Test Bank for Human Resources in Healthcare Managing for Success 5th Sampson

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1. In collective bargaining under the National Labor Relations Act, what are the three types of bargaining issues?

a. Recognition, union organizing, negotiation
b. Union organizing, employer resistance, negotiation
c. Union organizing, negotiation, bargaining
*d. Recognition, negotiation, administration

2. In 1989, a National Labor Relations Board ruling established ___ units for the purpose of collective bargaining in acute care hospitals.

a. six
*b. eight
c. five
d. ten

3. Which of the following is considered a mandatory bargaining issue under the National Labor Relations Act?

a. Pension plan
b. Hours of work
c. Sick leave
*d. All of the above

4. The primary intent of the Taft-Hartley amendments to the National Labor Relations Act was

a. to expand coverage of the NLRA to acute care hospitals.
*b. to enhance the rights of employers in union-management relations.
c. to eliminate right-to-work laws.
d. all of the above.

5. The grievance procedure is a mechanism that allows for

a. identifying mandatory issues for negotiation.
b. determining whether the employer used unfair labor practices during the unionization drive.
*c. implementing and interpreting the contract.
d. employees to protest the contract signed by the employer and the union.

6. Nurses helped to pass state legislation in California mandating

a. time off for nurses in highly stressful positions.
b. ratios of physicians to nurses.
c. special care units for patients with COVID-19.
*d. nurse-to-patient staffing ratios.

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7. Physicians who practice as independent contractors are restricted from participating in collective bargaining by the

*a. Sherman Antitrust Act of 1890
b. Hippocratic Oath
c. boards of most acute care hospitals
d. American Medical Association

8. Distributive bargaining is characterized by

a. a “winner takes all” outcome.
b. a “win–win” outcome.
c. concessionary bargaining.
*d. a “win some, lose some” outcome.

9. Arbitrators and mediators differ in that

*a. arbitrator decisions are legally binding.
b. mediators are used only in an impasse.
c. mediators are neutral third parties and arbitrators are selected by one party.
d. arbitrators, not mediators, can authorize a strike if no agreement is reached.

10. The primary role of the National Labor Relations Board is to

a. work with the US Department of Labor to implement the National Labor Relations Act.
*b. oversee implementation of the National Labor Relations Act.
c. work with Congress to suggest changes to the National Labor Relations Act.
d. ensure that companies abide by the provisions of the Fair Labor Standards Act.

11. Where a union and employer cannot agree on the terms of a contract,

a. an arbitrator must be brought in to resolve the outstanding issues.
b. a mediator must be brought in to resolve the outstanding issues.
c. mediators and arbitrators must be brought in to resolve outstanding issues.
*d. none of the above

12. An important principle of negotiation is to

*a. focus on people’s interests, not positions.
b. focus on people’s positions, not interests.

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c. focus solely on people's final positions, not their opening positions.
d. focus solely on people's final interests, not their opening interests.

13. In the past 20 years,

a. unions have been more successful in organizing workers in the private sector than in the public sector.
b. unions have had a steady decrease in their ability to organize workers in both the public and private sectors.
c. unions have had greater success organizing workers in states with right-to-work laws than in states without such laws.
*d. unions have been more successful in organizing workers in the public sector than in the public sector.

14. Certification of union elections is carried out by

a. the US Department of Labor
b. the US Department of Health and Human Services
c. state licensing boards
*d. the National Labor Relations Board

15. Managerial or supervisory employees may be a member of a bargaining unit

a. if they supervise nonprofessional employees.
*b. under no circumstances.
c. if they supervise fewer than five employees.
d. if they were members of a union prior to being promoted into management.

16. For a union to be certified, it must win

*a. 50 percent plus 1 of those voting.
b. 50 percent plus 1 of those workers in the bargaining unit.
c. a majority of workers in the bargaining unit after being approved by management.
d. a majority and gain the support of both workers and managers in the bargaining unit.

18. "Integrative bargaining" refers to bargaining that is

a. win some, lose some.
b. winner takes all.
c. win–lose.
*d. win–win.

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19. The heart of administering a collective bargaining agreement is

a. good-faith bargaining.
b. arbitration.
*c. the grievance procedure.
d. disciplinary measures.

20. The intention of the Taft-Hartley amendments to the National Labor Relations Act was

a. to provide a way for workers to increase their leverage against management.
*b. to extend greater protections to management in its relationship with unions.
c. to provide union members with protections against union corruption.
d. all of the above.

21. The 1974 Health Care Amendments to the Taft-Hartley Act

a. make it illegal for healthcare workers to strike.
b. exempt healthcare organizations from the National Labor Relations Act.
*c. seek to protect patients from work stoppages.
d. make it illegal for physicians to strike.

22. Social media has become particularly important to unions during

*a. union-organizing campaigns.
b. collective bargaining.
c. grievance procedures.
d. all of the above.

23. With a union contract in place, there is disagreement between the union and management about the length of the lunch break. This type of dispute would likely be addressed during which phase of the labor relations process?

a. Recognition phase
*b. Administration phase
c. Negotiation phase
d. Union-organizing phase

24. Which of the following represents a three-decade-long trend in the employment of physicians?

a. Employment of physicians is decreasing.
b. There is no change in the proportion of physicians who are employed.

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*c. Employment of physicians is increasing.
d. Employment is decreasing, but only among female physicians.

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1. What are three areas addressed by the original Fair Labor Standards Act passed in 1938?

a. Overtime pay provisions, discriminatory hiring practices, time off for family illness
*b. Minimum wage, overtime pay provisions, child labor
c. Discriminatory hiring practices, illegality of disparate treatment, child labor
d. Illegality of gender-based discrimination, child labor, employment at will

2. Which of the following was NOT a provision of the 2008 amendments to the Americans with Disabilities Act (ADA)?

a. Expanded definition of major life activities
*b. Further limited episodic conditions for ADA coverage
c. Expanded the scope of "substantially limiting" major life activities
d. Included "reading" as a major life activity

3. The concept of "disparate impact" was first established by

*a. *Griggs v. Duke Power Co.*
b. *Wards Cove Packing Co. v. Moody.*
c. *Sutton v. United Airlines.*
d. Title VII of the Civil Rights Act of 1964.

4. Under the employment-at-will doctrine,

a. an employer may fire an employee at any time but must give the employee timely notice as defined under the employment contract.
b. an employer may fire an employee only with written justification.
c. an employer may not fire an employee for an immoral reason.
*d. an employee may quit a job at any time.

5. What are the three provisions of the Family and Medical Leave Act?

a. Up to 6 months of leave for several medical and family-related reasons, continued compensation at a reduced rate during the leave period, guarantee of continuation of employer-paid health insurance during the leave period
b. Up to 12 weeks of leave for several medical and family-related reasons, continued compensation at a reduced rate during the leave period, guarantee of continuation of employer-paid health insurance during the leave period
c. Up to 6 months of leave for several medical and family-related reasons, guarantee of continuation of employer-paid health insurance during the leave period, guarantee of a return to work in the same or a similar position

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*d. Up to 12 weeks of leave for several medical and family-related reasons, guarantee of continuation of employer-paid health insurance during the leave period, guarantee of a return to work in the same or a similar position

6. Lesbian, gay, and bisexual employees are covered by which of the following?

a. Fair Labor Standards Act
*b. Title VII of the Civil Rights Act
c. Equal Pay Act
d. None of the above

7. Which of the following employment interview questions is/are illegal under federal law?

a. "Do you plan on having children?"
*b. "Are you disabled?"
c. "What is your age?"
d. All of the above are illegal.

8. The two main bases of employee discipline are

a. employee behavior and insubordination.
b. insubordination and absenteeism.
*c. job performance and employee behavior.
d. absenteeism and failure to improve after a negative job evaluation.

9. A privately owned nursing home hires mostly Hispanic women. The hiring manager believes that only Hispanic women can "fit in" and therefore does not hire a non-Hispanic person who does not meet this profile. This is likely to be

a. permissible because of the employment-at-will doctrine.
b. permissible because most of the local residents are Hispanic.
*c. discrimination on the basis of national origin in violation of Title VII.
d. permissible because the nursing home is a private company.

10. A state that protects whistleblowers is likely relying on what type of exception to at-will employment?

a. Contractual employee exception
b. Exception based on employees protected by federal employment law
c. Exception based on Title VII prohibitions against sexual harassment
*d. Public policy exception

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11. The Civil Rights Act covers

*a. employers with 15 or more employees who worked more than 20 weeks in the current or previous year.
b. all US employers.
c. employers with more than 100 full-time employees in the current or previous year.
d. all employers listed on the New York Stock Exchange.

12. In Title VII of the Civil Rights Act, "terms, conditions, or privileges of employment" refers to

a. hiring.
b. compensation.
c. training.
*d. all of the above.

13. An employee with a hearing disability asks the organization to provide her with a device to help her communicate with other employees and customers. In legal language, she is asking for

a. flexible implementation of company policies.
b. reduction of disparate impact.
*c. reasonable accommodation.
d. reduction of undue hardship.

14. Under a strict employment-at-will doctrine, it is legal to fire an employee

a. only for grossly poor performance.
b. for a reason that does not violate local employment law statutes.
c. because of the employee's race.
*d. for any or no reason.

15. An individual with 20/20 eyesight was denied a job as a school bus driver because the interviewer perceived that the applicant had a vision disability. The individual is considering bringing a lawsuit against the school district. What would be your advice?

*a. You are covered under the ADAAA and should bring a lawsuit.
b. You should not bring a lawsuit because you do not have a disability.
c. You should bring a lawsuit based on a Title VII violation.
d. You should not bring a lawsuit because you were probably denied employment because of some other aspect of your application.

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16. For a disparate impact discrimination case to succeed,

a. it must be demonstrated that an employment practice was intentionally discriminatory.
b. it must be demonstrated that a hiring practice was designed to discriminate against a protected class.
*c. it is not necessary to prove that the intent of an employment practice was discriminatory.
d. the case must not be brought in a right-to-work state.

17. The National Labor Relations Board has found that employees discussing negative employment issues over social media

a. provides a reasonable rationale for firing an employee.
b. provides a reasonable rationale for disciplining but not firing an employee.
*c. is legal as a concerted activity covered by federal law.
d. is legal under the Constitutional right to free speech.

18. In the amendments to the Americans with Disabilities Act,

a. fewer conditions were qualified as disabling conditions because of abuse.
b. obesity was removed as a disabling condition.
c. drug addiction was added as a disabling condition.
*d. more disabling conditions were added.

19. A male employee in a privately owned factory was fired because he protested ongoing sexual harassment of women in the company. Firing this employee

*a. was likely illegal because the firing was a form of retaliation.
b. was likely illegal because he himself was not victim to the harassment.
c. was likely illegal based on at-will employment.
d. was likely illegal because it violated his Constitutional right to free speech.

20. A clothing store targeting people in their twenties decided to terminate a saleswoman who had just returned from maternity leave and had reached her 40th birthday. This would likely be seen as

a. legal because having a youthful appearance is a business necessity.
*b. illegal under the Age Discrimination in Employment Act.
c. legal because being under the age of 40 is a bona fide occupational qualification.
d. illegal under the Pregnancy Discrimination Act.

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21. Among the goals of employee discipline is/are

a. to motivate an employee to improve.
b. to make sure the employee has the appropriate skills and tools.
c. to make sure the employee is aware of the consequences of less-than-satisfactory performance.
*d. all of the above.

22. Under the Family and Medical Leave Act, an employee may take leave in small increments. This is known as

a. for-cause leave.
*b. intermittent leave.
c. temporary leave.
d. continuation leave.

23. Which of the following is true about states' ability to restrict off-duty conduct?

*a. States have the freedom to regulate legal off-duty conduct.
b. States do not have the freedom to regulate legal off-duty conduct.
c. States must appeal to the US Supreme Court to regulate legal off-duty conduct.
d. States can regulate off-duty smoking and alcohol use only.

24. Which of the following statements about the minimum wage is true?

a. States may not raise the minimum wage above the federal minimum.
b. By statute, the minimum wage is raised every year.
c. In some years, the minimum wage is reduced to increase employment.
*d. States may raise the minimum wage above the federal minimum.

25. Public-sector employees tend to have more rights in the workplace than private sector employees because

a. government agencies tend be more generous than private employers.
b. government employees tend to have more rights to unionize than employees of private organizations.
*c. government employees are protected by Constitutional provisions.
d. all of the above.

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