

***Test Bank for Fundamentals of Human Resource  
Management 3rd Edition by Dessler ISBN 0132994909  
9780132994903***

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**MULTIPLE CHOICE. Choose the one alternative that best completes the statement or answers the question.**

- 1) Which amendment to the U.S. Constitution states, "no person shall be deprived of life, liberty, or property, without due process of the law"? 1) \_\_\_\_\_  
A) First                                      B) Fifth                                      C) Tenth                                      D) Thirteenth
- 2) According to the Equal Pay Act of 1963, an employer may pay workers differently for all of the following reasons EXCEPT for \_\_\_\_\_. 2) \_\_\_\_\_  
A) gender                                      B) production quantity  
C) seniority                                      D) merit systems
- 3) Which legislation makes it unlawful to discriminate in pay on the basis of sex when jobs involve equal work; require equivalent skills, effort, and responsibility; and are performed under similar working conditions? 3) \_\_\_\_\_  
A) Equal Pay Act of 1963  
B) Executive Order 11246  
C) Age Discrimination in Employment Act of 1967  
D) Title VII
- 4) Title VII of the 1964 Civil Rights Act specifically prohibits discrimination based on all of the following characteristics EXCEPT \_\_\_\_\_. 4) \_\_\_\_\_  
A) color                                      B) religion  
C) sexual orientation                                      D) national origin
- 5) Members of the EEOC are appointed by the \_\_\_\_\_. 5) \_\_\_\_\_  
A) U.S. Senate                                      B) Vice-President of the United States  
C) U.S. Supreme Court                                      D) President of the United States
- 6) The EEOC consists of \_\_\_\_\_ members, and each member serves a term of \_\_\_\_\_ years. 6) \_\_\_\_\_  
A) 5; 5                                      B) 5; 3                                      C) 7; 6                                      D) 7; 4
- 7) The EEOC was initially established to investigate complaints about \_\_\_\_\_. 7) \_\_\_\_\_  
A) accommodations for disabled workers                                      B) unfair business practices  
C) job discrimination                                      D) sexual harassment in public schools
- 8) Steven is a 55-year-old American of Anglo-Saxon descent. What legislation is intended to protect Steven from discrimination? 8) \_\_\_\_\_  
A) Executive Order 11246  
B) Equal Pay Act of 1963  
C) Executive Order 11375  
D) Age Discrimination in Employment Act of 1967
- 9) Rollins and Associates is making an extra effort to promote and hire under-represented, protected individuals. Rollins and Associates is most likely participating in \_\_\_\_\_. 9) \_\_\_\_\_  
A) affirmative action                                      B) permitted discrimination  
C) progressive action                                      D) progressive desegregation
- 10) Executive Orders 11246 and 11375 apply to which of the following employers? 10) \_\_\_\_\_  
A) publicly traded firms                                      B) federal contractors  
C) private employers                                      D) small businesses
- 11) The \_\_\_\_\_ requires employers with federal contracts over \$2,500 to take affirmative action in employing

- disabled 11) \_\_\_\_\_  
persons. \_\_\_\_\_
- A) Equal Pay Act of 1963  
B) Office of Federal Contract Compliance Programs  
C) Vocational Rehabilitation Act  
D) Age Discrimination in Employment Act
- 12) The Vocational Rehabilitation Act requires that employers\_\_\_\_\_. 12) \_\_\_\_\_  
A) accommodate disabled workers B) promote female employees  
C) provide training opportunities D) perform background checks
- 13) According to the Age Discrimination in Employment Act of 1967, it is unlawful to\_\_\_\_\_. 13) \_\_\_\_\_  
A) allow juries to determine age discrimination  
B) require employees to retire at age 65  
C) institute a minimum age for employees  
D) fire older employees for insubordination
- 14) The Pregnancy Discrimination Act treats pregnancy as a(n)\_\_\_\_\_. 14) \_\_\_\_\_  
A) unspecified condition B) disability  
C) uncovered disease D) gender-specific condition
- 15) Which of the following does NOT participate in the issuance of uniform guidelines? 15) \_\_\_\_\_  
A) Better Business Bureau B) Civil Service Commission  
C) EEOC D) Department of Labor
- 16) Which Supreme Court case was used to define unfair discrimination in conjunction with EEO laws? 16) \_\_\_\_\_  
A) *Meritor Savings Bank FSB v. Vinson* B) *Griggs v. Duke Power Company*  
C) *Abington School District v. Schempp* D) *Faragher v. City of Boca Raton*
- 17) In *Griggs v. Duke Power Company*, Griggs sued the power company because it required coal handlers to be high-school graduates. The case was decided in favor of Griggs because\_\_\_\_\_. 17) \_\_\_\_\_  
A) Griggs held a GED  
B) no business necessity existed for Duke Power Company  
C) high-school diplomas were not related to job success as a coal handler  
D) Duke Power Company intended to discriminate based on race
- 18) All of the following are principles established by *Griggs v. Duke Power Company* EXCEPT 18) \_\_\_\_\_  
\_\_\_\_\_.  
A) discrimination does not have to be overt to be illegal  
B) performance standards should be unambiguous  
C) burden of proof is on the employer  
D) employment selection practices must be job related
- 19) Under the principles established by *Griggs v. Duke Power Company*,\_\_\_\_\_may be used as a defense for any existing program that has an adverse impact on members of a protected class. 19) \_\_\_\_\_  
A) fair in form B) affirmative action  
C) gender D) business necessity
- 20) If a person is in a protected class, he or she is protected by which of the following? 20) \_\_\_\_\_  
A) Title VII of the Civil Rights Act B) Department of Labor guidelines  
C) Consumer Protection Act D) Sarbanes-Oxley Act

- 21) Which Supreme Court decision does NOT apply to cases of sexual harassment? 21) \_\_\_\_\_  
 A) *Meritor Savings v. Vinson* B) *Burlington Industries v. Ellerth*  
 C) *Griggs v. Duke Power Company* D) *Farragher v. City of Boca Raton*
- 22) Which court case provided details regarding how employers could validate the relationship between screening tools and job performance? 22) \_\_\_\_\_  
 A) *Griggs v. Duke Power Company* B) *Burlington Industries v. Ellerth*  
 C) *Albemarle Paper Company v. Moody* D) *West Coast Hotel Co. v. Parrish*
- 23) \_\_\_\_\_ means that an employer engages in an employment practice or policy that has a greater adverse effect on the members of a protected group under Title VII than on other employees, regardless of intent. 23) \_\_\_\_\_  
 A) Affirmative action B) Disparate treatment  
 C) Disparate impact D) Sexual discrimination
- 24) \_\_\_\_\_ exists when an employer intentionally treats an individual differently because that individual is a member of a particular race, religion, gender, or ethnic group. 24) \_\_\_\_\_  
 A) Disparate impact B) Adverse impact  
 C) Prima facie D) Disparate treatment
- 25) \_\_\_\_\_ refers to the total employment process that results in a significantly higher percentage of a protected group in the candidate population being rejected for employment, placement, or promotion. 25) \_\_\_\_\_  
 A) Disparate treatment B) Prima facie  
 C) Adverse impact D) Unintentional discrimination
- 26) Intentional discrimination is also called \_\_\_\_\_. 26) \_\_\_\_\_  
 A) disparate treatment B) adverse discrimination  
 C) disparate impact D) mixed motive harassment
- 27) Ruben files a lawsuit against his employer for intentional discrimination based on the Civil Rights Act of 1991. Ruben may sue for all of the following EXCEPT \_\_\_\_\_. 27) \_\_\_\_\_  
 A) compensatory damages B) substantive consolidation  
 C) job reinstatement D) punitive damages
- 28) Under the Civil Rights Act of 1991, once a plaintiff shows disparate impact, who has the burden of proving that the challenged practice is job related? 28) \_\_\_\_\_  
 A) employee B) employer C) EEOC D) plaintiff
- 29) In which of the following court cases did the plaintiff accuse the defendant of *quid pro quo* sexual harassment? 29) \_\_\_\_\_  
 A) *Burlington Industries v. Ellerth* B) *Meritor Savings Bank, FSB v. Vinson*  
 C) *Farragher v. City of Boca Raton* D) *Griggs v. Duke Power Company*
- 30) What two defenses are available to employers defending themselves against discrimination charges? 30) \_\_\_\_\_  
 A) BFOQ and business necessity B) EEO and business necessity  
 C) EEO and affirmative action D) BFOQ and affirmative action
- 31) All of the following are useful in minimizing employer liability for sexual harassment EXCEPT \_\_\_\_\_. 31) \_\_\_\_\_

- A) developing and implementing a harassment complaint procedure
- B) issuing a policy statement condemning harassment
- C) informing all employees about sexual harassment policies
- D) adopting a policy that forgives the first offense

- 32) According to the guidelines of the ADA, all of the following are examples of reasonable accommodations EXCEPT \_\_\_\_\_ 32) \_\_\_\_\_
- A) changing job qualifications
  - B) modifying equipment
  - C) altering work schedules
  - D) widening door openings
- 33) Which of the following terms refers to the tendency to view members of other social groups less favorably than one's own? 33) \_\_\_\_\_
- A) ethnocentrism
  - B) tokenism
  - C) stereotyping
  - D) discrimination
- 34) Which of the following is NOT considered sexual harassment? 34) \_\_\_\_\_
- A) mutually consensual physical conduct of a sexual nature between co-workers
  - B) unwelcome sexual advances that create an intimidating work environment
  - C) requests for sexual favors made implicitly as a condition of employment
  - D) verbal conduct of a sexual nature which unreasonably interferes with job performance
- 35) Maria is consulting an attorney about filing sexual harassment charges against her employer. All of the following are ways that Maria can prove sexual harassment EXCEPT by showing that \_\_\_\_\_ 35) \_\_\_\_\_
- A) the rejection of a supervisor's sexual advances led to a demotion
  - B) a hostile environment was created by a co-worker's sexual conversation
  - C) the verbal remarks of a co-worker were sexually flirtatious
  - D) a hostile environment was created by a non-employee's sexual advances
- 36) Judy was up for a promotion at Swensen Consulting when her supervisor, Will, encouraged her to develop a sexual relationship with him. He suggested that her promotion would be a sure thing if they were involved. When Judy declined his advances, Will fired her. Which of the following would Judy most likely be able to prove in court if she decided to sue Swensen Consulting? 36) \_\_\_\_\_
- A) quid pro quo
  - B) hostile environment created by non-employees
  - C) hostile environment created by co-workers
  - D) disparate treatment
- 37) Gus is always making sexual jokes at work. Many employees find the jokes funny, but Shelley, Gus's executive assistant, is uncomfortable with the jokes. Eventually, she decides to quit her job rather than endure the jokes any longer. What form of sexual harassment has Shelley experienced? 37) \_\_\_\_\_
- A) quid pro quo
  - B) hostile environment created by co-workers
  - C) hostile environment created by supervisors
  - D) none of the above; Shelley is not a victim of sexual harassment
- 38) Sally is known as a big flirt around the office. She often makes sexual innuendos to men at work both co-workers and her subordinates. What form of sexual harassment is this an example of? 38) \_\_\_\_\_
- A) hostile environment created by co-workers
  - B) hostile environment created by supervisors

- C) hostile environment created by non-employees
- D) This is not sexual harassment.

39) T & N Enterprises wants to minimize sexual harassment claims. All of the following are ways that the firm can minimize its liability in sexual harassment claims EXCEPT by \_\_\_\_\_. 39) \_\_\_\_\_

- A) investigating sexual harassment charges promptly
- B) instituting a sexual harassment reporting process
- C) informing all employees about sexual harassment complaints
- D) training employees in sexual harassment policies

40) Sanders Sporting Goods, an international sporting goods chain, is being sued for sexual harassment by a former Sanders employee. The plaintiff asserts that she was the victim of numerous unwanted sexual advances from a male co-worker. The woman claims that Sanders' management condoned a hostile work environment and that the company is liable for the actions of the male employee. 40) \_\_\_\_\_

Which of the following, if true, would best support the plaintiff's argument that Sanders is liable for sexual harassment?

- A) Sanders recently lost a court case filed by former employees claiming disparate treatment.
- B) Sanders lacks a management response system for handling sexual harassment complaints.
- C) The HR department at Sanders has records of the plaintiff's initial complaints.
- D) Exit interviews of outgoing Sanders employees include questions about sexual harassment.

41) Sanders Sporting Goods, an international sporting goods chain, is being sued for sexual harassment by a former Sanders employee. The plaintiff asserts that she was the victim of numerous unwanted sexual advances from a male co-worker. The woman claims that Sanders' management condoned a hostile work environment and that the company is liable for the actions of the male employee. 41) \_\_\_\_\_

Which of the following, if true, would most likely undermine the plaintiff's claim that Sanders is liable for the male employee's conduct?

- A) The male employee was required by HR to participate in a sexual harassment awareness course.
- B) The male employee physically threatened the plaintiff on three occasions.
- C) The plaintiff discussed her concerns about the male employee's conduct with female co-workers.
- D) The male employee made sexual advances towards the plaintiff on a daily basis.

42) Sanders Sporting Goods, an international sporting goods chain, is being sued for sexual harassment by a former Sanders employee. The plaintiff asserts that she was the victim of numerous unwanted sexual advances from a male co-worker. The woman claims that Sanders' management condoned a hostile work environment and that the company is liable for the actions of the male employee. 42) \_\_\_\_\_

All of the following are most likely relevant questions to address in this court case EXCEPT \_\_\_\_\_.

- A) Does Sanders have a record of employees who claim disparate treatment in the workplace?
- B) Did the plaintiff verbally state to her male co-worker that she found his behavior offensive?
- C) Is the male co-worker a U.S. citizen and is Sanders a U.S. entity?
- D) Did Sanders take reasonable care to prevent sexual harassment in the workplace?

43) One of Kara's male co-workers has been making sexually suggestive comments to Kara about her clothing. 43) \_\_\_\_\_

g and 43) \_\_\_\_\_  
her \_\_\_\_\_  
appearan  
ce, which  
makes  
Kara feel  
uncomfo  
rtable at  
work.  
What is  
the first  
step  
Kara  
should  
take to  
address  
the  
problem?

- A) filing a written report with the HR director
- B) consulting an attorney
- C) filing a verbal complaint with the harasser's boss
- D) filing a complaint with the local EEOC office

44) According to studies, which of the following groups experiences the most sexual harassment in the workplace? 44) \_\_\_\_\_

- A) minority men
- B) homosexual men
- C) minority women
- D) white women

45) The \_\_\_\_\_ prohibits employers from discriminating against qualified individuals with disabilities with regard to applications, hiring, discharge, compensation, advancement, training, or other terms, conditions, or privileges of employment. 45) \_\_\_\_\_

- A) Federal Violence Against Women Act of 1994
- B) Civil Rights Act of 1991
- C) Disability Discrimination in Employment Act of 1967
- D) American with Disabilities Act of 1990

46) According to the Americans with Disabilities Act, which of the following is considered a disability? 46) \_\_\_\_\_

- A) cosmetic disfigurement
- B) compulsive gambling
- C) homosexuality
- D) voyeurism

47) Under the ADA, those who can carry out the essential functions of the job are known as which of the following? 47) \_\_\_\_\_

- A) qualified individuals
- B) plaintiffs
- C) protected class members
- D) staff authorities

48) The greatest number of claims brought under the ADA is related to \_\_\_\_\_ disabilities. 48) \_\_\_\_\_

- A) cosmetic
- B) mental
- C) physical
- D) hearing

49) Prior to the ADA Amendments Act, why did employers win the majority of ADA cases? 49) \_\_\_\_\_

- A) Attorneys failed to draw connections between Title VII and the ADA.
- B) Employees failed to prove that a disability affected both daily living and job performance.

- C) Employers proved that age negatively impacted an employee's job performance.
- D) Conservative judges were sympathetic towards small-business owners with disabilities.

- 50) Which of the following will be the most likely result of the ADA Amendments Act of 2008? 50) \_\_\_\_\_
- A) The number of major life activities considered disabilities will be narrowed.
  - B) Employers will be required to hire a specific percentage of disabled workers to be in compliance.
  - C) Employers will be required to make fewer accommodations for workers with disabilities.
  - D) Employees will find it easier to prove that their disabilities are limiting.
- 51) Which of the following would prohibit workplace discrimination based on sexual orientation and gender identity? 51) \_\_\_\_\_
- A) Employment Non-Discrimination Act
  - B) Equal Pay Act
  - C) Pregnancy Discrimination Act
  - D) Federal Violence Against Women Act
- 52) Which of the following allows an employer to claim that an employment practice is a bona fide occupational qualification for performing the job? 52) \_\_\_\_\_
- A) Title VII of the 1964 Civil Rights Act
  - B) 1972 Equal Opportunity Act
  - C) Vocational Rehabilitation Act of 1973
  - D) Executive Orders 11246 and 11375
- 53) In which of the following jobs would gender most likely be appropriate to use as a BFOQ? 53) \_\_\_\_\_
- A) actor in a toothpaste commercial
  - B) firefighter in a metropolitan fire department
  - C) teacher at a private, all-girls school
  - D) prison guard at a federal penitentiary
- 54) Pictures and Promotions Modeling Studio seeks to hire male models for an upcoming fashion show featuring men's wear. The studio is using \_\_\_\_\_ as a justification for not considering women for the jobs. 54) \_\_\_\_\_
- A) EEOC
  - B) BARS
  - C) ADEA
  - D) BFOQ
- 55) The defense of \_\_\_\_\_ requires showing that there is an overriding business purpose for the discriminatory practice and that the practice is therefore acceptable. 55) \_\_\_\_\_
- A) business necessity
  - B) prima facie
  - C) adverse impact
  - D) mixed motive
- 56) The application requirements for Western Airlines pilot positions require candidates to have logged at least 200 hours piloting an aircraft within the previous 36 months. In addition, applicants must have 2,500 hours of experience in the air with at least 1,000 hours as the commanding pilot of a commercial airplane. A four-year college degree is also required. Jeff Sanchez, who is Hispanic, applied for a position as a pilot and was rejected because he has a degree from a two-year college and only 2,000 hours of flight experience. Jeff is suing Western Airlines for discriminatory hiring practices. 56) \_\_\_\_\_

Which of the following, if true, best supports Western Airlines' defense?

- A) The total number of hours spent flying a commercial airline is a valid predictor of performance for most Western Airlines pilots.
- B) Job capability as a Western Airlines pilot depends most heavily on age, gender, and previous job experiences.
- C) Recent experiences with college recruiting have led Western Airlines to increase the percentage of its minority pilots.
- D) Western Airlines bases its selection tests and hiring practices on industry guidelines for



commercial pilots.

- 57) The application requirements for Western Airlines pilot positions require candidates to have logged at least 200 hours piloting an aircraft within the previous 36 months. In addition, applicants must have 2,500 hours of experience in the air with at least 1,000 hours as the commanding pilot of a commercial airplane. A 4-year college degree is also required. Jeff Sanchez, who is Hispanic, applied for a position as a pilot and was rejected because he has a degree from a 2-year college and only 2,000 hours of flight experience. Jeff is suing Western Airlines for discriminatory hiring practices. 57) \_\_\_\_\_

Which of the following statements is most likely relevant to this court case against Western Airlines?

- A) The Age Discrimination in Employment Act prevents firms, such as Western Airlines, from discriminating when age is a BFOQ.
  - B) Western Airlines has been in operation for over 20 years and has never been sued for EEO violations.
  - C) The job requirements for pilots at Western Airlines are a business necessity due to the human risks associated with hiring unqualified applicants.
  - D) Most pilots at Western Airlines belong to labor unions and are involved in collective bargaining arrangements detrimental to the industry.
- 58) Which of the following is most likely NOT a discriminatory recruitment practice? 58) \_\_\_\_\_
- A) refusing to advise older applicants about work opportunities
  - B) posting job advertisements only in local newspapers
  - C) spreading information about job openings through word-of-mouth among a firm's predominantly Hispanic workforce
  - D) providing misleading information to Asian and Indian job applicants
- 59) Which of the following is most likely an example of a discriminatory selection standard? 59) \_\_\_\_\_
- A) collecting work history information from a managerial applicant
  - B) requiring an engineer applicant to meet specific height standards
  - C) measuring the computer language skills of a software designer applicant
  - D) requiring a school teacher applicant to have a four-year college degree
- 60) Under the Civil Rights Act of 1991, a discrimination claim must be filed within \_\_\_\_\_ after the alleged incident took place. 60) \_\_\_\_\_
- A) 60 days
  - B) 1 year
  - C) 300 days
  - D) 3 years
- 61) Which of the following refers to the variety of demographic features that characterize a company's workforce? 61) \_\_\_\_\_
- A) competency
  - B) ethnocentricity
  - C) diversity
  - D) mobility
- 62) Which of the following is most likely characteristic of a firm effectively implementing a diversity management program? 62) \_\_\_\_\_
- A) Female and minority employees report directly to low-level managers.
  - B) Female and minority employees have access to international job assignments.
  - C) Voluntary mediation occurs frequently among female and minority workers.
  - D) Diversity training requirements are only completed by minority and female workers.
- 63) Hayworth Hotels employs a small group of women and minorities in high-profile positions, but few women and minorities hold significant positions in other areas of the firm. Which of the following best describes the situation at Hayworth Hotels? 63) \_\_\_\_\_

- A) diversity management
- B) tokenism
- C) ethnocentrism
- D) ethical hiring practices

- 64) All of the following are likely to increase employee support to an affirmative action program EXCEPT \_\_\_\_\_ 64) \_\_\_\_\_
- A) effective tokenism
  - B) valid justifications
  - C) clear communication
  - D) transparent selection procedures
- 65) After a discrimination charge has been filed, the EEOC has \_\_\_\_\_ days to serve an employer with notice of the charge. 65) \_\_\_\_\_
- A) 30
  - B) 60
  - C) 5
  - D) 10
- 66) Which of the following is obtained by employers to protect against the costs of discrimination claims? 66) \_\_\_\_\_
- A) employment practices liability insurance
  - B) employment arbitration insurance
  - C) disability insurance
  - D) workers' compensation insurance
- 67) According to the EEOC process, which of the following is NOT an option for an employer faced with an offer to mediate an employment discrimination charge? 67) \_\_\_\_\_
- A) file a lawsuit against the EEOC in state court
  - B) prepare a position statement for the EEOC
  - C) make a settlement offer without mediation
  - D) agree to mediate the charge
- 68) According to the U.S. Supreme Court, employers can require employment discrimination plaintiffs to arbitrate their claims when the employer \_\_\_\_\_. 68) \_\_\_\_\_
- A) institutes an alternative dispute resolution program
  - B) conducts an impartial investigation of the claim
  - C) adheres to the ethical standards of Sarbanes-Oxley
  - D) provides all employment files to the EEOC
- 69) When addressing EEOC claims, it is recommended that employers \_\_\_\_\_. 69) \_\_\_\_\_
- A) meet with the employee who made the complaint to clarify relevant issues
  - B) provide investigators with access to the records of all employees at the firm
  - C) avoid conducting a private investigation because of the conflict of interest
  - D) avoid providing a position statement because of the potential for misuse
- 70) Which term refers to taking specific actions toward or against the person based on the person's group? 70) \_\_\_\_\_
- A) collegiality
  - B) stereotyping
  - C) discrimination
  - D) prejudice
- 71) Gender-role stereotyping is best defined as the tendency to \_\_\_\_\_. 71) \_\_\_\_\_
- A) associate women with certain jobs
  - B) appoint women to high-profile positions
  - C) pay women and men differently for the same job
  - D) build a workforce with primarily one gender
- 72) What is the primary goal of managing diversity in an organization? 72) \_\_\_\_\_
- A) complying with federal and state employment regulations
  - B) ensuring that the workforce is adequately balanced
  - C) promoting minorities to managerial positions
  - D) helping employees adapt to individual cultural differences

- 73) Which of the following is a characteristic of firms with exemplary reputations for managing diversity? 73) \_\_\_\_\_  
 A) female CEOs B) career development programs  
 C) top management support D) global workers
- 74) All of the following are used by firms to measure and manage diversity EXCEPT \_\_\_\_\_. 74) \_\_\_\_\_  
 A) focus groups B) employee attitude surveys  
 C) hiring and retention metrics D) ADR programs
- 75) Reverse discrimination refers to discriminating against \_\_\_\_\_ applicants and employees. 75) \_\_\_\_\_  
 A) nonminority B) minority C) underqualified D) disabled

**TRUE/FALSE. Write 'T' if the statement is true and 'F' if the statement is false.**

- 76) Only an aggrieved individual can file job discrimination charges against a business. 76) \_\_\_\_\_
- 77) In *Faragher v. City of Boca Raton* the employee accused the employer of condoning a hostile working environment, and the Supreme Court ruled in favor of the employee. 77) \_\_\_\_\_
- 78) According to Executive Order 11246, federal contractors and private firms must take affirmative action to improve employment opportunities for women and racial minorities. 78) \_\_\_\_\_
- 79) According to the EEOC, the first step an employer should take in establishing an affirmative action program is to survey current minority and female employees to assess their goals for a program. 79) \_\_\_\_\_
- 80) The Pregnancy Discrimination Act is an amendment to Title VII. 80) \_\_\_\_\_
- 81) The most direct way to prove sexual harassment is showing that a tangible employment action is dependent on sexual favors. 81) \_\_\_\_\_
- 82) If an employer offers its employees disability coverage, then it must treat pregnancy and childbirth like any other disability and include it in the plan as a covered condition. 82) \_\_\_\_\_
- 83) Title VII forbids testing or screening of job applicants because testing could systematically discriminate against some protected classes. 83) \_\_\_\_\_
- 84) The American with Disabilities Act of 1990 does not list specific disabilities but provides impairment guidelines instead. 84) \_\_\_\_\_
- 85) According to the ADA, firms must employ all disabled individuals who apply for positions and provide them with job training when necessary. 85) \_\_\_\_\_
- 86) Mental disabilities, such as depression and anxiety disorders, account for the greatest number of claims brought under the ADA. 86) \_\_\_\_\_
- 87) According to GINA, health insurers and employers are prohibited from discriminating based on people's genetic information. 87) \_\_\_\_\_
- 88) According to the ADA Amendments Act of 2008, employees are considered disabled even if they are able to control their impairments with medical modifications. 88) \_\_\_\_\_

- 89) To prove sexual harassment, it is necessary to show that the harassment had tangible consequences such as demotion or termination. 89) \_\_\_\_\_
- 90) U.S. employees of U.S. firms working abroad are covered by the guidelines of the Civil Rights Act of 1991. 90) \_\_\_\_\_
- 91) Under the Civil Rights Act of 1991, disparate impact claims require proof of discriminatory intent. 91) \_\_\_\_\_
- 92) The Age Discrimination in Employment Act prohibits the use of age as a BFOQ for any type of employment. 92) \_\_\_\_\_
- 93) Under no circumstances may religion be used as a bona fide occupational qualification (BFOQ). 93) \_\_\_\_\_
- 94) According to federal laws, asking job candidates about their marital status is not illegal; however, a firm needs to be able to defend the practice as a BFOQ to avoid raising discrimination issues. 94) \_\_\_\_\_
- 95) According to the Civil Rights Act of 1991, an employment discrimination claim must be filed within 60 days after the alleged incident occurred or a claim cannot be filed. 95) \_\_\_\_\_

**ESSAY. Write your answer in the space provided or on a separate sheet of paper.**

- 96) What were the three crucial guidelines affecting equal employment legislation that Chief Justice Burger identified in his written opinion on *Griggs v. Duke Power Company*?
- 97) What equal employment opportunity laws address disabled workers? What defenses are available to an employer that is charged with discriminating against a disabled individual?
- 98) What is the American with Disabilities Act? How does the ADA affect selection standards for employers?
- 99) What is the EEOC? Briefly explain the EEOC enforcement process.
- 100) In a brief essay, discuss Executive Orders 11246 and 11375 and their effect on affirmative action programs.
- 101) What are the three forms of sexual harassment? Name and describe each one.
- 102) How can an employer defend itself against sexual harassment liability? Name two methods.
- 103) Managers serve a significant role in establishing the environment of a workplace. How can managers discourage sexual harassment? How can managers encourage inclusion in a diverse workforce?
- 104) Compare and contrast disparate treatment and disparate impact.
- 105) What is a BFOQ? How do BFOQs affect recruitment practices?

- 1) B
- 2) A
- 3) A
- 4) C
- 5) D
- 6) A
- 7) C
- 8) D
- 9) A
- 10) B
- 11) C
- 12) A
- 13) B
- 14) B
- 15) A
- 16) B
- 17) C
- 18) B
- 19) D
- 20) A
- 21) C
- 22) C
- 23) C
- 24) D
- 25) C
- 26) A
- 27) B
- 28) B
- 29) A
- 30) A
- 31) D
- 32) A
- 33) A
- 34) A
- 35) C
- 36) A
- 37) C
- 38) D
- 39) C
- 40) B
- 41) A
- 42) A
- 43) C
- 44) C
- 45) D
- 46) A
- 47) A
- 48) B
- 49) B
- 50) D
- 51) A

- 52) A
- 53) A
- 54) D
- 55) A
- 56) A
- 57) C
- 58) B
- 59) B
- 60) C
- 61) C
- 62) B
- 63) B
- 64) A
- 65) D
- 66) A
- 67) A
- 68) A
- 69) A
- 70) C
- 71) A
- 72) D
- 73) C
- 74) D
- 75) A
- 76) FALSE
- 77) TRUE
- 78) FALSE
- 79) FALSE
- 80) TRUE
- 81) TRUE
- 82) TRUE
- 83) FALSE
- 84) TRUE
- 85) FALSE
- 86) TRUE
- 87) TRUE
- 88) TRUE
- 89) FALSE
- 90) TRUE
- 91) FALSE
- 92) FALSE
- 93) FALSE
- 94) TRUE
- 95) FALSE
- 96) Discrimination by the employer need not be overt. The employer does not have to be shown to have intentionally discriminated against the employee or applicant. It need only show that discrimination did take place. An employment practice must be job related if it has an unequal impact on members of a protected class. The burden of proof is on the employer to show that the hiring practice is job related.
- 97) The Vocational Rehabilitation Act of 1973 requires employers with federal contracts over \$2,500 to take affirmative action for the employment of disabled persons. The act does not require that an unqualified person be hired. It does require that an employer take steps to accommodate a disabled worker unless doing so imposes an undue hardship on the employer. The Americans with Disabilities Act (ADA) of 1990 prohibits employment discrimination against

qualified individuals, and it requires that employers make "reasonable accommodations" for physical or mental limitations, unless doing so imposes an "undue hardship" on the business. The employer can then use two defenses: the bona fide occupational qualification (BFOQ) defense and the business necessity defense. Either can be used to justify an employment practice that has been shown to have an adverse impact on the members of a minority group.

- 98) The Americans with Disabilities Act (ADA) of 1990 prohibits employment discrimination against qualified disabled individuals and requires that employers make "reasonable accommodations" for physical or mental limitations, unless doing so imposes an "undue hardship" on the business. Under the ADA, "Employers are generally prohibited from asking questions about applicants' medical history or requiring preemployment physical examinations." However, such questions and exams can be used once the job offer has been extended to determine that the applicant can safely perform the job.
- 99) Establishing the EEOC greatly enhanced the federal government's ability to enforce equal employment opportunity laws. The EEOC receives and investigates job discrimination complaints from aggrieved individuals. When it finds reasonable cause that the charges are justified, it attempts (through conciliation) to reach an agreement eliminating all aspects of the discrimination. The EEOC enforcement process begins with someone filing a discrimination claim. Next, the EEOC investigates the claim and either dismisses the charge or attempts to conciliate. Civil suits may occur if conciliation is unsuccessful.
- 100) Under executive orders that U.S. presidents issued years ago, most employers who do business with the U.S. government have an obligation beyond that imposed by Title VII to refrain from employment discrimination. Executive Orders 11246 and 11375 do not just ban discrimination; they require that contractors take affirmative action to ensure equal employment opportunity. Executive Order 11246 (issued in 1965) requires federal contractors to take affirmative action to improve employment opportunities for women and racial minorities. It covers about 26 million workers—about 22% of the U.S. workforce.
- 101) The three main ways an employee can prove sexual harassment are quid pro quo, hostile environment created by supervisors, or hostile environment created by co-workers or non-employees. Quid pro quo means that submission to sexual conduct is made a term or condition of employment or advancement. Even when no direct threats or promises are made in exchange for sexual advances, if an offensive work environment is created, sexual harassment has occurred. Further, advances do not have to be made by the person's supervisor in order to qualify as sexual harassment. An employee's co-worker or customers can cause the employer to be held responsible for sexual harassment. EEOC guidelines state that an employer is liable for the sexually harassing acts of its nonsupervisory employees if the employer knew or should have known of the harassing conduct.
- 102) An employer must show that it exercised reasonable care to prevent and correct promptly any sexually harassing behavior. Reasonable care can be shown through strong sexual harassment policies, training managers and employees regarding their responsibilities for complying with these policies, instituting reporting processes, investigating charges promptly, and taking corrective action promptly. Second, the employer can demonstrate that the plaintiff "unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer." The employee's failing to use formal organizational reporting systems satisfies the second component.
- 103) Managers can actively discourage sexual harassment through a number of methods. First, managers should take all complaints about harassment seriously and issue a strong policy statement condemning such behavior. The policy should clearly describe the prohibited conduct, assure protection against retaliation, describe a complaint process that provides confidentiality, and provide accessible avenues of complaint and prompt, thorough, impartial investigation and corrective action. Managers should take steps to prevent sexual harassment from occurring, such as communicating to employees that the employer will not tolerate sexual harassment, and take immediate action when someone complains. In order to encourage an atmosphere of inclusion in a diverse workforce, managers should learn about other cultures and groups and facilitate interactions between employees from different backgrounds. Management diversity involves providing strong leadership, assessing the situation, providing diversity training and education, changing culture and management systems, and evaluating the diversity management program.
- 104) Disparate treatment means intentional discrimination. It exists where an employer treats an individual differently because that individual is a member of a particular race, religion, gender, or ethnic group. Disparate impact means that an employer engages in an employment practice or policy that has a greater impact on the members of a protected group under Title VII than on other employees, regardless of intent. Disparate treatment requires finding

intention to discriminate while disparate impact claims do not require proof of discriminatory intent.

105) Bona Fide Occupational Qualifications are requirements that an employee be of a certain religion, sex, or national origin where that is reasonably necessary to the organization's normal operation. When recruiting for a position, specifying gender typically violates federal laws unless sex is a BFOQ for the job advertised. Also, you cannot advertise in any way that suggests that applicants are being discriminated against because of their age. For example, you cannot advertise for a young man or woman.