

Chapter 02 - Equal Employment Opportunity: The Legal Environment

Chapter 02

Equal Employment Opportunity: The Legal Environment

True / False Questions

1. Equal employment opportunity means that an employer must give preference to women and minorities in the workplace.

True False

2. The Equal Pay Act of 1963 prohibits sex-based discrimination in rates of pay paid to men and women working in the same or similar jobs.

True False

3. The Equal Pay Act prohibits pay discrimination based on seniority.

True False

4. The Equal Pay act of 1963 is actually part of the Fair Labor Standards Act.

True False

5. According to the Equal Pay Act, an employer can attain compliance with the act by reducing the wage rate of any employee.

True False

6. Disparate treatment refers to unintentional discrimination involving employment practices that appear to be neutral but adversely affect a protected class of people.

True False

7. The Equal Employment Opportunity Commission (EEOC) was created by the Civil Rights Act to administer Title VII of the act.

True False

8. The Age Discrimination in Employment Act (ADEA), eliminates mandatory retirement at age 70 for employees of companies with 20 or more employees.

True False

9. The Age Discrimination in Employment Act does not apply where age is a bona fide occupational qualification.

True False

10. The Age Discrimination in Employment Act covers employees between 40 and 69 years of age.

True False

11. The primary responsibility for enforcing the Rehabilitation Act lies with the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor.

True False

12. The Equal Employment Opportunity Commission has taken the view that pregnancy benefits are not applicable to unmarried employees.

True False

13. The Office of Federal Contract Compliance Programs (OFCCP) is responsible for administering the Pregnancy Discrimination Act (PDA).

True False

14. In a landmark decision, when an Ohio county agency denied disability benefits to an employee who had been laid off at age 61 because its disability plan cut off at age 60, the Supreme Court ruled that this was a violation of the Age Discrimination in Employment Act.

True False

15. Older Workers Benefit Protection Act of 1990 provides protection for employees over 60 years of age.

True False

16. The Americans with Disabilities Act requires employers to make "reasonable accommodations" for employees with disabilities.

True False

17. The Civil Rights Act of 1991 permits women, persons with disabilities, and persons who are religious minorities to have a jury trial and sue for punitive damages if they can prove they are victims of intentional hiring or workplace discrimination.

True False

18. The Family and Medical Leave Act (FMLA), enables employees to take prolonged paid leave if they are seriously ill.

True False

19. Reverse discrimination refers to the concept which states that when the overall selection process does not have an adverse impact, the government will usually not examine the individual components of that process for adverse impact or evidence of validity.

True False

20. The Equal Employment Opportunity Commission (EEOC) is an agency within the U.S. Department of Labor.

True False

Multiple Choice Questions

21. Equal employment opportunity considers all the following bases for work and advancement EXCEPT:
- A. ability.
 - B. social status.
 - C. merit.
 - D. potential.
22. The Equal Pay Act of 1963 prohibits discrimination in rates of pay on the basis of ____.
- A. race
 - B. sex
 - C. ethnicity
 - D. age
23. A difference between disparate treatment and disparate impact is that:
- A. one is potentially harmful and the other is not.
 - B. one relates to employment practices and the other does not.
 - C. one involves discrimination and the other does not.
 - D. one is intentional and the other is not.
24. Which of the following statements about the Equal Pay Act of 1963 is true?
- A. It prohibits discrimination in rates of pay on the basis of race.
 - B. It permits differences in wages if the payment is based on seniority or merit.
 - C. It allows an employer to attain compliance with the act by reducing the wage rate of any employee.
 - D. The enforcement of the Act is the responsibility of the secretary of labor.

25. The Equal Pay Act is actually a part of the:

- A. Immigration Reform and Control Act.
- B. Rehabilitation Act.
- C. Fair Labor Standards Act.
- D. Civil Rights Act.

26. Responsibility for enforcing the Equal Pay Act was originally assigned to the secretary of labor but on July 1, 1979 it was transferred to the ____.

- A. National Labor Relations Board
- B. Equal Employment Opportunity Commission
- C. Office of Personnel Management
- D. Office of Federal Contract Compliance Programs

27. Which of the following employers is NOT covered under the Civil Rights Act of 1964?

- A. Employers with fewer than 15 employees
- B. Educational institutions (public and private)
- C. State and local governments
- D. Employment agencies (public and private)

28. The Civil Rights Act (1964) prohibits discriminating employees based on which of the following characteristics?

- A. Language
- B. Financial background
- C. Age
- D. National origin

29. Title VII of the Civil Rights Act of 1964 authorized the creation of the ____.
- A. Office of Personnel Management
 - B. Equal Employment Opportunity Commission
 - C. Office of Federal Contract Compliance Programs
 - D. National Labor Relations Board
30. Provisions of the Age Discrimination in Employment Act do NOT apply to:
- A. employment agencies.
 - B. labor organizations.
 - C. private employers of fewer than 20 employees.
 - D. state and local governments.
31. The Age Discrimination in Employment Act (ADEA) prohibits discrimination in employment against individuals aged:
- A. 18 through 60.
 - B. 40 through 69.
 - C. 60 through 75.
 - D. 50 through 80.
32. The ____ requires federal buildings to be accessible to handicapped persons.
- A. Rehabilitation Act
 - B. Immigration Reform and Control Act
 - C. Civil Rights Act
 - D. Equal Pay Act
33. The primary responsibility for enforcing the Rehabilitation Act lies with the ____.
- A. Equal Employment Opportunity Commission
 - B. Office of Personnel Management
 - C. National Labor Relations Board
 - D. Office of Federal Contract Compliance Programs

34. Requirement of affirmative action by federal agencies to provide employment opportunities for handicapped persons is covered under which of the following laws?

- A. Vietnam-Era Veterans Readjustment Assistance Act
- B. Americans with Disabilities Act
- C. Civil Rights Act
- D. Rehabilitation Act

35. The Pregnancy Discrimination Act (PDA) was passed as an amendment to the ____.

- A. Civil Rights Act
- B. Immigration Reform and Control Act
- C. Americans with Disabilities Act
- D. Family and Medical Leave Act

36. Which of the following is allowed under the Americans with Disabilities Act?

- A. Inquiring about an applicant's ability to perform a job.
- B. Limiting advancement opportunities to the disabled.
- C. Inquiring whether an individual has a disability.
- D. Using tests or job requirements intended to screen out the disabled.

37. Several female employees at GE's Salem, Virginia, plant who were pregnant presented a claim for disability benefits under the plan to cover the period they were absent from work as a result of their pregnancies. The company denied these claims on the grounds that the plan did not provide disability benefit payments for such absences. This case had a significant impact on the passage of the ____.

- A. Rehabilitation Act
- B. Americans with Disabilities Act
- C. Pregnancy Discrimination Act
- D. Equal Pay Act

38. An Ohio county agency denied disability benefits to an employee who had been laid off at age 61 because its disability plan cuts off at age 60. This case resulted in which of the following acts?

- A. Age Discrimination in Employment Act
- B. Civil Rights Act
- C. Rehabilitation Act
- D. Older Workers Benefit Protection Act

39. The Civil Rights Act:

- A. provides protection for employees over 40 years of age with regard to employee benefits.
- B. places no upper limit on the amount of damages a victim of nonracial, intentional discrimination can collect.
- C. permits protected groups to have a jury trial and sue for punitive damages if they can prove they are victims of intentional hiring or workplace discrimination.
- D. places the burden of proof on plaintiffs with regard to intentional discrimination lawsuits.

40. The Family Medical and Leave Act enables qualified employees to take:

- A. prolonged paid leave for family or health reasons.
- B. a prolonged unpaid leave for family or health reasons.
- C. multiple brief departures from work without wage or salary loss.
- D. indefinite departure from one's job with uninterrupted career advancement.

41. Which of the following statements is NOT true about the Family and Medical Leave Act?

- A. It enables qualified employees to take prolonged unpaid leave for family- and health-related reasons.
- B. Employees can use this leave in the event of the birth, adoption, or placement for foster care of a child.
- C. To qualify for the leave, employees must have been employed for at least two years.
- D. To qualify for the leave, employees must have worked for no less than 1,250 hours within the previous 12-month period.

42. Executive orders are issued for the purpose of ____.

- A. amending the U.S. constitution
- B. giving directions to federal agencies
- C. ruling on appealed court cases
- D. signing legislation into law

43. Executive Orders are issued by the U.S. ____.

- A. Supreme Court
- B. Senate
- C. Congress
- D. President

44. Executive Order 11246 gave the _____ the authority to issue regulations dealing with discrimination within federal agencies.

- A. Equal Employment Opportunity Commission
- B. National Labor Relations Board
- C. local governments
- D. D.U.S. Office of Personnel Management (OPM)

45. The part of the affirmative action plan that analyzes minority group representation in all job categories; past and present hiring practices; and upgrades, promotions, and transfers is referred to as the ____.

- A. balance scorecard
- B. bottom line analysis
- C. utilization evaluation
- D. implementation analysis

46. The ____ provides that when the plaintiff shows that an employment practice disproportionately excludes groups protected by Title VII, the burden of proof shifts to the defendant to prove that the standard reasonably relates to job performance.

- A. reverse discrimination principle
- B. disparate impact doctrine
- C. bottom line concept
- D. utilization evaluation concept

47. ____ refers to the condition under which there is alleged preferential treatment of one group (minority or women) over another group rather than equal opportunity.

- A. Bottom line concept
- B. Disparate impact doctrine
- C. Utilization evaluation concept
- D. Reverse discrimination

48. The medical school of the University of California developed a special admissions program to increase the participation of minority students. Allan Bakke, a white male, was denied admission to the medical school in 1973 and 1974. Contending that minority students with lower grade averages and test scores were admitted under the special program, Bakke brought suit. This landmark case of Bakke v University of California highlights which of the following concepts?

- A. Reverse discrimination
- B. Disparate impact doctrine
- C. Bottom line concept
- D. Utilization evaluation concept

49. The view that the government should generally not concern itself with individual components of the selection process—if the overall effect of that process is nondiscriminatory—describes the _____ concept.

- A. bottom line
- B. reverse discrimination
- C. disparate treatment
- D. utilization evaluation

50. The _____ was established by Executive Order 11246 to ensure that federal contractors and subcontractors follow nondiscriminatory employment practices.

- A. Office of Personnel Management
- B. Office of Federal Contract Compliance Programs (OFCCP)
- C. National Labor Relations Board
- D. Equal Employment Opportunity Commission

Essay Questions

51. Write a short note on the Equal Pay Act.

52. Explain the terms disparate treatment and disparate impact. What is the difference between the two?

53. What is the purpose of the Age Discrimination in Employment Act (1967)? What are the various organizations covered by this law? Also list the exceptions to the law.

54. What are the general provisions of the Rehabilitation Act (1973)?

55. What impact did the Supreme Court decision, General Electric Co. v. Gilbert, have on the passage of the Pregnancy Discrimination Act?

56. Explain the provisions of the Americans with Disabilities Act.

57. Discuss the provisions of the Older Workers Benefit Protection Act of 1990.

58. Discuss the intent of the Family and Medical Leave Act (FMLA). What are the eligibility criteria for this leave?

59. What is the bottom line concept? How did the Supreme Court view this concept in its Connecticut v. Teal decision?

60. Which are the two federal agencies that have the primary responsibility for enforcing equal employment opportunity legislation in the country? Describe them in brief.

Chapter 02 Equal Employment Opportunity: The Legal Environment **Answer Key**

True / False Questions

1. (p. 24) Equal employment opportunity means that an employer must give preference to women and minorities in the workplace.

FALSE

Difficulty: Medium

2. (p. 24) The Equal Pay Act of 1963 prohibits sex-based discrimination in rates of pay paid to men and women working in the same or similar jobs.

TRUE

Difficulty: Easy

3. (p. 25) The Equal Pay Act prohibits pay discrimination based on seniority.

FALSE

Difficulty: Medium

4. (p. 25) The Equal Pay act of 1963 is actually part of the Fair Labor Standards Act.

TRUE

Difficulty: Medium

5. (p. 25) According to the Equal Pay Act, an employer can attain compliance with the act by reducing the wage rate of any employee.

FALSE

Difficulty: Easy

6. (p. 25) Disparate treatment refers to unintentional discrimination involving employment practices that appear to be neutral but adversely affect a protected class of people.

FALSE

Difficulty: Easy

7. (p. 26) The Equal Employment Opportunity Commission (EEOC) was created by the Civil Rights Act to administer Title VII of the act.

TRUE

Difficulty: Easy

8. (p. 26) The Age Discrimination in Employment Act (ADEA), eliminates mandatory retirement at age 70 for employees of companies with 20 or more employees.

TRUE

Difficulty: Easy

9. (p. 26) The Age Discrimination in Employment Act does not apply where age is a bona fide occupational qualification.

TRUE

Difficulty: Medium

10. (p. 26) The Age Discrimination in Employment Act covers employees between 40 and 69 years of age.

TRUE

Difficulty: Medium

11. (p. 27) The primary responsibility for enforcing the Rehabilitation Act lies with the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor.

TRUE

Difficulty: Easy

12. (p. 28) The Equal Employment Opportunity Commission has taken the view that pregnancy benefits are not applicable to unmarried employees.

FALSE

Difficulty: Hard

13. (p. 28) The Office of Federal Contract Compliance Programs (OFCCP) is responsible for administering the Pregnancy Discrimination Act (PDA).

FALSE

Difficulty: Medium

14. (p. 29) In a landmark decision, when an Ohio county agency denied disability benefits to an employee who had been laid off at age 61 because its disability plan cut off at age 60, the Supreme Court ruled that this was a violation of the Age Discrimination in Employment Act.

FALSE

Difficulty: Hard

15. (p. 29) Older Workers Benefit Protection Act of 1990 provides protection for employees over 60 years of age.

FALSE

Difficulty: Medium

16. (p. 29) The Americans with Disabilities Act requires employers to make "reasonable accommodations" for employees with disabilities.

TRUE

Difficulty: Medium

17. (p. 30) The Civil Rights Act of 1991 permits women, persons with disabilities, and persons who are religious minorities to have a jury trial and sue for punitive damages if they can prove they are victims of intentional hiring or workplace discrimination.

TRUE

Difficulty: Easy

18. (p. 31) The Family and Medical Leave Act (FMLA), enables employees to take prolonged paid leave if they are seriously ill.

FALSE

Difficulty: Easy

19. (p. 36) Reverse discrimination refers to the concept which states that when the overall selection process does not have an adverse impact, the government will usually not examine the individual components of that process for adverse impact or evidence of validity.

FALSE

Difficulty: Medium

20. (p. 39) The Equal Employment Opportunity Commission (EEOC) is an agency within the U.S. Department of Labor.

FALSE

Difficulty: Medium

Multiple Choice Questions

21. (p. 24) Equal employment opportunity considers all the following bases for work and advancement EXCEPT:

- A. ability.
- B. social status.**
- C. merit.
- D. potential.

Difficulty: Easy

22. (p. 24) The Equal Pay Act of 1963 prohibits discrimination in rates of pay on the basis of _____.

- A. race
- B. sex**
- C. ethnicity
- D. age

Difficulty: Easy

23. (p. 25) A difference between disparate treatment and disparate impact is that:

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Difficulty: Medium

24. (p. 25) Which of the following statements about the Equal Pay Act of 1963 is true?

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Difficulty: Easy

25. (p. 25) The Equal Pay Act is actually a part of the:

- A. Immigration Reform and Control Act.
- B. Rehabilitation Act.
- C. Fair Labor Standards Act.**
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Difficulty: Easy

26. (p. 25) Responsibility for enforcing the Equal Pay Act was originally assigned to the secretary of labor but on July 1, 1979 it was transferred to the ____.

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Difficulty: Medium

27. (p. 25) Which of the following employers is NOT covered under the Civil Rights Act of 1964?

- A. Employers with fewer than 15 employees**
- B. Educational institutions (public and private)
- C. State and local governments
- D. Employment agencies (public and private)

Difficulty: Easy

28. (p. 25) The Civil Rights Act (1964) prohibits discriminating employees based on which of the following characteristics?

- A. Language
- B. Financial background
- C. Age
- D. National origin**

Difficulty: Easy

29. (p. 26) Title VII of the Civil Rights Act of 1964 authorized the creation of the ____.

- A. Office of Personnel Management
- B.** Equal Employment Opportunity Commission
- C. Office of Federal Contract Compliance Programs
- D. National Labor Relations Board

Difficulty: Easy

30. (p. 26) Provisions of the Age Discrimination in Employment Act do NOT apply to:

- A. employment agencies.
- B. labor organizations.
- C.** private employers of fewer than 20 employees.
- D. state and local governments.

Difficulty: Medium

31. (p. 26) The Age Discrimination in Employment Act (ADEA) prohibits discrimination in employment against individuals aged:

- A. 18 through 60.
- B.** 40 through 69.
- C. 60 through 75.
- D. 50 through 80.

Difficulty: Easy

32. (p. 27) The ____ requires federal buildings to be accessible to handicapped persons.

- A.** Rehabilitation Act
- B. Immigration Reform and Control Act
- C. Civil Rights Act
- D. Equal Pay Act

Difficulty: Easy

33. (p. 27) The primary responsibility for enforcing the Rehabilitation Act lies with the ____.
- A. Equal Employment Opportunity Commission
 - B. Office of Personnel Management
 - C. National Labor Relations Board
 - D.** Office of Federal Contract Compliance Programs

Difficulty: Medium

34. (p. 27) Requirement of affirmative action by federal agencies to provide employment opportunities for handicapped persons is covered under which of the following laws?
- A. Vietnam-Era Veterans Readjustment Assistance Act
 - B. Americans with Disabilities Act
 - C. Civil Rights Act
 - D.** Rehabilitation Act

Difficulty: Medium

35. (p. 28) The Pregnancy Discrimination Act (PDA) was passed as an amendment to the ____.
- A.** Civil Rights Act
 - B. Immigration Reform and Control Act
 - C. Americans with Disabilities Act
 - D. Family and Medical Leave Act

Difficulty: Medium

36. (p. 28) Which of the following is allowed under the Americans with Disabilities Act?
- A.** Inquiring about an applicant's ability to perform a job.
 - B. Limiting advancement opportunities to the disabled.
 - C. Inquiring whether an individual has a disability.
 - D. Using tests or job requirements intended to screen out the disabled.

Difficulty: Medium

37. (p. 28) Several female employees at GE's Salem, Virginia, plant who were pregnant presented a claim for disability benefits under the plan to cover the period they were absent from work as a result of their pregnancies. The company denied these claims on the grounds that the plan did not provide disability benefit payments for such absences. This case had a significant impact on the passage of the ____.

- A. Rehabilitation Act
- B. Americans with Disabilities Act
- C.** Pregnancy Discrimination Act
- D. Equal Pay Act

Difficulty: Easy

38. (p. 29) An Ohio county agency denied disability benefits to an employee who had been laid off at age 61 because its disability plan cuts off at age 60. This case resulted in which of the following acts?

- A. Age Discrimination in Employment Act
- B. Civil Rights Act
- C. Rehabilitation Act
- D.** Older Workers Benefit Protection Act

Difficulty: Medium

39. (p. 30) The Civil Rights Act:

- A. provides protection for employees over 40 years of age with regard to employee benefits.
- B. places no upper limit on the amount of damages a victim of nonracial, intentional discrimination can collect.
- C.** permits protected groups to have a jury trial and sue for punitive damages if they can prove they are victims of intentional hiring or workplace discrimination.
- D. places the burden of proof on plaintiffs with regard to intentional discrimination lawsuits.

Difficulty: Medium

40. (p. 31) The Family Medical and Leave Act enables qualified employees to take:

- A. prolonged paid leave for family or health reasons.
- B.** a prolonged unpaid leave for family or health reasons.
- C. multiple brief departures from work without wage or salary loss.
- D. indefinite departure from one's job with uninterrupted career advancement.

Difficulty: Medium

41. (p. 31) Which of the following statements is NOT true about the Family and Medical Leave Act?

- A. It enables qualified employees to take prolonged unpaid leave for family- and health-related reasons.
- B. Employees can use this leave in the event of the birth, adoption, or placement for foster care of a child.
- C.** To qualify for the leave, employees must have been employed for at least two years.
- D. To qualify for the leave, employees must have worked for no less than 1,250 hours within the previous 12-month period.

Difficulty: Medium

42. (p. 31) Executive orders are issued for the purpose of ____.

- A. amending the U.S. constitution
- B.** giving directions to federal agencies
- C. ruling on appealed court cases
- D. signing legislation into law

Difficulty: Medium

43. (p. 31) Executive Orders are issued by the U.S. ____.

- A. Supreme Court
- B. Senate
- C. Congress
- D.** President

Difficulty: Easy

44. (p. 32) Executive Order 11246 gave the _____ the authority to issue regulations dealing with discrimination within federal agencies.

- A. Equal Employment Opportunity Commission
- B. National Labor Relations Board
- C. local governments
- D.** D.U.S. Office of Personnel Management (OPM)

Difficulty: Medium

45. (p. 31-32) The part of the affirmative action plan that analyzes minority group representation in all job categories; past and present hiring practices; and upgrades, promotions, and transfers is referred to as the _____.

- A. balance scorecard
- B. bottom line analysis
- C.** utilization evaluation
- D. implementation analysis

Difficulty: Easy

46. (p. 34) The _____ provides that when the plaintiff shows that an employment practice disproportionately excludes groups protected by Title VII, the burden of proof shifts to the defendant to prove that the standard reasonably relates to job performance.

- A. reverse discrimination principle
- B.** disparate impact doctrine
- C. bottom line concept
- D. utilization evaluation concept

Difficulty: Easy

47. (p. 35) _____ refers to the condition under which there is alleged preferential treatment of one group (minority or women) over another group rather than equal opportunity.

- A. Bottom line concept
- B. Disparate impact doctrine
- C. Utilization evaluation concept
- D.** Reverse discrimination

Difficulty: Easy

48. (p. 35) The medical school of the University of California developed a special admissions program to increase the participation of minority students. Allan Bakke, a white male, was denied admission to the medical school in 1973 and 1974. Contending that minority students with lower grade averages and test scores were admitted under the special program, Bakke brought suit. This landmark case of Bakke v University of California highlights which of the following concepts?

- A.** Reverse discrimination
- B. Disparate impact doctrine
- C. Bottom line concept
- D. Utilization evaluation concept

Difficulty: Hard

49. (p. 36) The view that the government should generally not concern itself with individual components of the selection process—if the overall effect of that process is nondiscriminatory—describes the _____ concept.

- A.** bottom line
- B. reverse discrimination
- C. disparate treatment
- D. utilization evaluation

Difficulty: Medium

50. (p. 39) The _____ was established by Executive Order 11246 to ensure that federal contractors and subcontractors follow nondiscriminatory employment practices.

- A. Office of Personnel Management
- B. Office of Federal Contract Compliance Programs (OFCCP)**
- C. National Labor Relations Board
- D. Equal Employment Opportunity Commission

Difficulty: Easy

Essay Questions

51. (p. 24-25) Write a short note on the Equal Pay Act.

The Equal Pay Act is actually part of the minimum wage section of the Fair Labor Standards Act (FLSA). It prohibits sex-based discrimination in rates of pay for men and women working on the same or similar jobs. The act permits differences in wages if the payment is based on seniority, merit, quantity and quality of production, or a differential due to any factor other than sex. The act also prohibits an employer from attaining compliance with the act by reducing the wage rate of any employee. Generally, the act covers employers engaged in commerce or in the production of goods for commerce, employers that have two or more employees, and labor organizations. Responsibility for enforcing the Equal Pay Act was originally assigned to the secretary of labor but was transferred to the Equal Employment Opportunity Commission (EEOC) on July 1, 1979.

Difficulty: Easy

52. (p. 25) Explain the terms disparate treatment and disparate impact. What is the difference between the two?

Disparate treatment refers to intentional discrimination and involves treating one class of employees differently from other employees. Disparate impact refers to unintentional discrimination and involves employment practices that appear to be neutral but adversely affect a protected class of people. Thus, the difference between the two is that disparate treatment refers to intentional discrimination whereas disparate impact refers to unintentional discrimination.

Difficulty: Easy

53. (p. 26) What is the purpose of the Age Discrimination in Employment Act (1967)? What are the various organizations covered by this law? Also list the exceptions to the law.

The Age Discrimination in Employment Act (ADEA), passed in 1967, prohibits discrimination in employment against individuals aged 40 through 69. The prohibited employment practices of ADEA include failure to hire, discharge, denial of employment, and discrimination with respect to terms or conditions of employment because of an individual's age within the protected age group. Organizations covered by the ADEA include the following:

- Private employers of 20 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.
- Labor organizations.
- Employment agencies.
- State and local governments.
- Federal government agencies, with certain differences; for example, federal employees cannot be forced to retire at any age.

One exception specified in the law concerns employees in bona fide executive or high policymaking positions. The act permits mandatory retirement at age 65 for high-level executives whose pensions exceed \$44,000 a year. Section 4(f) of the ADEA sets forth several conditions under which the act does not apply. The act does not apply where age is a bona fide occupational qualification, that is, reasonably necessary to the normal operation of the particular business. Furthermore, it is not illegal for an employer to discipline or discharge an individual within the protected age group for good cause, such as unsatisfactory job performance. Originally, the secretary of labor was responsible for enforcing the ADEA. On July 1, 1979, the EEOC assumed that responsibility.

Difficulty: Medium

54. (p. 27) What are the general provisions of the Rehabilitation Act (1973)?

The Rehabilitation Act of 1973, as amended, contains the following general provisions. It:

- prohibits discrimination against handicapped individuals by employers with federal contracts and subcontracts in excess of \$2,500;
- requires written affirmative action plans (AAPs) from employers of 50 or more employees and federal contracts of \$50,000 or more;
- prohibits discrimination against handicapped individuals by federal agencies;
- requires affirmative action by federal agencies to provide employment opportunities for handicapped persons;
- requires federal buildings to be accessible to handicapped persons;
- prohibits discrimination against handicapped individuals by recipients of federal financial assistance.

Difficulty: Medium

55. (p. 28) What impact did the Supreme Court decision, General Electric Co. v. Gilbert, have on the passage of the Pregnancy Discrimination Act?

The Supreme Court decision, General Electric Co. v. Gilbert, had a significant impact on the passage of the Pregnancy Discrimination Act. In that case, General Electric (GE) provided nonoccupational sickness and accident benefits to all employees under its sickness and accident insurance plan in an amount equal to 60 percent of an employee's normal straight-time weekly earnings. Several female employees at GE's Salem, Virginia, plant who were pregnant presented a claim for disability benefits under the plan to cover the period they were absent from work as a result of their pregnancies. The company denied these claims on the grounds that the plan did not provide disability benefit payments for such absences. The employees filed suit alleging a violation of Title VII, which prohibits sex discrimination. The Supreme Court ruled that the exclusion of pregnancy-related absences from the plan did not constitute sex discrimination. As a result of this decision, in an effort to protect the rights of pregnant workers, Congress passed the Pregnancy Discrimination Act (PDA) as an amendment to the Civil Rights Act in 1978. Under the PDA, employers must treat pregnancy just like any other medical condition with regard to fringe benefits and leave policies.

Difficulty: Easy

56. (p. 28-29) Explain the provisions of the Americans with Disabilities Act.

In May 1990, Congress approved the Americans with Disabilities Act (ADA), which gives people with disabilities sharply increased access to services and jobs. Under this law, employers may not:

- Discriminate, in hiring and firing, against disabled persons who are qualified for a job.
- Inquire whether an applicant has a disability, although employers may ask about his or her ability to perform a job.
- Limit advancement opportunity for disabled employees.
- Use tests or job requirements that tend to screen out disabled applicants.
- Participate in contractual arrangements that discriminate against disabled persons.

Employers must also provide reasonable accommodations for employees with disabilities, such as making existing facilities accessible, providing special equipment and training, arranging part-time or modified work schedules, and providing readers for blind employees. Employers do not have to provide accommodations that impose an undue hardship on business operations. The bill covers all employers with 15 or more employees.

Difficulty: Medium

57. (p. 29) Discuss the provisions of the Older Workers Benefit Protection Act of 1990.

Under the Older Workers Benefit Protection Act of 1990, employers may integrate disability and pension pay by paying the retiree the higher of the two; integrate retiree health insurance and severance pay by deducting the former from the latter; and, in cases of plant closings or mass layoffs, integrate pension and severance pay by deducting from severance pay the amount added to the pension. The act also gives employees time to consider a company's early retirement package—21 days for an individual or 45 days if a group is involved. Employees also have seven days to change their minds if they have signed a waiver of their right to sue. Coverage of this law is the same as that under the Age Discrimination in Employment Act.

Difficulty: Easy

58. (p. 31) Discuss the intent of the Family and Medical Leave Act (FMLA). What are the eligibility criteria for this leave?

The Family and Medical Leave Act (FMLA) was enacted on February 5, 1993, to enable qualified employees to take prolonged unpaid leave for family- and health-related reasons without fear of losing their jobs. Under the law, employees can use this leave if they are seriously ill, if an immediate family member is ill, or in the event of the birth, adoption, or placement for foster care of a child. To qualify for the leave, employees must have been employed for at least a year and must have worked for no less than 1,250 hours within the previous 12-month period.

Difficulty: Easy

59. (p. 36) What is the bottom line concept? How did the Supreme Court view this concept in its Connecticut v. Teal decision?

The bottom line concept is based on the view that when the overall selection process does not have an adverse impact, the government will usually not examine the individual components of that process for adverse impact or evidence of validity. However, in its Connecticut v. Teal decision, the Supreme Court held that the nondiscriminatory bottom line results of the employer's selection process did not preclude the employees from establishing a prima facie case of discrimination and did not provide the employers with a defense in such a case. Thus, the conclusion reached from this case is that bottom line percentages are not determinative. Rather, the EEOC or a court will look at each test to determine whether it by itself has a disparate impact on a protected group.

Difficulty: Medium

Chapter 02 - Equal Employment Opportunity: The Legal Environment

60. (p. 38-39) Which are the two federal agencies that have the primary responsibility for enforcing equal employment opportunity legislation in the country? Describe them in brief.

Two federal agencies have the primary responsibility for enforcing equal employment opportunity legislation. These agencies are the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs.

The Civil Rights Act created the Equal Employment Opportunity Commission (EEOC) to administer Title VII of the act. The commission is composed of five members—including a chairperson and a vice chairperson—appointed by the president of the United States, by and with the advice and consent of the Senate, for a term of five years. Originally, the EEOC was responsible for investigating discrimination based on race, color, religion, sex, or national origin. Now it is also responsible for investigating equal pay violations, age discrimination, and discrimination against disabled persons. The EEOC has the authority not only to investigate charges and complaints in these areas but also to intervene through the general counsel in a civil action on the behalf of an aggrieved party. It also develops and issues guidelines to enforce nondiscriminatory practices in all of these areas.

Unlike the EEOC, which is an independent agency within the federal government, the Office of Federal Contract Compliance Programs (OFCCP) is within the U.S. Department of Labor. It was established by Executive Order 11246 to ensure that federal contractors and subcontractors follow nondiscriminatory employment practices. Prior to 1978, 11 different government agencies had contract compliance sections responsible for administering and enforcing Executive Order 11246. The OFCCP generally supervised and coordinated their activities. In 1978, Executive Order 12086 consolidated the administration and enforcement functions within the OFCCP.

Difficulty: Medium