Human Resource Management Essential Perspectives 7th edition Mathis Test Bank

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Chapter 2—Equal Employment Opportunity and Discrimination

MULTIPLE CHOICE

1. Which of the following is a legally permissible criterion in making hiring and other employment decisions?
   a. Qualification
   b. Gender
   c. Age
   d. Religion

   ANS: A PTS: 1 DIF: Easy
   NAT: BUSPROG: Analytic TOP: Nature of Equal Employment Opportunity
   KEY: Bloom's: Knowledge PAGE: 26

2. Which of the following is an illegal criterion for rejecting job applicants?
   a. Education
   b. Work experience
   c. Skill sets
   d. Religion

   ANS: D PTS: 1 DIF: Easy
   NAT: BUSPROG: Analytic TOP: Nature of Equal Employment Opportunity
   KEY: Bloom's: Knowledge PAGE: 26

3. Which of the following advertisements for recruitment is most likely to be considered illegal?
   a. “Experienced writers required”
   b. “Enthusiastic radio jockeys needed”
   c. “Wanted: Professors with educational background in economics”
   d. “Young store executives needed.”

   ANS: D PTS: 1 DIF: Moderate
   NAT: BUSPROG: Analytic TOP: Nature of Equal Employment Opportunity
   KEY: Bloom's: Comprehension PAGE: 26

4. Equal employment opportunity is a broad-reaching concept that essentially requires employers to make:
   a. status-blind employment decisions.
   b. nepotistic employment decisions.
   c. egocentric employment decisions.
   d. dictatorial employment decisions.

   ANS: A PTS: 1 DIF: Easy
   NAT: BUSPROG: Analytic TOP: Nature of Equal Employment Opportunity
   KEY: Bloom's: Comprehension PAGE: 26

5. Affirmative action means that an employer takes proactive measures to:
   a. encourage the glass ceiling effect.
   b. reduce status-blind employment decisions.
   c. increase the number of women and minorities in the workforce.
   d. decrease instances of whistleblowing in the workplace.

   ANS: C PTS: 1 DIF: Moderate
   NAT: BUSPROG: Analytic TOP: Nature of Equal Employment Opportunity

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KEY: Bloom's: Comprehension PAGE: 26

6. Which of the following is true of the U.S. Department of Labor?
   a. The Equal Employment Opportunity Commission is a part of the Department of Labor.
   b. It can enforce employment laws for employers in public workplaces but private workplaces are beyond its jurisdiction.
   c. The employment requirements set out by Executive Orders for federal contractors and subcontractors is beyond the scope of the Department of Labor.
   d. It has broad enforcement power and oversees compliance with many employment-related laws.

   ANS: D PTS: 1 DIF: Easy
   NAT: BUSPROG: Analytic TOP: Nature of Equal Employment Opportunity
   KEY: Bloom's: Knowledge PAGE: 27

7. _____ occurs when individuals with a particular characteristic are treated differently from others.
   a. Disparate treatment
   b. Consociationalism
   c. Isonomy
   d. Diversity

   ANS: A PTS: 1 DIF: Easy
   NAT: BUSPROG: Analytic TOP: Theories of Unlawful Discrimination
   KEY: Bloom's: Knowledge PAGE: 28

8. _____ occurs when an employment practice has an adverse effect on individuals with a particular characteristic.
   a. Disparate treatment
   b. Disparate impact
   c. Isonomy
   d. Consociationalism

   ANS: B PTS: 1 DIF: Easy
   NAT: BUSPROG: Analytic TOP: Theories of Unlawful Discrimination
   KEY: Bloom's: Knowledge PAGE: 28

9. A _____ is a practice required for safe and efficient organizational operations.
   a. disparate treatment
   b. burden of proof
   c. business necessity
   d. business emergency

   ANS: C PTS: 1 DIF: Easy
   NAT: BUSPROG: Analytic TOP: Theories of Unlawful Discrimination
   KEY: Bloom's: Knowledge PAGE: 29

10. Restricting workers from wearing garments, although it may be required by their religion, to ensure safety at the workplace is a _____.
    a. nonretaliatory practice
    b. burden of proof
    c. business necessity
    d. business emergency

    ANS: C PTS: 1 DIF: Easy
    NAT: BUSPROG: Analytic TOP: Theories of Unlawful Discrimination
    KEY: Bloom's: Knowledge PAGE: 29

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11. Which of the following best describes a bona fide occupational qualification?
    a. It is a template that an HR department uses in selecting, training, and orienting prospective employees.
    b. It provides a detailed description of routine work responsibilities for all the employees in an organization.
    c. It provides an exhaustive list of the desired traits and characteristics expected from prospective employees.
    d. It provides a legitimate reason why an employer can exclude persons on otherwise illegal bases of consideration.

    ANS: D PTS: 1 DIF: Easy
    NAT: BUSPROG: Analytic TOP: Theories of Unlawful Discrimination
    KEY: Bloom's: Knowledge PAGE: 29

12. Which of the following is true of nonretaliatory practices in workplaces?
    a. Employers are prohibited from retaliating against individuals who file discrimination charges.
    b. Employees are prohibited from retaliating against organizations that practice discrimination.
    c. Employers are prohibited from retaliating against employees on ethical grounds.
    d. Employees are restricted from retaliating against employers who encourage instances of glass ceiling.

    ANS: A PTS: 1 DIF: Easy
    NAT: BUSPROG: Analytic TOP: Theories of Unlawful Discrimination
    KEY: Bloom's: Knowledge PAGE: 30

13. Which of the following scenarios is considered illegal according to the Civil Rights Act of 1964?
    a. Segregating employees on the basis of their educational qualification
    b. Segregating employees on the basis of their ethnicity
    c. Segregating employees on the basis of their work experience
    d. Segregating employees on the basis of their skill sets

    ANS: B PTS: 1 DIF: Moderate
    NAT: BUSPROG: Analytic TOP: Broad-Based Discrimination Laws
    KEY: Bloom's: Comprehension PAGE: 30

14. Which of the following scenarios is considered illegal according to the Civil Rights Act of 1964?
    a. Segregating employees on the basis of their educational qualification
    b. Segregating employees on the basis of their gender
    c. Segregating employees on the basis of their work experience
    d. Segregating employees on the basis of their skill sets

    ANS: B PTS: 1 DIF: Moderate
    NAT: BUSPROG: Analytic TOP: Broad-Based Discrimination Laws
    KEY: Bloom's: Comprehension PAGE: 30

15. Which of the following organizations must comply with rules and regulations that specific government agencies have established to administer the Equal Employment Opportunity Act of 1972?
    a. Nongovernmental organizations with a minimum of 10 employees
    b. State and local governments
    c. Private organizations with a minimum of 10 employees
    d. Labor unions with 5 or more members

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ANS: B PTS: 1 DIF: Moderate
NAT: BUSPROG: Analytic TOP: Broad-Based Discrimination Laws
KEY: Bloom's: Comprehension PAGE: 31

16. Which of the following is true of the Civil Rights Act of 1991?
    a. It requires that employers show that there are instances of glass ceiling in their organizations.
    b. It requires employers to discourage the occurrence of affirmative actions in the work place.
    c. It strengthens legal protection for employees, provides for jury trials and allows for damages payable.
    d. It requires employers to avoid making status-blind employment decisions.

ANS: C PTS: 1 DIF: Moderate
NAT: BUSPROG: Analytic TOP: Broad-Based Discrimination Laws
KEY: Bloom's: Comprehension PAGE: 31

17. Which of the following is true of executive orders 11246, 11375, and 11478?
    a. They require all educational institutions to take affirmative actions to compensate for historical discrimination against women, minorities, and handicapped individuals.
    b. They require labor unions to take affirmative actions to compensate for historical discrimination against women, minorities, and handicapped individuals.
    c. They require state governments to take affirmative actions to compensate for historical discrimination against women, minorities, and handicapped individuals.
    d. They require federal contractors to take affirmative actions to compensate for historical discrimination against women, minorities, and handicapped individuals.

ANS: D PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Broad-Based Discrimination Laws
KEY: Bloom's: Knowledge PAGE: 31

18. Which of the following is the objective of the affirmative action program?
    a. To have the company's workforce demographics reflect as closely as possible the demographics in the labor market
    b. To encourage organizations where minorities from the local community represent a significantly lesser proportion of the workforce
    c. To stop companies from making status-blind employment decisions
    d. To encourage organizations where instances of glass ceiling are common

ANS: A PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Broad-Based Discrimination Laws
KEY: Bloom's: Knowledge PAGE: 31

19. The _____ oversees federal contractor operations and requires them to take affirmative action.
    a. Equal Employment Opportunity Commission
    b. Office of Federal Contract Compliance Programs
    c. Committee on Oversight and Government Reform
    d. Department of Justice

ANS: B PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Broad-Based Discrimination Laws
KEY: Bloom's: Knowledge PAGE: 31

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20. The original purpose of the Civil Rights Act of 1964 was to address _____ in the United States.
    a. gender discrimination
    b. age discrimination
    c. racial discrimination
    d. disability discrimination

    ANS: C PTS: 1 DIF: Easy
    NAT: BUSPROG: Analytic TOP: Broad-Based Discrimination Laws
    KEY: Bloom's: Knowledge PAGE: 31

21. The _____ requires that employers treat maternity leave the same as other personal or medical leaves.
    a. Pregnancy Discrimination Act
    b. Family and Medical Leave Act
    c. Fair Labor Standards Act
    d. National Labor Relations Act

    ANS: A PTS: 1 DIF: Easy
    NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
    KEY: Bloom's: Knowledge PAGE: 32

22. Which of the following is true of the Family and Medical Leave Act?
    a. It does not cover cases of adoption.
    b. It applies only to women.
    c. It requires that qualified individuals be given up to 12 weeks of unpaid family leave.
    d. It requires that qualified individuals be given up to 20 weeks of unpaid family leave.

    ANS: C PTS: 1 DIF: Moderate
    NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
    KEY: Bloom's: Comprehension PAGE: 32

23. The _____ requires that qualified individuals be given up to 12 weeks of unpaid family leave and also requires that those taking family leave be allowed to return to jobs.
    a. Pregnancy Discrimination Act
    b. Family and Medical Leave Act
    c. Fair Labor Standards Act
    d. National Labor Relations Act

    ANS: B PTS: 1 DIF: Easy
    NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
    KEY: Bloom's: Knowledge PAGE: 32

24. Which of the following statements is true about the Equal Pay Act of 1963?
    a. It states that differences in pay between men and women in the same jobs are permitted if they belong to different ethnic groups.
    b. It requires that men and women in the same jobs, in spite of difference in seniority are given equal pay.
    c. It states that the existence of pay differences between the different jobs held by women and men is insufficient to prove that illegal discrimination has occurred.
    d. It requires employers to give similar wage rates for similar work without regard to gender.

    ANS: D PTS: 1 DIF: Moderate
    NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
    KEY: Bloom's: Comprehension PAGE: 33

25. Under which of the following circumstances is a difference in pay between men and women permitted by the Equal Pay Act of 1963?

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a. Difference in performance
b. Difference in life stage
c. Difference in ethnicity
d. Difference in religious beliefs

ANS: A PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
KEY: Bloom's: Knowledge PAGE: 33

26. Under which of the following circumstances is a difference in pay between men and women permitted by the Equal Pay Act of 1963?
a. Difference in seniority
b. Difference in marital status
c. Difference in ethnicity
d. Difference in religious beliefs

ANS: A PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
KEY: Bloom's: Knowledge PAGE: 33

27. The _____ eliminates the statute of limitations for employees who file pay discrimination claims under the Equal Pay Act.
a. Taft-Hartley Act
b. Lilly Ledbetter Fair Pay Act
c. Clayton Antitrust Act
d. Railway Labor Act

ANS: B PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
KEY: Bloom's: Knowledge PAGE: 33

28. Which of the following is true of glass ceiling?
a. It refers to the discriminatory practices that have prevented women and other minority status employees from successfully obtaining jobs.
b. It refers to the preferential treatment that women and minorities receive within an organization.
c. It refers to the preferential treatment that women and minorities receive within an organization when they advance to executive-level jobs.
d. It refers to the discriminatory practices that have prevented women and other minority status employees from advancing to executive-level jobs.

ANS: D PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
KEY: Bloom's: Comprehension PAGE: 33

29. Which of the following best describes nepotism?
a. It is the practice of prohibiting relatives from working for the same employer.
b. It is the practice of allowing relatives to work for the same employer.
c. It is the practice of allowing friends to work for the same employer.
d. It is the practice of prohibiting friends from working for the same employer.

ANS: B PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
KEY: Bloom's: Knowledge PAGE: 33

30. Which of the following best exemplifies quid pro quo type of sexual harassment?

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a. A supervisor commenting on the appearance of an employee
b. A supervisor telling jokes to an employee that are sexual in nature
c. A supervisor giving a pay hike to an employee who performed sexual favors
d. A supervisor allowing revealing photos of self to be displayed in a public domain

ANS: C PTS: 1 DIF: Challenging
NAT: BUSPROG: Reflective Thinking TOP: Sexual Harassment
KEY: Bloom's: Application PAGE: 35

31. Which of the following statements is true of quid pro quo harassment?
a. A supervisor can be held guilty of quid pro quo harassment if he or she tells jokes that are suggestive or sexual in nature.
b. For proving charges of quid pro quo harassment, a plaintiff only needs to prove that the working condition at a workplace is hostile.
c. A supervisor can be held guilty of quid pro quo harassment if he or she promotes an employee in return of sexual favors.
d. A company cannot be held liable for an employee's actions in cases of quid pro quo harassment.

ANS: C PTS: 1 DIF: Moderate
NAT: BUSPROG: Analytic TOP: Sexual Harassment
KEY: Bloom's: Comprehension PAGE: 35

32. The Rehabilitation Act passed in 1973 applied only to _____.
a. federal contractors
b. state governments
c. labor unions
d. nonprofit organizations

ANS: A PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Disability Discrimination
KEY: Bloom's: Knowledge PAGE: 36

33. The _____ passed in 1973 required that federal contractors take affirmative action to employ disabled workers.
a. Genetic Information Nondiscrimination Act
b. Rehabilitation Act
c. Civil Rights Act
d. Taft-Hartley Act

ANS: B PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Disability Discrimination
KEY: Bloom's: Knowledge PAGE: 36

34. The Americans with Disabilities Act is enforced by the _____.
a. Department of Labor
b. National Labor Relations Board
c. Office of Federal Contract Compliance Programs
d. Equal Employment Opportunity Commission

ANS: D PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Disability Discrimination
KEY: Bloom's: Knowledge PAGE: 37

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

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a. Employees of private organizations
b. Employment agencies
c. State government employees
d. Labor unions

ANS: C PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Disability Discrimination
KEY: Bloom's: Knowledge PAGE: 37

36. Which of the following is typically a practice of reasonable accommodation by employers toward disabled employees?
a. Establishing glass ceiling to aid the employees
b. Providing modifications to a job to assist with their task
c. Practicing nepotism to ensure that employees have a healthy work environment
d. Providing current users of illegal drugs with better compensation

ANS: B PTS: 1 DIF: Moderate
NAT: BUSPROG: Analytic TOP: Disability Discrimination
KEY: Bloom's: Comprehension PAGE: 37

37. The _____ prohibits the use of pre-employment medical exams, except for drug tests, until a job has been conditionally offered.
a. Civil Rights Act
b. Family and Medical Leave Act
c. Americans with Disabilities Act
d. Taft-Hartley Act

ANS: C PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Disability Discrimination
KEY: Bloom's: Knowledge PAGE: 37

38. The _____ prohibits discrimination in terms, conditions, or privileges of employment against all individuals of age 40 or older working for employers having 20 or more workers.
a. Older Workers Benefit Protections Act
b. Rehabilitation Act
c. Civil Rights Act
d. Age Discrimination in Employment Act

ANS: D PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Age Discrimination Laws
KEY: Bloom's: Knowledge PAGE: 39

39. According to the _____, workers over the age of 40 are entitled to receive complete accurate information on the available benefits, a list of all workers impacted in a reduction, and several weeks to decide whether or not to accept severance benefits in exchange for a waiver to sue the employer.
a. Older Workers Benefit Protection Act
b. Age Discrimination in Employment Act
c. Civil Rights Act
d. Rehabilitation Act

ANS: A PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Age Discrimination Laws
KEY: Bloom's: Knowledge PAGE: 39

40. Which of the following is true of phased retirement?
a. Employees' workloads and pay levels are increased.

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b. Employees' workloads and pay levels are reduced.
c. Employees' workloads are reduced and pay levels are increased.
d. Employees' workloads are increased and pay levels are reduced.

ANS: B PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Age Discrimination Laws
KEY: Bloom's: Comprehension PAGE: 40

41. The _____ requires employers to verify the employment status of all employees, while not discriminating because of national origin or ethnic background.
a. Civil Rights Act
b. Rehabilitation Act
c. Immigration Reform and Control Act
d. Older Workers Benefit Protection Act

ANS: C PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Managing Other Discrimination Issues
KEY: Bloom's: Knowledge PAGE: 42

42. According to the _____, employees are required to notify their employers of military service obligations.
a. Civil Rights Act
b. Rehabilitation Act
c. Vietnam Era Veterans Readjustment Assistance Act
d. Uniformed Services Employment and Reemployment Rights Act

ANS: D PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Managing Other Discrimination Issues
KEY: Bloom's: Knowledge PAGE: 43

43. Which of the following is true of the Uniformed Services Employment and Reemployment Rights Act?
a. Uniformed military personnel are provided up to five years of active duty service leave during which the employer must hold their job.
b. Uniformed military personnel are provided up to seven years of active duty service leave during which the employer must hold their job.
c. The employer must compensate the military personnel during the time of active service for a period of five years.
d. The employer must compensate the military personnel during the time of active service for a period of seven years.

ANS: A PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Managing Other Discrimination Issues
KEY: Bloom's: Knowledge PAGE: 43

TRUE/FALSE

1. The primary objective of affirmative action plans is to identify the scope of workplace discrimination in the future.

ANS: F PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Nature of Equal Employment Opportunity
KEY: Bloom's: Comprehension PAGE: 26

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2. The Equal Employment Opportunity Commission (EEOC) enforces employment laws in both private and public workplaces.

ANS: T PTS: 1 DIF: Easy
NAT: BUSPROG: Reflective Thinking TOP: Nature of Equal Employment Opportunity
KEY: Bloom's: Knowledge PAGE: 27

3. Disparate treatment occurs when either different standards are used to judge individuals or the same standard is used but it is not related to the individuals' jobs.

ANS: T PTS: 1 DIF: Moderate
NAT: BUSPROG: Analytic TOP: Theories of Unlawful Discrimination
KEY: Bloom's: Comprehension PAGE: 28

4. Restricting employees from wearing garments that might get caught in machinery is a form of discrimination and not a business necessity.

ANS: F PTS: 1 DIF: Moderate
NAT: BUSPROG: Analytic TOP: Theories of Unlawful Discrimination
KEY: Bloom's: Comprehension PAGE: 29

5. Employers cannot discriminate on the basis of sex, religion, or national origin even if the characteristics can be justified as a bona fide occupational qualification.

ANS: F PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Theories of Unlawful Discrimination
KEY: Bloom's: Knowledge PAGE: 29

6. Employers are allowed to retaliate against individuals who file discrimination charges.

ANS: F PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Theories of Unlawful Discrimination
KEY: Bloom's: Knowledge PAGE: 30

7. Title VII of the Civil Rights Act states that it is illegal for an employer to fail or refuse to hire or discharge any individual because of such individual's national origin.

ANS: T PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Broad-Based Discrimination Laws
KEY: Bloom's: Knowledge PAGE: 30

8. All educational institutions are exempted from Title VII of the Equal Employment Opportunity Act of 1972.

ANS: F PTS: 1 DIF: Moderate
NAT: BUSPROG: Analytic TOP: Broad-Based Discrimination Laws
KEY: Bloom's: Knowledge PAGE: 30

9. Executive Orders 11246, 11375, and 11478 require federal contractors to take affirmative action to compensate for historical discrimination against women, minorities, and handicapped individuals.

ANS: T PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Broad-Based Discrimination Laws
KEY: Bloom's: Knowledge PAGE: 31

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11. The Pregnancy Discrimination Act (PDA) requires that employers treat maternity leave the same as other personal or medical leaves.

ANS: T PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
KEY: Bloom's: Knowledge PAGE: 32

12. The Family and Medical Leave Act (FMLA) of 1993 is applicable only to women.

ANS: F PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
KEY: Bloom's: Knowledge PAGE: 32

13. Provisions of the Affordable Care Act (2010) allow for break time and a private place for nursing mothers to express breast milk for one year after the birth of a child.

ANS: T PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
KEY: Bloom's: Knowledge PAGE: 32

14. The Equal Pay Act of 1963 requires employers to pay similar wage rates for similar work without regard to gender.

ANS: T PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
KEY: Bloom's: Knowledge PAGE: 33

15. Differences in pay between men and women in the same jobs are permitted when there is a difference in the quality of work.

ANS: T PTS: 1 DIF: Moderate
NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
KEY: Bloom's: Comprehension PAGE: 33

16. Pay equity is the idea that pay for jobs requiring comparable levels of knowledge, skill, and ability should be similar, even if actual duties differ significantly.

ANS: T PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
KEY: Bloom's: Knowledge PAGE: 33

17. Nepotism is the practice of preventing relatives from working for the same employer.

ANS: F PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
KEY: Bloom's: Knowledge PAGE: 34

18. Workplace romances are considered risky because they have great potential for causing conflict.

ANS: T PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
KEY: Bloom's: Comprehension PAGE: 34

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19. A hostile environment harassment is a type of sexual harassment in which employment outcomes are typically linked to the individual granting sexual favors.

ANS: F PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sexual Harassment
KEY: Bloom's: Knowledge PAGE: 35

20. A quid pro quo harassment exists when an individual's work performance or psychological well-being is unreasonably affected by intimidating or offensive working conditions.

ANS: F PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sexual Harassment
KEY: Bloom's: Knowledge PAGE: 35

21. The Rehabilitation Act was initially only applicable to federal contractors.

ANS: T PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Disability Discrimination
KEY: Bloom's: Knowledge PAGE: 36

22. The Americans with Disabilities Act (ADA) covers all state government employees.

ANS: F PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Disability Discrimination
KEY: Bloom's: Knowledge PAGE: 37

23. The Americans with Disabilities Act includes restrictions on obtaining and retaining medically related information on applicants and employees.

ANS: T PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Disability Discrimination
KEY: Bloom's: Knowledge PAGE: 37

24. The Older Workers Benefit Protection Act ensures that older workers are not compelled or pressured into waiving their rights under the ADEA.

ANS: T PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Age Discrimination Laws
KEY: Bloom's: Knowledge PAGE: 40

25. The Immigration Reform and Control Act (IRCA) requires employers to verify the employment status of all employees, while not discriminating because of national origin or ethnic background.

ANS: T PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Managing Other Discrimination Issues
KEY: Bloom's: Knowledge PAGE: 43

26. Under the Vietnam Era Veterans Readjustment Assistance Act, employees are required to notify their employers of military service obligations.

ANS: F PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Managing Other Discrimination Issues

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KEY: Bloom's: Knowledge PAGE: 43

27. Through cultural awareness training, organizations try to build greater understanding of the differences among people.

ANS: T PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Diversity Training
KEY: Bloom's: Comprehension PAGE: 44

SHORT ANSWER

1. Explain protected characteristics.

ANS:
Under federal, state, and local laws employers are prohibited from considering the following factors in making hiring and other employment decisions: age, color, disability, genetic information, marital status (some states), military status or experience, national origin, pregnancy, race, religion, sexual orientation (some states and cities) These are considered protected characteristics under EEO laws and regulations. All workers are provided equal protection; the laws do not favor some groups over others.

PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Nature of Equal Employment Opportunity
KEY: Bloom's: Knowledge PAGE: 26

2. Explain the concept status-blind employment decisions.

ANS:
Equal employment opportunity is a broad-reaching concept that essentially requires employers to make status-blind employment decisions. Status blind decisions are made without regard to applicants' personal characteristics (i.e., age, sex, race, and so on).

PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Nature of Equal Employment Opportunity
KEY: Bloom's: Knowledge PAGE: 26

3. Define bona fide occupational qualification.

ANS:
A bona fide occupational qualification provides a legitimate reason why an employer can exclude persons on otherwise illegal bases of consideration.

PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Theories of Unlawful Discrimination
KEY: Bloom's: Knowledge PAGE: 29

4. Which are the organizations that are required to comply with the Equal Employment Opportunity Act of 1972?

ANS:
Any organization meeting one of the following criteria must comply with rules and regulations that specific government agencies have established to administer the act:
1. All private employers of 15 or more employees
2. All educational institutions, public and private

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3. State and local governments
4. Public and private employment agencies
5. Labor unions with 15 or more members
6. Joint labor/management committees for apprenticeships and training

PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Broad-Based Discrimination Laws
KEY: Bloom's: Knowledge PAGE: 30-31

5. List the clauses that permit a difference in pay between men and women in the same jobs.

ANS:
Differences in pay between men and women in the same jobs are permitted because of:
1. differences in seniority.
2. differences in performance.
3. differences in quality and/or quantity of production.
4. factors other than sex, such as skill, effort, and working conditions.

PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
KEY: Bloom's: Knowledge PAGE: 33

6. Describe the important elements of affirmative defense.

ANS:
The important elements of the affirmative defense include the following:
1. Establish a sexual harassment policy.
2. Communicate the policy regularly.
3. Train employees and managers on avoiding sexual harassment.
4. Investigate and take action when complaints are voiced.

PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sexual Harassment
KEY: Bloom's: Knowledge PAGE: 36

7. Define the characteristics of a disabled person in the context of the latest amendments to the Americans with Disabilities Act.

ANS:
The latest amendments to the Americans with Disabilities Act in 2009, has significantly broadened the definition of disabled individuals. It includes anyone with a physical or mental impairment that substantially limits one or more major life activities without regard for the ameliorative effects of mitigating measures such as medication, prosthetics, hearing aids, and so on. This establishes a very low threshold for establishing whether an individual is “disabled.”

PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Disability Discrimination
KEY: Bloom's: Knowledge PAGE: 37

8. Outline EEOC’s recommendations on managing religious diversity in the workplace.

ANS:

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The EEOC recommends that employers consider the following reasonable accommodations for employees' religious beliefs and practices:
1. Scheduling changes, voluntary substitutes, and shift swaps
2. Changing an employee's job tasks or providing a lateral transfer
3. Making an exception to dress and grooming rules
4. Accommodations relating to payment of union dues or agency fees
5. Accommodating prayer, proselytizing, and other forms of religious expression

PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Religion and Spirituality in the Workplace
KEY: Bloom's: Knowledge PAGE: 41

ESSAY

1. Describe the concepts of equal employment opportunity.

   ANS:
   Court decisions and administrative rulings have helped to define several basic EEO concepts. The four key concepts are discussed below:

   Business Necessity and Job Relatedness: A business necessity is a practice necessary for safe and efficient organizational operations, such as restricting employees from wearing garments that might get caught in machinery although the attire may be required by an employee's religion.

   Bona Fide Occupational Qualification: Employers may discriminate on the basis of sex, religion, or national origin if the characteristic can be justified as a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or enterprise. Thus, a bona fide occupational qualification provides a legitimate reason why an employer can exclude persons on otherwise illegal bases of consideration. The application of a BFOQ is very narrowly determined and an employer seeking to justify hiring on this basis is advised to obtain prior authorization from the EEOC.

   Burden of Proof: When a legal issue regarding unlawful discrimination is raised, the burden of proof must be satisfied to file suit against an employer and establish that unlawful discrimination has occurred. The plaintiff charging discrimination must establish a prima facie case of discrimination through either factual or statistical evidence. The prima facie case means that sufficient evidence is provided to the court to support the case and allow the plaintiff to continue with the claim. The burden then shifts to the employer who must provide a legitimate, nondiscriminatory reason for the decision. The plaintiff then must show either that the employer's reason was a pretext for discrimination or that there is an alternative selection technique that would not result in discrimination. The plaintiff maintains the final burden of proving that an employment decision was the result of unlawful discrimination.

   Nonretaliatory Practices: Employers are prohibited from retaliating against individuals who file discrimination charges. Retaliation occurs when employers take punitive actions against individuals who exercise their legal rights.

   PTS: 1 DIF: Easy
   NAT: BUSPROG: Analytic TOP: Theories of Unlawful Discrimination
   KEY: Bloom's: Knowledge PAGE: 29-30

2. Elaborate on the Civil Rights Act of 1964.

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ANS:
Although the very first civil rights act was passed in 1866, it was not until passage of the Civil Rights Act of 1964 that the keystone of antidiscrimination employment legislation was put into place. Title VII, the employment section of the Civil Rights Act of 1964, details the legal protections provided to applicants and employees and defines prohibited employment practices. Title VII is the foundation on which all other nondiscrimination legislation rests. Title VII of the Civil Rights Act states that it is illegal for an employer to:

• fail or refuse to hire or discharge any individual, or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin, or
• limit, segregate, or classify his employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of such individual's race, color, religion, sex, or national origin.

Title VII Coverage: Title VII, as amended by the Equal Employment Opportunity Act of 1972, covers most employers in the United States. Any organization meeting one of the following criteria must comply with rules and regulations that specific government agencies have established to administer the act:

• All private employers of 15 or more employees
• All educational institutions, public and private
• State and local governments
• Public and private employment agencies
• Labor unions with 15 or more members
• Joint labor/management committees for apprenticeships and training

PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Broad-Based Discrimination Laws
KEY: Bloom's: Knowledge PAGE: 30-31

3. Describe affirmative action program (AAP). What is its primary objective?

ANS:
An affirmative action program (AAP) outlines proactive steps the organization will take to attract and hire members of underrepresented groups. Federal contractors are required to develop and maintain a written affirmative action program (AAP). This data-driven program includes analysis of the composition of company's current workforce with a comparison to the availability of workers in the labor market. The overall objective of the AAP is to have the company's workforce demographics reflect as closely as possible the demographics in the labor market from which workers are recruited.

PTS: 1 DIF: Moderate
NAT: BUSPROG: Analytic TOP: Broad-Based Discrimination Laws
KEY: Bloom's: Comprehension PAGE: 31

4. Discuss two acts that have been passed to control pregnancy discrimination.

ANS:
The Pregnancy Discrimination Act (PDA) of 1978 amended Title VII to require that employers treat maternity leave the same as other personal or medical leaves.

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Closely related to the PDA is the Family and Medical Leave Act (FMLA) of 1993, which requires that qualified individuals be given up to 12 weeks of unpaid family leave and also requires that those taking family leave be allowed to return to jobs. The FMLA applies to both men and women. Provisions of the Affordable Care Act (2010) allow for break time and a private place for nursing mothers to express breast milk for one year after the birth of a child.

PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
KEY: Bloom's: Knowledge PAGE: 32

5. What are the clauses stated in the Equal Pay Act of 1963? Why was the Lilly Ledbetter Fair Pay Act enacted in 2009?

ANS:
The Equal Pay Act of 1963 requires employers to pay similar wage rates for similar work without regard to gender. A common core of tasks must be similar, but tasks performed only intermittently or infrequently do not make jobs different enough to justify significantly different wages. Differences in pay between men and women in the same jobs are permitted because of:

1. differences in seniority;
2. differences in performance;
3. differences in quality and/or quantity of production; and
4. factors other than sex, such as skill, effort, and working conditions.

In response to a procedural issue in her pursuit of a fair pay claim, Congress enacted the Lilly Ledbetter Fair Pay Act in 2009, which eliminates the statute of limitations for employees who file pay discrimination claims under the Equal Pay Act. Each paycheck is essentially considered a new act of discrimination. Lawmakers recognized that because pay information is often secret it might take months or even years for an employee to discover the inequity. The successful plaintiff can recover up to two years of back pay.

PTS: 1 DIF: Moderate
NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
KEY: Bloom's: Comprehension PAGE: 33

6. Describe glass ceiling.

ANS:
Glass ceiling refers to discriminatory practices that have prevented women and other minority status employees from advancing to executive-level jobs. Despite the fact that organizations with greater gender diversity enjoy better financial performance than those with less diversity, women still hold a small percentage of top leadership jobs in corporations. Only 41 of the Fortune 1000 companies are led by a female CEO. In organizations where diversity is seen as strategically important, a higher percentage of C-level executives are women. There are some differences around the world regarding the importance of diversity.

PTS: 1 DIF: Moderate
NAT: BUSPROG: Analytic TOP: Sex/Gender Discrimination Laws and Regulations
KEY: Bloom's: Comprehension PAGE: 33

7. Discuss the types of sexual harassment at the workplace.

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ANS:
Two basic types of sexual harassment have been defined by EEOC regulations and a number of court cases. They are defined as follows:

1. Quid pro quo is harassment in which employment outcomes are linked to granting sexual favors.
2. Hostile environment harassment exists when an individual's work performance or psychological well-being is unreasonably affected by intimidating or offensive working conditions.

Sexual harassment increasingly occurs via e-mail, social networking sites, and Internet access systems. Cyber sexual harassment may occur when an employee forwards an e-mail joke with sexual content or accesses pornographic websites at work and then shares the content with other employees. Cyber stalking, in which a person continually e-mails an employee requesting dates and sending personal messages, is growing as instant messaging expands. Many employers have policies addressing the inappropriate use of e-mail, company computer systems, and electronic technology usage. Some have equipped their computer systems with scanners that screen for inappropriate words and images. Offending employees receive warnings and/or disciplinary actions associated with "flagged" items. If an employee uses the company's equipment or computer network, the employer might be liable if the situation is not properly addressed.

PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Sexual Harassment
KEY: Bloom's: Knowledge PAGE: 35-36

8. Describe the important laws relating to disability discrimination.

ANS:
Several federal laws have been enacted to advance the employment of disabled individuals and to reduce discrimination based on disability. These laws and regulations affect employment matters as well as public accessibility for individuals with disabilities.

Rehabilitation Act
The earliest law regarding disabled individuals was passed in 1973 and applied only to federal contractors. The Rehabilitation Act defined many of the terms and concepts incorporated into subsequent laws and provided for equal employment opportunity for disabled workers and applicants. The Act went further and required that federal contractors take affirmative action to employ disabled workers. A section of the contractor's AAP is devoted to steps taken to promote the employment of disabled persons.

Americans with Disabilities Act
Two decades after passage of the first law prohibiting discrimination against disabled individuals, the Americans with Disabilities Act was enacted in 1990. This Act applies to private employers, employment agencies, and labor unions with 15 or more employees and is enforced by the EEOC. State government employees are not covered by the Americans with Disabilities Act (ADA), which means that they cannot sue in federal courts for relief and damages. However, they may still bring suits under state laws in state courts. Many of the concepts and definitions included in the ADA were based on the Rehabilitation Act.

Amendment to the Americans with Disabilities Act
In 2009, Congress passed amendments to the ADA, which overruled several key cases and regulations and reflected the original intent of the ADA. The effect was to significantly broaden the definition of disabled individuals to include anyone with a physical or mental impairment that substantially limits one or more major life activities without regard for the ameliorative effects of mitigating measures such as medication, prosthetics, hearing aids, and so on. This establishes a very low threshold for establishing whether an individual is "disabled."

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PTS: 1 DIF: Easy
NAT: BUSPROG: Analytic TOP: Disability Discrimination
KEY: Bloom's: Knowledge PAGE: 36-37

9. Discuss the important laws relating to age discrimination.

ANS:
Age Discrimination in Employment Act
The Age Discrimination in Employment Act (ADEA) of 1967, amended in 1978 and 1986, prohibits discrimination in terms, conditions, or privileges of employment against all individuals of age 40 or older working for employers having 20 or more workers. However, state employees may not sue state government employers in federal courts because the ADEA is a federal law. Age discrimination charges consistently represent 20% to 25% of all discrimination charges filed with the EEOC. During the last economic downturn employers, fearing lawsuits by older workers, chose instead to lay off younger workers despite their lower salaries. As with most equal employment issues, a better understanding of what constitutes age discrimination continues to be defined by the courts and the EEOC.

Older Workers Benefit Protection Act
This law is an amendment to the ADEA and protects employees when they sign liability waivers for age discrimination in exchange for severance packages during reductions in force. Workers over the age of 40 are entitled to receive complete accurate information on the available benefits, a list of all workers impacted in the reduction, and several weeks to decide whether or not to accept severance benefits in exchange for a waiver to sue the employer. This Act ensures that older workers are not compelled or pressured into waiving their rights under the ADEA. Procedures for laying off older workers require legal oversight and a strict protocol to ensure compliance.

PTS: 1 DIF: Moderate
NAT: BUSPROG: Analytic TOP: Age Discrimination Laws
KEY: Bloom's: Knowledge PAGE: 39-40

10. Discuss the relevance of the Immigration Reform and Control Acts in the U.S.

ANS:
The United States is home to 40 million foreign-born residents, primarily from Latin America and Asia. This number includes people living in the United States both legally and illegally. Modern-day immigrants are blending in as rapidly as those from previous generations. The influx of immigrants has led to extensive political, social, and employment-related debates. The Immigration Reform and Control Act (IRCA), enacted in 1986, requires employers to verify the employment status of all employees, while not discriminating because of national origin or ethnic background. Employers may not knowingly hire unauthorized aliens for employment in the United States.

Within the first three days of employment, each employee must complete an Employment Eligibility Verification (commonly called an I-9) form and provide documents proving that he or she is legally authorized to work in the United States. The employer is obligated to inspect the documents and maintain records for all new hires.

The E-verify federal database instantly verifies the employment eligibility of employees. Federal contractors are required to use the system as are employers in a number of states where it has been mandated. Other employers may voluntarily use the system to check and verify employees' legal status.

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To discourage hiring immigrants rather than U.S. workers, an employer must file documents with the Labor Department and pay prevailing U.S. wages to the visa holders. Despite these regulations, a number of unions and other entities view such programs as ways to circumvent the limits on hiring foreign workers.

PTS: 1
NAT: BUSPROG: Analytic
KEY: Bloom's: Comprehension
DIF: Moderate
TOP: Managing Other Discrimination Issues
PAGE: 42

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