Employment Regulation in the Workplace - Basic Compliance for Managers 2nd edition Robinson Test Bank

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Test Bank
Chapter 2
Regulation of Equal Employment Opportunity

True/False

1. The history of federal civil rights law begins with the end of the Civil War.

   Answer: True Page: 40

2. Limitations imposed by Black Codes on the rights of African American citizens were confined to the southern states.

   Answer: False Page: 40

3. The Fair Employment Practice Commission was the precursor to the Office of Federal Contract Compliance Programs.

   Answer: True Page: 42

4. An individual rights approach to EEO legislation is seen through affirmative action.

   Answer: False Page: 42

5. Initially, the individual rights faction prevailed in Congress by getting their view codified in Title VII.

6. Answer: True Page: 43Title VII is not universally applied to all employers.

   Answer: True Page: 46

7. A private sector employer with 10 fulltime and 5 part time employees would be required to comply with Title VII in making employment decisions.

   Answer: True Page: 46

8. There are some employees who do not receive Title VII protection even if the employment action is based on their race, color, religion, sex, or national origin.

   Answer: True Page: 48

9. Title VII protects foreign nationals who are working within the United States and its territories.

   Answer: True Page: 48

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10. *Deferral* means that the federal EEOC may choose to forward a charge for investigation by the state or local FEPA.

Answer: True Page: 49

11. Failure to file a Title VII complaint in a timely manner can result in a dismissal.

Answer: True Page: 52

12. If the EEOC's investigation concludes with a finding of *no cause*, the complaining party is barred from filing suit for the same alleged discrimination in federal court.

Answer: False Page: 53

13. An administrative withdrawal is the same as a dismissal.

Answer: True Page: 53

14. A complaint will not be dismissed just because the complaining party fails to provide the EEOC with requested information.

Answer: False Page: 54

15. When an EEOC investigation results in a finding of reasonable cause, the matter is automatically concluded.

Answer: False Page: 55

16. Conciliation is encouraged by the EEOC before the determination of reasonable cause is reached.

Answer: True Page: 54

17. When the EEOC decides to litigate a complaint, it uses the resources of the Solicitor General's Office.

Answer: True Page: 56

18. If the parties cannot agree to conciliation the EEOC has the option of filing suit on behalf of the complaining party.

Answer: True Page: 56

19. Either party may request a trial by jury if a complaining party is seeking compensatory or punitive damages.

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Answer: True Page: 56

20. Some circuit courts have been known to hold parties liable for legal cost if the appeal is obviously frivolous.

Answer: True Page: 57

Multiple Choice

1. Black Codes denied freedmen all of the rights listed below ***except***:

A. the right to serve on juries
B. the right to bear arms
C. the right to assemble before sunset
D. the right to vote

Answer: C Page: 40

2. The history of federal civil rights law begins with:

A. the beginning of the civil war.
B. the abolition of slavery.
C. the election of Abraham Lincoln.
D. the use of Jim Crow Laws.

Answer: B Page: 40

3. _____ was a means for the federal government to negate state Black Codes.

A. Amendment XIII
B. Amendment XIV
C. *Plessy v. Ferguson*
D. Civil Rights Act of 1964

Answer: B Page: 41

4. Which 1896 Supreme Court Justice took exception to the *Plessy v. Ferguson* ruling?

A. Edward White
B. John Harlan
C. Stephen Field
D. David Brewer

Answer: B Page: 41

5. Individual group rights advocate:

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A. protected class-consciousness decision-making
B. a retrospective approach to EEO legislation
C. affirmative action
D. equal treatment

Answer: D Page: 43

6. Which of the following is included in the group rights approach to EEO law?

A. equal results
B. protected class-blind decision-making
C. a prospective approach to EEO legislation
D. equal treatment

Answer: A Page: 43

7. If it is stipulated that a law should be prospective in nature, what does that mean?

A. considering the ease to which it would be implemented
B. drawing from past events in history
C. looking toward the future
D. considering how the majority of companies currently handle situations

Answer: C Page: 43

8. The section of Title VII that specifically prohibits certain forms of discrimination in employment is:

A. 730
B. 307
C. 703
D. 370

Answer: C Page: 44

9. What is the intent of Title VII?

A. to create affirmative action plans
B. an individual's qualifications are the basis for employment-related decisions
C. a protected class, such as race, is given priority in employment decisions
D. to allow traditionally oppressed groups of people better working conditions than other groups

Answer: B Page: 44

10. Which is **not** a violation of Title VII?

A. a candidate is promoted because she is female
B. an applicant is not given consideration because his national origin is Pakistani
C. an employer has a preference for hiring Catholics over Protestants
D. a 22 year-old is not promoted because of his age

Answer: D Page: 44

11. Which Supreme Court case concluded that Title VII protected White employees from racial discrimination just as it protected African Americans from racial discrimination?

A. *McDonald v. Santa Fe Transportation Company*
B. *Brown v. Topeka Board of Education*
C. *Plessy v. Ferguson*
D. *Ledbetter v. Goodyear Tire & Rubber Co.*

Answer: A Page: 45

12. Which of the following is considered an ethnic group rather than a racial classification by the United States Census Bureau?

A. Asian
B. American Indian/Alaska Native
C. Hispanic
D. Native Hawaiian/Pacific Islander

Answer: C Page: 46

13. Any private sector employer who employs ___ or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year is an "employer" under the Title VII.

A. 10
B. 15
C. 20
D. 25

Answer: B Page: 46

14. Which of the following employers is ***not*** covered by Title VII?

A. The University of Washington
B. Colorado Department of Labor & Employment
C. The city of Detroit
D. A private sector employer with 10 (or less) employees

Answer: D Page: 47

15. Which of the following employees is **not** covered by Title VII?

A. a member of a Native American Indian Tribe that has treaties with the United States
B. a citizen of the United States working for a U.S. company overseas
C. a man who works part-time for a private sector company employing 17 people
D. an illegal immigrant

Answer: A Page: 48

16. The Civil Rights Act of 1991 identifies the party *against* whom a complaint is made as the:

A. defendant
B. employer
C. complaining party
D. respondent

Answer: D Page: 49

17. Which of the following is **not** a true statement concerning Fair Employment Practice Agencies (FEPAs)?

A. A case that is filed with the EEOC can be deferred to a state FEPA.
B. There are no time limits for filing a complaint with a FEPA.
C. FEPAs are state enforcement agencies that investigate unlawful discrimination.
D. FEPAs are sometimes referred to as section 706 agencies.

Answer: B Page: 51

18. In what year was the Lilly Ledbetter Fair Pay Act signed into law?

A. 1985
B. 1991
C. 2001
D. 2009

Answer: D Page: 52

19. _____ amends Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, and the Rehabilitation Act of 1973 by overturning the Supreme Court's *Goodyear Tire & Rubber Co*decision..

A. the Lilly Ledbetter Fair Pay Act
B. the Civil Rights Act of 1991
C. the Equal Pay Act
D. the Fair Labor Standards Act

Answer: A Page: 52

20. Which of the following is **not** one of the three outcomes possible once an initial investigation into an alleged discriminatory act is completed?

A. no reasonable cause
B. deferral
C. dismissal
D. reasonable cause

Answer: B Page: 53

21. Once you have been notified that the EEOC has received a complaint from one of your employees, what are the possible outcomes?

A. reasonable cause or dismissal
B. no cause, reasonable cause or injunction
C. reasonable cause, injunction or dismissal
D. no cause, reasonable cause, or dismissal

Answer: D Page: 53

22. The complaining party must request a "notice of right to sue" within how many days of being formally notified of the EEOC's no cause determination?

A. 30 days
B. 60 days
C. 90 days
D. 120 days

Answer: C Page: 53

23. If reasonable cause is found, which of the following is a course of action for the respondent?

A. dismissal
B. deferral
C. conciliation
D. notice of right to sue

Answer: C Page: 53

24. What does conciliation mean?

A. a negotiated settlement with the complaining party
B. the process of returning an appealed case to the court of original jurisdiction
C. the damage award of a lower court is annulled or by an appellate court
D. the EEOC stops the investigation without any determination being made

Answer: A Page: 54

25. A "bench trial" is heard before a:

A. judge and jury
B. judge only
C. board consisting of EEOC delegates
D. the attorneys for each party only

Answer: B Page: 56

26. The legal term used for the process of returning an appealed case to the court of original jurisdiction is:

A. vacate.
B. remand.
C. dismissal.
D. conciliation.

Answer: B Page: 57

27. _____ focuses managers' and HR professionals' attention on statistical imbalances in their workforces.

A. conciliation
B. remand
C. disparate treatment
D. disparate impact

Answer: D Page: 58

28. Which is a true statement about disparate treatment?

A. It was born from the *Griggs v. Duke Power Company* decision.
B. It focuses on statistical imbalances in workforces.
C. It is characterized by imposing different standards on different people.
D. It is unintentional.

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Answer: C Page: 58

29. Which is a true statement about disparate impact?

A. It focuses on statistical imbalances in workforces.
B. It is characterized by imposing different standards on different people.
C. It is intentional.
D. It was born from the *Plessy v. Ferguson* decision.

Answer: A Page: 58

30. If applied to a workplace setting, which is an example of disparate treatment?

A. A woman is not promoted because she does not have the correct degree.
B. A woman is not promoted because she has a habit of being late.
C. A woman is not promoted because the CEO believes women are too emotional.
D. A woman is not promoted because she consistently loses sales opportunities.

Answer: C Page: 58

Essay

1. What are the differences in the individual versus group rights views of equal employment opportunity?

Individual: prospective, individual rights, protected class-blind, anti discrimination, equal treatment

Group: retrospective, group rights, protected class-conscious, compensatory/remedial, equal results.

Page: 43 (see figure 2.1)

2. Identify the classes of employers and types of people required to comply with Title VII.

Private sector employers with 15 or more employees for 20 or more calendar weeks
All educational institutions (public or private)
All labor unions with 15 or more members
All employment agencies (public & private)
All state and local governments
All joint (labor-management) committees for apprenticeship and training
Employees of the U.S. Congress (Civil Rights Act of 1991)

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3. What is the process when a complaint is filed with the EEOC or a fair employment practice agency?

Once charges are filed they are either to a FEPA or the EEOC processes the complaint. Either way, the following steps will occur. The complaining party is interviewed and information is requested of the respondent. An investigator analyzes the evidence and drafts a summary of the evidence. A pre-determination interview occurs with the party that the decision will probably rule against. A letter of determination is issued with two possible outcomes: no cause or reasonable cause. If no cause is the determination, the EEOC or FEPA has no further involvement, but the complaining party can still issue a right to sue. If reasonable cause is the determination, conciliation will be attempted. If no agreement can be reached, normally the complaining party will bring suit in a federal district court.

Page: 50 (see figure 2.5)