

Chapter 2--The Legal Environment

Student: _____

1. Title VII of the 1964 Civil Rights Act prohibits discrimination based on all of the following EXCEPT
 - A. national origin.
 - B. race.
 - C. sex.
 - D. religion.
 - E. knowledge, skills, and abilities.
2. All of the following are forces that effect the legal environment of human relations in the US EXCEPT
 - A. the Supreme Court.
 - B. the President of the United States.
 - C. the State legislatures.
 - D. Congress.
 - E. Employees.
3. The steps in the regulatory process are
 - A. burden, enforcement, and implementation.
 - B. creation, enforcement, implementation, revision, enforcement, and revision.
 - C. creation, enforcement, and implementation.
 - D. creation, burden, implementation, and enforcement.
 - E. creation, implementation, and enforcement.
4. The most important human resource regulatory agency is the
 - A. Department of Labor.
 - B. Equal Employment Opportunity Commission.
 - C. National Labor Relations Board.
 - D. Department of Justice.
 - E. Affirmative Action Agency.
5. One method for establishing whether disparate impact exists in a company's hiring practices involves
 - A. focus groups.
 - B. using the one-third rule.
 - C. using absolute counts of protected class members.
 - D. practicing retaliation.
 - E. geographic comparisons.

6. The most noteworthy factors used to characterize a protected class include
- A. disability status.
 - B. religion.
 - C. national origin.
 - D. gender.
 - E. all of these.
7. Quid pro quo sexual harassment typically involves
- A. unwelcome individual advances for a date.
 - B. sexual favors in return for something of value.
 - C. making jokes about a particular gender.
 - D. inappropriate pictures with sexual content displayed on the wall.
 - E. meeting colleagues for dinner after work hours.
8. Executive Order 11478 requires that federal contractors receiving more than _____ must have affirmative action plans.
- A. \$1
 - B. \$10,000
 - C. \$50,000
 - D. \$100,000
 - E. \$1,000,000
9. The Age Discrimination in Employment Act prohibits discrimination with respect to age of employees or applicants
- A. near retirement age.
 - B. 40 and over.
 - C. over 18.
 - D. 65 or over.
 - E. for all ages.
10. Which of the following would probably NOT be covered by the Americans with Disabilities Act?
- A. A mentally retarded employee
 - B. An employee with a learning disability
 - C. An employee with cancer
 - D. A person with poor vision that is correctable with glasses
 - E. An employee who is thought to be disabled but is not

11. The Family Medical Leave Act requires employers to provide which of the following for employees under certain emergency circumstances?
- A. Up to 4 weeks of paid leave
 - B. Up to 4 weeks of unpaid leave
 - C. Up to 12 weeks of paid leave
 - D. Up to 12 weeks of unpaid leave
 - E. Unlimited unpaid leave
12. The Vocational Rehabilitation Act of 1973 requires that federal contractors receiving more than _____ must have affirmative action plans for persons who have disabilities.
- A. \$100
 - B. \$1,000
 - C. \$2,500
 - D. \$25,000
 - E. \$50,000
13. The American with Disabilities Act requires companies to
- A. hire everyone with a documented disability.
 - B. discriminate against those persons who have a disability.
 - C. hire a diversity consultant.
 - D. make reasonable accommodations for disabled individuals.
 - E. spend \$100,000 per year on disability training.
14. The Fair Labor Standards Act legislates such issues as:
- A. disparate impact.
 - B. union activity.
 - C. child labor.
 - D. collective bargaining.
 - E. all of these.
15. Titleist makes most of the golf clubs it sells to U.S. buyers in China, where the average hourly wage is the equivalent of less than \$1 per hour. Under the provisions of the Fair Labor Standards Act, Titleist
- A. is in violation of the act, because \$1 per hour is less than the mandated minimum wage.
 - B. is in violation of the act, because some of the workers are younger than 16 years of age.
 - C. is in violation of the act, because the Chinese workers are nonexempt.
 - D. is NOT in violation of the act, because the FLSA applies only to workers in the United States.
 - E. is NOT in violation of the act, because the Chinese workers work fewer than 40 hours per week.

16. ____ was passed to protect employee pensions benefits.
- A. ADA
 - B. FLSA
 - C. ERISA
 - D. ADEA
 - E. OSHA
17. Which labor law was passed to regulate union actions and internal affairs related to employee representation, shifting some power away from unions?
- A. Taft-Hartley Act
 - B. Fair Practices Act
 - C. Wagner Act
 - D. Norris-LaGuardia Act
 - E. Fair Labor Standards Act
18. ____ was passed to protect employee safety.
- A. ADA
 - B. FLSA
 - C. ERISA
 - D. ADEA
 - E. OSHA
19. Employees at Borders Bookstore in Ann Arbor, Michigan, recently held a strike to force their employer to negotiate a labor contract. Borders' employees were given the right to do this by the
- A. Taft-Hartley Act.
 - B. National Labor Relations Act.
 - C. Landrum-Griffin Act.
 - D. Occupational Safety and Health Act.
 - E. Fair Labor Standards Act.
20. The Occupational Safety and Health Act
- A. is enforced by the EEOC.
 - B. requires employers to provide a hazard-free work environment.
 - C. permits inspections by specially trained officers called inspectors general.
 - D. provides for criminal penalties for willful violations of the act.
 - E. was passed in the late 1980s.
21. The Drug-Free Workplace Act of 1988 was passed to
- A. reduce the use of all drugs in the workplace.
 - B. reduce the use of illegal drugs in the workplace.
 - C. illuminate the use of all drugs during working hours.
 - D. enable companies to monitor the use of drugs outside of the workplace.
 - E. all of these.

22. The Privacy Act of 1974 ensures that
- A. federal employees can review their personnel files for accuracy.
 - B. workers who reveal company secrets to competitors face severe penalties.
 - C. employers cannot monitor personal emails received on work computers.
 - D. employees' behavior outside of work cannot be monitored or tested.
 - E. an employee's medical information cannot be shared without permission from the employee.
23. The law that prohibits employers from collecting genetic information about their employees is called the:
- A. Age Discrimination of Employment Act
 - B. Pregnancy Discrimination Act
 - C. Title VII of the 1964 Civil Rights Act
 - D. American Disabilities Act
 - E. Genetic Information Nondiscrimination Act
24. Alpha-Beta Company closed a plant and laid off 100 workers, who each made \$100 per day in pay and benefits. The closing was announced by company managers on April 1 and took place 30 days later. Under the provisions of the Worker Adjustment and Retraining Act of 1988 (WARN), Alpha-Beta must pay a penalty of
- A. \$0.
 - B. \$200.
 - C. \$40,000.
 - D. \$100,000.
 - E. \$300,000.
25. Charlie Company is evaluating its human resource legal compliance. Who is the LEAST likely to be involved?
- A. The firm's legal staff
 - B. Managers
 - C. Line workers
 - D. Human resource staff
 - E. Outside legal auditors
26. What are the steps for evaluating legal compliance?
- A. Internal audit, management understanding, legal and HR staff review, and external audit
 - B. External audit and legal review
 - C. Management understanding, legal and HR staff review, and external audit
 - D. Internal audit, HR staff review, management understanding, legal review, and external audit
 - E. Make decisions, then ask for forgiveness later

27. The Vietnam Era Veterans' Readjustment Act of 1974 is directed primary at:
- A. federal contractors.
 - B. federal subcontractors.
 - C. all private companies.
 - D. *both* federal contractors *and* federal subcontractors.
 - E. state contractors.
28. The ____ established the workweek in the United States as 40 hours per week.
- A. ADA
 - B. ADEA
 - C. FMLA
 - D. ERISA
 - E. FLSA
29. The basic premise of OSHA is that each employer must provide a workplace that is safe for employees, which is known as the
- A. qualification standard.
 - B. inspection agreement.
 - C. general duty clause.
 - D. arbitration agreement.
 - E. lawful worker treatment clause.
30. The Privacy Act of 1974 applies directly to ____ employees.
- A. federal
 - B. state
 - C. for-profit
 - D. not-for-profit
 - E. municipality
31. **Scenario 2.1**
Tia's Tamale Factory employs 50 workers to make and ship food products all over the United States. Tia's factory is located in Southern California, in a community where 60 percent of the residents have Spanish surnames or identify themselves as Hispanic. Tia must hire a new cook and despite her best efforts, she gets only three applicants. Conchita is a 35-year-old Hispanic female, Sancho is a 17-year-old Hispanic male, and Maureen is a 48-year-old white woman who uses a wheelchair.
- Refer to Scenario 2.1. Tia's workers are mostly Hispanic women. If Tia believes that only a Hispanic women could fit in at her workplace and hires Conchita for this reason, it will likely be
- A. discrimination on the basis of national origin in violation of Title VII.
 - B. discrimination on the basis of age in violation of the ADEA.
 - C. permissible discrimination because of affirmative action.
 - D. permissible because most of the local residents are Hispanics.
 - E. permissible because Tia is a private employer.

32. Scenario 2.1

Tia's Tamale Factory employs 50 workers to make and ship food products all over the United States. Tia's factory is located in Southern California, in a community where 60 percent of the residents have Spanish surnames or identify themselves as Hispanic. Tia must hire a new cook and despite her best efforts, she gets only three applicants. Conchita is a 35-year-old Hispanic female, Sancho is a 17-year-old Hispanic male, and Maureen is a 48-year-old white woman who uses a wheelchair.

Refer to Scenario 2.1. Suppose Tia does not hire Sancho. Which of the following regulations could Sancho use in an attempt to claim that Tia discriminated against him?

- A. Americans with Disabilities Act
- B. The disparate treatment clause of Title VII, due to his race
- C. The disparate treatment clause of Title VII, due to his gender
- D. Occupational Safety and Health Act
- E. Age Discrimination in Employment Act

33. Scenario 2.1

Tia's Tamale Factory employs 50 workers to make and ship food products all over the United States. Tia's factory is located in Southern California, in a community where 60 percent of the residents have Spanish surnames or identify themselves as Hispanic. Tia must hire a new cook and despite her best efforts, she gets only three applicants. Conchita is a 35-year-old Hispanic female, Sancho is a 17-year-old Hispanic male, and Maureen is a 48-year-old white woman who uses a wheelchair.

Refer to Scenario 2.1. Suppose Conchita and Maureen are equally qualified and Tia flips a coin to decide between them. The coin lands on tails and accordingly Tia hires Maureen. This action would probably be

- A. a violation of Executive Order 11246.
- B. a violation of the Equal Protection Clause of the Fourteenth Amendment.
- C. a violation of Title VII.
- D. not a violation of Title VII because the other employees are primarily Hispanic.
- E. permissible under Title VII because the applicants were treated equally.

34. Scenario 2.1

Tia's Tamale Factory employs 50 workers to make and ship food products all over the United States. Tia's factory is located in Southern California, in a community where 60 percent of the residents have Spanish surnames or identify themselves as Hispanic. Tia must hire a new cook and despite her best efforts, she gets only three applicants. Conchita is a 35-year-old Hispanic female, Sancho is a 17-year-old Hispanic male, and Maureen is a 48-year-old white woman who uses a wheelchair.

Refer to Scenario 2.1. Suppose Conchita and Maureen are equally qualified but Tia must raise the stove at a cost of \$10,000 to accommodate Maureen's wheelchair. To avoid the expense, Tia hires Conchita. It is likely this action is

- A. lawful under ADA because the applicants were equally qualified.
- B. unlawful under Title VII because the applicants were of different races.
- C. lawful under ADA if the accommodation was an undue hardship on Tia.
- D. lawful under ADA. Maureen is not considered disabled under ADA because her disability is correctable with a wheelchair.
- E. unlawful under the ADA because Tia has to accommodate Maureen regardless of expense.

35. Scenario 2.1

Tia's Tamale Factory employs 50 workers to make and ship food products all over the United States. Tia's factory is located in Southern California, in a community where 60 percent of the residents have Spanish surnames or identify themselves as Hispanic. Tia must hire a new cook and despite her best efforts, she gets only three applicants. Conchita is a 35-year-old Hispanic female, Sancho is a 17-year-old Hispanic male, and Maureen is a 48-year-old white woman who uses a wheelchair.

Refer to Scenario 2.1. Suppose Tia hires Sancho and requires him to take a drug test because of safety issues on the job. Can Tia legally require this?

- A. Yes. Tia can require Sancho to take a drug test.
- B. Yes. However, Tia can only require Sancho to take a drug test before making a job offer.
- C. No. This would be against the FLSA.
- D. No. This would violate the ADA.
- E. No. This would violate the ADEA.

36. One catalyst for modifying or enhancing the human resource legal environment may be social change.

True False

37. In some cases, a regulation may be unintentionally ambiguous or may be interpreted by the courts in different ways over time.

True False

38. A BFOQ exception must be supported with a justified position of business necessity.

True False

39. Disparate impact occurs when an employer knowingly practices illegal discrimination.

True False

40. The Privacy Act of 1974 prohibits employers from collecting any genetic information about their employees, including information about family history of disease.

True False

41. The Equal Pay act 's provisions expand the rights of the government or law enforcement agencies to collect information about and pursue potential terrorists.

True False

42. The first step of legal compliance is to ensure that managers clearly understand the laws that govern every aspect of human resource management.

True False

43. All managers must understand and be intimately familiar with the various laws that restrict and govern their behavior vis--vis their employees.

True False

44. Ian owns a construction company with five employees. He wants to fire someone. He has no legal staff to advise him, so he should terminate the employee now.

True False

45. External legal audits are inexpensive.

True False

46. Describe the regulatory process for human resource management in the United States.

47. Describe the two types of sexual harassment identified by the courts.
48. Summarize the protections that workers are afforded under the Fair Labor Standards Act.
49. What worker rights are regulated by the National Labor Relations Act? How does this Act differ from the other two significant pieces of legislation regarding labor relations¾the Taft-Hartley Act and the Landrum-Griffin Act?

50. How does an organization evaluate its compliance with legal requirements?

Chapter 2--The Legal Environment **Key**

1. Title VII of the 1964 Civil Rights Act prohibits discrimination based on all of the following EXCEPT
 - A. national origin.
 - B. race.
 - C. sex.
 - D. religion.
 - E.** knowledge, skills, and abilities.
2. All of the following are forces that effect the legal environment of human relations in the US EXCEPT
 - A. the Supreme Court.
 - B. the President of the United States.
 - C. the State legislatures.
 - D. Congress.
 - E.** Employees.
3. The steps in the regulatory process are
 - A. burden, enforcement, and implementation.
 - B. creation, enforcement, implementation, revision, enforcement, and revision.
 - C.** creation, enforcement, and implementation.
 - D. creation, burden, implementation, and enforcement.
 - E. creation, implementation, and enforcement.
4. The most important human resource regulatory agency is the
 - A. Department of Labor.
 - B.** Equal Employment Opportunity Commission.
 - C. National Labor Relations Board.
 - D. Department of Justice.
 - E. Affirmative Action Agency.
5. One method for establishing whether disparate impact exists in a company's hiring practices involves
 - A. focus groups.
 - B. using the one-third rule.
 - C. using absolute counts of protected class members.
 - D. practicing retaliation.
 - E.** geographic comparisons.

6. The most noteworthy factors used to characterize a protected class include
- A. disability status.
 - B. religion.
 - C. national origin.
 - D. gender.
 - E. all of these.**
7. Quid pro quo sexual harassment typically involves
- A. unwelcome individual advances for a date.
 - B. sexual favors in return for something of value.**
 - C. making jokes about a particular gender.
 - D. inappropriate pictures with sexual content displayed on the wall.
 - E. meeting colleagues for dinner after work hours.
8. Executive Order 11478 requires that federal contractors receiving more than _____ must have affirmative action plans.
- A. \$1
 - B. \$10,000**
 - C. \$50,000
 - D. \$100,000
 - E. \$1,000,000
9. The Age Discrimination in Employment Act prohibits discrimination with respect to age of employees or applicants
- A. near retirement age.
 - B. 40 and over.**
 - C. over 18.
 - D. 65 or over.
 - E. for all ages.
10. Which of the following would probably NOT be covered by the Americans with Disabilities Act?
- A. A mentally retarded employee
 - B. An employee with a learning disability
 - C. An employee with cancer
 - D. A person with poor vision that is correctable with glasses**
 - E. An employee who is thought to be disabled but is not

11. The Family Medical Leave Act requires employers to provide which of the following for employees under certain emergency circumstances?
- A. Up to 4 weeks of paid leave
 - B. Up to 4 weeks of unpaid leave
 - C. Up to 12 weeks of paid leave
 - D.** Up to 12 weeks of unpaid leave
 - E. Unlimited unpaid leave
12. The Vocational Rehabilitation Act of 1973 requires that federal contractors receiving more than _____ must have affirmative action plans for persons who have disabilities.
- A. \$100
 - B. \$1,000
 - C.** \$2,500
 - D. \$25,000
 - E. \$50,000
13. The American with Disabilities Act requires companies to
- A. hire everyone with a documented disability.
 - B. discriminate against those persons who have a disability.
 - C. hire a diversity consultant.
 - D.** make reasonable accommodations for disabled individuals.
 - E. spend \$100,000 per year on disability training.
14. The Fair Labor Standards Act legislates such issues as:
- A. disparate impact.
 - B. union activity.
 - C.** child labor.
 - D. collective bargaining.
 - E. all of these.
15. Titleist makes most of the golf clubs it sells to U.S. buyers in China, where the average hourly wage is the equivalent of less than \$1 per hour. Under the provisions of the Fair Labor Standards Act, Titleist
- A. is in violation of the act, because \$1 per hour is less than the mandated minimum wage.
 - B. is in violation of the act, because some of the workers are younger than 16 years of age.
 - C. is in violation of the act, because the Chinese workers are nonexempt.
 - D.** is NOT in violation of the act, because the FLSA applies only to workers in the United States.
 - E. is NOT in violation of the act, because the Chinese workers work fewer than 40 hours per week.

16. ____ was passed to protect employee pensions benefits.
- A. ADA
 - B. FLSA
 - C. ERISA**
 - D. ADEA
 - E. OSHA
17. Which labor law was passed to regulate union actions and internal affairs related to employee representation, shifting some power away from unions?
- A. Taft-Hartley Act**
 - B. Fair Practices Act
 - C. Wagner Act
 - D. Norris-LaGuardia Act
 - E. Fair Labor Standards Act
18. ____ was passed to protect employee safety.
- A. ADA
 - B. FLSA
 - C. ERISA
 - D. ADEA
 - E. OSHA**
19. Employees at Borders Bookstore in Ann Arbor, Michigan, recently held a strike to force their employer to negotiate a labor contract. Borders' employees were given the right to do this by the
- A. Taft-Hartley Act.
 - B. National Labor Relations Act.**
 - C. Landrum-Griffin Act.
 - D. Occupational Safety and Health Act.
 - E. Fair Labor Standards Act.
20. The Occupational Safety and Health Act
- A. is enforced by the EEOC.
 - B. requires employers to provide a hazard-free work environment.
 - C. permits inspections by specially trained officers called inspectors general.
 - D. provides for criminal penalties for willful violations of the act.**
 - E. was passed in the late 1980s.
21. The Drug-Free Workplace Act of 1988 was passed to
- A. reduce the use of all drugs in the workplace.
 - B. reduce the use of illegal drugs in the workplace.**
 - C. illuminate the use of all drugs during working hours.
 - D. enable companies to monitor the use of drugs outside of the workplace.
 - E. all of these.

22. The Privacy Act of 1974 ensures that
- A. federal employees can review their personnel files for accuracy.
 - B. workers who reveal company secrets to competitors face severe penalties.
 - C. employers cannot monitor personal emails received on work computers.
 - D. employees' behavior outside of work cannot be monitored or tested.
 - E. an employee's medical information cannot be shared without permission from the employee.
23. The law that prohibits employers from collecting genetic information about their employees is called the:
- A. Age Discrimination of Employment Act
 - B. Pregnancy Discrimination Act
 - C. Title VII of the 1964 Civil Rights Act
 - D. American Disabilities Act
 - E. Genetic Information Nondiscrimination Act
24. Alpha-Beta Company closed a plant and laid off 100 workers, who each made \$100 per day in pay and benefits. The closing was announced by company managers on April 1 and took place 30 days later. Under the provisions of the Worker Adjustment and Retraining Act of 1988 (WARN), Alpha-Beta must pay a penalty of
- A. \$0.
 - B. \$200.
 - C. \$40,000.
 - D. \$100,000.
 - E. \$300,000.
25. Charlie Company is evaluating its human resource legal compliance. Who is the LEAST likely to be involved?
- A. The firm's legal staff
 - B. Managers
 - C. Line workers
 - D. Human resource staff
 - E. Outside legal auditors
26. What are the steps for evaluating legal compliance?
- A. Internal audit, management understanding, legal and HR staff review, and external audit
 - B. External audit and legal review
 - C. Management understanding, legal and HR staff review, and external audit
 - D. Internal audit, HR staff review, management understanding, legal review, and external audit
 - E. Make decisions, then ask for forgiveness later

27. The Vietnam Era Veterans' Readjustment Act of 1974 is directed primary at:
- A. federal contractors.
 - B. federal subcontractors.
 - C. all private companies.
 - D. both federal contractors and federal subcontractors.**
 - E. state contractors.
28. The ____ established the workweek in the United States as 40 hours per week.
- A. ADA
 - B. ADEA
 - C. FMLA
 - D. ERISA
 - E. FLSA**
29. The basic premise of OSHA is that each employer must provide a workplace that is safe for employees, which is known as the
- A. qualification standard.
 - B. inspection agreement.
 - C. general duty clause.**
 - D. arbitration agreement.
 - E. lawful worker treatment clause.
30. The Privacy Act of 1974 applies directly to ____ employees.
- A. federal**
 - B. state
 - C. for-profit
 - D. not-for-profit
 - E. municipality
31. **Scenario 2.1**
Tia's Tamale Factory employs 50 workers to make and ship food products all over the United States. Tia's factory is located in Southern California, in a community where 60 percent of the residents have Spanish surnames or identify themselves as Hispanic. Tia must hire a new cook and despite her best efforts, she gets only three applicants. Conchita is a 35-year-old Hispanic female, Sancho is a 17-year-old Hispanic male, and Maureen is a 48-year-old white woman who uses a wheelchair.
- Refer to Scenario 2.1. Tia's workers are mostly Hispanic women. If Tia believes that only a Hispanic women could fit in at her workplace and hires Conchita for this reason, it will likely be
- A. discrimination on the basis of national origin in violation of Title VII.**
 - B. discrimination on the basis of age in violation of the ADEA.
 - C. permissible discrimination because of affirmative action.
 - D. permissible because most of the local residents are Hispanics.
 - E. permissible because Tia is a private employer.

32. **Scenario 2.1**

Tia's Tamale Factory employs 50 workers to make and ship food products all over the United States. Tia's factory is located in Southern California, in a community where 60 percent of the residents have Spanish surnames or identify themselves as Hispanic. Tia must hire a new cook and despite her best efforts, she gets only three applicants. Conchita is a 35-year-old Hispanic female, Sancho is a 17-year-old Hispanic male, and Maureen is a 48-year-old white woman who uses a wheelchair.

Refer to Scenario 2.1. Suppose Tia does not hire Sancho. Which of the following regulations could Sancho use in an attempt to claim that Tia discriminated against him?

- A. Americans with Disabilities Act
- B. The disparate treatment clause of Title VII, due to his race
- C. The disparate treatment clause of Title VII, due to his gender
- D. Occupational Safety and Health Act
- E. Age Discrimination in Employment Act

33. **Scenario 2.1**

Tia's Tamale Factory employs 50 workers to make and ship food products all over the United States. Tia's factory is located in Southern California, in a community where 60 percent of the residents have Spanish surnames or identify themselves as Hispanic. Tia must hire a new cook and despite her best efforts, she gets only three applicants. Conchita is a 35-year-old Hispanic female, Sancho is a 17-year-old Hispanic male, and Maureen is a 48-year-old white woman who uses a wheelchair.

Refer to Scenario 2.1. Suppose Conchita and Maureen are equally qualified and Tia flips a coin to decide between them. The coin lands on tails and accordingly Tia hires Maureen. This action would probably be

- A. a violation of Executive Order 11246.
- B. a violation of the Equal Protection Clause of the Fourteenth Amendment.
- C. a violation of Title VII.
- D. not a violation of Title VII because the other employees are primarily Hispanic.
- E. permissible under Title VII because the applicants were treated equally.

34. **Scenario 2.1**

Tia's Tamale Factory employs 50 workers to make and ship food products all over the United States. Tia's factory is located in Southern California, in a community where 60 percent of the residents have Spanish surnames or identify themselves as Hispanic. Tia must hire a new cook and despite her best efforts, she gets only three applicants. Conchita is a 35-year-old Hispanic female, Sancho is a 17-year-old Hispanic male, and Maureen is a 48-year-old white woman who uses a wheelchair.

Refer to Scenario 2.1. Suppose Conchita and Maureen are equally qualified but Tia must raise the stove at a cost of \$10,000 to accommodate Maureen's wheelchair. To avoid the expense, Tia hires Conchita. It is likely this action is

- A. lawful under ADA because the applicants were equally qualified.
- B. unlawful under Title VII because the applicants were of different races.
- C. lawful under ADA if the accommodation was an undue hardship on Tia.**
- D. lawful under ADA. Maureen is not considered disabled under ADA because her disability is correctable with a wheelchair.
- E. unlawful under the ADA because Tia has to accommodate Maureen regardless of expense.

35. **Scenario 2.1**

Tia's Tamale Factory employs 50 workers to make and ship food products all over the United States. Tia's factory is located in Southern California, in a community where 60 percent of the residents have Spanish surnames or identify themselves as Hispanic. Tia must hire a new cook and despite her best efforts, she gets only three applicants. Conchita is a 35-year-old Hispanic female, Sancho is a 17-year-old Hispanic male, and Maureen is a 48-year-old white woman who uses a wheelchair.

Refer to Scenario 2.1. Suppose Tia hires Sancho and requires him to take a drug test because of safety issues on the job. Can Tia legally require this?

- A. Yes. Tia can require Sancho to take a drug test.**
- B. Yes. However, Tia can only require Sancho to take a drug test before making a job offer.
- C. No. This would be against the FLSA.
- D. No. This would violate the ADA.
- E. No. This would violate the ADEA.

36. One catalyst for modifying or enhancing the human resource legal environment may be social change.

TRUE

37. In some cases, a regulation may be unintentionally ambiguous or may be interpreted by the courts in different ways over time.

TRUE

38. A BFOQ exception must be supported with a justified position of business necessity.

TRUE

39. Disparate impact occurs when an employer knowingly practices illegal discrimination.

FALSE

40. The Privacy Act of 1974 prohibits employers from collecting any genetic information about their employees, including information about family history of disease.

FALSE

41. The Equal Pay act 's provisions expand the rights of the government or law enforcement agencies to collect information about and pursue potential terrorists.

FALSE

42. The first step of legal compliance is to ensure that managers clearly understand the laws that govern every aspect of human resource management.

TRUE

43. All managers must understand and be intimately familiar with the various laws that restrict and govern their behavior vis--vis their employees.

TRUE

44. Ian owns a construction company with five employees. He wants to fire someone. He has no legal staff to advise him, so he should terminate the employee now.

FALSE

45. External legal audits are inexpensive.

FALSE

46. Describe the regulatory process for human resource management in the United States.

First, new regulations are created as statutes or laws by the national, state, and local government bodies. The president of the US and Supreme Court also influence the regulatory environment. Second regulations are enforced by agencies. Fines and lawsuits are the main tools available to enforce regulations. Lastly, the regulations are implemented in organizations.

47. Describe the two types of sexual harassment identified by the courts.

The more overt type of sexual harassment is quid pro quo harassment. This occurs when the harasser offers to exchange something of value for sexual favors. The more subtle type of sexual harassment is a hostile work environment, which results from a climate or culture that is punitive toward people of a different gender.

48. Summarize the protections that workers are afforded under the Fair Labor Standards Act.

The Fair Labor Standards Act guarantees that a worker will earn a minimum hourly wage. At this time, that wage is set at \$7.25 per hour and the rate is adjusted periodically. Another provision is the establishment of the 40-hour workweek with the requirement that employers pay time-and-a-half for hours worked in excess of 40. The FLSA also forbids child labor, including forbidding the employment of workers between 16 and 18 in certain hazardous industries and restricting the employment opportunities and hours of persons under the age of 16.

49. What worker rights are regulated by the National Labor Relations Act? How does this Act differ from the other two significant pieces of legislation regarding labor relations^{3/4}the Taft-Hartley Act and the Landrum-Griffin Act?

The National Labor Relations Act (the Wagner Act) gives employees the right to form unions and requires employers to negotiate in good faith with legally established unions. This legislation increased worker rights and union membership. In contrast, the Taft-Hartley Act and the Landrum-Griffin Act were both enacted to limit the power of unions. When the Wagner Act led to workers having too much power over employers, the second two acts redressed the imbalance and gave some power back to employers.

50. How does an organization evaluate its compliance with legal requirements?

Legal requirements on businesses are clearly very numerous and complex, so organizations must use a variety of mechanisms to ensure compliance. One important technique is to educate all managers and workers, not only those in the human resource function, about issues ranging from sexual harassment to racial discrimination to employee privacy rights. This should help to reduce behavior that might cause legal problems and will allow workers and managers to serve as on-the-spot observers for problem behavior. It is also important for the firm's legal and human resource staff to possess and communicate up-to-date information about the legal environment. This mandates continuing education for these workers. In addition, many organizations use outside consultants to monitor and report compliance problems. This is especially helpful in specialized areas such as the correct use of manufacturing safety procedures.