

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

True False

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

True False

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

True False

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

True False

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

True False

10. 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

11. Jane, an employee at GN Tech Inc., is currently pregnant. However, she is unmarried. According to the Equal Employment Opportunity Commission, Jane will not be eligible for pregnancy benefits.

True False

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

True False

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

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 only for employees over 60 years of age.

True False

16. 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

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

True False

18. Employees whose impairments can be controlled by medication and treatments are not protected as "disabled" under the Americans with Disabilities Act Amendment Act (ADAAA) of 2008.

True False

19. The Lily Ledbetter Act of 2009 states that the 180-day statute of limitations for filing an equal-pay lawsuit regarding pay discrimination resets with each new paycheck affected by that discriminatory action, not the date the employee received his or her first discriminatory paycheck.

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 of 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. merit
- B. sex
- C. ethnicity
- D. age

23. A difference between disparate treatment and disparate impact is that the:

- A. former is potentially harmful and the latter is not.
- B. former relates to employment practices and the latter does not.
- C. former involves discrimination and the latter does not.
- D. former is intentional and the latter 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 quantity and quality of production.
- 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. It is currently the responsibility of the secretary of labor to administer the act.

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. Sarbanes-Oxley 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 entities is NOT covered under the provisions of Title VII of the Civil Rights Act of 1964?

- A. Employers with fewer than 15 employees
- B. Labor unions that have more than 25 members
- C. State and local governments
- D. Labor unions that maintain and operate a hiring hall

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

- A. Productivity
- B. Financial background
- C. Social status
- D. National origin

29. Provisions of the Age Discrimination in Employment Act (ADEA) do NOT apply to:

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

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

- A. 18 through 60.
- B. 40 through 69.
- C. 16 through 30.
- D. 75 through 80.

31. 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
32. The primary responsibility for enforcing the Rehabilitation Act of 1973 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
33. Which of the following acts require affirmative action by federal agencies to provide employment opportunities for handicapped persons?
- A. The Vietnam-Era Veterans Readjustment Assistance Act
 - B. The Americans with Disabilities Act
 - C. The Civil Rights Act
 - D. The Rehabilitation Act
34. The Pregnancy Discrimination Act (PDA) was passed as an amendment to the ____.
- A. Civil Rights Act
 - B. Rehabilitation Act
 - C. Americans with Disabilities Act
 - D. Family and Medical Leave Act

35. Several female employees at General Electric'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

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

- A. Assessing an applicant's ability to perform a job
- B. Limiting advancement opportunities for disabled employees
- C. Inquiring whether an individual has a disability
- D. Using tests or job requirements that tend to screen out disabled applicants

37. Which of the following government agencies is responsible for enforcing the Vietnam-Era Veterans Readjustment Assistance Act of 1974?

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

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

39. The Civil Rights Act of 1991:

- A. covers all employers, irrespective of the number of employees working for them.
- 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 and Medical Leave Act of 1993 enables qualified employees to:

- A. take prolonged paid leave for family or health reasons.
- B. take 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 a leave under this act, employees must have been employed for at least two years.
- D. Employees must have worked for no less than 1,250 hours within the previous 12-month period to be entitled for a leave.

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

- A. amending the U.S. constitution
- B. giving directions to governmental 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 ____ authority to issue regulations dealing with discrimination within federal agencies.

- A. Equal Employment Opportunity Commission
- B. National Labor Relations Board
- C. Federal Trade Commission (FTC)
- 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. executive order

46. The ____ provides that when a plaintiff shows that an employment practice disproportionately excludes groups protected by Title VII of the Civil Rights Act, 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. Which of the following concepts does this landmark case highlight?
- A. Reverse discrimination
 - B. The disparate impact doctrine
 - C. The bottom line concept
 - D. Utilization evaluation
49. The view that the government should generally not concern itself with individual components of an employer's human resource selection process if the overall effect of that process is nondiscriminatory describes the ____.
- A. bottom line concept
 - B. disparate impact doctrine
 - C. disparate treatment principle
 - D. utilization evaluation principle
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. Federal Trade Commission (FTC)
 - D. Equal Employment Opportunity Commission (EEOC)

Essay Questions

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

52. 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.

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

54. How did the General Electric Co. v. Gilbert case lead to the passage of the Pregnancy Discrimination Act?

55. Explain the provisions of the Americans with Disabilities Act (1990).

56. What measures should a company take to meet the requirements of the Immigration Reform and Control 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. Equal employment opportunity means that an employer must give preference to women and minorities in the workplace.

FALSE

A common misconception is that equal employment opportunity means that an employer must give preference to women and minorities in the workplace. However, equal employment opportunity refers to the right of all people to work and to advance on the basis of merit, ability, and potential.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Understand

Learning Objective: 02-01 Define equal employment opportunity.

Level of Difficulty: 2 Medium

Topic: Equal Employment Opportunity Laws

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

TRUE

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

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-02 Describe the intent of the Equal Pay Act of 1963.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

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

FALSE

The Equal Pay 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.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Understand

Learning Objective: 02-02 Describe the intent of the Equal Pay Act of 1963.

Level of Difficulty: 2 Medium

Topic: Equal Employment Opportunity Laws

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

TRUE

The Equal Pay Act is actually part of the minimum wage section of the Fair Labor Standards Act (FLSA). Thus, coverage of the Equal Pay Act is coextensive (covers the same groups) with the coverage of the minimum wage provisions of the FLSA.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-02 Describe the intent of the Equal Pay Act of 1963.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

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

FALSE

Disparate treatment refers to intentional discrimination and involves treating one class of employees differently from other employees.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-04 Define disparate treatment and disparate impact.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

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

TRUE

Title VII of the Civil Rights Act created the Equal Employment Opportunity Commission (EEOC) to administer the act and to prohibit covered organizations from engaging in any unlawful employment practices.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-03 Describe the intent of Title VII of the Civil Rights Act of 1964.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

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

TRUE

The Age Discrimination in Employment Act (ADEA), passed in 1967, prohibits discrimination in employment against individuals aged 40 through 69. An amendment to the ADEA that took effect on January 1, 1987, eliminates mandatory retirement at age 70 for employees of companies with 20 or more employees.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-05 Discuss the purpose of the Age Discrimination in Employment Act of 1967.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

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

TRUE

The Age Discrimination in Employment Act (ADEA) does not apply where age is a bona fide occupational qualification, that is, reasonably necessary to the normal operation of the particular business.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Understand

Learning Objective: 02-05 Discuss the purpose of the Age Discrimination in Employment Act of 1967.

Level of Difficulty: 2 Medium

Topic: Equal Employment Opportunity Laws

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

TRUE

The Age Discrimination in Employment Act (ADEA), passed in 1967, prohibits discrimination in employment against individuals aged 40 through 69.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-05 Discuss the purpose of the Age Discrimination in Employment Act of 1967.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

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

TRUE

The primary responsibility for enforcing the Rehabilitation Act of 1973 lies with the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-06 Discuss the purpose of the Rehabilitation Act of 1973.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

11. Jane, an employee at GN Tech Inc., is currently pregnant. However, she is unmarried. According to the Equal Employment Opportunity Commission, Jane will not be eligible for pregnancy benefits.

FALSE

According to the Equal Employment Opportunity Commission, Jane will be eligible for pregnancy benefits. The Equal Employment Opportunity Commission (EEOC), which is responsible for administering the act, has taken the view that an employer may not deny its unmarried employees pregnancy benefits and that if pregnancy benefits are given to female employees, they must also be extended to the spouses of male employees.

AACSB: Reflective Thinking

Accessibility: Keyboard Navigation

Blooms: Apply

Learning Objective: 02-08 Discuss the purpose of the Pregnancy Discrimination Act of 1978.

Level of Difficulty: 3 Hard

Topic: Equal Employment Opportunity Laws

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

FALSE

The Equal Employment Opportunity Commission (EEOC) is responsible for administering the Pregnancy Discrimination Act.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-08 Discuss the purpose of the Pregnancy Discrimination Act of 1978.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

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

TRUE

In May 1990, Congress approved the Americans with Disabilities Act (ADA), which gives people with disabilities sharply increased access to services and jobs. In 1997, the Equal Employment Opportunity Commission, which enforces the ADA issued guidelines specifying that qualified individuals with psychiatric disabilities are protected from discrimination and are entitled to reasonable accommodations on the job.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-10 Describe the purpose of the Americans with Disabilities Act of 1990.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

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.

FALSE

The Older Workers Benefit Protection Act of 1990 resulted from a 1989 decision of the U.S. Supreme Court. In that decision, the Court ruled that the Ohio county agency had not violated the Age Discrimination in Employment Act because, it said, the law did not cover benefits, just hirings, firings, and promotions.

AACSB: Reflective Thinking

Accessibility: Keyboard Navigation

Blooms: Apply

Learning Objective: 02-11 Explain the purpose of the Older Workers Benefit Protection Act of 1990.

Level of Difficulty: 3 Hard

Topic: Equal Employment Opportunity Laws

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

FALSE

The Older Workers Benefit Protection Act of 1990 provides protection for employees over 40 years of age in regard to fringe benefits and gives employees time to consider an early retirement offer.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Understand

Learning Objective: 02-11 Explain the purpose of the Older Workers Benefit Protection Act of 1990.

Level of Difficulty: 2 Medium

Topic: Equal Employment Opportunity Laws

16. 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

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 of up to \$300,000 if they can prove they are victims of intentional hiring or workplace discrimination.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-12 Discuss the intent of the Civil Rights Act of 1991.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

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

FALSE

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.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-13 Explain the intent of the Family and Medical Leave Act of 1993.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

18. Employees whose impairments can be controlled by medication and treatments are not protected as "disabled" under the Americans with Disabilities Act Amendment Act (ADAAA) of 2008.

FALSE

The Americans with Disabilities Act Amendment Act (ADAAA) of 2008 expanded the definition of what constitutes a disability. Previously, certain employees whose impairments (e.g., asthma, diabetes, or epilepsy) were controlled by medication and treatments could be excluded from coverage because their condition was not severe enough. Now, those employees are protected as "disabled."

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-14 Describe the intent of the Americans with Disabilities Act Amendment Act of 2008.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

19. The Lily Ledbetter Act of 2009 states that the 180-day statute of limitations for filing an equal-pay lawsuit regarding pay discrimination resets with each new paycheck affected by that discriminatory action, not the date the employee received his or her first discriminatory paycheck.

TRUE

The Lily Ledbetter Act of 2009 states that the 180-day statute of limitations for filing an equal-pay lawsuit regarding pay discrimination resets with each new paycheck affected by that discriminatory action, not the date the employee received his or her first discriminatory paycheck.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-15 Describe the purpose of the Lily Ledbetter Act of 2009.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

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

FALSE

While the Equal Employment Opportunity Commission (EEOC) is an independent agency within the federal government, the Office of Federal Contract Compliance Programs (OFCCP) is within the U.S. Department of Labor.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Understand

Learning Objective: 02-18 Name the federal agencies that have primary responsibility for enforcing equal employment opportunity.

Level of Difficulty: 2 Medium

Topic: Enforcement Agencies

Multiple Choice Questions

21. Equal employment opportunity considers all of the following bases for work and advancement EXCEPT:

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

Equal employment opportunity refers to the right of all people to work and to advance on the basis of merit, ability, and potential.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-01 Define equal employment opportunity.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

22. The Equal Pay Act of 1963 prohibits discrimination in rates of pay on the basis of ____.

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

The Equal Pay Act of 1963 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.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-02 Describe the intent of the Equal Pay Act of 1963.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

23. A difference between disparate treatment and disparate impact is that the:

- A. former is potentially harmful and the latter is not.
- B. former relates to employment practices and the latter does not.
- C. former involves discrimination and the latter does not.
- D. former is intentional and the latter is not.

Disparate treatment, Section 703(a)(1), refers to intentional discrimination and involves treating one class of employees differently from other employees. Disparate impact, Section 703(a)(2), refers to unintentional discrimination and involves employment practices that appear to be neutral but adversely affect a protected class of people.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Understand

Learning Objective: 02-04 Define disparate treatment and disparate impact.

Level of Difficulty: 2 Medium

Topic: Equal Employment Opportunity Laws

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 quantity and quality of production.
- 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. It is currently the responsibility of the secretary of labor to administer the act.

The Equal Pay Act of 1963 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.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-02 Describe the intent of the Equal Pay Act of 1963.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

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. Sarbanes-Oxley Act.

The Equal Pay Act is actually part of the minimum wage section of the Fair Labor Standards Act (FLSA). Thus, coverage of the Equal Pay Act is coextensive (covers the same groups) with the coverage of the minimum wage provisions of the FLSA.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-02 Describe the intent of the Equal Pay Act of 1963.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

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

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.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-02 Describe the intent of the Equal Pay Act of 1963.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

27. Which of the following entities is NOT covered under the provisions of Title VII of the Civil Rights Act of 1964?

- A. Employers with fewer than 15 employees
- B. Labor unions that have more than 25 members
- C. State and local governments
- D. Labor unions that maintain and operate a hiring hall

Organizations covered by the provisions of Title VII of the Civil Rights Act include the following: all private employers of 15 or more people who are employed 20 or more weeks per year, all public and private educational institutions, state and local governments, public and private employment agencies, labor unions that maintain and operate a hiring hall or hiring office or have 15 or more members, and joint labor-management committees for apprenticeships and training.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-03 Describe the intent of Title VII of the Civil Rights Act of 1964.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

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

- A. Productivity
- B. Financial background
- C. Social status
- D. National origin

Title VII of the Civil Rights Act of 1964 is the keystone federal legislation in equal employment opportunity. The Act prohibits discriminating employees based on an individual's race, color, religion, sex, or national origin.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-03 Describe the intent of Title VII of the Civil Rights Act of 1964.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

29. Provisions of the Age Discrimination in Employment Act (ADEA) do NOT apply to:

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

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.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Understand

Learning Objective: 02-05 Discuss the purpose of the Age Discrimination in Employment Act of 1967.

30. The Age Discrimination in Employment Act (ADEA) prohibits discrimination in employment against individuals aged:
- A. 18 through 60.
 - B. 40 through 69.**
 - C. 16 through 30.
 - D. 75 through 80.

The Age Discrimination in Employment Act (ADEA), passed in 1967, prohibits discrimination in employment against individuals aged 40 through 69.

AACSB: Analytical Thinking
Accessibility: Keyboard Navigation
Blooms: Remember
Learning Objective: 02-05 Discuss the purpose of the Age Discrimination in Employment Act of 1967.
Level of Difficulty: 1 Easy
Topic: Equal Employment Opportunity Laws

31. 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

The Rehabilitation Act of 1973 prohibits discrimination against handicapped individuals. It requires federal buildings to be accessible to handicapped persons.

AACSB: Analytical Thinking
Accessibility: Keyboard Navigation
Blooms: Remember
Learning Objective: 02-06 Discuss the purpose of the Rehabilitation Act of 1973.
Level of Difficulty: 1 Easy
Topic: Equal Employment Opportunity Laws

32. The primary responsibility for enforcing the Rehabilitation Act of 1973 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

The primary responsibility for enforcing the Rehabilitation Act of 1973 lies with the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-06 Discuss the purpose of the Rehabilitation Act of 1973.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

33. Which of the following acts require affirmative action by federal agencies to provide employment opportunities for handicapped persons?

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

The Rehabilitation Act of 1973 prohibits discrimination against handicapped individuals. It requires affirmative action by federal agencies to provide employment opportunities for handicapped persons.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-06 Discuss the purpose of the Rehabilitation Act of 1973.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

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

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

Congress passed the Pregnancy Discrimination Act (PDA) as an amendment to the Civil Rights Act in 1978.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Understand

Learning Objective: 02-08 Discuss the purpose of the Pregnancy Discrimination Act of 1978.

Level of Difficulty: 2 Medium

Topic: Equal Employment Opportunity Laws

35. Several female employees at General Electric'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

The Supreme Court decision, *General Electric Co. v. Gilbert*, had a significant impact on the passage of the Pregnancy Discrimination Act. The Supreme Court ruled that the exclusion of pregnancy-related absences from the plan did not constitute sex discrimination.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-08 Discuss the purpose of the Pregnancy Discrimination Act of 1978.

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

- A. Assessing an applicant's ability to perform a job
- B. Limiting advancement opportunities for disabled employees
- C. Inquiring whether an individual has a disability
- D. Using tests or job requirements that tend to screen out disabled applicants

Under the Americans with Disabilities Act 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.

AACSB: Analytical Thinking
Accessibility: Keyboard Navigation
Blooms: Understand

Learning Objective: 02-10 Describe the purpose of the Americans with Disabilities Act of 1990.

Level of Difficulty: 2 Medium
Topic: Equal Employment Opportunity Laws

37. Which of the following government agencies is responsible for enforcing the Vietnam-Era Veterans Readjustment Assistance Act of 1974?

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

The Vietnam-Era Veterans Readjustment Assistance Act of 1974 prohibits federal government contractors and subcontractors with federal government contracts of \$10,000 or more from discriminating in hiring and promoting Vietnam and disabled veterans. The Office of Federal Contract Compliance Programs (OFCCP) enforces this act.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-07 Describe the intent of the Vietnam-Era Veterans Readjustment Assistance Act of 1974.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

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

The Older Workers Benefit Protection Act of 1990 resulted from a 1989 decision of the U.S. Supreme Court. In that decision, 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 Court ruled that the agency had not violated the Age Discrimination in Employment Act because, it said, the law did not cover benefits, just hirings, firings, and promotions.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Understand

Learning Objective: 02-11 Explain the purpose of the Older Workers Benefit Protection Act of 1990.

Level of Difficulty: 2 Medium

Topic: Equal Employment Opportunity Laws

39. The Civil Rights Act of 1991:

- A. covers all employers, irrespective of the number of employees working for them.
- 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.

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 of up to \$300,000 if they can prove they are victims of intentional hiring or workplace discrimination.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Understand

Learning Objective: 02-12 Discuss the intent of the Civil Rights Act of 1991.

Level of Difficulty: 2 Medium

Topic: Equal Employment Opportunity Laws

40. The Family and Medical Leave Act of 1993 enables qualified employees to:

- A. take prolonged paid leave for family or health reasons.
- B. take 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.

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.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Understand

Learning Objective: 02-13 Explain the intent of the Family and Medical Leave Act of 1993.

Level of Difficulty: 2 Medium

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 a leave under this act, employees must have been employed for at least two years.
- D. Employees must have worked for no less than 1,250 hours within the previous 12-month period to be entitled for a leave.

To qualify for a leave under the Family and Medical Leave Act (FMLA), 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.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Understand

Learning Objective: 02-13 Explain the intent of the Family and Medical Leave Act of 1993.

Level of Difficulty: 2 Medium

Topic: Equal Employment Opportunity Laws

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

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

Executive orders are issued by the president of the United States to give direction to governmental agencies.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Understand

Learning Objective: 02-16 Discuss the purposes of Executive Orders 11246, 11375, and 11478.

Level of Difficulty: 2 Medium

Topic: Equal Employment Opportunity Laws

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

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

Executive orders are issued by the president of the United States to give direction to governmental agencies.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-16 Discuss the purposes of Executive Orders 11246, 11375, and 11478.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

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

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

Executive Order 11246 gave the U.S. Office of Personnel Management (OPM) authority to issue regulations dealing with discrimination within federal agencies.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-16 Discuss the purposes of Executive Orders 11246, 11375, and 11478.

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. executive order

Part of the affirmative action program (AAP) is called the utilization evaluation, which contains analyses of minority group representation in all job categories; present and past hiring practices; and upgrading, promotions, and transfers.

46. The ____ provides that when a plaintiff shows that an employment practice disproportionately excludes groups protected by Title VII of the Civil Rights Act, 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

The disparate impact doctrine provides that when the plaintiff shows that an employment practice disproportionately excludes groups protected by Title VII of the Civil Rights Act, the burden of proof shifts to the defendant to prove that the standard reasonably relates to job performance.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-17 Describe the significance of the following Supreme Court decisions: Griggs v. Duke Power, McDonnell Douglas v. Green, Albemarle Paper v. Moody, University of California Regents v. Bakke, United Steelworkers of America v. Weber, Connecticut v. Teal, Memphis Firefighters, Local 1784 v. Stotts, City of Richmond v. J. A. Croson Company, Wards Cove v. Atonio, Martin v. Wilks, Adarand Contractors v. Pe-a, State of Texas v. Hopwood, and University of Michigan's admissions procedures.

Level of Difficulty: 1 Easy

Topic: Landmark Court Cases

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

Reverse discrimination is a condition under which there is alleged preferential treatment of one group (minority or women) over another group rather than equal opportunity.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-17 Describe the significance of the following Supreme Court decisions: Griggs v. Duke Power, McDonnell Douglas v. Green, Albemarle Paper v. Moody, University of California Regents v. Bakke, United Steelworkers of America v. Weber, Connecticut v. Teal, Memphis Firefighters, Local 1784 v. Stotts, City of Richmond v. J. A. Croson Company, Wards Cove v. Atonio, Martin v. Wilks, Adarand Contractors v. Pe-a, State of Texas v. Hopwood, and University of Michigan's admissions procedures.

Level of Difficulty: 1 Easy

Topic: Landmark Court Cases

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. Which of the following concepts does this landmark case highlight?
- A. Reverse discrimination
 - B. The disparate impact doctrine
 - C. The bottom line concept
 - D. Utilization evaluation

The landmark University of California Regents v. Bakke case raised the issue of reverse discrimination, alleged preferential treatment of one group (minority or female) over another group rather than equal opportunity.

AACSB: Reflective Thinking

Accessibility: Keyboard Navigation

Blooms: Apply

Learning Objective: 02-17 Describe the significance of the following Supreme Court decisions: Griggs v. Duke Power, McDonnell Douglas v. Green, Albemarle Paper v. Moody, University of California Regents v. Bakke, United Steelworkers of America v. Weber, Connecticut v. Teal, Memphis Firefighters, Local 1784 v. Stotts, City of Richmond v. J. A. Croson Company, Wards Cove v. Atonio, Martin v. Wilks, Adarand Contractors v. Peña, State of Texas v. Hopwood, and University of Michigan's admissions procedures.

Level of Difficulty: 3 Hard

Topic: Landmark Court Cases

49. The view that the government should generally not concern itself with individual components of an employer's human resource selection process if the overall effect of that process is nondiscriminatory describes the ____.

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

The bottom line concept is based on the view that the government should generally not concern itself with individual components of the employer's selection process if the overall effect of that process is nondiscriminatory.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Understand

Learning Objective: 02-17 Describe the significance of the following Supreme Court decisions: Griggs v. Duke Power, McDonnell Douglas v. Green, Albemarle Paper v. Moody, University of California Regents v. Bakke, United Steelworkers of America v. Weber, Connecticut v. Teal, Memphis Firefighters, Local 1784 v. Stotts, City of Richmond v. J. A. Croson Company, Wards Cove v. Atonio, Martin v. Wilks, Adarand Contractors v. Peña, State of Texas v. Hopwood, and University of Michigan's admissions procedures.

Level of Difficulty: 2 Medium

Topic: Landmark Court Cases

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. Federal Trade Commission (FTC)
- D. Equal Employment Opportunity Commission (EEOC)

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.

AACSB: Analytical Thinking

Accessibility: Keyboard Navigation

Blooms: Remember

Learning Objective: 02-18 Name the federal agencies that have primary responsibility for enforcing equal employment opportunity.

Level of Difficulty: 1 Easy

Topic: Enforcement Agencies

Essay Questions

51. 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.

AACSB: Analytical Thinking

Blooms: Understand

Learning Objective: 02-04 Define disparate treatment and disparate impact.

Level of Difficulty: 2 Medium

Topic: Equal Employment Opportunity Laws

52. 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 policy-making 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.

AACSB: Analytical Thinking

Blooms: Understand

Learning Objective: 02-05 Discuss the purpose of the Age Discrimination in Employment Act of 1967.

Level of Difficulty: 2 Medium

Topic: Equal Employment Opportunity Laws

53. 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.

AACSB: Analytical Thinking

Blooms: Understand

Learning Objective: 02-06 Discuss the purpose of the Rehabilitation Act of 1973.

Level of Difficulty: 2 Medium

Topic: Equal Employment Opportunity Laws

54. How did the General Electric Co. v. Gilbert case lead to 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.

AACSB: Analytical Thinking

Blooms: Understand

Learning Objective: 02-08 Discuss the purpose of the Pregnancy Discrimination Act of 1978.

Level of Difficulty: 2 Medium

Topic: Equal Employment Opportunity Laws

55. Explain the provisions of the Americans with Disabilities Act (1990).

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.

AACSB: Analytical Thinking

Blooms: Understand

Learning Objective: 02-10 Describe the purpose of the Americans with Disabilities Act of 1990.

Level of Difficulty: 2 Medium

Topic: Equal Employment Opportunity Laws

56. What measures should a company take to meet the requirements of the Immigration Reform and Control Act?

To meet the requirements of the Immigration Reform and Control Act, a company must attest, under penalty of perjury, that it has verified that the individual is not an unauthorized alien by one of the following measures:

1. Examining the individual's U.S. passport; certificate of U.S. citizenship; certificate of naturalization; unexpired foreign passport, if the passport has an appropriate, unexpired endorsement of the attorney general authorizing the individual's employment in the United States; or resident alien card.
2. Examining documents demonstrating employment authorization (Social Security card, birth certificate, or other documentation that the attorney general deems acceptable as proof).
3. Examining documentation establishing identification (e.g., state driver's license with a photograph or other documentation that the attorney general deems acceptable as proof).

AACSB: Analytical Thinking

Blooms: Understand

Learning Objective: 02-09 Describe the intent of the Immigration Reform and Control Act of 1986.

Level of Difficulty: 2 Medium

Topic: Equal Employment Opportunity Laws

57. 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.

AACSB: Analytical Thinking

Blooms: Remember

Learning Objective: 02-11 Explain the purpose of the Older Workers Benefit Protection Act of 1990.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

58. 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.

AACSB: Analytical Thinking

Blooms: Remember

Learning Objective: 02-13 Explain the intent of the Family and Medical Leave Act of 1993.

Level of Difficulty: 1 Easy

Topic: Equal Employment Opportunity Laws

59. 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 Equal Employment Opportunity Commission (EEOC) or a court will look at each test to determine whether it by itself has a disparate impact on a protected group.

AACSB: Analytical Thinking

Blooms: Understand

Learning Objective: 02-17 Describe the significance of the following Supreme Court decisions: Griggs v. Duke Power, McDonnell Douglas v. Green, Albemarle Paper v. Moody, University of California Regents v. Bakke, United Steelworkers of America v. Weber, Connecticut v. Teal, Memphis Firefighters, Local 1784 v. Stotts, City of Richmond v. J. A. Croson Company, Wards Cove v. Atonio, Martin v. Wilks, Adarand Contractors v. Peña, State of Texas v. Hopwood, and University of Michigan's admissions procedures.

Level of Difficulty: 2 Medium

Topic: Landmark Court Cases

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.

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.

AACSB: Analytical Thinking

Blooms: Understand

Learning Objective: 02-18 Name the federal agencies that have primary responsibility for enforcing equal employment opportunity.

Level of Difficulty: 2 Medium

Topic: Enforcement Agencies