HR 5th edition DeNisi Test Bank

SKU: 9780357048184-TEST-BANK

TRUE/FALSE

1 : The Civil Rights Act of 1991 was passed as a direct amendment of Title VII of the Civil Rights Act of 1964.
A : true
B : false

Correct Answer : A

2 : Both AIDS and HIV are not covered by the Americans with Disabilities Act.
A : true
B : false

Correct Answer : B

3 : The Equal Pay Act of 1963 defines equality in terms of skill, responsibility, effort, and working conditions.
A : true
B : false

Correct Answer : A

4 : The Equal Employment Opportunity Commission and the National Labor Relations Board are the two primary regulatory agencies for enforcing employment legislation.
A : true
B : false

Correct Answer : B

5 : Disparate treatment discrimination occurs when two groups of people are treated differently in different situations based on a protected characteristic.
A : true
B : false

Correct Answer : B

6 : Customer preference can never be the basis of a bona fide occupational qualification (BFOQ).
A : true
B : false

Correct Answer : A

7 : The Drug-Free Workplace Act of 1988 exempts federal contractors and government employees from the provisions of the act.
A : true
B : false

Correct Answer : B

8 : The Pregnancy Discrimination Act specifies that a woman can be refused a promotion because she has had an abortion.
A : true

B : false

Correct Answer : B

9 : The Genetic Information Nondiscrimination Act (GINA) allows employers to collect any genetic information about their employees, including information about family history of disease.
A : true
B : false

Correct Answer : B

10 : The PATRIOT Act prohibits the government or law enforcement agencies from collecting information about any citizen of the United States.
A : true
B : false

Correct Answer : B

MULTIPLE CHOICE

11 : Which of the following established, for the first time, the workweek in the United States as 40 hours per week?
A : The Fair Labor Standards Act of 1938
B : The Labor Management Relations Act of 1947
C : The Occupational Safety and Health Act of 1970
D : The Worker Adjustment and Retraining Notification Act of 1988

Correct Answer : A

12 : Which of the following statements is true of the Civil Rights Act of 1964?
A : Its applicability is limited to state and national government agencies.
B : It was passed as a way to ensure that equal opportunities would be available to everyone.
C : It applies to all organizations with a minimum of 100 employees working 20 or more hours per week.
D : Its enforcement is the responsibility of the Office of Federal Contract Compliance Procedures (OFCCP).

Correct Answer : B

13 : Which of the following states that a condition such as race, sex, or other personal characteristic legitimately affects a person's ability to perform a job and therefore can be used as a legal requirement for selection?
A : The exclusionary rule
B : A quid pro quo agreement
C : The four-fifths rule
D : A bona fide occupational qualification

Correct Answer : D

14 : In the context of court decisions in the late 1990s, identify the type of discrimination whose charges typically stem from the belief by white males that they have suffered because of preferential treatment given to other groups.
A : Reverse discrimination
B : Pattern discrimination
C : Disparate treatment
D : Disparate impact

Correct Answer : A

15 : A construction company provides its employees who work at construction sites with hard hats. It also provides these employees with coveralls so that they do not come into direct contact with any harmful materials. The measures taken by the company are in compliance with the _____.
A : Worker Adjustment and Retraining Notification Act
B : Taft-Hartley Act
C : Landrum-Griffin Act
D : Occupational Safety and Health Act

Correct Answer : D

16 : The second step in the regulation process of human resource management in the United States is the:
A : enforcement of regulations.
B : modification of national regulations.
C : creation of new regulations.
D : implementation of regulations.

Correct Answer : A

17 : Jane and Mathew, employees at Widget Corp., apply for a promotion in the company. Despite having the same qualifications and experience, Mathew is given preference over Jane because Mathew is a male candidate. In the given scenario, it can be said that Jane is most likely a victim of _____.
A : disparate impact discrimination
B : retaliation
C : disparate treatment discrimination
D : reverse discrimination

Correct Answer : C

18 : Which of the following statements is an argument against drug-testing programs?
A : They test employees for alcohol use, which is illegal.
B : They are applicable only in organizations regulated by the Nuclear Regulatory Commission.
C : They are not widespread despite the hard evidence addressing their effectiveness.
D : They are inappropriate in cases in which there is no reasonable basis for suspected drug use.

Correct Answer : D

19 : A local furniture company routinely hires young applicants over older applicants because much of the work requires heavy lifting and good mobility. In this case, the company:
A : needs to show that the job requirements are a business necessity.
B : can be sued for illegal discrimination by a rejected applicant.
C : violates the Lilly Ledbetter Fair Pay Act of 2009.
D : justifies its policy based on Executive Order 11478.

Correct Answer : A

20 : Which of the following statements is true of the Taft-Hartley Act?
A : It was passed to reduce the use of illegal drugs in the workplace.
B : It establishes a minimum hourly wage for jobs.
C : It is enforced by the National Labor Relations Board.

D : It was passed by Congress in 1959 to counter the Landrum-Griffin Act.

Correct Answer : C

21 : Which of the following statements is true of the Pregnancy Discrimination Act of 1979?
A : It was passed in part to remedy weaknesses in the Family and Medical Leave Act.
B : It denies the exemptions provided to women under the Wagner Act of 1935.
C : It established a commission to investigate practices that limited the access of women to the top levels of management in organizations.
D : It specifies that a woman cannot be refused a job or promotion or fired simply because she has had an abortion.

Correct Answer : D

22 : Which of the following statements is true of sexual orientation discrimination?
A : It is not prohibited by any federal law.
B : It is prohibited by the Defense of Marriage Act of 1996.
C : The Fair Labor Standards Act prohibits this discrimination in both public- and private-sector jobs.
D : Federal employees are not protected against this discrimination.

Correct Answer : A

23 : Ziff Corp., an IT firm, hires candidates from a minority group despite the superior experience and qualifications of candidates from the majority group. It is evident that Ziff Corp.'s hiring policy constitutes _____.
A : disparate treatment discrimination
B : illegal discrimination
C : reverse discrimination
D : disparate impact discrimination

Correct Answer : C

24 : Which of the following is a similarity between the Taft-Hartley Act and Landrum-Griffin Act?
A : Both apply primarily to organizations regulated by the Department of Transportation.
B : Both ensure that employees would be able to receive at least some pension benefits at the time of retirement or even termination.
C : Both regulate union actions and their internal affairs in a way that puts them on an equal footing with management and organizations.
D : Both are enforced by the Equal Employment Opportunity Commission.

Correct Answer : C

25 : Which of the following has the power to apply the standards of the Occupational Safety and Health Act of 1970 (OSHA) and enforce its provisions?
A : The Department of Justice
B : The Office of Federal Contract Compliance Procedures
C : The Department of Labor
D : The Equal Employment Opportunity Commission

Correct Answer : C

26 : Gantos Corp., an international publication house, has a policy wherein it provides 12 weeks of unpaid leave to new mothers. Moreover, the company covers the employees' medical expenses during the leave, which allows them to use first-class maternal and child-care facilities. In this scenario, the policy at Gantos Corp. complies with the _____.

A : Small Necessities Leave Act of 1998
B : Americans with Disabilities Act of 1990
C : Family and Medical Leave Act of 1993
D : Pregnancy Discrimination Act of 1979

Correct Answer : C

27 : Which of the following statements is true of the Privacy Act of 1974?
A : It applies directly to federal employees only, but it has served as the impetus for several state laws.
B : It prohibits employers from using urinalysis, which is the most invasive method of drug testing on the job.
C : It applies solely to federal contractors and subcontractors receiving $2,500 or more as loans from the federal government.
D : It allows employers to monitor the behavior of employees outside of work.

Correct Answer : A

28 : Which of the following suggests that disparate impact exists if a selection criterion results in a selection rate for a protected class that is less than 80 percent of that for the majority group?
A : The McDonnell-Douglas theory
B : The four-fifths rule
C : A quid pro quo approach
D : A bona fide occupational qualification

Correct Answer : B

29 : Who among the following is subject to the regulations of the Drug-Free Workplace Act of 1988?
A : Holly, who is a fashion designer and runs her own line of garments
B : Carla, who works as a senior accountant at a private law firm
C : Brett, who is a truck driver and transports armaments to military bases
D : Allen, who works as a bartender in a famous pub

Correct Answer : C

30 : The Americans with Disabilities Act (ADA) defines a disability as:
A : a record of having a mental or physical impairment that limits one or more major life activities.
B : a problem related to obesity that limits the efficiency of people.
C : a cognitive impairment that does not affect any major life activities.
D : a hereditary substance-abuse problem that prevents people from being sober.

Correct Answer : A

31 : Which of the following states that it is illegal for an employer to fail or refuse to hire any individual, to discharge any individual, or to discriminate in any other way against any individual with respect to any aspect of the employment relationship on the basis of that individual's race, color, religious beliefs, sex, or national origin?
A : The Labor Management Relations Act of 1947
B : Title VII of the Civil Rights Act of 1964
C : Title 29 of the National Labor Relations Act of 1935
D : The Fair Labor Standards Act of 1938

Correct Answer : B

32 : Identify the act that was passed in 1935 in an effort to control and legislate collective

bargaining between organizations and labor unions.
A : The Taft-Hartley Act
B : The Employee Free Choice Act
C : The Wagner Act
D : The Fair Labor Standards Act

Correct Answer : C

33 : Which of the following oversees and enforces all regulations of the Vocational Rehabilitation Act of 1973?
A : The National Labor Relations Board
B : The Equal Employment Opportunity Commission
C : The Office of Federal Contract Compliance Procedures
D : The Office of the Federal Register

Correct Answer : C

34 : Quid pro quo harassment typically involves:
A : offering to exchange something of value for sexual favors.
B : making off-color jokes and passing lewd sexual comments about a particular gender.
C : decorating the workplace with inappropriate photographs to create a hostile work environment.
D : making inappropriate nonverbal gestures, such as ogling and winking at female colleagues.

Correct Answer : A

35 : Which of the following statements is true of a business necessity?
A : It is a practice that is important for the safe and efficient operation of a business.
B : A condition such as race or sex does not affect a persons ability to perform a job and therefore can never be used as a business necessity.
C : A business necessity cannot be used to claim a bona fide occupational qualification.
D : It is used as the basis for establishing a prima facie case of disparate impact discrimination against an organization.

Correct Answer : A

36 : Identify the act that requires that all federal agencies, as well as federal contractors and subcontractors receiving more than $2,500 a year from the federal government, engage in affirmative action for disabled individuals.
A : The Occupational Safety and Health Act of 1970
B : The Union Relief Act of 2009
C : The Vocational Rehabilitation Act of 1973
D : The Family and Medical Leave Act of 1993

Correct Answer : C

37 : Which of the following acts, which was passed in 2009, mandates emergency leave for all covered active-duty members?
A : The Military Commissions Act
B : The Small Necessities Leave Act
C : The Uniting American Families Act
D : The Supporting Military Families Act

Correct Answer : D

38 : The rationale for which of the following acts was to ensure that everyone who works would receive an income sufficient to meet basic needs?
A : The Vocational Rehabilitation Act of 1973
B : The National Labor Relations Act of 1935
C : The Fair Labor Standards Act of 1938
D : The Equal Pay Act of 1963

Correct Answer : C

39 : Addison Inc., a waste management company with over 500 employees, wants to close one of its plants because of a slump in its business. The managers of the company provide notice to the employees 70 days in advance of the plan to close the facility. In this case, the company conforms to the stipulations of the _____.
A : Fair Labor Standards Act
B : Labor Management Relations Act
C : Occupational Safety and Health Act
D : Worker Adjustment and Retraining Notification Act

Correct Answer : D

40 : Which of the following is a similarity between the Equal Employment Opportunity Commission (EEOC) and the Office of Federal Contract Compliance Procedures (OFCCP)?
A : Both jointly developed the uniform guidelines on employee-selection procedures.
B : Both are the primary regulatory agencies for enforcing equal employment legislation.
C : Both have the power to enforce the provisions of the Occupational Safety and Health Act of 1970.
D : Both were created by the National Labor Relations Act of 1935.

Correct Answer : B

41 : In the context of regulations for federal contractors, Executive Order 11478 requires:
A : written affirmative action plans from organizations with contracts lower than $50,000.
B : the federal government to base all employment policies and decisions on merit and fitness.
C : federal contractors that receive more than $2,500 a year from the government to engage in affirmative action for disabled individuals.
D : employers with more than 50 employees to provide as many as 12 weeks of unpaid leave for employees after the birth of a child.

Correct Answer : B

42 : Which of the following statements is true of a bona fide occupational qualification?
A : It does not justify the use of legitimate practices to treat members of different groups differently.
B : It justifies discrimination against applicants on the basis of customer or client preference.
C : It permits an employer to make hiring decisions on the basis of sex for business necessities.
D : It cannot be used by employers to discriminate against applicants on the basis of age.

Correct Answer : C

43 : Which of the following laws allows law enforcement agencies to carry out investigations of potential terrorists without having to inform the targets of those investigations?
A : The Taft-Hartley Act
B : The Landrum-Griffin Act
C : The WARN Act
D : The PATRIOT Act

Correct Answer : D

44 : Which of the following is a similarity between the Equal Employment Opportunity Commission and the U.S. Civil Service Commission?
A : Both were created by the Equal Pay Act of 1963.
B : Both developed uniform guidelines on employee-selection procedures.
C : Both enforce and oversee all the regulations specific to federal agencies.
D : Both have the power to enforce the provisions of the Occupational Safety and Health Act of 1970.

Correct Answer : B

45 : Employees at Border Bookstores, a chain of bookstores, recently held a strike to force their employer to negotiate a labor contract. They demanded higher wages and eight sick leaves in a year instead of the three that they were given. In this context, which of the following acts gave the employees of Border Bookstores the power to collectively bargain with the organization?
A : The Norris-La Guardia Act
B : The National Labor Relations Act
C : The Occupational Safety and Health Act
D : The Fair Labor Standards Act

Correct Answer : B

46 : Which of the following is true of the Employee Retirement Income Security Act of 1974?
A : It states that an employee must receive a pension after retirement.
B : It was passed to protect employees mutual fund investments post retirement.
C : It covers retirement plans established or maintained by governmental entities.
D : It guarantees a basic minimum benefit that employees could expect to be paid at retirement.

Correct Answer : D

47 : In the context of equal employment opportunity legislation, which of the following acts established a commission to investigate practices that limited the access of protected class members, especially women, to the top levels of management in organizations?
A : The Labor Management Relations Act
B : The Equal Pay Act
C : The Glass Ceiling Act
D : The Fair Labor Standards Act

Correct Answer : C

48 : Jeffrey Inc., an animation company, asks job applicants to fill out a form requesting information about any hereditary illness or health conditions of the applicants or their family members. In this scenario, Jeffrey Inc. is violating the _____.
A : Genetic Information Nondiscrimination Act
B : Americans with Disabilities Act
C : Confidentiality of Medical Information Act
D : Worker Adjustment and Retraining Notification Act

Correct Answer : A

49 : The definition of labor market is a major issue in resolving lawsuits brought under _____.
A : pattern discrimination claims

B : retaliation claims
C : disparate impact claims
D : disparate treatment claims

Correct Answer : A

50 : Which of the following statements is true of the Worker Adjustment and Retraining Notification Act of 1988?
A : It is applicable even in unforeseeable circumstances such as a government-enforced shutdown.
B : It requires employers with more than 50 employees to provide wages for up to 12 weeks in case of temporary closure of facilities.
C : It provides for warnings about pending reductions in work hours.
D : It states that a firm with at least 50 employees must provide notice at least 30 days in advance of plans to close a facility.

Correct Answer : C

51 : To establish a prima facie case of discrimination based on the McDonnell-Douglas test, a job applicant should be:
A : a member of an unprotected class.
B : unemployed at the time of the interview.
C : less than 35 years of age.
D : qualified for the job for which he or she applied.

Correct Answer : D

52 : The Family and Medical Leave Act (FMLA) of 1993:
A : does not apply to employees who have not worked an average of 25 hours a week in the previous 12 months.
B : does not apply to government employees and federal contractors.
C : was passed in part to remedy weaknesses in the Fair Labor Standards Act of 1938.
D : was passed to ensure that employees receive at least some pension benefits at the time of retirement or even termination.

Correct Answer : A

53 : Which of the following mirrors the Civil Rights Act in terms of outlawing discrimination but also requires federal contractors and subcontractors with contracts greater than $50,000 to file written affirmative action plans?
A : The Fair Labor Standards Act
B : Executive Order 11478
C : Executive Order 11246
D : The Wagner Act

Correct Answer : C

54 : The Occupational Safety and Health Act of 1970 (OSHA):
A : is enforced by the Equal Employment Opportunity Commission.
B : requires employers to furnish each employee with a place of employment that is free from hazards.
C : applies solely to firms regulated by the Nuclear Regulatory Commission.
D : prohibits employers from using urinalysis to test employees for drug use on the job.

Correct Answer : B

55 : Which of the following is developing new guidelines that will require companies to divulge

more complete and detailed information about their executive-compensation packages?
A : The Equal Employment Opportunity Commission
B : The Securities and Exchange Commission
C : The Office of Federal Contract Compliance Procedures
D : The National Labor Relations Board

Correct Answer : B

56 : Which of the following statements is true of the Equal Employment Opportunity Commission (EEOC)?
A : It is a division of the Department of Labor.
B : It oversees and enforces the regulations of the Vocational Rehabilitation Act of 1973.
C : It is responsible for enforcing the Americans with Disabilities Act of 1990.
D : It establishes a minimum hourly wage for different types of jobs.

Correct Answer : C

57 : Which of the following is the result of behaviors or actions by an organization or managers within an organization that causes members of a protected class to be unfairly differentiated from others?
A : Vicarious learning
B : Avoidance learning
C : Negative reinforcement
D : Illegal discrimination

Correct Answer : D

58 : The Drug-Free Workplace Act of 1988:
A : exempts federal contractors and government employees from its provisions.
B : was passed to reduce the use of illegal drugs in the workplace.
C : tests employees for both alcohol and drug use at the workplace.
D : exempts firms regulated by the Department of Transportation from its provisions.

Correct Answer : B

59 : To issue new guidelines and opinions regarding employment practices that result from newly passed laws, the Equal Employment Opportunity Commission (EEOC) frequently uses the _____.
A : Federal Register
B : United States Reports
C : United States Statutes at Large
D : Official Gazette

Correct Answer : A

60 : Which of the following statements is true of the Civil Rights Act of 1991?
A : It provides the potential payment of compensatory and punitive damages in cases of discrimination under Title VII.
B : It allows federal judges rather than juries to hear cases of discrimination under Title VII.
C : It gives the Office of Federal Contract Compliance Procedures the power to enforce the provisions of the Civil Rights Act of 1991.
D : It shifts the burden of proof to the victims of discrimination.

Correct Answer : A

ESSAY

61 : Describe a protected class as defined by Title VII of the Civil Rights Act of 1964. When is a job selection criterion said to have a disparate impact on protected classes?

Correct Answer : Answers will vary. Although it varies from law to law, a protected class consists of all individuals who share one or more common characteristics as indicated by that law. The most common characteristics used to define protected classes include race, color, religion, gender, age, national origin, disability status, and status as a military veteran. Some laws pertain to several protected classes, while others pertain to a single protected class. Class definition generally involves first specifying the basis of distinction and then specifying which degree or category of that distinction is protected. The courts have ruled that disparate impact exists if a selection criterion (such as a test score) results in a selection rate for a protected class that is less than four-fifths (80 percent) of that for the majority group. For example, assume that an organization is considering 100 white applicants and 100 Hispanic applicants for the same job. If an employment test used to select among these applicants results in 60 white applicants (60 percent) being hired, but only 30 Hispanic applicants (30 percent) being hired, then disparate impact is likely to be ruled because Hispanics are being hired at a rate that is less than four-fifths than that of whites. At this point, the organization using the test would be required to prove that its differential selection rate of whites versus Hispanics could be justified. See 2-2: Equal Employment Opportunity

62 : Describe the current status of reverse-discrimination cases.

Correct Answer : Answers will vary. The current status of reverse-discrimination cases is by no means clear. Within the space of a few years, the Supreme Court:ruled against an organization giving preferential treatment to minority workers during a layoff;ruled in support of temporary preferential hiring and promotion practices as part of a settlement of a lawsuit;ruled in support of the establishment of quotas as a remedy for past discrimination; andruled that any form of affirmative action is inherently discriminatory and could be used only as a temporary measure.It would appear that the future of affirmative action is unclear, suggesting that the courts will be leaning more toward interpretations in line with reverse discrimination in the future. See 2-2: Equal Employment Opportunity

63 : How can an organization evaluate its compliance with legal requirements?

Correct Answer : Answers will vary. The assurance of compliance can best be done through a three-step process. The first step is to ensure that managers clearly understand the laws that govern every aspect of human resource management (HRM). Second, managers should rely on their own legal and human resource staff to answer questions and review procedures periodically. And third, organizations may also find it useful to engage occasionally in external legal audits of their HRM procedures. This audit might involve contracting with an outside law firm to review the organization's HRM systems and practices to ensure that they comply with all appropriate laws and regulations. See 2-4: Evaluating Legal Compliance

64 : Why was the Wagner Act passed? How did it result in the creation of the Taft-Hartley Act and the Landrum-Griffin Act?

Correct Answer : Answers will vary. The National Labor Relations Act, or Wagner Act, was passed in 1935 in an effort to control and legislate collective bargaining between organizations and labor unions. Before 1935, the legal system in the United States was generally considered hostile to labor unions. The Wagner Act was passed in an effort to provide some sense of balance in the power relationship between organizations and unions. The Wagner Act describes the process through which labor unions can be formed and the requirements faced by organizations in dealing with those labor unions. The Wagner Act served to triple union membership in the United States and granted labor unions significant power in their relationships with organizations.Following a series of crippling strikes, however, the U.S. government concluded that the Wagner Act had actually shifted too much power to labor unions. As a result, businesses had been placed at a significant disadvantage. To correct this imbalance, Congress subsequently passed the Labor Management Relations Act (Taft-Hartley Act) in 1947 and the Landrum-Griffin Act in 1959. Both of these acts regulate union actions and their internal affairs in a way that puts them on an equal footing with management and organizations. See 2-3: Other Areas of Human Resource Regulation

65 : Describe the two types of sexual harassment identified by the courts.

Correct Answer : Answers will vary. The courts have ruled that there are two types of sexual harassment and have defined both types. One type of sexual harassment is quid pro quo harassment. In this case, the harasser offers to exchange something of value for sexual favors. For example, a male supervisor might tell or imply to a female subordinate that he will recommend her for promotion or provide her with a salary increase, but only if she sleeps with him. A more subtle type of sexual harassment is the creation of a hostile work environment. For example, a group of male employees who continually make off-color jokes and lewd comments and perhaps decorate the work environment with inappropriate photographs may create a hostile work environment for a female colleague to the point where she is uncomfortable working in that job setting. See 2-2: Equal Employment Opportunity