 1 REF: 39
28. It is an unfair employment practice to prefer to select, recruit, etc., and individual who is a noncitizen if the two individuals are equally qualified.
ANS: F PTS: 1 REF: 40
29. Sexual, religious, and other forms of discrimination not covered by Title VII of the Civil Rights Act of 1964 are covered by the Civil Rights Act of 1866 and 1871.
ANS: T PTS: 1 REF: 40
30. To establish a prima facie case, a person needs only to show that he/she belongs to a racial minority and that he/she was rejected for the job.
ANS: F PTS: 1 REF: 42
31. The burden of proof is initially on the plaintiff in either a disparate treatment or a disparate impact discrimination case.
ANS: T PTS: 1 REF: 42
32. The legal burdens for both plaintiffs and defendants are the same regardless of whether the case is heard as a disparate impact or a disparate treatment case.
ANS: F PTS: 1 REF: 42
33. Lack of discrimination intent is sufficient defense in a court case of disparate treatment discrimination in selection.
ANS: F PTS: 1 REF: 43
34. Statistical data are a major part of disparate treatment cases.

ANS: F PTS: 1 REF: 44

35. Demonstrating that not using the selection requirement would result in great cost or loss of business to the firm has generally been found adequate for establishing "business necessity."

ANS: F PTS: 1 REF: 44

36. Stock statistics compare groups at one point in time.

ANS: T PTS: 1 REF: 45

37. The *Uniform Guidelines on Employee Selection Procedures* are summaries of court decisions related to employment discrimination.

ANS: F PTS: 1 REF: 50

38. The *Uniform Guidelines on Employee Selection Procedures* are legally binding on employers.

ANS: F PTS: 1 REF: 51

39. Only scored selection tests are addressed in the *Uniform Guidelines on Employee Selection Procedures*.

ANS: F PTS: 1 REF: 51

40. The *Uniform Guidelines on Employee Selection Procedures* are not concerned with respect to record keeping, with selection programs that do not demonstrate disparate impact.

ANS: T PTS: 1 REF: 51

41. All organizations are required to keep information about the demographic characteristics of applicants and hires.

ANS: T PTS: 1 REF: 52

42. All federal government contractors must have affirmative action plans.

ANS: T PTS: 1 REF: 54

43. Theoretically there is no difference between an affirmative action goal and a quota.

ANS: F PTS: 1 REF: 55

44. An affirmative action goal must be met.

ANS: F PTS: 1 REF: 55

45. An affirmative action quota must be met.

ANS: T PTS: 1 REF: 55

46. There is a legal requirement to hire unqualified applicants to increase the "numbers" of specific groups.

ANS: F PTS: 1 REF: 66

47. Small businesses are exempt from many of the EEO laws and directives.

ANS: T PTS: 1 REF: 66

48. One option for an organization accused of illegal discrimination is to simply abandon the current procedures.

ANS: T PTS: 1 REF: 53

MULTIPLE CHOICE

1. How does federal regulation of recent years differ from traditional regulation?
- It is specific to one industry.
 - It protects only minorities and women from illegal discrimination.
 - It is not specific to any industry, but rather applies to many.
 - Fines can be levied against violators.

ANS: C PTS: 1 REF: 30

2. According to the regulatory model of EEO, what begins the regulation process?
- societal problems
 - management responses
 - regulatory agencies
 - laws and executive orders

ANS: A PTS: 1 REF: 31

3. What is the regulatory agency in charge of the enforcement of Title VII?
- Personnel Fair Contract Compliance Program (PFCCP)
 - Equal Employment Opportunity Commission (EEOC)
 - Interstate Commerce Commission (ICC)
 - Federal Fair Employment Commission (FFEC)

ANS: B PTS: 1 REF: 33

4. Which of the following is not prohibited by Title VII of the Civil Rights Act of 1964?
- discrimination on the basis of sex
 - discrimination on the basis of religion
 - discrimination on the basis of marital status
 - discrimination on the basis of race

ANS: C PTS: 1 REF: 32

5. A charge of discrimination must be filed how soon after an alleged act?
- 80 days
 - 100 days
 - 180 days
 - 240 days

ANS: C PTS: 1 REF: 33

6. What is an executive order?
- a type of federal law issued by the President
 - a statement made by the executive branch of the government aimed at eliminating discrimination in organizations that do business with the federal government
 - a statement made by the executive branch of the government aimed at eliminating discrimination in organizations that do business with the federal and state governments
 - a statement issued by the executive of a federal agency regarding how statutes will be

interpreted

ANS: B PTS: 1 REF: 35

7. Which of the following organizations is not covered by Title VII of the Civil Rights Act of 1964?
- employment agencies
 - unions
 - private employers
 - religious organizations

ANS: D PTS: 1 REF: 32

8. What is the first response by the EEOC after a charge of discrimination has been filed?
- attempt conciliation between the two parties
 - investigation
 - no-fault settlement attempt
 - issue a right-to-sue notice to the charging party

ANS: C PTS: 1 REF: 33

9. An affirmative action program is a requirement of which of the following?
- Title VII of the Civil Rights Act of 1964
 - the Rehabilitation Act of 1973
 - Executive Order 11246
 - the Age Discrimination in Employment Act of 1967

ANS: C PTS: 1 REF: 35

10. The Department of Labor is responsible for the enforcement of which of the following?
- Title VII of the Civil Rights Act of 1964
 - Executive Order 11246
 - the Age Discrimination in Employment Act
 - the Immigration Reform and Control Act of 1986

ANS: B PTS: 1 REF: 35

11. The Age Discrimination in Employment Act (ADEA) prohibits discrimination against which of the following?
- individuals 20 and over
 - individuals 40 and over
 - individuals 55 and over
 - individuals 62 and over

ANS: B PTS: 1 REF: 35

12. The Americans with Disabilities Act covers which of the following employers?
- all employers
 - those with 4 or more employees
 - those with 25 or more employees
 - those with 50 or more employees

ANS: C PTS: 1 REF: 36

13. An employee or an applicant with a physical or mental limitation (i.e., a disability) must have a "reasonable accommodation" unless it creates "undue hardship" for the business. Which of the following is TRUE about definitions of "reasonable accommodation" and "undue hardship"?
- Generally, the nature and cost of the accommodation as well as the size, type, and finances of the specific facility and those of the parent employer are considered.
 - The Rehabilitation Act of 1973 specifically defines these terms.
 - The executive order that gives enforcement power to the Department of Labor details such a requirement.
 - Legislative intent outlined in the Federal Register makes clear what is meant by these

terms.

ANS: A PTS: 1 REF: 38

14. "Qualified individual with a disability" refers to which of the following?
- individuals with a disability who, with reasonable accommodation, can perform the essential functions of the job
 - individuals with a disability, who, without reasonable accommodation, can perform the essential functions of the job
 - individuals with a disability, who, with or without reasonable accommodation, can perform the essential functions of the job
 - individuals with a disability who, with reasonable accommodation, can perform all of the functions of the job

ANS: C PTS: 1 REF: 38

15. What agency administers the Vietnam Era Veterans Readjustment Act of 1974?
- Equal Employment Opportunity Commission
 - Office of Federal Contract Compliance Programs
 - Department of Defense
 - Veterans Administration

ANS: B PTS: 1 REF: 35

16. A lawsuit charging illegal discrimination against homosexuals could be filed under which of the following:
- Gay and Lesbian Antidiscrimination Act of 2002
 - Executive Order 11246
 - the Fifth or Fourteenth Amendments to the Constitution
 - Civil Rights Act of 1991

ANS: C PTS: 1 REF: 35

17. The Civil Rights Act of 1866 covers which of the following employers:
- | | |
|--------------------------------|--------------------------------|
| a. all employers | c. those who employ 25 or more |
| b. those who employ 15 or more | d. those who employ 50 or more |

ANS: A PTS: 1 REF: 40

18. Which of the following is TRUE about the *Uniform Guidelines on Employee Selection Procedures*?
- They are laws enacted by Congress.
 - They are given great deference by the courts when considering discrimination cases.
 - They are only general guidelines and as such carry little weight in discrimination cases.
 - They provide guidelines for designing fair selection procedures and are based upon the cumulative findings of discrimination cases.

ANS: B PTS: 1 REF: 41

19. What is disparate impact?
- Selection standards are applied uniformly to all groups, but the net result is to produce differences in the selection of various groups
 - Certain groups are treated negatively because of race, religion, color, sex, etc.
 - Different standards are applied to various groups even though there may not be an explicit statement of discrimination.
 - Certain groups are treated negatively because of job-related factors.

ANS: A PTS: 1 REF: 42

20. Which of the following is an example of adverse impact discrimination?
- a. not hiring women with young children while hiring men with such children
 - b. hiring minority group members for cleaning jobs while similarly qualified Whites are hired as cashiers or waiters
 - c. a high school diploma requirement for entry-level positions when 7th grade education is all that is necessary
 - d. intentionally not hiring qualified women for management positions

ANS: C PTS: 1 REF: 42

21. An intention to discriminate must be shown to provide evidence for which kind of discrimination?
- a. unfair treatment
 - b. indirect impact
 - c. adverse impact
 - d. disparate treatment

ANS: D PTS: 1 REF: 42

22. What are the three options an employer has for defense in an adverse impact discrimination case?
- a. BFOQ (bona fide occupational qualification), reliability, customer preference
 - b. business necessity, BFOQ (business-related occupational qualification), business necessity
 - c. BFOQ (business firm order quantity), customer preference, business necessity
 - d. business necessity, validity, BFOQ (bona fide occupational qualification)

ANS: D PTS: 1 REF: 43

23. Which of the following criteria can be used for framing a BFOQ (bona fide occupational qualification) defense?
- a. race
 - b. color
 - c. sex
 - d. all of these

ANS: C PTS: 1 REF: 44

24. What determines the relevant labor market for an organization?
- a. SMSA (standard metropolitan statistical area), license requirements
 - b. geographical location, skill level
 - c. education, job interest
 - d. public transportation, organization size

ANS: B PTS: 1 REF: 46

25. What is the major difference between stock and flow statistics?
- a. timing of comparisons
 - b. location of comparisons
 - c. relevant labor market
 - d. types of applicants

ANS: A PTS: 1 REF: 48

26. Which of the following is the rule-of-thumb used by the EEOC to determine discrimination?
- a. the three-fourths rule
 - b. the four-fifths rule
 - c. the standard determination rule
 - d. the proportional differences test

ANS: B PTS: 1 REF: 48

27. If 60 percent of White applicants are selected, then the selection proportion of any minority group should be at least ___ percent.
- a. 48
 - b. 62
 - c. 31
 - d. 50

ANS: A PTS: 1 REF: 48

28. A utilization analysis step in the development of an affirmative action program is conceptually similar to which of the following?
- a. performance assessment
 - b. job analysis
 - c. flow statistical analysis
 - d. stock statistical analysis

ANS: C PTS: 1 REF: 54

29. The rule-of-thumb for the "standard deviation rule" is that the number of minorities (or women) selected should be within a range specified by how many standard deviation units from the expected number selected?
- a. ± 1
 - b. ± 2
 - c. ± 3
 - d. ± 4

ANS: B PTS: 1 REF: 49

30. Disparate impact may be indicated even if the four-fifths rule is satisfied. This would be due to which of the following?
- a. significance level
 - b. industry type
 - c. sample size
 - d. applicant characteristics

ANS: C PTS: 1 REF: 50

31. Which of the following is considered acceptable according to the *Uniform Guidelines on Employee Selection Procedures*?
- a. using skills and abilities that are easily learned during a brief training program as selection requirements
 - b. using requirements drawn from higher-level jobs if the majority of individuals move to the higher-level job within a reasonable period of time
 - c. using a cutoff score that individually ranks all applicants even if the use of such method results in adverse impact
 - d. using high cutoff scores to ensure fair selection rather than validating lower cutoff scores

ANS: B PTS: 1 REF: 52

32. Requirements drawn from higher-level jobs are permissible only if it can be documented that a majority of individuals move to higher-level jobs within a reasonable time period. What do the *Uniform Guidelines on Employee Selection Procedures* define as a reasonable time period?
- a. no more than 2 years
 - b. no more than 3 years
 - c. no more than 4 years
 - d. no more than 5 years

ANS: D PTS: 1 REF: 52

33. The *Uniform Guidelines on Employee Selection Procedures* requires organizations to keep information about the demographic characteristics of applicants and hires. These records must be kept for which groups?
- a. all groups
 - b. only those groups that constitute at least 1% of the relevant labor market
 - c. only those groups that constitute at least 2% of the relevant labor market
 - d. only those groups that constitute at least 3% of the relevant labor market

ANS: C PTS: 1 REF: 52

34. Most of the EEO laws and executive orders dealing with federal contractors contain the requirement of affirmative action for those with contracts of at least:
- a. \$10,000
 - b. \$25,000
 - c. \$50,000
 - d. \$100,000

ANS: A PTS: 1 REF: 54

35. What is the current status of voluntary affirmative action programs?
- Organizations are not restricted in how they implement these programs.
 - Organizations must meet specific criteria in order to establish these programs.
 - These programs have been found illegal in all circumstances due to reverse discrimination.
 - These programs have been abandoned in favor of consent decrees.

ANS: B PTS: 1 REF: 55

36. Which type of validation strategy is especially appropriate for a small business?
- construct validation
 - criterion validation
 - content validation
 - cross-validation

ANS: C PTS: 1 REF: 67

MATCHING

Match the key issues to the major selection court cases.

- Company must insure that all parts of a multiple-step selection program have no disparate impact
 - Company's burden of proof against adverse impact diminishes as human risk increases
 - Selection test must be job-related if disparate impact results
 - Validation must reflect selection decision practices
 - In disability cases, organization must prove that individual cannot perform job
 - Company's moral concerns about health of future children is not sufficient to bar women from employment
 - Cases focusing on subjective selection devices (e.g., interviews and judgments) could be heard as disparate impact cases
- Griggs v. Duke Power (1971)
 - Spurlock v. United Airlines (1972)
 - Connecticut v. Teal (1982)
 - U.S. v. Georgia Power (1973)
 - Watson v. Ft. Worth Bank & Trust (1988)
 - Auto Workers v. Johnson Controls (1991)
 - OFCCP v. Ozark Air Lines (1986)

- ANS: C PTS: 1
- ANS: B PTS: 1
- ANS: A PTS: 1
- ANS: D PTS: 1
- ANS: G PTS: 1
- ANS: F PTS: 1
- ANS: E PTS: 1

ESSAY

- What basic principles should an organization follow to develop a selection program that is both legally defensible and ensures hiring the most qualified applicants?

ANS:

PTS: 1

2. Should an organization keep detailed records of its human resource management practices (selection procedures, performance appraisal procedures, etc.) if they have not been validated? Discuss the trade-offs involved.

ANS:

N/A

PTS: 1

3. How do you measure the effectiveness of an affirmative action program? When can an organization discontinue its affirmative action program?

ANS:

PTS: 1

4. An organization has been accused of disparate impact discrimination through the use of a statistical argument. Provide two alternative explanations for a statistically unbalanced work force that are not due to illegal discrimination.

ANS:

PTS: 1

5. Describe specific actions that an organization can take using the regulatory model to anticipate potential EEO issues.

ANS:

PTS: 1