Test Bank for Fundamentals of Human Resource Management 5th Dessler

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Fundamentals of Human Resource Management, 5e **(Dessler)**
Chapter 2 Managing Equal Opportunity and Diversity

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"?
A) First
B) Fifth
C) Tenth
D) Thirteenth
Answer: B
Explanation: The Fifth Amendment to the U.S. Constitution (ratified in 1791) states that "no person shall . . . be deprived of life, liberty, or property, without due process of the law." Other laws as well as various court decisions made discrimination against minorities illegal by the early 1900s.
Diff: 2
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

2) According to the Equal Pay Act of 1963, an employer may pay workers differently for all of the following reasons EXCEPT for _____.
A) production quantity
B) merit systems
C) seniority
D) gender
Answer: D
Explanation: The Equal Pay Act made it unlawful to discriminate in pay on the basis of sex when jobs involve equal work—equivalent skills, effort, and responsibility—and are performed under similar working conditions. However, differences in pay do not violate the act if the difference is based on a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on any factor other than sex.
Diff: 2
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
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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?
A) Title VII
B) Equal Pay Act of 1963
C) Executive Order 11246
D) Age Discrimination in Employment Act of 1967
Answer: B
Explanation: The Equal Pay Act made it unlawful to discriminate in pay on the basis of sex when jobs involve equal work—equivalent skills, effort, and responsibility—and are performed under similar working conditions. However, differences in pay do not violate the act if the difference is based on a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on any factor other than sex.
Diff: 2
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

4) Title VII of the 1964 Civil Rights Act specifically prohibits discrimination based on all of the following characteristics EXCEPT _____.
A) national origin
B) cultural orientation
C) color
D) religion
Answer: B
Explanation: Title VII of the 1964 Civil Rights Act says an employer cannot discriminate based on race, color, religion, sex, or national origin. Specifically, it states that such discrimination shall be an unlawful employment practice for an employer. On July 21, 2014, President Obama signed a New Executive Order (11246) that adds sexual orientation and gender identity to prohibited discrimination characteristics.
Diff: 2
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

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5) Members of the EEOC are appointed by the _____.
A) U.S. Senate
B) U.S. Supreme Court
C) President of the United States
D) Vice-President of the United States
Answer: C
Explanation: The EEOC consists of five members appointed by the president with the advice and consent of the Senate. Each member serves a five-year term.
Diff: 1
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

6) The EEOC consists of _____ members, and each member serves a term of _____ years.
A) 5; 3
B) 5; 5
C) 7; 4
D) 7; 6
Answer: B
Explanation: The EEOC consists of five members appointed by the president with the advice and consent of the Senate. Each member serves a five-year term.
Diff: 2
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

7) The EEOC was initially established to investigate complaints about _____.
A) job discrimination
B) unfair business practices
C) sexual harassment in public schools
D) accommodations for disabled workers
Answer: A
Explanation: Title VII established the Equal Employment Opportunity Commission (EEOC) to administer and enforce the Civil Rights law at work. The EEOC receives and investigates job discrimination complaints from aggrieved individuals.
Diff: 2
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

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8) Steven is a 55-year-old American male of Anglo-Saxon descent. What legislation is intended to protect Steven from discrimination?
A) Executive Order 11375
B) Equal Pay Act of 1963
C) Executive Order 11246
D) Age Discrimination in Employment Act of 1967
Answer: D
Explanation: The Age Discrimination in Employment Act of 1967 (ADEA) made it unlawful to discriminate against employees or applicants who are between 40 and 65 years of age. Executive Orders 11246 and 11375 require government contractors to take affirmative action, and the Equal Pay Act made it unlawful to discriminate in pay based on the employee's gender.
Diff: 2
AACSB: Application of knowledge
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Application

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 _____.
A) progressive desegregation
B) affirmative action
C) progressive action
D) permitted discrimination
Answer: B
Explanation: Affirmative action involves making an extra effort to hire and promote individuals in protected groups, especially when those groups are under-represented. Executive Orders 11246 and 11375 require government contractors to take affirmative action.
Diff: 2
AACSB: Application of knowledge
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Application

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10) Executive Orders 11246 and 11375 apply to which of the following employers?
A) publicly traded firms
B) federal contractors
C) small businesses
D) private employers
Answer: B
Explanation: 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. These orders also established the Office of Federal Contract Compliance Programs (OFCCP), which is responsible for ensuring the compliance of federal contracts.
Diff: 2
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

11) The _____ requires employers with federal contracts over $2,500 to take affirmative action in employing disabled persons.
A) Equal Pay Act of 1963
B) Vocational Rehabilitation Act
C) Age Discrimination in Employment Act
D) Office of Federal Contract Compliance Programs
Answer: B
Explanation: 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.
Diff: 2
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

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12) The Vocational Rehabilitation Act requires that employers _____.
A) accommodate disabled workers
B) provide training opportunities
C) perform background checks
D) promote female employees
Answer: A
Explanation: 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.
Diff: 2
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

13) According to the Age Discrimination in Employment Act of 1967, it is unlawful to _____.
A) allow juries to determine age discrimination
B) fire older employees for insubordination
C) institute a minimum age for employees
D) require employees to retire at age 65
Answer: D
Explanation: The Age Discrimination in Employment Act of 1967 (ADEA) makes it unlawful to discriminate against employees or applicants who are 40 years of age or older, which ends most mandatory retirement. The ADEA allows jury trials. Employees of any age can be fired for insubordination.
Diff: 2
Chapter: 2
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14) The Pregnancy Discrimination Act treats pregnancy as a(n) _____.
A) disability
B) uncovered disease
C) unspecified condition
D) gender-specific condition
Answer: A
Explanation: The PDA broadened the definition of sex discrimination to encompass pregnancy, childbirth, or related medical conditions. It prohibits using these for discrimination in hiring, promotion, suspension, or discharge, or any other term or condition of employment. The PDA says that if an employer offers its employees disability coverage, then pregnancy and childbirth must be treated like any other disability and must be included in the plan as a covered condition.
Diff: 1
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

15) Which of the following does NOT participate in the issuance of uniform guidelines?
A) EEOC
B) Department of Labor
C) Better Business Bureau
D) Civil Service Commission
Answer: C
Explanation: The EEOC, Civil Service Commission, Department of Labor, and Department of Justice together issued uniform guidelines. These guidelines explain, for instance, how to validate a selection procedure. The Better Business Bureau is not involved in issuing uniform guidelines.
Diff: 2
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
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16) Which Supreme Court case was used to define unfair discrimination in conjunction with EEO laws?
A) *Abington School District v. Schempp*
B) *Meritor Savings Bank FSB v. Vinson*
C) *Griggs v. Duke Power Company*
D) *Faragher v. City of Boca Raton*
Answer: C
Explanation: *Griggs v. Duke Power Company* was a landmark Supreme Court case used to define unfair discrimination as put forth in EEO laws such as Title VII. The Court ruled that employment practices must be job related and that discrimination does not have to be overt to be illegal.
Diff: 2
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

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 _____.
A) high-school diplomas were not related to job success as a coal handler
B) Duke Power Company intended to discriminate based on race
C) no business necessity existed for Duke Power Company
D) Griggs held a GED
Answer: A
Explanation: The Court ruled in favor of Griggs because having a high-school diploma was not relevant to the job of coal handler. The Court held that an employment practice must be job related if it has an unequal impact on members of a protected class.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

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18) All of the following are principles established by *Griggs v. Duke Power Company* EXCEPT _____.
A) burden of proof is on the employer
B) employment selection practices must be job related
C) performance standards should be unambiguous
D) discrimination does not have to be overt to be illegal
Answer: C
Explanation: The Court ruled in *Griggs v. Duke Power Company* that the burden of proof is on the employer to show that a hiring practice such as testing is job related. The Court also ruled that business necessity is the defense for any existing program that has an adverse impact and that discrimination does not have to be overt to be illegal. The case did not address performance standards.
Diff: 3
AACSB: Application of knowledge
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

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.
A) gender
B) fair in form
C) affirmative action
D) business necessity
Answer: D
Explanation: Business necessity is the defense for any existing program that has an adverse impact according to *Griggs*. The *employer* must show that the employment practice, requiring a high school diploma, is needed to perform the job satisfactorily if it has a disparate impact on members of a protected class. The court did not define business necessity.
Diff: 2
AACSB: Application of knowledge
Chapter: 2
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20) If a person is in a protected class, he or she is protected by which of the following?
A) Department of Labor guidelines
B) Sarbanes-Oxley Act
C) Title VII of the Civil Rights Act
D) Consumer Protection Act
Answer: C
Explanation: The term "protected class" refers to persons such as minorities and women who are protected by equal opportunity laws, including Title VII. The other laws are not related to equal opportunity issues.
Diff: 1
AACSB: Application of knowledge
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

21) Which Supreme Court decision does NOT apply to cases of sexual harassment?
A) *Griggs v. Duke Power Company*
B) *Meritor Savings v. Vinson*
C) *Burlington Industries v. Ellerth*
D) *Farragher v. City of Boca Raton*
Answer: A
Explanation: The Court ruled in *Griggs v. Duke Power Company* that the burden of proof is on the employer to show that a hiring practice such as testing is job related. The other cases clarify the law on sexual harassment.
Diff: 2
AACSB: Application of knowledge
Chapter: 2
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22) Which court case provided details regarding how employers could validate the relationship between screening tools and job performance?
A) *West Coast Hotel Co. v. Parrish*
B) *Albemarle Paper Company v. Moody*
C) *Griggs v. Duke Power Company*
D) *Burlington Industries v. Ellerth*
Answer: B
Explanation: In the *Albemarle* case, the Court provided more details on how employers could prove that tests or other screening tools relate to job performance. For example, the Court said that if an employer wants to test candidates for a job, then the employer should first clearly document and understand the job's duties and responsibilities.
Diff: 2
AACSB: Application of knowledge
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

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.
A) Disparate impact
B) Sexual discrimination
C) Affirmative action
D) Disparate treatment
Answer: A
Explanation: Disparate impact is an unintentional disparity between the proportion of a protected group applying for a position and the proportion getting the job. Disparate treatment is an intentional disparity between the proportion of a protected group applying for a position and the proportion getting the job.
Diff: 1
AACSB: Application of knowledge
Chapter: 2
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24) Intentional discrimination is also called _____.
A) disparate impact
B) disparate treatment
C) adverse discrimination
D) mixed motive harassment
Answer: B
Explanation: Disparate treatment is an intentional disparity between the proportion of a protected group applying for a position and the proportion getting the job. Disparate treatment is also known as intentional discrimination.
Diff: 1
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

25) 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 _____.
A) punitive damages
B) job reinstatement
C) compensatory damages
D) substantive consolidation
Answer: D
Explanation: According to the Civil Rights Act of 1991, an employee who claims intentional discrimination can sue for back pay, attorneys' fees, court costs, job reinstatement, punitive damages, and compensatory damages. Substantive consolidation is a legal term referring to debt consolidation.
Diff: 2
AACSB: Application of knowledge
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Skill: Application

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26) 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?
A) plaintiff
B) employee
C) employer
D) EEOC
Answer: C
Explanation: According to the Civil Rights Act of 1991, once an aggrieved applicant or employee demonstrates that an employment practice (such as "must lift 100 pounds") has a disparate (or "adverse") impact on a particular group, then the burden of proof shifts to the employer, who must show that the challenged practice is job related.
Diff: 1
AACSB: Application of knowledge
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

27) In which of the following court cases did the plaintiff accuse the defendant of *quid pro quo* sexual harassment?
A) *Burlington Industries v. Ellerth*
B) *Griggs v. Duke Power Company*
C) *Farragher v. City of Boca Raton*
D) *Meritor Savings Bank, FSB v. Vinson*
Answer: A
Explanation: In *Burlington Industries v. Ellerth,* the employee accused her supervisor of *quid pro quo* harassment. She said her boss propositioned and threatened her with demotion if she did not respond. In *Faragher v. City of Boca Raton,* the employee accused the employer of condoning a hostile work environment. In the *Meritor Savings Bank, FSB v. Vinson* case, the U.S. Supreme Court broadly endorsed the EEOC's sexual harassment guidelines.
Diff: 3
AACSB: Application of knowledge
Chapter: 2
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Skill: Concept

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28) According to the guidelines of the ADA, all of the following are examples of reasonable accommodations EXCEPT _____.
A) altering work schedules
B) modifying equipment
C) changing job qualifications
D) widening door openings
Answer: C
Explanation: According to the ADA, if an individual cannot perform the job as currently structured, the employer is required to make a reasonable accommodation, unless doing so would present an undue hardship. Reasonable accommodation might include re-designing the job, modifying work schedules, or modifying or acquiring equipment or other devices, such as adding curb ramps and widening door openings.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

29) Which of the following is NOT considered sexual harassment?
A) unwelcome sexual advances that create an intimidating work environment
B) verbal conduct of a sexual nature which unreasonably interferes with job performance
C) mutually consensual physical conduct of a sexual nature between co-workers
D) requests for sexual favors made implicitly as a condition of employment
Answer: C
Explanation: EEOC guidelines define sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that create an intimidating, hostile, or offensive work environment or interfere with work performance. Requests for sexual favors that are used as the basis for employment decisions are also considered sexual harassment. Consensual sex between co-workers is not considered sexual harassment.
Diff: 3
AACSB: Application of knowledge
Chapter: 2
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Skill: Concept

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30) 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 _____.
A) the verbal remarks of a co-worker were sexually flirtatious
B) the rejection of a supervisor's sexual advances led to a demotion
C) a hostile environment was created by a co-worker's sexual conversation
D) a hostile environment was created by a non-employee's sexual advances
Answer: A
Explanation: The U.S. Supreme Court held that sexual harassment law does not cover ordinary "intersexual flirtation." Someone can prove sexual harassment if rejecting a supervisor's sexual advances led to a demotion, firing, or altered work assignment. Sexual harassment can also be proven if a hostile work environment is created by the sexual conduct of supervisors, co-workers, or non-employees.
Diff: 3
AACSB: Application of knowledge
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Application

31) 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?
A) quid pro quo
B) disparate treatment
C) hostile environment created by co-workers
D) hostile environment created by non-employees
Answer: A
Explanation: Quid pro quo (something for something) is the most direct way to prove that rejecting a supervisor's advances adversely affected what the EEOC calls a "tangible employment action" such as hiring, firing, promotion, demotion, and/or work assignment. Quid pro quo would be the best option for Judy if she sues the firm for Will's actions.
Diff: 3
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Application

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32) 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?
A) quid pro quo
B) hostile environment created by supervisors
C) hostile environment created by co-workers
D) none of the above; Shelley is not a victim of sexual harassment
Answer: B
Explanation: As Shelley's supervisor, Gus created a hostile environment according to the EEOC. A claimant does not need to show that the harassment had tangible consequences such as demotion. It is sufficient in many cases to prove that a supervisor's sexual harassment substantially affected an employee's emotional and psychological abilities.
Diff: 3
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Application

33) 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?
A) hostile environment created by supervisors
B) hostile environment created by co-workers
C) hostile environment created by non-employees
D) This is not sexual harassment.
Answer: D
Explanation: The U.S. Supreme Court held that sexual harassment law does not cover ordinary "intersexual flirtation." Someone can prove sexual harassment if rejecting a supervisor's sexual advances led to a demotion, firing, or altered work assignment or if a hostile work environment is created by the sexual conduct.
Diff: 3
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Application

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34) 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 _____.
A) training employees in sexual harassment policies
B) instituting a sexual harassment reporting process
C) investigating sexual harassment charges promptly
D) informing all employees about sexual harassment complaints
Answer: D
Explanation: Maintaining records of complaints, instituting a reporting policy, providing sexual harassment training, and investigating charges quickly are ways that employers can show that they took reasonable care to prevent and correct sexual harassment, which will minimize the employer's liability. Employers should institute a confidential complaint process.
Diff: 3
AACSB: Application of knowledge
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Application

35) 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.

Which of the following, if TRUE, would best support the plaintiff's argument that Sanders is liable for sexual harassment?
A) The HR department at Sanders has records of the plaintiff's initial complaints.
B) Sanders lacks a management response system for handling sexual harassment complaints.
C) Sanders recently lost a court case filed by former employees claiming disparate treatment.
D) Exit interviews of outgoing Sanders employees include questions about sexual harassment.
Answer: B
Explanation: Employers can minimize their liability in sexual harassment claims by showing that they have a response system set up for handling sexual harassment complaints, so Sanders may be liable if it lacks a system. Firms that keep thorough records of complaints and address sexual harassment issues during exit interviews are able to show that they take reasonable care to prevent sexual harassment. Disparate treatment refers to discrimination claims rather than sexual harassment claims.
Diff: 3
AACSB: Reflective thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Critical Thinking

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36) 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.

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 physically threatened the plaintiff on three occasions.
B) The male employee made sexual advances towards the plaintiff on a daily basis.
C) The plaintiff discussed her concerns about the male employee's conduct with female co-workers.
D) The male employee was required by HR to participate in a sexual harassment awareness course.
Answer: D
Explanation: If the male employee was required to take a sexual harassment course, then that action shows that Sanders was making a reasonable attempt to stop the behavior. Threats and regular sexual advances by the male employee support the plaintiff's claim of a hostile work environment. Discussing concerns with employees is irrelevant to the liability of the company.
Diff: 3
AACSB: Reflective thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Critical Thinking

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37) 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.

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) Did Sanders take reasonable care to prevent sexual harassment in the workplace?
D) Is the male co-worker a U.S. citizen and is Sanders a U.S. entity?
Answer: A
Explanation: Disparate treatment relates to intentional discrimination, which is not directly important in this case. Firms decrease their liability in sexual harassment cases if they show that they have taken reasonable care to prevent sexual harassment through various actions, such as issuing a policy statement. The first step the woman should have taken is telling the co-worker that his actions were inappropriate in order to show that she followed the appropriate reporting procedures. Whether the co-worker is a U.S. citizen and Sanders is a U.S. entity are important in determining whether EEO laws are applicable.
Diff: 3
AACSB: Reflective thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Critical Thinking

38) One of Kara's male co-workers has been making sexually suggestive comments to Kara about her clothing and her appearance, which makes Kara feel uncomfortable at work. What is the first step Kara should take to address the problem?
A) filing a complaint with the local EEOC office
B) consulting an attorney
C) filing a written report with the HR director
D) filing a verbal complaint with the harasser's boss
Answer: D
Explanation: The first step Kara should take is filing a verbal complaint with the harasser and the harasser's boss. After that, filing a report with the HR director is an appropriate action. Filing a complaint with the EEOC and consulting an attorney are the final steps to take if previous efforts have not improved the situation.
Diff: 3
AACSB: Application of knowledge
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Application

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39) According to studies, which of the following groups experiences the most sexual harassment in the workplace?
A) homosexual men
B) minority men
C) minority women
D) white women
Answer: C
Explanation: Minority women are particularly at risk of sexual harassment in the workplace. One study found "women experienced more sexual harassment than men, minorities experienced more ethnic harassment than whites, and minority women experienced more harassment overall than majority men, minority men, and majority women."
Diff: 2
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

40) 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.
A) Civil Rights Act of 1991
B) Federal Violence Against Women Act of 1994
C) American with Disabilities Act of 1990
D) Disability Discrimination in Employment Act of 1967
Answer: C
Explanation: The Americans with Disabilities Act (ADA) of 1990 prohibits employment discrimination against qualified disabled individuals. It requires that employers make "reasonable accommodations" for physical or mental limitations, unless doing so imposes an "undue hardship" on the business.
Diff: 1
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

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41) According to the Americans with Disabilities Act, which of the following is considered a disability?
A) homosexuality
B) voyeurism
C) compulsive gambling
D) cosmetic disfigurement
Answer: D
Explanation: The ADA specifies conditions that it does not regard as disabilities, including homosexuality, bisexuality, voyeurism, compulsive gambling, pyromania, and certain disorders resulting from the current illegal use of drugs. The ADA provides that "impairment" includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of several body systems, or any mental or psychological disorder.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

42) Under the ADA, those who can carry out the essential functions of the job are known as which of the following?
A) protected class members
B) qualified individuals
C) staff authorities
D) plaintiffs
Answer: B
Explanation: The ADA prohibits discrimination against qualified individuals—those who, with (or without) a reasonable accommodation, can carry out the essential functions of the job. The individual must have the requisite skills, educational background, and experience to do the job.
Diff: 1
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

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43) The greatest number of claims brought under the ADA is related to _____ disabilities.
A) cosmetic
B) physical
C) mental
D) hearing
Answer: C
Explanation: Mental disabilities account for the greatest number of ADA claims. Under EEOC ADA guidelines, "mental impairment" includes "any mental or psychological disorder, such as . . . emotional or mental illness." Drug-related conditions are generally not regarded as disabilities.
Diff: 1
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

44) Prior to the ADA Amendments Act, why did employers win the majority of ADA cases?
A) Employers proved that age negatively impacted an employee's job performance.
B) Employees failed to prove that a disability affected both daily living and job performance.
C) Conservative judges were sympathetic towards small-business owners with disabilities.
D) Attorneys failed to draw connections between Title VII and the ADA.
Answer: B
Explanation: Employers traditionally prevailed in 96% of federal circuit court ADA decisions. The Supreme Court said the disability must be central to the employee's daily living and not just a job. The ADAAA makes it easier for employees to show that their disabilities are limiting.
Diff: 3
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

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45) Which of the following will be the most likely result of the ADA Amendments Act of 2008?
A) Employees will find it easier to prove that their disabilities are limiting.
B) The number of major life activities considered disabilities will be narrowed.
C) Employers will be required to make fewer accommodations for workers with disabilities.
D) Employers will be required to hire a specific percentage of disabled workers to be in compliance.
Answer: A
Explanation: The new ADAAA's basic effect will be to make it much easier for employees to show that their disabilities are limiting. For example, the new act makes it easier for an employee to show that his or her disability is influencing one of the employee's "major life activities." It does this by adding examples like reading, concentrating, thinking, sleeping, and communicating to the list of ADA major life activities.
Diff: 3
AACSB: Application of knowledge
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

46) Which of the following provides benefits to spouses in same-sex marriages?
A) Employee Retirement Income Security Act
B) Federal Violence Against Women Act
C) Pregnancy Discrimination Act
D) Equal Pay Act
Answer: A
Explanation: Under the Defense of Marriage Act, exclusion of state-sanctioned, same-sex marriages is unconstitutional. Under the Employee Retirement Income Security Act, the term "spouse" refers to any individuals who are lawfully married under any state law, including those . . . who are [now] domiciled in a state that doesn't recognize such marriages.
Diff: 1
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

47) Only an aggrieved individual can file job discrimination charges against a business.
Answer: FALSE
Explanation: The EEOC may file discrimination charges on behalf of aggrieved individuals, or the individuals may file on behalf of themselves.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

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48) 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.
Answer: TRUE
Explanation: In *Faragher v. City of Boca Raton,* the employee accused the employer of condoning a hostile work environment: She said she quit her lifeguard job after repeated taunts from other lifeguards. The Court ruled in favor of the employee.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

49) According to Executive Order 11246, federal contractors and private firms must take affirmative action to improve employment opportunities for women and racial minorities.
Answer: FALSE
Explanation: Executive Order 11246 (issued in 1965) requires federal contractors to take affirmative action to improve employment opportunities for women and racial minorities.
Diff: 2
AACSB: Diverse and multicultural work environments
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

50) The Pregnancy Discrimination Act is an amendment to Title VII.
Answer: TRUE
Explanation: Congress passed the Pregnancy Discrimination Act (PDA) in 1978 as an amendment to Title VII. The act broadened the definition of sex discrimination to encompass pregnancy, childbirth, or related medical conditions.
Diff: 1
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

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51) The most direct way to prove sexual harassment is showing that a tangible employment action is dependent on sexual favors.
Answer: TRUE
Explanation: The most direct way to prove sexual harassment is to prove that rejecting a supervisor's advances adversely affected what the EEOC calls a "tangible employment action" such as hiring, firing, promotion, demotion, undesirable assignment, benefits, compensation, and/or work assignment.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

52) 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.
Answer: TRUE
Explanation: The Pregnancy Discrimination Act of 1978 prohibits using pregnancy, childbirth, or related medical conditions to discriminate in hiring, promotion, suspension, or discharge, or in any term or condition of employment. Furthermore, under the act, 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.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

53) Title VII forbids testing or screening of job applicants because testing could systematically discriminate against some protected classes.
Answer: FALSE
Explanation: The Supreme Court ruled in *Griggs v. Duke Power Company* that an employment practice, such as testing, must be job related if it has an unequal impact on members of a protected class. Title VII does not forbid testing or screening job applicants, but it requires that the test/screen is relevant to performing the job.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

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54) The American with Disabilities Act of 1990 does not list specific disabilities but provides impairment guidelines instead.
Answer: TRUE
Explanation: The ADA does not list specific disabilities. Instead, EEOC guidelines say someone is disabled when he or she has a physical or mental impairment that "substantially limits" one or more major life activities. Impairments include any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of several body systems, or any mental or psychological disorder.
Diff: 1
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

55) According to the ADA, firms must employ all disabled individuals who apply for positions and provide them with job training when necessary.
Answer: FALSE
Explanation: Employers are not required to employ all disabled job applicants. The ADA prohibits discrimination against qualified individuals—those who, with (or without) a reasonable accommodation, can carry out the essential functions of the job. The individual must have the requisite skills, educational background, and experience to do the job.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

56) Mental disabilities, such as depression and anxiety disorders, account for the greatest number of claims brought under the ADA.
Answer: TRUE
Explanation: Mental disabilities account for the greatest number of ADA claims. Under EEOC ADA guidelines, "mental impairment" includes "any mental or psychological disorder, such as... emotional or mental illness." Examples include major depression, anxiety disorders, and personality disorders.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

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57) According to The Genetic Information Nondiscrimination Act (GINA), health insurers and employers are prohibited from discriminating based on people's genetic information.
Answer: TRUE
Explanation: The Genetic Information Nondiscrimination Act (GINA) prohibits discrimination by health insurers and employers based on people's genetic information. Specifically, it prohibits the use of genetic information in employment, prohibits the intentional acquisition of genetic information about applicants and employees, and imposes strict confidentiality requirements.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

58) According to the ADA Amendments Act of 2008, employees are considered disabled even if they are able to control their impairments with medical modifications.
Answer: TRUE
Explanation: Under the ADAAA, an employee is considered disabled even if he or she has been able to control his or her impairments through medical or "learned behavioral" modifications. Therefore, employers must redouble their efforts to make sure they're complying with the ADA and providing reasonable accommodations.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

59) To prove sexual harassment, it is necessary to show that the harassment had tangible consequences such as demotion or termination.
Answer: FALSE
Explanation: In *Burlington Industries v. Ellerth*, the employee accused her supervisor of *quid pro quo* harassment. She said her boss propositioned and threatened her with demotion if she did not respond. He did not carry out the threats, and she was promoted. Therefore, in *quid pro quo* cases it is not necessary for the employee to suffer a tangible job action (such as a demotion) to win the case.
Diff: 2
AACSB: Application of knowledge
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

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60) U.S. employees of U.S. firms working abroad are covered by the guidelines of the Civil Rights Act of 1991.
Answer: TRUE
Explanation: The Civil Rights Act of 1991 specifically covers U.S. employees of U.S. firms working abroad. But in practice, the laws of the country in which the U.S. citizen is working may take precedence.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

61) Under the Civil Rights Act of 1991, disparate impact claims require proof of discriminatory intent.
Answer: FALSE
Explanation: Disparate impact means that an employer engages in an employment practice or policy that has a greater adverse impact (effect) on the members of a protected group under Title VII than on other employees, regardless of intent.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Concept

62) 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*?
Answer: 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.
Diff: 3
AACSB: Application of knowledge
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Application

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63) What equal employment opportunity laws address disabled workers? What defenses are available to an employer that is charged with discriminating against a disabled individual?
Answer: 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 disabled 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.
Diff: 3
AACSB: Reflective thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Synthesis

64) What is the American with Disabilities Act? How does the ADA affect selection standards for employers?
Answer: 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.
Diff: 3
AACSB: Application of knowledge
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Synthesis

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65) What is the EEOC? Briefly explain the EEOC enforcement process.
Answer: 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.
Diff: 3
AACSB: Application of knowledge
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Synthesis

66) In a brief essay, discuss Executive Orders 11246 and 11375 and their effect on affirmative action programs.
Answer: 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.
Diff: 3
AACSB: Diverse and multicultural work environments
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Synthesis

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67) What are the three forms of sexual harassment? Name and describe each one.
Answer: 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.
Diff: 3
AACSB: Application of knowledge
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Application

68) How can an employer defend itself against sexual harassment liability? Name two methods.
Answer: 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.
Diff: 3
AACSB: Application of knowledge
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Application

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69) 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?
Answer: 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.
Diff: 3
AACSB: Reflective thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Synthesis

70) Compare and contrast disparate treatment and disparate impact.
Answer: 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 intent to discriminate while disparate impact claims do not require proof of discriminatory intent.
Diff: 3
AACSB: Analytical thinking
Chapter: 2
LO: 2.1: Summarize the basic equal employment opportunity laws and how each impacts HR functions such as recruitment and selection.
Skill: Application

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71) _____ exists when an employer intentionally treats an individual differently because that individual is a member of a particular race, religion, gender, or ethnic group.
A) Disparate treatment
B) Disparate impact
C) Adverse impact
D) Prima facie
Answer: A
Explanation: Disparate treatment is an intentional disparity between the proportion of a protected group and the proportion getting the job. Disparate impact is an unintentional disparity between the proportion of a protected group applying for a position and the proportion getting the job.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.2: Explain the basic defenses against discrimination allegations.
Skill: Concept

72) _____ 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.
A) Disparate treatment
B) Unintentional discrimination
C) Adverse impact
D) Prima facie
Answer: C
Explanation: Adverse impact is 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. Employers may not institute an employment practice that causes a disparate impact on a particular class of people unless they can show that the practice is job related and necessary.
Diff: 1
AACSB: Analytical thinking
Chapter: 2
LO: 2.2: Explain the basic defenses against discrimination allegations.
Skill: Concept

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73) What two defenses are available to employers defending themselves against discrimination charges?
A) BFOQ and business necessity
B) EEO and business necessity
C) BFOQ and affirmative action
D) EEO and affirmative action
Answer: A
Explanation: The employer can use two defenses against discrimination charges: 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.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.2: Explain the basic defenses against discrimination allegations.
Skill: Concept

74) All of the following are useful in minimizing employer liability for sexual harassment EXCEPT _____.
A) adopting a policy that forgives the first offense
B) issuing a policy statement condemning harassment
C) informing all employees about sexual harassment policies
D) developing and implementing a harassment complaint procedure
Answer: A
Explanation: Employers can minimize their liability by issuing strong policy statements, informing employees about the policy, and implementing a procedure for handling complaints. A policy of ignoring initial complaints would increase an employer's liability.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.2: Explain the basic defenses against discrimination allegations.
Skill: Concept

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75) Which of the following allows an employer to claim that an employment practice is a bona fide occupational qualification for performing the job?
A) 1972 Equal Opportunity Act
B) Vocational Rehabilitation Act of 1973
C) Executive Orders 11246 and 11375
D) Title VII of the 1964 Civil Rights Act
Answer: D
Explanation: An employer can claim that the employment practice is a bona fide occupational qualification (BFOQ) for performing the job according to Title VII. Title VII provides that "it should not be an unlawful employment practice for an employer to hire an employee... on the basis of religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.2: Explain the basic defenses against discrimination allegations.
Skill: Concept

76) In which of the following jobs would it most likely be appropriate to use gender as a BFOQ?
A) actor in a toothpaste commercial
B) teacher at a private, all-girls school
C) prison guard at a federal penitentiary
D) firefighter in a metropolitan fire department
Answer: A
Explanation: Gender may be a BFOQ for positions like actor, model, and restroom attendant requiring physical characteristics possessed by one sex. However, for most jobs today, it is difficult to claim that gender is a BFOQ. For example, gender is not a BFOQ for positions that require lifting heavy objects, such as with firefighters.
Diff: 3
AACSB: Application of knowledge
Chapter: 2
LO: 2.2: Explain the basic defenses against discrimination allegations.
Skill: Application

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77) 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.
A) BFOQ
B) ADEA
C) EEOC
D) ERISA
Answer: A
Explanation: An employer can claim that the employment practice is a bona fide occupational qualification (BFOQ) for performing the job. In this case, a specific gender is necessary for the job. The Age Discrimination in Employment Act (ADEA) permits disparate treatment in cases where age is a BFOQ, which is not the issue in this example. ERISA refers to the Employee Retirement Income Security Act, and the EEOC refers to the Equal Employment Opportunity Commission
Diff: 2
AACSB: Application of knowledge
Chapter: 2
LO: 2.2: Explain the basic defenses against discrimination allegations.
Skill: Application

78) The defense of _____ requires showing that there is an overriding business purpose for the discriminatory practice and that the practice is therefore acceptable.
A) prima facie
B) mixed motive
C) adverse impact
D) business necessity
Answer: D
Explanation: Business necessity is a defense created by the courts that requires showing that there is an overriding business purpose for the discriminatory practice and that the practice is therefore acceptable. It is not easy to prove business necessity because the Supreme Court made it clear that business necessity does not encompass such matters as avoiding an employer inconvenience, annoyance, or expense.
Diff: 1
AACSB: Analytical thinking
Chapter: 2
LO: 2.2: Explain the basic defenses against discrimination allegations.
Skill: Concept

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79) 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.

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) Recent experiences with college recruiting have led Western Airlines to increase the percentage of its minority pilots.
C) Job capability as a Western Airlines pilot depends most heavily on age, gender, and previous job experiences.
D) Western Airlines bases its selection tests and hiring practices on industry guidelines for commercial pilots.
Answer: A
Explanation: Western Airlines' best defense involves proving that its selection tests or other employment practices are valid predictors of performance on the job. Where the employer can establish such validity, the courts have generally supported using the test or other employment practice as a business necessity. In this example, the number of flight hours is a predictor of job performance. Recruiting, age, gender, and industry guidelines are less important factors.
Diff: 3
AACSB: Reflective thinking
Chapter: 2
LO: 2.2: Explain the basic defenses against discrimination allegations.
Skill: Critical Thinking

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80) 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.

Which of the following statements is most likely relevant to this court case against Western Airlines?
A) Most pilots at Western Airlines belong to labor unions and are involved in collective bargaining arrangements detrimental to the industry.
B) The Age Discrimination in Employment Act prevents firms, such as Western Airlines, from discriminating when age is a BFOQ.
C) The job requirements for pilots at Western Airlines are a business necessity due to the human risks associated with hiring unqualified applicants.
D) Western Airlines has been in operation for over 20 years and has never been sued for EEO violations.
Answer: C
Explanation: Commercial pilots put passengers at risk if they are unqualified, so it is a business necessity for Western Airlines to have what may be discriminatory hiring practices. In this example, the job requires a high degree of skill, and the economic and human risks of hiring an unqualified applicant are great.
Diff: 3
AACSB: Reflective thinking
Chapter: 2
LO: 2.2: Explain the basic defenses against discrimination allegations.
Skill: Critical Thinking

81) The Age Discrimination in Employment Act prohibits the use of age as a BFOQ for any type of employment.
Answer: FALSE
Explanation: The Age Discrimination in Employment Act (ADEA) permits disparate treatment in those instances when age is a BFOQ. For example, age is a BFOQ when the Federal Aviation Agency sets a compulsory retirement age of 65 for commercial pilots or when actors need to be youthful or elderly to play specific roles.
Diff: 2
Chapter: 2
LO: 2.2: Explain the basic defenses against discrimination allegations.
Skill: Concept

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82) Under no circumstances may religion be used as a bona fide occupational qualification (BFOQ).
Answer: FALSE
Explanation: Religion may be a BFOQ in religious organizations or societies that require employees to share their particular religion. For example, religion may be a BFOQ when hiring persons to teach in a religious school.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.2: Explain the basic defenses against discrimination allegations.
Skill: Concept

83) What is a BFOQ? How do BFOQs affect recruitment practices?
Answer: 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.
Diff: 3
AACSB: Application of knowledge
Chapter: 2
LO: 2.2: Explain the basic defenses against discrimination allegations. 2.3: Give examples of what employers can and cannot legally do with respect to recruitment, selection, and promotion and layoff practices.
Skill: Synthesis

84) Which of the following is most likely NOT a discriminatory recruitment practice?
A) spreading information about job openings through word-of-mouth among a firm's predominantly Hispanic workforce
B) providing misleading information to Asian and Indian job applicants
C) refusing to advise older applicants about work opportunities
D) posting job advertisements only in local newspapers
Answer: D
Explanation: Ads that specify age or gender may be problematic, but posting ads only in local newspapers is acceptable. Using word-of-mouth to relay information about job openings is only problematic if the workforce is mostly a member of a particular group. Providing misleading or false information to certain applicants is also potentially discriminatory.
Diff: 3
AACSB: Analytical thinking
Chapter: 2
LO: 2.3: Give examples of what employers can and cannot legally do with respect to recruitment, selection, and promotion and layoff practices.
Skill: Application

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85) Which of the following is most likely an example of a discriminatory selection standard?
A) requiring an engineer applicant to meet specific height standards
B) collecting work history information from a managerial applicant
C) requiring a school teacher applicant to have a four-year college degree
D) measuring the computer language skills of a software designer applicant
Answer: A
Explanation: It would most likely be unlawful to require engineers to meet certain height standards because height is not related to the job. Educational requirements, physical characteristics, and knowledge are acceptable selection standards when they specifically relate to the job.
Diff: 3
AACSB: Application of knowledge
Chapter: 2
LO: 2.3: Give examples of what employers can and cannot legally do with respect to recruitment, selection, and promotion and layoff practices.
Skill: Application

86) 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.
Answer: TRUE
Explanation: It isn't illegal to ask a job candidate about her marital status although such a question might seem discriminatory. Employers can ask, but they should be prepared to show either that they do not discriminate or that they can defend the practice as a BFOQ or business necessity.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.3: Give examples of what employers can and cannot legally do with respect to recruitment, selection, and promotion and layoff practices.
Skill: Concept

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87) Under the Civil Rights Act of 1991, a discrimination claim must be filed within _____ after the alleged incident took place.
A) 60 days
B) 1 year
C) 300 days
D) 3 years
Answer: C
Explanation: The EEOC enforcement process begins with someone filing a claim. Under CRA 1991, the discrimination claim must be filed within 300 days (when there is a similar state law) or 180 days (no similar state law) after the alleged incident took place (2 years for the Equal Pay Act). The filing must be in writing and under oath, by (or on behalf of) either the aggrieved person or by a member of the EEOC who has reasonable cause to believe that a violation occurred.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.4: Explain the Equal Employment Opportunity Commission enforcement process.
Skill: Concept

88) After a discrimination charge has been filed, the EEOC has _____ days to serve an employer with notice of the charge.
A) 5
B) 10
C) 30
D) 60
Answer: B
Explanation: After a charge is filed, the EEOC has 10 days to serve notice of the charge on the employer. The EEOC then investigates the charge to determine whether there is reasonable cause to believe it is true; it is expected to make this determination within 120 days.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.4: Explain the Equal Employment Opportunity Commission enforcement process.
Skill: Concept

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89) Which of the following is obtained by employers to protect against the costs of discrimination claims?
A) disability insurance
B) worker's compensation insurance
C) employment arbitration insurance
D) employment practices liability insurance
Answer: D
Explanation: Some employers obtain employment practices liability insurance (EPLI) against discrimination claims.
Diff: 1
AACSB: Analytical thinking
Chapter: 2
LO: 2.4: Explain the Equal Employment Opportunity Commission enforcement process.
Skill: Concept

90) 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?
A) file a lawsuit against the EEOC in state court
B) make a settlement offer without mediation
C) prepare a position statement for the EEOC
D) agree to mediate the charge
Answer: A
Explanation: Faced with an offer to mediate, the employer has three options: Agree to mediate the charge; make a settlement offer without mediation; or prepare a "position statement" for the EEOC. It is unlikely that the employer would sue the EEOC.
Diff: 2
AACSB: Application of knowledge
Chapter: 2
LO: 2.4: Explain the Equal Employment Opportunity Commission enforcement process.
Skill: Concept

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91) According to the U.S. Supreme Court, employers can require employment discrimination plaintiffs to arbitrate their claims when the employer _____.
A) conducts an impartial investigation of the claim
B) provides all employment files to the EEOC
C) adheres to the ethical standards of Sarbanes-Oxley
D) institutes an alternative dispute resolution program
Answer: D
Explanation: The U.S. Supreme Court's decisions make it clear that "employment discrimination plaintiffs [employees] may be compelled to arbitrate their claims under some circumstances." Given this, employers "may wish to consider inserting a mandatory arbitration clause (called, as is traditional, an alternative dispute resolution (ADR) program) in their employment applications or handbooks."
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.4: Explain the Equal Employment Opportunity Commission enforcement process.
Skill: Concept

92) What is voluntary mediation?_____.
A) a process that provides investigators with access to the records of all employees at the firm
B) a process that provides a position statement because of the potential for misuse
C) an informal process in which a third party assists the opposing parties
D) a process that conducts a private investigation because of the conflict of interest
Answer: C
Explanation: Voluntary mediation mechanism is an informal process in which a neutral third party assists the opposing parties to reach a voluntary, negotiated resolution of a charge of discrimination.
Diff: 3
AACSB: Analytical thinking
Chapter: 2
LO: 2.4: Explain the Equal Employment Opportunity Commission enforcement process.
Skill: Concept

93) 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.
Answer: FALSE
Explanation: The EEOC recommends that an employer first issue a written equal employment policy indicating that it is an equal employment opportunity employer and indicate commitment to affirmative action. Surveys should be given later in the process to determine where affirmative action programs are desired.
Diff: 2
AACSB: Analytical thinking
Chapter: 2
LO: 2.4: Explain the Equal Employment Opportunity Commission enforcement process.
Skill: Concept

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94) 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.
Answer: FALSE
Explanation: Under CRA 1991, the discrimination claim must be filed within 300 days (when there is a similar state law) or 180 days (where there is no similar state law) after the alleged incident took place (2 years for the Equal Pay Act). Either the aggrieved person or a member of the EEOC who has reasonable cause to believe that a violation occurred must file the claim in writing and under oath.
Diff: 1
Chapter: 2
LO: 2.4: Explain the Equal Employment Opportunity Commission enforcement process.
Skill: Concept

95) Which of the following terms refers to the tendency to view members of other social groups less favorably than one's own?
A) stereotyping
B) discrimination
C) tokenism
D) ethnocentrism
Answer: D
Explanation: Ethnocentrism is the tendency to view members of other social groups less favorably than one's own. Stereotyping is a process in which someone ascribes specific behavioral traits to individuals based on their apparent membership in a group. Discrimination means taking specific actions toward or against the person based on the person's group. Tokenism occurs when a company appoints a small group of women or minorities to high-profile positions, rather than more aggressively seeking full representation for that group.
Diff: 1
AACSB: Diverse and multicultural work environments
Chapter: 2
LO: 2.5: List five strategies for successfully increasing diversity of the workforce.
Skill: Concept

96) Which of the following refers to the variety of demographic features that characterize a company's workforce?
A) ethnocentricity
B) competency
C) diversity
D) mobility
Answer: C
Explanation: Diversity refers to the variety or multiplicity of demographic features that characterize a company's workforce, particularly in terms of race, sex, culture, national origin, handicap, age, and religion.
Diff: 1
AACSB: Diverse and multicultural work environments
Chapter: 2
LO: 2.5: List five strategies for successfully increasing diversity of the workforce.
Skill: Concept

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97) What is the best way to evaluate a diversity management program?
A) Use attitude surveys to monitor employees' attitudes towards diversity.
B) Encourage a grass-roots effort among employees
C) Change the corporate culture
D) Use benchmarking to see how other companies handle diversity.
Answer: A
Explanation: In evaluating a diversity management program. use attitude surveys to monitor employees' attitudes toward diversity.
Diff: 3
AACSB: Diverse and multicultural work environments
Chapter: 2
LO: 2.5: List five strategies for successfully increasing diversity of the workforce.
Skill: Application

98) 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?
A) ethical hiring practices
B) tokenism
C) diversity management
D) ethnocentrism
Answer: B
Explanation: Tokenism occurs when a company appoints a small group of women or minorities to high-profile positions, rather than more aggressively seeking full representation for that group. Ethnocentrism is the tendency to view members of other social groups less favorably than one's own.
Diff: 1
AACSB: Diverse and multicultural work environments
Chapter: 2
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Skill: Application

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99) All of the following are likely to increase employee support to an affirmative action program EXCEPT _____.
A) transparent selection procedures
B) clear communication
C) effective tokenism
D) valid justifications
Answer: C
Explanation: Tokenism occurs when a company appoints a small group of women or minorities to high-profile positions, rather than more aggressively seeking full representation for that group, which would not gain employee support. Using transparent selection procedures, communicating selection standards, and justifying the program by emphasizing the benefits of diversity are ways to increase employee support.
Diff: 2
AACSB: Diverse and multicultural work environments
Chapter: 2
LO: 2.5: List five strategies for successfully increasing diversity of the workforce.
Skill: Concept

100) Which term refers to taking specific actions toward or against the person based on the person's group?
A) prejudice
B) collegiality
C) discrimination
D) stereotyping
Answer: C
Explanation: Discrimination means taking specific actions toward or against the person based on the person's group. Stereotyping is a process in which someone ascribes specific behavioral traits to individuals based on their apparent membership in a group. Prejudice means a bias toward prejudging someone based on that person's traits.
Diff: 2
AACSB: Diverse and multicultural work environments
Chapter: 2
LO: 2.5: List five strategies for successfully increasing diversity of the workforce.
Skill: Concept

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101) Gender-role stereotyping is best defined as the tendency to _____.
A) associate women with certain jobs
B) appoint women to high-profile positions
C) build a workforce with primarily one gender
D) pay women and men differently for the same job
Answer: A
Explanation: Gender-role stereotyping is the tendency to associate women with certain (frequently nonmanagerial) jobs. Tokenism occurs when a company appoints a small group of women or minorities to high profile positions, rather than more aggressively seeking full representation for that group.
Diff: 2
AACSB: Diverse and multicultural work environments
Chapter: 2
LO: 2.5: List five strategies for successfully increasing diversity of the workforce.
Skill: Concept

102) What is the primary goal of managing diversity in an organization?
A) promoting minorities to managerial positions
B) complying with federal and state employment regulations
C) helping employees adapt to individual cultural differences
D) ensuring that the workforce is adequately balanced
Answer: C
Explanation: Managing diversity means maximizing diversity's potential advantages while minimizing the potential barriers—such as prejudices and bias—that can undermine the functioning of a diverse workforce. The main aim is to make employees more sensitive to and better able to adapt to individual cultural differences.
Diff: 2
AACSB: Diverse and multicultural work environments
Chapter: 2
LO: 2.5: List five strategies for successfully increasing diversity of the workforce.
Skill: Concept

103) Which of the following is a characteristic of firms with exemplary reputations for managing diversity?
A) female CEOs
B) global workers
C) top management support
D) career development programs
Answer: C
Explanation: Companies with exemplary reputations in managing diversity typically have CEOs who champion the cause of diversity. Such leaders are not necessarily female.
Diff: 2
AACSB: Diverse and multicultural work environments
Chapter: 2
LO: 2.5: List five strategies for successfully increasing diversity of the workforce.
Skill: Concept

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104) All of the following are used by firms to measure and manage diversity EXCEPT _____.
A) focus groups
B) ADR programs
C) hiring and retention metrics
D) employee attitude surveys
Answer: B
Explanation: Common tools for measuring a company's diversity include equal employment hiring and retention metrics, employee attitude surveys, management and employee evaluations, and focus groups. Alternative dispute resolution programs are used to manage discrimination claims.
Diff: 2
AACSB: Diverse and multicultural work environments
Chapter: 2
LO: 2.5: List five strategies for successfully increasing diversity of the workforce.
Skill: Concept

105) Reverse discrimination refers to discriminating against _____ applicants and employees.
A) minority
B) underqualified
C) nonminority
D) disabled
Answer: C
Explanation: Reverse discrimination involves discriminating against nonminority applicants and employees. Discrimination means taking specific actions toward or against a person based on the person's group.
Diff: 2
AACSB: Diverse and multicultural work environments
Chapter: 2
LO: 2.5: List five strategies for successfully increasing diversity of the workforce.
Skill: Concept

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