

Test Bank for Staffing Organizations 8th Edition Heneman Judge Mueller 0077862414 79780077862411

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Chapter 02

Legal Compliance

True /False Questions

1. **The employer-employee relationship is the most prevalent type of employment relationship.**

True False

2. **Employment contracts may be written but not in oral form.**

True False

3. **The specificity of the language used in an employment contract must be very extensive.**

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4. **The formal agreement which specifies the employment terms and conditions for the employee and employer is called an employment contract.**

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5. **An employer does not incur any legal responsibilities or liabilities regarding its employees.**

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7. **There are some restrictions on employment-at-will, such as statutory requirements for nondiscriminatory termination.**

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8. **An independent contractor is legally considered an employee of the employer who hired him/her.**

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12. **Court cases suggest that permatemps (employees from a staffing agency who have been with the employer for extended period of time) are still exclusively considered employees of the staffing agency.**

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13. **Employment laws and regulations exist, in part, to reduce or limit the employer's power in the employment relationship.**

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14. Laws and regulations provide protections to employees that they could not possibly acquire individually in an employment contract.

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15. The Civil Rights Act specifically mentions employment practices that are permitted for employers.

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16. The majority of common law decisions are made at the federal level.

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17. Constitutional law supersedes any other source of law or regulation.

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18. Examples of common law include the Fifth and Fourteenth Amendments to the Constitution.

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19. The Civil Rights Act is a statutory source of law/regulations.

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20. Agencies that enforce staffing laws typically do not rely on written documents to perform their functions.

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21. Whether an organization is covered by the Civil Rights Act, Age Discrimination in Employment Act (ADEA), and Americans With Disabilities Act (ADA) depends on its number of employees.

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22. When determining if an organization large enough to be covered by ADA law, only full-time employees should be included in the employee count.

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35. It is unlawful to discriminate in hiring, firing, compensation, or classification of employees on the basis of race, color, religion, sex, or national origin.

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36. Staffing practices that may seem unfair, outrageous, or of dubious value to the employer, but that do not cause adverse impact, are legal.

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54. Nearly everyone who wishes to work in the United States is eligible for an H-1B visa.

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55. Those who get an H-1B are typically employed in occupations such as architect, engineer, computer programmer, accountant, doctor, and professor.

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59. Some state laws prohibit discrimination on the basis of sexual orientation and gender identity or expression.

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61. Applicants for jobs covered by civil service laws and regulations often have rights to appeal hiring decisions, testing processes, or test contents and methods.

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Multiple Choice Questions

62. Regarding employment contracts,_____.

- A. both written and oral contracts are enforceable
- B. employment-at-will is defined under set-term contracts
- C. most employees have a contractual right to be discharged only for cause
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63. The most prevalent form of the employment relationship is_____.

- A. independent contractor
- B. employer-employee
- C. temporary employee
- D. employer-employer

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- A. employment-at-will
- B. affirmative action
- C. equal employment opportunity
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65. An example of an exception to the principle of employment-at-will would be _____.

- A. employers cannot discharge employees on the basis of poor performance
- B. employers cannot discharge employees on the basis of race
- C. employers cannot discharge employees for stealing from the company
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66. Which of the following statements is true regarding independent contractors?

- A. An independent contractor is a legal employee of the company which hired him/her.
- B. Using an independent contractor increases the employer's exposure to laws and regulations governing the employment relationship.
- C. Using an independent contractor frees an employer from the tax withholding and tax payment obligations it has for its employees.
- D. Using an independent contractor substantially increases the right of the employer to control the contractor.

67. Which of the following factors increase the likelihood that a worker will be considered an independent contractor?
- A. The independent contractor works without supervision or oversight from the employer
 - B. The independent contractor sets his or her own work hours
 - C. The independent contractor is paid by the project rather than by the time spent
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69. What can employers do to ensure that permatemps, that is, individuals from staffing firms who have long-term relationships with an employer, are not considered employees of their firm?
- A. Never exercise direct control over these people and treat them separate from regular employees.
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70. Which of the following statements is true regarding the laws and regulations which govern the employment relationship?
- A. Their purpose is to create a reasonable balance of power between the employer and employee.
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 - C. Their purpose is to create a reasonable power advantage for employers.
 - D. Their purpose is to provide protections for employees only.

71. The primary source of common law is _____.
- A. the Constitution
 - B. federal statutes
 - C. past court decisions
 - D. federal agency guidelines
72. Due process rights have their primary source in _____.
- A. EEOC guidelines
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73. A _____ is a civil wrong that occurs when the employer violates a duty owed to its employees or customers that results in harm or damages.
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- A. develop, create, and implement the law
- B. interpret, administer, and enforce the law
- C. facilitate greater communication between courts
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77. Which of the following is(are) true regarding federal EEO/AA laws?

- A. They are very narrow in their coverage of employers.
- B. Specific agencies exist which regulate administration and enforcement.
- C. They cover only women, minorities, and certain religious groups.
- D. None of these is true.

78. Which of the following is *not* covered by the Civil Rights Act?

- A. race
- B. sex
- C. disability status
- D. all of these are covered by the Civil Rights Act

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- A. 40
 - B. 30
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- A. allegations and evidence about the effects of discriminatory actions
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81. The initial burden of proof in discrimination claims lies _____.
- A. with the defendant
 - B. with the court
 - C. equally with the court and the federal agency
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82. When using stock statistics in job selection discrimination cases, the comparison being made is _____.
- A. differences in proportions of groups hired
 - B. percentages of groups concentrated in certain job categories
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83. The key to a successful rebuttal in a disparate treatment case is _____.
- A. to prove adverse impact
 - B. to provide nondiscriminatory reasons for the practice(s) in question
 - C. to show the presence of a "mixed motive"
 - D. to prove discrimination
84. In EEOC cases, a consent decree is _____.
- A. mandated by law
 - B. court approved
 - C. limited to non-monetary relief
 - D. limited to affirmative action remedies
85. Enforcement mechanisms used by the OFCCP _____.
- A. rarely involve employer site visits
 - B. are identical to those used by the EEOC
 - C. are unrelated to specific AA plans
 - D. may involve conciliation agreements
86. Which of the following is prohibited discrimination under civil rights law?
- A. discrimination in hiring
 - B. discrimination in compensation
 - C. discrimination in classification
 - D. all of these

87. The essence of a BFOQ is that_____ .
- A. it is always illegal
 - B. it reduces discrimination
 - C. it justifies discrimination based on reasonable necessity of the job
 - D. it prohibits selection through use of a protected characteristic (e.g., gender)
88. Regarding the use of tests in staffing, it can be said that_____.
- A. they are permitted by law
 - B. they are illegal
 - C. they should be adjusted by protected characteristics to be fair
 - D. they should be "race normed" for fairness
89. The legal status of seniority and merit systems is that_____.
- A. seniority is legal
 - B. merit systems are legal
 - C. both are legal
 - D. both are illegal
90. The Age Discrimination In Employment Act (1967) prohibits discrimination against individuals who are____years or older.
- A. 40
 - B. 50
 - C. 60
 - D. 65

91. Employers can use which of the following techniques without violating the Age Discrimination in Employment Act.

- A. using reasonable factors other than age in making employment decisions
- B. using seniority systems
- C. using terms or phrases that express a preference for older workers
- D. all of these

92. Where the Americans with Disabilities Act is concerned,_____.

- A. the law only applies to disabled individuals who are otherwise qualified
- B. the law requires the hiring of all disabled people
- C. the law prohibits refusal to hire a disabled person
- D. the law provides advantages to disabled people

93. Where reasonable accommodations for disabled individuals are concerned, it can be said that _____.

- A. accommodation is always required for an otherwise qualified individual
- B. specific examples of accommodations are rarely indicated in laws and regulations
- C. the issue of "undue hardship" to the employer is not addressed by the law
- D. the need to accommodate often hinges on whether or not a given job function is necessary or essential

94. Which of the following is not prohibited by the ADA?

- A. medical exams of job applicants
- B. asking a job applicant if he/she is disabled
- C. asking a job applicant to undergo a medical exam after a job offer has been made
- D. refusing to interview a person who is disabled

95. Executive Order 11246 covers _____.
- A. local government employers
 - B. private employers with under 15 employees
 - C. federal contractors with contracts in excess of \$10,000
 - D. private employers with 20 or more employees
96. Noncompliance with the Immigration Reform and Control Act (1986) could result in _____.
- A. imprisonment for up to six months
 - B. fines equal to \$50,000 for each unauthorized alien employed
 - C. summary closing of a business
 - D. imprisonment of the alien for up to five years
97. Which of the following is true regarding EEO laws?
- A. State (but not local) government employees are immune from lawsuits by employees who allege violation of ADA or ADEA.
 - B. States must pursue age and disability discrimination claims under applicable state laws.
 - C. A foreign company which is owned or controlled by an American employer and is doing business overseas generally also must comply with Title VII, the ADA, and the ADEA.
 - D. All of these
98. Which of the following is true regarding discrimination on the basis of sexual orientation?
- A. there are no laws covering sexual orientation discrimination
 - B. federal law prohibits all discrimination on the basis of sexual orientation
 - C. although such discrimination is not covered by federal law, it is covered by some state and local laws
 - D. some state and local laws encourage discrimination on the basis of sexual orientation

99. Which of the following is true regarding H-1B visas?

- A. Employers may apply for permanent H-1B visas for foreign workers.
- B. There is a cap of 50,000 workers per year who can obtain such visas.
- C. H-1B visa holders may not change jobs as soon as their employer files an approval petition and they are restricted to their current geographic area.
- D. None of these

Chapter 02 Legal Compliance **Answer Key**

True /False Questions

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 - B. are identical to those used by the EEOC
 - C. are unrelated to specific AA plans
 - D. may involve conciliation agreements

86. Which of the following is prohibited discrimination under civil rights law?
- A. discrimination in hiring
 - B. discrimination in compensation
 - C. discrimination in classification
 - D. all of these
87. The essence of a BFOQ is that_____.
- A. it is always illegal
 - B. it reduces discrimination
 - C. it justifies discrimination based on reasonable necessity of the job
 - D. it prohibits selection through use of a protected characteristic (e.g., gender)
88. Regarding the use of tests in staffing, it can be said that_____.
- A. they are permitted by law
 - B. they are illegal
 - C. they should be adjusted by protected characteristics to be fair
 - D. they should be "race normed" for fairness
89. The legal status of seniority and merit systems is that_____.
- A. seniority is legal
 - B. merit systems are legal
 - C. both are legal
 - D. both are illegal

90. The Age Discrimination In Employment Act (1967) prohibits discrimination against individuals who are ____ years or older.
- A. 40
 - B. 50
 - C. 60
 - D. 65
91. Employers can use which of the following techniques without violating the Age Discrimination in Employment Act.
- A. using reasonable factors other than age in making employment decisions
 - B. using seniority systems
 - C. using terms or phrases that express a preference for older workers
 - D. all of these
92. Where the Americans with Disabilities Act is concerned,_____.
- A. the law only applies to disabled individuals who are otherwise qualified
 - B. the law requires the hiring of all disabled people
 - C. the law prohibits refusal to hire a disabled person
 - D. the law provides advantages to disabled people
93. Where reasonable accommodations for disabled individuals are concerned, it can be said that _____.
- A. accommodation is always required for an otherwise qualified individual
 - B. specific examples of accommodations are rarely indicated in laws and regulations
 - C. the issue of "undue hardship" to the employer is not addressed by the law
 - D. the need to accommodate often hinges on whether or not a given job function is necessary or essential

94. Which of the following is not prohibited by the ADA?
- A. medical exams of job applicants
 - B. asking a job applicant if he/she is disabled
 - C. asking a job applicant to undergo a medical exam after a job offer has been made
 - D. refusing to interview a person who is disabled
95. Executive Order 11246 covers_____.
- A. local government employers
 - B. private employers with under 15 employees
 - C. federal contractors with contracts in excess of \$10,000
 - D. private employers with 20 or more employees
96. Noncompliance with the Immigration Reform and Control Act (1986) could result in_____.
- A. imprisonment for up to six months
 - B. fines equal to \$50,000 for each unauthorized alien employed
 - C. summary closing of a business
 - D. imprisonment of the alien for up to five years
97. Which of the following is true regarding EEO laws?
- A. State (but not local) government employees are immune from lawsuits by employees who allege violation of ADA or ADEA.
 - B. States must pursue age and disability discrimination claims under applicable state laws.
 - C. A foreign company which is owned or controlled by an American employer and is doing business overseas generally also must comply with Title VII, the ADA, and the ADEA.
 - D. All of these

98. Which of the following is true regarding discrimination on the basis of sexual orientation?
- A. there are no laws covering sexual orientation discrimination
 - B. federal law prohibits all discrimination on the basis of sexual orientation
 - C. although such discrimination is not covered by federal law, it is covered by some state and local laws
 - D. some state and local laws encourage discrimination on the basis of sexual orientation
99. Which of the following is true regarding H-1B visas?
- A. Employers may apply for permanent H-1B visas for foreign workers.
 - B. There is a cap of 50,000 workers per year who can obtain such visas.
 - C. H-1B visa holders may not change jobs as soon as their employer files an approval petition and they are restricted to their current geographic area.
 - D. None of these