Test Bank for Staffing Organizations 9th Heneman

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Staffing Organization, 15e **(Heneman)**
Chapter 2 Legal Compliance

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

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

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

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

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

6) The common law principle of employment-at-will says that, in the absence of any contract language to the contrary, either the employer or employee may terminate the employment relationship at any time, but for only for certain reasons.

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

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

9) If an employer hires an independent contractor, it may reduce the employer's exposure to laws and regulations governing the employment relationship.

10) A person is more likely to be considered an independent contractor if they work without supervision or oversight from the employer.

11) Temporary employees are considered to be employees of the temporary help agency that obtained them through its own staffing process.

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

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.

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

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

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

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

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.

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.

23) Company officials and individual managers can be held personally liable for discrimination under the Civil Rights Act, the ADA, or the ADEA.

24) The Civil Rights Act prohibits discrimination on the basis of age or disability status.

25) The Age Discrimination in Employment Act covers individuals over the age of 40.

26) Employers are required to post notices to all employees advising them of their rights under the laws EEOC enforces and their right to be free from retaliation.

27) Claims of disparate treatment focus on the effect of employment practices, rather than on the motive or intent underlying them.

28) Claims of disparate impact focus on the effect of employment practices, rather than on the motive or intent underlying them.

29) Applicant flow statistics look at differences in selection rates (proportion of applicants hired) among different groups for a particular job.

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31) In disparate treatment cases, the employee attempts to demonstrate that the defendant's stated reasons for a practice are a pretext, or smoke screen, for the discriminatory intent of practice.

32) The consent decree usually contains only an agreement to halt certain practices, and seldom extends to providing monetary relief or AA programs.

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33) Enforcement mechanisms used by the OFCCP closely mirror those used by the EEOC.

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

35) 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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48) Employers may refuse to hire an individual who poses a direct threat to him/herself or the health and safety of others.

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51) It is unlawful to recruit an unauthorized alien for employment in the United States.

52) The Immigration Reform and Control Act prohibits employment discrimination on the basis of national origin or citizenship status.

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

54) 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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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
D) all of the above are correct

62) 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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63) The common law principle which states that, in the absence of any contract language to the contrary, either the employer or employee may terminate the employment relationship at any time is called _____.
A) employment-at-will
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C) equal employment opportunity
D) a consent decree

64) 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
D) none of the above

65) 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.

66) 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
D) All of the above.

67) Which of the following is true regarding temporary employees?
A) Temporary employees are considered to be employees of the organization which is using their services, not the temporary help agency.
B) During job assignments, temporary workers are on the payroll of the organization using their services.
C) Use of temporary workers can often raise issues of "co-employment."
D) All of the above are correct.

68) 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.
B) Ensure they provide sufficient training and supervision.
C) Provide permatemps with special hats indicating their status as temporary.
D) None of the above is correct.

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69) 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.
B) Their purpose is to create a reasonable power advantage for employees.
C) Their purpose is to create a reasonable power advantage for employers.
D) Their purpose is to provide protections for employees only.

70) The primary source of common law is _____.
A) The Constitution
B) Federal statutes
C) Past court decisions
D) Federal agency guidelines

71) Due process rights have their primary source in _____.
A) EEOC guidelines
B) federal statutes
C) state statutes
D) the U.S. Constitution Amendments

72) 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.
A) tort
B) crime
C) constitutional law violation
D) failure of due process

73) Statutory law is derived from _____.
A) court cases
B) the US constitution and its amendments
C) written documents passed by legislative bodies
D) agencies at the federal, state and local levels

74) Agencies that regulate fair employment practice exist at which level?
A) federal
B) state
C) local
D) all of the above

75) The role of federal agencies is to _____.
A) develop, create, and implement the law
B) interpret, administer, and enforce the law
C) facilitate greater communication between courts
D) render decisions in court cases regarding employment law

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76) 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 the above is true.

77) Which of the following is *not* covered by the Civil Rights Act of 1964?
A) race
B) sex
C) disability status
D) all of the above are covered by the Civil Rights Act of 1964

78) The Age Discrimination in Employment Act focuses on individuals over the age of _____.
A) 40
B) 30
C) 20
D) 50

79) Disparate treatment focuses on _____.
A) allegations and evidence about the effects of discriminatory actions
B) allegations and evidence about intentions to discriminate
C) adverse impact
D) quotas

80) 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
D) with the plaintiff

81) 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
C) percentages of groups in job categories relative to their availability in the population
D) percentages of union versus non-unionized employees

82) 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

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83) 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

84) 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

85) 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 the above

86) 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)

87) 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

88) 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

89) The Age Discrimination In Employment Act (1967) prohibits discrimination against individuals who are _____ years or older.
A) 40
B) 50
C) 60
D) 65

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90) 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 the above

91) 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

92) 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

93) Which of the following is not prohibited by the ADA?
A) medical exams of job applicants
B) asking a job applicant is 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

94) 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

95) 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

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96) 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 the above.

97) 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

98) 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 the above.

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Answer: TRUE
Topic: The Employment Relationship

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67) Which of the following is true regarding temporary employees?
A) Temporary employees are considered to be employees of the organization which is using their services, not the temporary help agency.
B) During job assignments, temporary workers are on the payroll of the organization using their services.
C) Use of temporary workers can often raise issues of "co-employment."
D) All of the above are correct.

Answer: C
Topic: The Employment Relationship

68) 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.
B) Ensure they provide sufficient training and supervision.
C) Provide permatemps with special hats indicating their status as temporary.
D) None of the above is correct.

Answer: A
Topic: The Employment Relationship

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69) 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.
B) Their purpose is to create a reasonable power advantage for employees.
C) Their purpose is to create a reasonable power advantage for employers.
D) Their purpose is to provide protections for employees only.

Answer: A
Topic: Laws and Regulations

70) The primary source of common law is _____.
A) The Constitution
B) Federal statutes
C) Past court decisions
D) Federal agency guidelines

Answer: C
Topic: Laws and Regulations

71) Due process rights have their primary source in _____.
A) EEOC guidelines
B) federal statutes
C) state statutes
D) the U.S. Constitution Amendments

Answer: D
Topic: Laws and Regulations

72) 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.
A) tort
B) crime
C) constitutional law violation
D) failure of due process

Answer: A
Topic: Laws and Regulations

73) Statutory law is derived from _____.
A) court cases
B) the US constitution and its amendments
C) written documents passed by legislative bodies
D) agencies at the federal, state and local levels

Answer: C
Topic: Laws and Regulations

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74) Agencies that regulate fair employment practice exist at which level?
A) federal
B) state
C) local
D) all of the above

Answer: D
Topic: Laws and Regulations

75) The role of federal agencies is to _____.
A) develop, create, and implement the law
B) interpret, administer, and enforce the law
C) facilitate greater communication between courts
D) render decisions in court cases regarding employment law

Answer: B
Topic: Laws and Regulations

76) 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 the above is true.

Answer: B
Topic: EEO/AA Laws: General Provisions and Enforcement

77) Which of the following is *not* covered by the Civil Rights Act of 1964?
A) race
B) sex
C) disability status
D) all of the above are covered by the Civil Rights Act of 1964

Answer: C
Topic: EEO/AA Laws: General Provisions and Enforcement

78) The Age Discrimination in Employment Act focuses on individuals over the age of _____.
A) 40
B) 30
C) 20
D) 50

Answer: A
Topic: EEO/AA Laws: General Provisions and Enforcement

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79) Disparate treatment focuses on _____.
A) allegations and evidence about the effects of discriminatory actions
B) allegations and evidence about intentions to discriminate
C) adverse impact
D) quotas

Answer: B
Topic: EEO/AA Laws: General Provisions and Enforcement

80) 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
D) with the plaintiff

Answer: D
Topic: EEO/AA Laws: General Provisions and Enforcement

81) 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
C) percentages of groups in job categories relative to their availability in the population
D) percentages of union versus non-unionized employees

Answer: C
Topic: EEO/AA Laws: General Provisions and Enforcement

82) 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

Answer: B
Topic: EEO/AA Laws: General Provisions and Enforcement

83) 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

Answer: B
Topic: EEO/AA Laws: General Provisions and Enforcement

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84) 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

Answer: D
Topic: EEO/AA Laws: General Provisions and Enforcement

85) 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 the above

Answer: D
Topic: EEO/AA Laws: Specific Staffing Provisions

86) 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)

Answer: C
Topic: EEO/AA Laws: Specific Staffing Provisions

87) 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

Answer: A
Topic: EEO/AA Laws: Specific Staffing Provisions

88) 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

Answer: C
Topic: EEO/AA Laws: Specific Staffing Provisions

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89) The Age Discrimination In Employment Act (1967) prohibits discrimination against individuals who are _____ years or older.
A) 40
B) 50
C) 60
D) 65

Answer: A
Topic: EEO/AA Laws: Specific Staffing Provisions

90) 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 the above

Answer: D
Topic: EEO/AA Laws: Specific Staffing Provisions

91) 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

Answer: A
Topic: EEO/AA Laws: Specific Staffing Provisions

92) 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

Answer: D
Topic: EEO/AA Laws: Specific Staffing Provisions

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93) Which of the following is not prohibited by the ADA?
A) medical exams of job applicants
B) asking a job applicant is 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

Answer: C
Topic: EEO/AA Laws: Specific Staffing Provisions

94) 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

Answer: C
Topic: EEO/AA Laws: Specific Staffing Provisions

95) 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

Answer: A
Topic: Other Staffing Laws

96) 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 the above.

Answer: D
Topic: Other Staffing Laws

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97) 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

Answer: C
Topic: Other Staffing Laws

98) 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 the above.

Answer: D
Topic: Other Staffing Laws

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