

True / False Questions

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

True False

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

True False

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

True False

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

True False

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

True False

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.

True False

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

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

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

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

True False

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

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

True False

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.

True False

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

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

True False

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

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

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

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

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

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

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

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

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

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Multiple Choice Questions

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- B. employment-at-will is defined under set-term contracts
- C. most employees have a contractual right to be discharged only for cause
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63. The most prevalent form of the employment relationship is _____.
- A. independent contractor
 - B. employer-employee
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64. 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 _____.
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 - D. a consent decree
65. An example of an exception to the principle of employment-at-will would be _____.
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- 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.
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 - D. Using an independent contractor substantially increases the right of the employer to control the contractor.

67. Which of the following factors increase the likelihood that a worker will be considered an independent contractor?
- A. The independent contractor works without supervision or oversight from the employer
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 - B. federal statutes
 - C. past court decisions
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73. A _____ is a civil wrong that occurs when the employer violates a duty owed to its employees or customers that results in harm or damages.
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74. Statutory law is derived from _____.

- A. court cases
- B. the U.S. constitution and its amendments
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75. Agencies that regulate fair employment practice exist at which level?

- A. federal
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76. The role of federal agencies is to _____.

- A. develop, create, and implement the law
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77. Which of the following is(are) true regarding federal EEO/AA laws?

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

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

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

79. The Age Discrimination in Employment Act focuses on individuals over the age of _____.

- A. 40
- B. 30
- C. 20
- D. 50

80. Disparate treatment focuses on _____.

- A. allegations and evidence about the effects of discriminatory actions
- B. allegations and evidence about intentions to discriminate
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81. The initial burden of proof in discrimination claims lies _____.

- A. with the defendant
- B. with the court
- C. equally with the court and the federal agency
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82. When using stock statistics in job selection discrimination cases, the comparison being made is _____.

- A. differences in proportions of groups hired
- B. percentages of groups concentrated in certain job categories
- C. percentages of groups in job categories relative to their availability in the population
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83. The key to a successful rebuttal in a disparate treatment case is _____.

- A. to prove adverse impact
- B. to provide nondiscriminatory reasons for the practice(s) in question
- C. to show the presence of a "mixed motive"
- D. to prove discrimination

84. In EEOC cases, a consent decree is _____.

- A. mandated by law
- B. court approved
- C. limited to non-monetary relief
- D. limited to affirmative action remedies

85. Enforcement mechanisms used by the OFCCP _____.

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

86. Which of the following is prohibited discrimination under civil rights law?

- A. discrimination in hiring
- B. discrimination in compensation
- C. discrimination in classification
- D. all of these

87. The essence of a BFOQ is that _____.

- A. it is always illegal
- B. it reduces discrimination
- C. it justifies discrimination based on reasonable necessity of the job
- D. it prohibits selection through use of a protected characteristic (e.g., gender)

88. Regarding the use of tests in staffing, it can be said that _____.

- A. they are permitted by law
- B. they are illegal
- C. they should be adjusted by protected characteristics to be fair
- D. they should be "race normed" for fairness

89. The legal status of seniority and merit systems is that _____.

- A. seniority is legal
- B. merit systems are legal
- C. both are legal
- D. both are illegal

90. The Age Discrimination In Employment Act (1967) prohibits discrimination against individuals who are ____ years or older.

- A. 40
- B. 50
- C. 60
- D. 65

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

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

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

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

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

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

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

98. Which of the following is true regarding discrimination on the basis of sexual orientation?

- A. there are no laws covering sexual orientation discrimination
- B. federal law prohibits all discrimination on the basis of sexual orientation
- C. although such discrimination is not covered by federal law, it is covered by some state and local laws
- D. some state and local laws encourage discrimination on the basis of sexual orientation

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

- A. Employers may apply for permanent H-1B visas for foreign workers.
- B. There is a cap of 50,000 workers per year who can obtain such visas.
- C. H-1B visa holders may not change jobs as soon as their employer files an approval petition and they are restricted to their current geographic area.
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Chapter 02 Legal Compliance **Answer Key**

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 - C. they should be adjusted by protected characteristics to be fair
 - D. they should be "race normed" for fairness
89. The legal status of seniority and merit systems is that _____.
- A. seniority is legal
 - B. merit systems are legal
 - C.** both are legal
 - D. both are illegal

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

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

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