

Human Resource Management, 12e (Dessler)
Chapter 2 Equal Opportunity and the Law

1) Which Amendment to the U.S. Constitution states that "no person shall be deprived of life, liberty, or property, without due process of the law"?

- A) First Amendment
- B) Fifth Amendment
- C) Tenth Amendment
- D) Thirteenth Amendment
- E) Fourteenth Amendment

Answer: B

Explanation: The Fifth Amendment to the U.S. Constitution (ratified in 1791) states that "no person shall be deprived of life, liberty, or property, without due process of the law." The Thirteenth Amendment (1865) outlawed slavery, and courts have held that it bars racial discrimination.

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Chapter: 2

Objective: 1

Skill: Concept

2) The _____ Amendment to the U.S. Constitution outlawed slavery, and courts have held that it bars racial discrimination.

- A) First
- B) Fifth
- C) Tenth
- D) Thirteenth
- E) Fourteenth

Answer: D

Explanation: The Thirteenth Amendment (1865) outlawed slavery, and courts have held that it bars racial discrimination. The Fifth Amendment to the U.S. Constitution (ratified in 1791) states that "no person shall be deprived of life, liberty, or property, without due process of the law."

Diff: 2 Page Ref: 32

Chapter: 2

Objective: 1

Skill: Concept

3) The 13th Amendment to the U.S. Constitution addresses the subject of _____.

- A) due process
- B) slavery
- C) private property
- D) trial by jury
- E) women's rights

Answer: B

Explanation: The 13th Amendment to the U.S. Constitution abolished slavery and courts have held that it bars racial discrimination. The 5th Amendment addresses due process, and the 6th Amendment requires a trial by jury.

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Chapter: 2

Objective: 1

Skill: Concept

4) The _____ gives all persons the same right to make and enforce contracts and to benefit from the laws of the land.

- A) Fifth Amendment
- B) Civil Rights Act of 1866
- C) Title VII of the 1964 Civil Rights Act
- D) Civil Rights Act of 1991
- E) Thirteenth Amendment

Answer: B

Explanation: The Civil Rights Act of 1866 gives all persons the same right to make and enforce contracts and to benefit from U.S. laws. The Fifth Amendment to the U.S. Constitution (ratified in 1791) states that "no person shall be deprived of life, liberty, or property, without due process of the law." The Thirteenth Amendment (1865) outlawed slavery, and courts have held that it bars racial discrimination. Title VII of the 1964 Civil Rights Act states that employers cannot discriminate based on race, color, religion, sex, or national origin.

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Chapter: 2

Objective: 1

Skill: Concept

5) Title VII of the 1964 Civil Rights Act explicitly prohibits employers from discrimination based on all of the following characteristics EXCEPT _____.

- A) race
- B) religion
- C) color
- D) sexual orientation
- E) national origin

Answer: D

Explanation: Title VII of the 1964 Civil Rights Act states that an employer cannot discriminate based on race, color, religion, sex, or national origin. Title VII bars discrimination on the part of most employers both public and private with 15 or more employees. Sexual orientation is not directly addressed under the law.

Diff: 1 Page Ref: 32

Chapter: 2

Objective: 1

Skill: Concept

6) According to Title VII of the 1964 Civil Rights Act, which of the following employers would be legally allowed to refuse employment to an individual based on race, religion, or sex?

- A) a state agency with 65 employees
- B) a medical office with 25 employees
- C) a local restaurant with 10 employees
- D) a department store with 100 employees
- E) a public school with 30 employees

Answer: C

Explanation: Title VII bars discrimination on the part of most employers, including all public or private employers of 15 or more persons. It also covers all private and public educational institutions, the federal government, and state and local governments. A business with fewer than 15 employees would legally be allowed to refuse employment based on race, religion, sex, or national origin.

Diff: 2 Page Ref: 32

Chapter: 2

Objective: 1

Skill: Application

7) Which legislation was responsible for the creation of the Equal Employment Opportunity Commission?

- A) 13th Amendment
- B) Equal Pay Act of 1963
- C) Civil Rights Act of 1866
- D) Executive Orders 11246 and 11375
- E) Title VII of the 1964 Civil Rights Act

Answer: E

Explanation: Title VII established the Equal Employment Opportunity Commission (EEOC) to administer and enforce the Civil Rights law at work. The commission itself consists of five members appointed by the president with the advice and consent of the Senate. Executive Orders 11246 and 11375 established the Office of Federal Contract Compliance Programs.

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Chapter: 2

Objective: 1

Skill: Concept

8) The EEOC was initially established to investigate complaints about _____.

- A) job discrimination
- B) unfair business practices
- C) sexual harassment in schools
- D) structural accommodations for disabled people
- E) overtime payments for labor union members

Answer: A

Explanation: Title VII established the Equal Employment Opportunity Commission (EEOC) to administer and enforce the Civil Rights law at work. The EEOC receives and investigates job discrimination complaints from aggrieved individuals.

Diff: 2 Page Ref: 32

Chapter: 2

Objective: 1

Skill: Concept

9) How many members serve on the Equal Employment Opportunity Commission?

- A) 3
- B) 5
- C) 9
- D) 10
- E) 12

Answer: B

Explanation: The Equal Employment Opportunity Commission (EEOC) consists of five members appointed by the president with the advice and consent of the Senate. Each member serves a 5-year term.

Diff: 1 Page Ref: 32

Chapter: 1

Objective: 1

Skill: Concept

10) Which of the following appoints the members of the EEOC?

- A) U.S. Congress
- B) U.S. Supreme Court
- C) President of the United States
- D) Department of Justice
- E) American voters

Answer: C

Explanation: The EEOC consists of five members appointed by the president with the advice and consent of the Senate. Each member serves a 5-year term.

Diff: 1 Page Ref: 32

Chapter: 1

Objective: 1

Skill: Concept

11) Which of the following requires equal pay for equal work regardless of sex?

- A) Title VII of the 1964 Civil Rights Act
- B) Equal Pay Act of 1963
- C) Executive Order 11246
- D) Pay Discrimination in Employment Act of 1967
- E) Civil Rights Act of 1991

Answer: B

Explanation: Under the Equal Pay Act of 1963 (amended in 1972), it is unlawful to discriminate in

pay on the basis of sex when jobs involve equal work; require equivalent skills, effort, and responsibility; and are performed under similar working conditions.

Diff: 1 Page Ref: 33

Chapter: 2

Objective: 1

Skill: Concept

12) When companies utilize _____, they take steps to eliminate the present effects of past discrimination.

- A) affirmative action
- B) executive orders
- C) rehabilitation action
- D) civil rights guidelines
- E) equal pay rules

Answer: A

Explanation: Affirmative action refers to steps that are taken for the purpose of eliminating the present effects of past discrimination. The Equal Pay Act of 1963 requires employers to pay equal pay for equal work, and the Vocational Rehabilitation Act of 1973 requires employers with federal contracts of more than \$2,500 to take affirmative action in employing disabled persons.

Diff: 1 Page Ref: 33

Chapter: 1

Objective: 1

Skill: Concept

13) Which of the following is responsible for implementing Executive Orders 11246 and 11375 that were issued by the Johnson administration?

- A) Equal Employment Opportunity Commission
- B) Pension Benefits Guarantee Corporation
- C) Occupational Safety and Health Administration
- D) National Labor Relations Board
- E) Office of Federal Contract Compliance Programs

Answer: E

Explanation: The Johnson administration (1963–1969) issued Executive Orders 11246 and 11375 which didn't just ban discrimination but also required that government contractors with contracts of over \$50,000 and 50 or more employees take affirmative action to ensure employment opportunity for those who may have suffered past discrimination. These orders also established the Office of Federal Contract Compliance Programs (OFCCP) to implement the orders and ensure compliance.

Diff: 1 Page Ref: 33

Chapter: 2

Objective: 1

Skill: Concept

14) Which of the following factors is NOT an acceptable basis for different pay for equal work under the Equal Pay Act of 1963?

- A) merit
- B) seniority
- C) gender
- D) production quality
- E) production quantity

Answer: C

Explanation: Under the Equal Pay Act of 1963 (amended in 1972), it is unlawful to discriminate in pay on the basis of sex when jobs involve equal work; require equivalent skills, effort, and responsibility; and are performed under similar working conditions. Pay differences derived from seniority systems, merit systems, and systems that measure earnings by production quantity or quality or from any factor other than sex do not violate the act.

Diff: 2 Page Ref: 33

Chapter: 2

Objective: 1

Skill: Concept

15) Paul is a 49-year-old American of Anglo-Saxon descent. What legislation is most likely intended to protect Paul from discrimination?

- A) Executive Order 11375
- B) Equal Pay Act of 1963
- C) Executive Order 11246
- D) Age Discrimination in Employment Act of 1967
- E) Thirteenth Amendment to the U.S. Constitution

Answer: D

Explanation: The Age Discrimination in Employment Act of 1967 (ADEA) made it unlawful to discriminate against employees or applicants who are between 40 and 65 years of age.

Executive Orders 11246 and 11375 require government contractors to take affirmative action, the 13th Amendment barred slavery, and the Equal Pay Act made it unlawful to discriminate in pay based on the employee's gender.

Diff: 2 Page Ref: 33

Chapter: 2

Objective: 1

Skill: Application

16) According to the Age Discrimination in Employment Act of 1967, it is unlawful to _____.

- A) sue an employer for age-based pay
- B) fire older employees for insubordination
- C) require employees to retire at age 65
- D) allow juries to determine age discrimination
- E) institute a minimum age for employees

Answer: C

Explanation: The Age Discrimination in Employment Act of 1967 (ADEA) made it unlawful to discriminate against employees or applicants who are between 40 and 65 years of age.

Subsequent amendments eliminated the age cap, effectively ending most mandatory retirement at age 65. The ADEA allows jury trials.

Diff: 2 Page Ref: 33

Chapter: 2

Objective: 1

Skill: Concept

17) The _____ requires certain federal contractors to take affirmative action for disabled persons.

- A) Equal Pay Act
- B) Vocational Rehabilitation Act
- C) Age Discrimination in Employment Act
- D) Americans with Disabilities Act
- E) Civil Rights Act

Answer: B

Explanation: The Vocational Rehabilitation Act of 1973 requires employers with federal contracts of more than \$2,500 to take affirmative action in employing disabled persons. It does not require hiring unqualified people. It does require an employer to take steps to accommodate a disabled worker unless doing so imposes an undue hardship on the employer, which is addressed by the ADA.

Diff: 1 Page Ref: 33

Chapter: 2

Objective: 1

Skill: Concept

18) Which of the following refers to highly recommended procedures issued by federal agencies regarding employee selection, record keeping, and preemployment inquiries?

- A) job specifications
- B) employment metrics
- C) process charts
- D) uniform guidelines
- E) applicant tracking systems

Answer: D

Explanation: Uniform guidelines are issued by federal agencies charged with ensuring compliance with equal employment federal legislation explaining recommended employer procedures in detail. They set forth "highly recommended" procedures regarding things like employee selection, record keeping, and preemployment inquiries.

Diff: 1 Page Ref: 34

Chapter: 2

Objective: 1

Skill: Concept

19) Which of the following does NOT participate in the issuance of uniform guidelines?

- A) EEOC
- B) Department of Labor
- C) Better Business Bureau
- D) Department of Justice
- E) Civil Service Commission

Answer: C

Explanation: The EEOC, Civil Service Commission, Department of Labor, and Department of Justice together issued uniform guidelines. These set forth "highly recommended" procedures regarding things like employee selection, record keeping, and preemployment inquiries. The Better Business Bureau is not involved in issuing uniform guidelines.

Diff: 1 Page Ref: 34

Chapter: 2

Objective: 1

Skill: Concept

20) Uniform guidelines from the EEOC are recommended for employers to use in matters regarding all of the following EXCEPT _____.

- A) employee selection
- B) record keeping
- C) preemployment inquiries
- D) sexual harassment
- E) psychological testing

Answer: E

Explanation: The EEOC, Civil Service Commission, Department of Labor, and Department of Justice together issue uniform guidelines. These set forth "highly recommended" procedures regarding things like employee selection, record keeping, sexual harassment, and preemployment inquiries. The American Psychological Association has its own non-legally binding Standards for Educational and Psychological Testing.

Diff: 2 Page Ref: 34

Chapter: 2

Objective: 1

Skill: Concept

21) Which Supreme Court case was used to define unfair discrimination in conjunction with EEO laws?

- A) *Buckley v. Valeo*
- B) *Brown v. Board of Education*
- C) *Griggs v. Duke Power Company*
- D) *West Coast Hotel Co. v. Parrish*
- E) *Abington School District v. Schempp*

Answer: C

Explanation: *Griggs v. Duke Power Company* was a landmark Supreme Court case used to define unfair discrimination as put forth in EEO laws such as Title VII. The Court ruled that employment practices must be job related and that discrimination does not have to be overt to be illegal. *Brown v. Board of Education* held that segregation in public schools was unconstitutional. Choices A, D, and E were not cases related to EEO laws.

Diff: 2 Page Ref: 34

Chapter: 2

Objective: 1

Skill: Concept

22) In *Griggs v. Duke Power Company*, Griggs sued the power company because it required coal handlers to be high school graduates. The Supreme Court ruled in favor of Griggs because

- A) high school diplomas were not related to success as a coal handler
- B) Duke Power Company intentionally discriminated based on race
- C) no business necessity existed for Duke Power Company
- D) Title VII forbids job testing
- E) Griggs held a GED

Answer: A

Explanation: The Court ruled in favor of Griggs because having a high school diploma was not relevant to the job of coal handler. The Court held that an employment practice must be job related if it has an unequal impact on members of a protected class.

Diff: 2 Page Ref: 34

Chapter: 2

Objective: 1

Skill: Concept

23) If a person is in a protected class, he or she is protected by which of the following?

- A) Department of Labor guidelines
- B) Sarbanes-Oxley Act
- C) Title VII of the Civil Rights Act
- D) Consumer Protection Act
- E) National Labor Relations Board

Answer: C

Explanation: The term protected class refers to persons such as minorities and women who are protected by equal opportunity laws, including Title VII. Choices A, B, D, and E are not equal opportunity laws.

Diff: 1 Page Ref: 34

Chapter: 2

Objective: 1

Skill: Concept

24) All of the following are principles established by *Griggs v. Duke Power Company* EXCEPT _____.

- A) burden of proof is on the employer
- B) performance standards should be unambiguous
- C) business necessity is a defense for an existing program
- D) employment selection practices must be job related
- E) discrimination does not have to be overt to be illegal

Answer: B

Explanation: The Court ruled in *Griggs v. Duke Power Company* that the burden of proof is on the employer to show that a hiring practice such as testing is job related. The Court also ruled that business necessity is the defense for any existing program that has adverse impact and that discrimination does not have to be overt to be illegal. The case did not address performance standards.

Diff: 3 Page Ref: 34-35

Chapter: 2

Objective: 1

Skill: Concept

25) Under the principles established by *Griggs v. Duke Power Company*, _____ can be used as a defense for any existing program that has adverse impact.

- A) occupational qualification
- B) business necessity
- C) affirmative action
- D) burden of proof
- E) fair in form

Answer: B

Explanation: Business necessity is the defense for any existing program that has adverse impact according to *Griggs*. The court did not define business necessity.

Diff: 2 Page Ref: 35

Chapter: 2

Objective: 1

Skill: Concept

26) Which court case provided details regarding how employers could validate the relationship between screening tools and job performance?

- A) *West Coast Hotel Co. v. Parrish*
- B) *Albemarle Paper Company v. Moody*
- C) *Griggs v. Duke Power Company*
- D) *Burlington Industries v. Ellerth*
- E) *Ward Cove v. Atonio*

Answer: B

Explanation: In the *Albemarle* case, the Court provided more details on how employers could prove that tests or other screening tools relate to job performance. For example, the Court said that if an employer wants to test candidates for a job, then the employer should first clearly document and understand the job's duties and responsibilities.

Diff: 2 Page Ref: 35

Chapter: 2

Objective: 1

Skill: Concept

27) Under the Civil Rights Act of 1991, once a plaintiff shows disparate impact, who has the burden of proving that the challenged practice is job related?

- A) plaintiff
- B) employee
- C) employer
- D) judge
- E) EEOC

Answer: C

Explanation: According to the Civil Rights Act of 1991, once an aggrieved applicant or employee demonstrates that an employment practice (such as "must lift 100 pounds") has a disparate (or "adverse") impact on a particular group, then the burden of proof shifts to the employer, who must show that the challenged practice is job related.

Diff: 1 Page Ref: 36

Chapter: 2

Objective: 1

Skill: Concept

28) According to the Civil Rights Act of 1991, an employee who claims intentional discrimination can sue for all of the following EXCEPT _____.

- A) back pay
- B) job reinstatement
- C) punitive damages
- D) compensatory damages
- E) substantive consolidation

Answer: E

Explanation: According to the Civil Rights Act of 1991, an employee who claims intentional discrimination can sue for back pay, attorneys' fees, court costs, job reinstatement, punitive damages, and compensatory damages. Substantive consolidation is a legal term referring to debt consolidation.

Diff: 2 Page Ref: 36

Chapter: 2

Objective: 1

Skill: Concept

29) Race, color, religion, sex, or national origin is a motivating factor in a termination, but the employee would have been terminated for failure to perform anyway. Which of the following most likely exists in this situation?

- A) mixed motive
- B) business necessity
- C) disparate impact
- D) liability defense
- E) burden of proof

Answer: A

Explanation: An unlawful employment practice is established when the complaining party demonstrates that race, color, religion, sex, or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice. Some employers in so-called "mixed motive" cases had taken the position that even though their actions were discriminatory, other factors like the employee's dubious behavior made the job action acceptable. Under CRA 1991, an employer cannot avoid liability by proving it would have taken the same action—such as terminating someone—even without the discriminatory motive.

Diff: 3 Page Ref: 36

Chapter: 2

Objective: 1

Skill: Application

30) Which of the following requires employers to make reasonable accommodations for disabled employees?

- A) Civil Rights Act of 1991
- B) Equal Pay Act of 1963
- C) Americans with Disabilities Act of 1990
- D) Vocational Rehabilitation Act of 1973
- E) Disability Discrimination in Employment Act of 1967

Answer: C

Explanation: The Americans with Disabilities Act (ADA) of 1990 prohibits employment discrimination

against qualified disabled individuals. It also says employers must make "reasonable accommodations" for physical or mental limitations unless doing so imposes an "undue hardship" on the business.

Diff: 1 Page Ref: 36

Chapter: 2

Objective: 1

Skill: Concept

31) According to the Americans with Disabilities Act, which of the following would be considered a disability?

- A) homosexuality
- B) voyeurism
- C) pyromania
- D) compulsive gambling
- E) AIDS

Answer: E

Explanation: The ADA specifies conditions that it does not regard as disabilities, including homosexuality, bisexuality, voyeurism, compulsive gambling, pyromania, and certain disorders resulting from the current illegal use of drugs. The EEOC's position is that the ADA prohibits discriminating against people with HIV/AIDS.

Diff: 1 Page Ref: 36

Chapter: 1

Objective: 1

Skill: Concept

32) Which type of disability accounts for the greatest number of ADA claims?

- A) drug-related
- B) cosmetic
- C) mental
- D) vision
- E) hearing

Answer: C

Explanation: Mental disabilities account for the greatest number of ADA claims. Under EEOC ADA guidelines, "mental impairment" includes "any mental or psychological disorder, such as . . . emotional or mental illness." Drug-related conditions are generally not regarded as disabilities.

Diff: 1 Page Ref: 36

Chapter: 2

Objective: 1

Skill: Concept

33) Under ADA, those who can carry out the essential functions of the job are known as which of the following?

- A) protected class
- B) line managers
- C) career anchors
- D) staff authorities
- E) qualified individuals

Answer: E

Explanation: The ADA prohibits discrimination against qualified individuals—those who, with (or without) a reasonable accommodation, can carry out the essential functions of the job. The individual must have the requisite skills, educational background, and experience to do the job.

Diff: 1 Page Ref: 37

Chapter: 2

Objective: 1

Skill: Concept

34) Which of the following best explains why employers win the majority of ADA cases?

- A) Employers make the necessary reasonable accommodations for employees.
- B) Employers prove that age negatively impacts an employee's job performance.
- C) Employees fail to prove that they are disabled yet qualified to perform a job.
- D) Conservative judges are sympathetic towards small-business owners.
- E) Employee attorneys fail to draw connections between Title VII and ADA.

Answer: C

Explanation: Employers traditionally prevailed in almost all—96%—federal circuit court ADA decisions. A main reason is that employees were failing to show that they were disabled and qualified to do the job. Unlike with Title VII of the Civil Rights Act, the employee must establish that he or she has a disability that fits under the ADA.

Diff: 3 Page Ref: 38

Chapter: 2

Objective: 1

Skill: Concept

35) Which of the following will be the most likely result of the ADA Amendments Act of 2008?

- A) Employees will find it easier to prove that their disabilities are limiting.
- B) The number of major life activities considered disabilities will be narrowed.
- C) Employers will be required to make fewer accommodations for workers with disabilities.
- D) Employers will be required to hire a specific percentage of disabled workers to be in compliance.
- E) Employees will apply for more jobs knowing that the legislation guarantees their employment.

Answer: A

Explanation: The new ADAA's basic effect will be to make it much easier for employees to show that their disabilities are limiting. For example, the new act makes it easier for an employee to show that his or her disability is influencing one of the employee's "major life activities." It does this by adding examples like reading, concentrating, thinking, sleeping, and communicating to the list of ADA major life activities.

Diff: 3 Page Ref: 38

Chapter: 2

Objective: 1

Skill: Concept

36) In which of the following situations does sexual harassment NOT violate Title VII?

- A) if the conduct substantially interferes with a person's work performance
- B) if the conduct creates an intimidating work environment
- C) if the conduct creates a hostile work environment
- D) if the conduct is motivated by both age and gender
- E) if the conduct creates an offensive work environment

Answer: D

Explanation: Under Title VII, sexual harassment generally refers to harassment on the basis of sex when such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment. Sexual harassment violates Title VII. The motivation behind the conduct is not relevant to Title VII violations.

Diff: 3 Page Ref: 39

Chapter: 2

Objective: 2

Skill: Concept

37) The _____ provides that a person who commits a crime of violence motivated by gender shall be liable to the party injured.

- A) Civil Rights Act of 1991
- B) Federal Violence Against Women Act of 1994
- C) Pregnancy Discrimination Act
- D) Vietnam Era Veterans' Readjustment Assistance Act of 1974
- E) Vocational Rehabilitation Act of 1973

Answer: B

Explanation: The Federal Violence Against Women Act of 1994 provides that a person who commits a crime of violence motivated by gender shall be liable to the party injured. The law offers an additional path women can use to seek relief for violent sexual harassment.

Diff: 1 Page Ref: 40

Chapter: 2

Objective: 2

Skill: Concept

38) Which of the following is NOT a form of sexual harassment according to EEOC guidelines?

- A) unwelcome sexual advances that create an intimidating work environment
- B) requests for sexual favors made implicitly as a condition of employment
- C) verbal conduct of a sexual nature that unreasonably interferes with work performance
- D) physical conduct of a sexual nature that creates an offensive work environment
- E) mutually consensual physical conduct of a sexual nature between co-workers

Answer: E

Explanation: EEOC guidelines define sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that create an intimidating, hostile, or offensive work environment or interfere with work performance.

Requests for sexual favors that are used as the basis for employment decisions are also considered sexual harassment. Consensual sex between co-workers is not considered sexual harassment.

Diff: 3 Page Ref: 41

Chapter: 2

Objective: 2

Skill: Concept

39) All of the following are ways for an employee to prove sexual harassment EXCEPT by proving that _____.

- A) the verbal remarks of a co-worker were sexually flirtatious
- B) the rejection of a supervisor's sexual advances led to a demotion
- C) a hostile work environment was created by a co-worker's sexual conversation
- D) a hostile work environment was created by a nonemployee's sexual advances
- E) a hostile work environment was created by a supervisor's sexually abusive conduct

Answer: A

Explanation: The U.S. Supreme Court held that sexual harassment law doesn't cover ordinary "intersexual flirtation." Someone can prove sexual harassment if rejecting a supervisor's sexual advances led to a demotion, firing, or altered work assignment. Sexual harassment can also be proven if a hostile work environment is created by the sexual conduct of supervisors, co-workers, or nonemployees.

Diff: 3 Page Ref: 41

Chapter: 2

Objective: 2

Skill: Application

40) Judy was up for a promotion at Simpson Consulting when her supervisor, Will, encouraged her to develop a sexual relationship with him. He suggested that her promotion would be a sure thing if they were involved. When Judy declined his advances, Will fired her. Which of the following would Judy most likely be able to prove in court if she decided to sue Simpson Consulting?

- A) hostile environment created by nonemployees
- B) hostile environment created by supervisors
- C) hostile environment created by co-workers
- D) disparate treatment
- E) quid pro quo

Answer: E

Explanation: Quid pro quo (something for something) is the most direct way to prove that rejecting a supervisor's advances adversely affected what the EEOC calls a "tangible employment action" such as hiring, firing, promotion, demotion, and/or work assignment. Quid pro quo would be the best option for Judy if she sues the firm for Will's actions.

Diff: 3 Page Ref: 41

Chapter: 2

Objective: 2

Skill: Application

41) Gus is always making sexual jokes at work. Many employees find the jokes funny, but Shelley, Gus's executive assistant, is uncomfortable with the jokes. Eventually, she decides to quit her job rather than endure the jokes any longer. What form of sexual harassment has Shelley experienced?

- A) quid pro quo
- B) hostile environment created by supervisors
- C) hostile environment created by co-workers
- D) hostile environment created by nonemployees
- E) none of the above; Shelley is not a victim of sexual harassment

Answer: B

Explanation: As Shelley's supervisor, Gus created a hostile environment according to the EEOC. A claimant does not need to show that the harassment had tangible consequences such as demotion. It is sufficient in many cases to prove that a supervisor's sexual harassment substantially affected an employee's emotional and psychological abilities.

Diff: 3 Page Ref: 41

Chapter: 2

Objective: 2

Skill: Application

42) All of the following are ways that an employer can minimize liability in sexual harassment claims EXCEPT _____.

- A) maintaining thorough records of all sexual harassment complaints
- B) informing all employees about sexual harassment investigations
- C) instituting a sexual harassment reporting process
- D) training employees in sexual harassment policies
- E) investigating sexual harassment charges promptly

Answer: B

Explanation: Maintaining records of complaints, instituting a reporting policy, providing sexual harassment training, and investigating charges quickly are ways that employers can show that they took reasonable care to prevent and correct sexual harassment, which will minimize the employer's liability. Sexual harassment investigations should be conducted privately, and the information should not be made available to all employees.

Diff: 3 Page Ref: 42

Chapter: 2

Objective: 2

Skill: Concept

43) Sanders Sporting Goods, an international sporting goods chain, is being sued for sexual harassment by a former Sanders employee. The plaintiff asserts that she was the victim of numerous unwanted sexual advances from a male co-worker. The woman claims that Sanders' management condoned a hostile work environment and that the company is liable for the actions of the male employee.

Which of the following, if true, would best support the plaintiff's argument that Sanders is liable for sexual harassment?

- A) Sanders re-published its sexual harassment policy twice within the last year.
- B) The HR department at Sanders has records of the plaintiff's initial complaints.
- C) Exit interviews of outgoing Sanders employees include questions about sexual harassment.
- D) Sanders lacks a management response system for handling sexual harassment complaints.
- E) Sanders recently lost a court case filed by former employees who claimed disparate treatment.

Answer: D

Explanation: Employers can minimize their liability in sexual harassment claims by showing that they have a response system set up for handling sexual harassment complaints, so Sanders may be liable if it lacks a system. Firms that re-publish their sexual harassment policies frequently, keep thorough records of complaints, and address sexual harassment issues during exit interviews are able to show that they took reasonable care to prevent sexual harassment.

Disparate treatment refers to discrimination claims rather than sexual harassment claims.

Diff: 3 Page Ref: 42

AACSB: Reflective Thinking

Chapter: 2

Objective: 2

Skill: Critical Thinking

44) Sanders Sporting Goods, an international sporting goods chain, is being sued for sexual harassment by a former Sanders employee. The plaintiff asserts that she was the victim of numerous unwanted sexual advances from a male co-worker. The woman claims that Sanders' management condoned a hostile work environment and that the company is liable for the actions of the male employee.

Which of the following, if true, would most likely undermine the plaintiff's claim that Sanders is liable for the male employee's conduct?

- A) The male employee physically threatened the plaintiff on three occasions.
- B) The male employee made sexual advances towards the plaintiff on a daily basis.
- C) The male employee was required by HR to participate in a sexual harassment awareness course.
- D) The male employee's conduct significantly interfered with the plaintiff's ability to perform her job.
- E) The plaintiff discussed her concerns about the male employee's conduct with female co-workers.

Answer: C

Explanation: If the male employee was required to take a sexual harassment course, then that action shows Sanders was making a reasonable attempt to stop the behavior. Choices A, B, and D support the plaintiff's claim that there was a hostile environment. Discussing concerns with employees is irrelevant to liability of the company.

Diff: 3 Page Ref: 41-42

AACSB: Reflective Thinking

Chapter: 2

Objective: 2

Skill: Critical Thinking

45) Sanders Sporting Goods, an international sporting goods chain, is being sued for sexual harassment by a former Sanders employee. The plaintiff asserts that she was the victim of numerous unwanted sexual advances from a male co-worker. The woman claims that Sanders' management condoned a hostile work environment and that the company is liable for the actions of the male employee.

All of the following are most likely relevant questions to address in this court case EXCEPT

- _____.
- A) Does Sanders have a record of employees who claim disparate treatment in the work place?
 - B) Did the plaintiff verbally state to her male co-worker that she found his behavior offensive?
 - C) Did Sanders take reasonable care to prevent sexual harassment in the work place?
 - D) Does Sanders have a policy statement regarding sexual harassment?
 - E) Is the male co-worker a U.S. citizen and is Sanders a U.S. entity?

Answer: A

Explanation: Disparate treatment relates to intentional discrimination, which is not directly important in this case. Firms decrease their liability in sexual harassment cases if they show that they have taken reasonable care to prevent sexual harassment through various actions, such as issuing a policy statement. The first step the woman should have taken is telling the co-worker that his actions were inappropriate in order to show that she followed the appropriate reporting procedures. Whether the co-worker is a U.S. citizen and Sanders is a U.S. entity are important in determining whether EEO laws are applicable.

Diff: 3 Page Ref: 42-45

AACSB: Reflective Thinking

Chapter: 2

Objective: 2

Skill: Critical Thinking

46) One of Alexis' male co-workers has been making sexually suggestive comments to Alexis about her clothing and her appearance, which makes Alexis feel uncomfortable at work. What is the first step Alexis should take to address the problem?

- A) filing a complaint with the local EEOC office
- B) filing a complaint with the human resource director
- C) filing a verbal complaint with the harasser's boss
- D) writing a letter to the accused
- E) consulting an attorney

Answer: C

Explanation: The first step Alexis should take is filing a verbal complaint with the harasser and the harasser's boss. After that, writing a letter to the accused and filing a report with the HR director are appropriate actions. Filing a complaint with the EEOC and consulting an attorney are the final steps to take if previous efforts have not improved the situation.

Diff: 3 Page Ref: 44-45

Chapter: 2

Objective: 2

Skill: Application

47) Which of the following is a true statement regarding U.S. EEO laws and international employees?

- A) U. S. EEO laws do not apply to jobs located outside the U.S. even when the employee is a U.S. citizen and the employer is a U.S. entity.
- B) U.S. EEO laws apply to jobs located outside the U.S. when the employer is a foreign entity and the employee is a U.S. citizen.
- C) U.S. EEO laws do not apply to jobs located inside the U.S. when the employer is a foreign entity and the employee is a foreign citizen.
- D) U.S. EEO laws apply to foreign citizens in jobs located outside the U.S. if the employer is a U.S. entity.
- E) U.S. EEO laws apply inside the U.S. when the employer is a U.S. entity and the employee is a foreigner legally authorized to work in the U.S.

Answer: E

Explanation: U.S. EEO laws apply inside the U.S. when the employer is a U.S. entity and the employee is a foreigner legally authorized to work in the U.S. In some cases, U.S. laws may also apply to workers who are not authorized to work in the U.S. The laws do not apply to foreign citizens in jobs outside of the U.S. even when the employer is a U.S. entity.

Diff: 3 Page Ref: 45

Chapter: 2

Objective: 2

Skill: Concept

48) _____ exists when an employer treats an individual differently because that individual is a member of a particular race, religion, gender, or ethnic group.

- A) Unintentional discrimination
- B) Disparate impact
- C) Disparate treatment
- D) Adverse impact
- E) Prima facie

Answer: C

Explanation: Disparate treatment means intentional discrimination and "exists where an employer treats an individual differently because that individual is a member of a particular race, religion, gender, or ethnic group." Disparate impact means that "an employer engages in an employment practice or policy that has a greater adverse impact (effect) on the members of a protected group under Title VII than on other employees, regardless of intent."

Diff: 1 Page Ref: 46

Chapter: 2

Objective: 3

Skill: Concept

49) Which of the following refers to the overall effect of employer practices that result in significantly higher percentages of members of protected groups being rejected for employment, placement, or promotion?

- A) disparate treatment
- B) disparate impact
- C) business necessity
- D) adverse impact
- E) prima facie

Answer: D

Explanation: Adverse impact is the overall effect of employer practices that result in significantly higher percentages of members of protected groups being rejected for employment, placement, or promotion. Disparate impact means that employers engage in employment practices that have a greater adverse effect on members of a protected group than on other employees.

Diff: 1 Page Ref: 46

Chapter: 2

Objective: 3

Skill: Concept

50) All of the following are ways that an employee or job applicant can show adverse impact EXCEPT _____.

- A) comparing disparate rejection rates
- B) holding a fact-finding conference
- C) utilizing population comparisons
- D) using the McDonnell-Douglas test
- E) showing a firm has a restricted policy

Answer: B

Explanation: The EEOC investigates charges of discrimination and frequently holds fact-finding conferences, so this would not be an option for employees or job applicants. Comparing disparate rejection rates, using the restricted policy approach, making population comparisons, and using the Mc-Donnell-Douglas test are the four methods available to employees and applicants trying to show that an employer's procedures have an adverse effect on a protected group.

Diff: 2 Page Ref: 46-47

Chapter: 2

Objective: 3

Skill: Concept

51) Which of the following is used by lawyers in disparate impact cases to show intentional disparate treatment?

- A) disparate rejection rates
- B) restricted policy approach
- C) population comparisons
- D) McDonnell-Douglas test
- E) 4/5ths rule

Answer: D

Explanation: Lawyers in disparate impact cases use disparate rejection rates, restricted policy approaches, and population comparisons to test whether an employer's policies or actions have the effect of unintentionally screening out disproportionate numbers of women or minorities.

Lawyers use the McDonnell-Douglas test for showing (intentional) disparate treatment, rather than (unintentional) disparate impact. The 4/5ths rule is used to assess disparate rejection rates.

Diff: 2 Page Ref: 47

Chapter: 2

Objective: 3

Skill: Concept

52) The formula used by federal agencies to determine disparate rejection rates is based on a selection rate for any racial, ethnic, or sex group less than _____ percent of the rate for the group with the highest rate.

- A) 25
- B) 50
- C) 75
- D) 80
- E) 100

Answer: D

Explanation: Federal agencies use a "4/5ths rule" to assess disparate rejection rates: "A selection rate for any racial, ethnic, or sex group which is less than four-fifths or 80% of the rate for the group with the highest rate will generally be regarded as evidence of adverse impact, while a greater than four-fifths rate will generally not be regarded as evidence of adverse impact."

Diff: 1 Page Ref: 46-47

Chapter: 2

Objective: 3

Skill: Concept

53) Which of the following tests for adverse impact and involves demonstrating that the employer's policy either intentionally or unintentionally excludes members of a protected group?

- A) McDonnell-Douglas test
- B) BFOQ approach
- C) systemic method
- D) restricted policy
- E) prima facie

Answer: D

Explanation: The restricted policy approach means demonstrating that the employer's policy intentionally or unintentionally excluded members of a protected group. Lawyers use the McDonnell-Douglas test for showing (intentional) disparate treatment, rather than (unintentional) disparate impact.

Diff: 1 Page Ref: 47

Chapter: 2

Objective: 3

Skill: Concept

54) Which of the following involves comparing the percentage of the minority/protected group and white workers in an organization with the percentage of the corresponding group in the labor market?

- A) personnel population comparison approach
- B) restricted policy comparison method
- C) population comparisons approach
- D) McDonnell-Douglas test
- E) BFOQ method

Answer: C

Explanation: The population comparisons approach compares (1) the percentage of Hispanic (or black or other minority/protected group) and white workers in the organization with (2) the percentage of the corresponding group in the labor market. The EEOC usually defines labor market as the U.S. Census data for that Standard Metropolitan Statistical Area.

Diff: 1 Page Ref: 47

Chapter: 2

Objective: 3

Skill: Concept

55) According to _____, an employer can claim that an employment practice is a bona fide occupational qualification for performing the job.

- A) Title VII of the 1964 Civil Rights Act
- B) Vocational Rehabilitation Act of 1973
- C) Age Discrimination in Employment Act of 1967
- D) Executive Orders 11246 and 11375
- E) 1972 Equal Opportunity Act

Answer: A

Explanation: An employer can claim that the employment practice is a bona fide occupational qualification (BFOQ) for performing the job according to Title VII. Title VII provides that "it should not be an unlawful employment practice for an employer to hire an employee . . . on the basis of religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."

Diff: 2 Page Ref: 48

Chapter: 2

Objective: 4

Skill: Concept

56) Employers primarily use bona fide occupational qualification (BFOQ) as a defense against charges of discrimination based on _____.

- A) sexual orientation
- B) religion
- C) age
- D) gender
- E) nationality

Answer: C

Explanation: Employers use BFOQ mostly as a defense against charges of intentional discrimination

based on age. However, Title VII provides that "it should not be an unlawful employment practice for an employer to hire an employee . . . on the basis of religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."

Diff: 2 Page Ref: 48

Chapter: 2

Objective: 4

Skill: Concept

57) In which of the following jobs would gender most likely be appropriate to use as a BFOQ?

- A) fire fighter in a metropolitan fire department
- B) parole officer for a county court system
- C) prison guard at a federal penitentiary
- D) teacher at a private, all-girls school
- E) actor in a toothpaste commercial

Answer: E

Explanation: Gender may be a BFOQ for positions like actor, model, and restroom attendant requiring physical characteristics possessed by one sex. However, for most jobs today, it's difficult to claim that gender is a BFOQ. For example, gender is not a BFOQ for parole and probation officers or teachers. It is not a BFOQ for positions just because the positions require lifting heavy objects, such as with fire fighters.

Diff: 2 Page Ref: 49

AACSB: Reflective Thinking

Chapter: 2

Objective: 4

Skill: Application

58) Pictures and Promotions Modeling Studio seeks to hire male models for an upcoming fashion show featuring men's wear. The studio is using _____ as a justification for not considering women for the jobs.

- A) BARS
- B) ADEA
- C) ADA
- D) EEOC
- E) BFOQ

Answer: E

Explanation: An employer can claim that the employment practice is a bona fide occupational qualification (BFOQ) for performing the job. In this case, a specific gender is necessary for the job. The Age Discrimination in Employment Act (ADEA) permits disparate treatment in cases where age is a BFOQ, which is not the issue in this example.

Diff: 2 Page Ref: 48

Chapter: 2

Objective: 3, 4

Skill: Application

59) Which defense requires showing that there is an overriding company-related purpose for a discriminatory practice and that the practice is therefore acceptable?

- A) prima facie
- B) business necessity
- C) adverse impact
- D) mixed motive
- E) organizational preference

Answer: B

Explanation: "Business necessity" is a defense created by the courts that requires showing that there

is an overriding business purpose for the discriminatory practice and that the practice is therefore acceptable. It's not easy to prove business necessity because the Supreme Court made it clear that business necessity does not encompass such matters as avoiding an employer inconvenience, annoyance, or expense.

Diff: 1 Page Ref: 49

Chapter: 2

Objective: 4

Skill: Concept

60) The application requirements for Western Airlines pilot positions require candidates to have logged at least 200 hours piloting an aircraft within the previous 36 months. In addition, applicants must have 2,500 hours of experience in the air with at least 1,000 hours as the commanding pilot of a commercial airplane. A four-year college degree is also required. Jeff Sanchez, who is Hispanic, applied for a position as a pilot and was rejected because he has a degree from a 2-year college and only 2,000 hours of flight experience. Jeff is suing Western Airlines for discriminatory hiring practices.

Which of the following, if true, best supports Western Airlines' defense?

- A) At Western Airlines, turnover is high among minority employees working as pilots and flight attendants.
- B) Recent experiences with college recruiting have led Western Airlines to increase the percentage of its minority pilots.
- C) Job capability as a Western Airlines pilot depends most heavily on age, gender, and previous job experiences.
- D) The total number of hours spent flying a commercial airline is a valid predictor of performance for most Western Airlines pilots.
- E) Western Airlines bases its selection tests and hiring practices on industry guidelines for commercial pilots.

Answer: D

Explanation: Western Airlines' best defense involves proving that its selection tests or other employment practices are valid predictors of performance on the job. Where the employer can establish such validity, the courts have generally supported using the test or other employment practice as a business necessity. In this example, the number of flight hours is a predictor of job performance. Turnover, recruiting, age, gender, and industry guidelines are less important factors.

Diff: 3 Page Ref: 49

Chapter: 2

Objective: 4

Skill: Critical Thinking

61) The application requirements for Western Airlines pilot positions require candidates to have logged at least 200 hours piloting an aircraft within the previous 36 months. In addition, applicants must have 2,500 hours of experience in the air with at least 1,000 hours as the commanding pilot of a commercial airplane. A four-year college degree is also required. Jeff Sanchez, who is Hispanic, applied for a position as a pilot and was rejected because he has a degree from a 2-year college and only 2,000 hours of flight experience. Jeff is suing Western Airlines for discriminatory hiring practices.

Which of the following statements is most likely relevant to this court case against Western Airlines?

- A) Most pilots at Western Airlines belong to labor unions and are involved in collective bargaining arrangements detrimental to the industry.
- B) The job requirements for pilots at Western Airlines are a business necessity due to the human risks associated with hiring unqualified applicants.
- C) The Age Discrimination in Employment Act prevents firms, such as Western Airlines, from discriminating when age is a BFOQ.
- D) Western Airlines has been in operation for over twenty years and has never been sued for EEO violations.
- E) As a global firm, Western Airlines can easily establish a prima facie case of discrimination based on race.

Answer: B

Explanation: Commercial pilots put passengers at risk if they are unqualified, so it is a business necessity for Western Airlines to have what may be discriminatory hiring practices. In this example, the job requires a high degree of skill, and the economic and human risks of hiring an unqualified applicant are great.

Diff: 3 Page Ref: 49

AACSB: Reflective Thinking

Chapter: 2

Objective: 4

Skill: Critical Thinking

- 62) All of the following recruitment practices are potentially discriminatory EXCEPT _____.
- A) spreading information about job openings through word-of-mouth among a firm's predominantly Hispanic workforce
 - B) providing misleading information to Asian and Indian job applicants
 - C) refusing to advise older applicants about work opportunities
 - D) posting help wanted ads that specify young, male applicants
 - E) posting job advertisements only in local newspapers

Answer: E

Explanation: Ads that specify age or gender may be problematic, but only posting ads in local newspapers is acceptable. Using word-of-mouth to relay information about job openings is only problematic if the workforce is mostly a member of a particular group. Providing misleading or false information to certain applicants is also potentially discriminatory.

Diff: 3 Page Ref: 50

Chapter: 2

Objective: 5

Skill: Application

- 63) Which of the following is most likely an example of a discriminatory selection standard?
- A) measuring a software designer applicant's knowledge about a computer language
 - B) requiring a high school teacher applicant to have a four-year college degree
 - C) collecting work history information from a managerial applicant
 - D) requiring engineer applicants to meet specific height standards
 - E) asking prison guard applicants to reveal their arrest records

Answer: D

Explanation: It would most likely be unlawful to require engineers to meet certain height standards because height is not related to the job. If a job requires security clearance, such as a prison guard, then it is not discriminatory to ask about an applicant's arrest record. Educational requirements, physical characteristics, and knowledge are acceptable selection standards when they specifically relate to the job.

Diff: 3 Page Ref: 51

AACSB: Ethical Reasoning

Chapter: 2

Objective: 5

Skill: Application

64) What is the most common next step in the EEOC enforcement process after a person files an employment discrimination claim?

- A) The EEOC either accepts or refers the charge.
- B) The two parties are required to participate in mediation.
- C) A commission investigates the claim in an open-meeting.
- D) The EEOC determines if the charge is based on Title VII rules.
- E) The employer and EEOC bring a civil suit in a federal district court.

Answer: A

Explanation: After a person files an employment discrimination claim, the EEOC's common practice is to accept a charge or orally refer it to a state or local agency. An investigation, voluntary mediation, and litigation may occur after the charge is accepted.

Diff: 3 Page Ref: 53

Chapter: 2

Objective: 6

Skill: Concept

65) Which of the following refers to an informal meeting held early in an EEOC enforcement investigation that attempts to define issues and determine if settlement is possible?

- A) codetermination
- B) voluntary mediation
- C) fact-finding conference
- D) collective bargaining
- E) mandatory arbitration

Answer: C

Explanation: Early in the investigation, the EEOC holds an initial fact-finding conference. The EEOC calls these "informal meetings" for defining issues and determining whether there's a basis for negotiation. However, the EEOC's real focus here is often on settlement. Its investigators use the conferences to find weak spots in each party's position, which are used to push for a settlement.

Diff: 1 Page Ref: 53

Chapter: 2

Objective: 6

Skill: Concept

66) In 2006, which of the following became a major focus for the EEOC?

- A) age discrimination cases
- B) voluntary mediation
- C) grievance procedures
- D) cases of systemic discrimination
- E) diversity management programs

Answer: D

Explanation: The Equal Employment Opportunity Commission voted unanimously in 2006 to focus more on big, "systemic" cases, those that reflect a pattern or practice of alleged discrimination. Its systemic cases task force recently issued specific recommendations the EEOC can use to uncover and remedy systemic discrimination.

Diff: 2 Page Ref: 53

Chapter: 2

Objective: 6

Skill: Concept

67) The EEOC describes a(n) _____ as an informal process in which a neutral third party assists the opposing parties to reach a voluntary, negotiated resolution of a charge of discrimination.

- A) fact-finding conference
- B) voluntary mediation
- C) voluntary negotiation
- D) mandatory arbitration
- E) alternative dispute resolution

Answer: B

Explanation: The EEOC refers about 10% of its charges to a voluntary mediation mechanism. This is "an informal process in which a neutral third party assists the opposing parties to reach a voluntary, negotiated resolution of a charge of discrimination."

Diff: 1 Page Ref: 54

Chapter: 2

Objective: 6

Skill: Concept

68) Which of the following refers to the variety of demographic features that characterize a company's workforce?

- A) competency
- B) ethnocentricity
- C) globalization
- D) mobility
- E) diversity

Answer: E

Explanation: Diversity refers to the variety or multiplicity of demographic features that characterize a company's workforce, particularly in terms of race, sex, culture, national origin, handicap, age, and religion. Globalization requires employers to hire minority members with the cultural and language skills to deal with customers abroad.

Diff: 1 Page Ref: 56

AACSB: Multicultural and Diversity

Chapter: 2

Objective: 7

Skill: Concept

69) Which of the following is most likely characteristic of a firm effectively implementing a diversity management program?

- A) Female and minority managers have high turnover rates.
- B) Female and minority employees have access to international job assignments.
- C) Female and minority employees report directly to low-level managers.
- D) Diversity training requirements are only completed by minority and female workers.
- E) Voluntary mediation occurs frequently among female and minority workers.

Answer: B

Explanation: In firms with diversity management programs that are successful, female and minority workers would have the same access to international job assignments as white, male employees. Minorities would also report directly to senior management rather than low-level managers, and they would have low turnover rates.

Diff: 3 Page Ref: 58

AACSB: Multicultural and Diversity

Chapter: 2

Objective: 7

Skill: Application

70) In *Bakke v. Regents of the University of California*, which of the following claims was made by Allen Bakke?

- A) sexual harassment
- B) racial discrimination
- C) reverse discrimination
- D) affirmative action
- E) quid pro quo

Answer: C

Explanation: The case serves as an example of reverse discrimination. In *Bakke v. Regents of the University of California* (1978), the University of California at Davis Medical School denied admission to white student Allen Bakke, allegedly because of the school's affirmative action quota system, which required that a specific number of openings go to minority applicants. In a 5-to-4 vote, the U.S. Supreme Court struck down the policy that made race the only factor in considering applications for a certain number of class openings and thus allowed Bakke's admission.

Diff: 2 Page Ref: 61

Chapter: 2

Objective: 7

Skill: Concept

71) The 13th Amendment to the U.S. Constitution states, "no person shall be deprived of life, liberty, or property, without due process of the law."

Answer: FALSE

Explanation: The 13th Amendment outlawed slavery. The 5th Amendment states that "no person shall be deprived of life, liberty, or property, without due process of the law."

Diff: 1 Page Ref: 32

Chapter: 2

Objective: 1

Skill: Concept

72) The 14th Amendment to the U.S. Constitution led to the establishment of the EEOC.

Answer: FALSE

Explanation: Title VII of the 1964 Civil Rights Act established the Equal Employment Opportunity Commission to administer and enforce the Civil Rights law at work.

Diff: 1 Page Ref: 32

Chapter: 2

Objective: 1

Skill: Concept

73) Title VII of the 1964 Civil Rights Act bars discrimination on the part of most employers, including all public or private employers of 15 or more persons.

Answer: TRUE

Explanation: Title VII bars discrimination on the part of most employers, including all public or private employers of 15 or more persons, all private and public educational institutions, the federal government, and state and local governments.

Diff: 1 Page Ref: 32

Chapter: 2

Objective: 1

Skill: Concept

74) The EEOC receives and investigates job discrimination complaints from aggrieved individuals.

Answer: TRUE

Explanation: The Equal Employment Opportunity Commission receives and investigates job discrimination complaints from aggrieved individuals. When the EEOC finds reasonable cause that the charges are justified, it attempts (through conciliation) to reach an agreement. If this fails, it can go to court.

Diff: 1 Page Ref: 32

Chapter: 2

Objective: 1

Skill: Concept

75) Only an aggrieved individual can file job discrimination charges against a business.

Answer: FALSE

Explanation: The EEOC may file discrimination charges on behalf of aggrieved individuals, or the individuals may file on behalf of themselves.

Diff: 2 Page Ref: 32

Chapter: 2

Objective: 1

Skill: Concept

76) The Age Discrimination in Employment Act of 1967 makes it unlawful to discriminate against employees of federal, state, and local agencies who are between 40 and 65 years of age; however, the law does not apply to private businesses.

Answer: FALSE

Explanation: The Age Discrimination in Employment Act of 1967 (ADEA) made it unlawful to discriminate against employees or applicants who are between 40 and 65 years of age. ADEA applies to all employers not just government agencies.

Diff: 2 Page Ref: 33

Chapter: 2

Objective: 1

Skill: Concept

77) In *O'Connor v. Consolidated Coin Caterers Corp.*, the Supreme Court held that an employee who is over 40 may sue for discrimination if he or she is replaced by a "significantly younger" employee, even if the replacement is also over 40.

Answer: TRUE

Explanation: You can't get around the ADEA by replacing employees over 40 years of age with those who are also over 40. In *O'Connor v. Consolidated Coin Caterers Corp.*, the U.S. Supreme Court held that an employee who is over 40 years of age might sue for discrimination if a "significantly younger" employee replaces him or her, even if the replacement is also over 40. The Court didn't specify what "significantly younger" meant, but O'Connor had been replaced by someone 16 years younger.

Diff: 2 Page Ref: 33

Chapter: 2

Objective: 1

Skill: Concept

78) If a business offers its employees disability coverage, then pregnancy and childbirth must be treated like any other disability and included in the plan as a covered condition.

Answer: TRUE

Explanation: The Pregnancy Discrimination Act of 1978 prohibits using pregnancy, childbirth, or related medical conditions to discriminate in hiring, promotion, suspension, or discharge, or in any term or condition of employment. Furthermore, under the act, if an employer offers its employees disability coverage, then it must treat pregnancy and childbirth like any other disability, and include it in the plan as a covered condition.

Diff: 2 Page Ref: 34

Chapter: 2

Objective: 1

Skill: Concept

79) Title VII forbids the testing or screening of job applicants because testing systematically discriminates against certain protected classes.

Answer: FALSE

Explanation: The Supreme Court ruled that an employment practice, such as testing, must be job related if it has an unequal impact on members of a protected class. Title VII does not forbid testing or screening job applicants but it requires that the test/screen is relevant to performing the job.

Diff: 2 Page Ref: 34

Chapter: 2

Objective: 1

Skill: Concept

80) The Civil Rights Act of 1991 makes it more difficult for plaintiffs to sue for monetary damages in cases of disparate treatment.

Answer: FALSE

Explanation: CRA 1991 makes it easier to sue for money damages in cases of disparate treatment or intentional discrimination. CRA 1991 provides that an employee who is claiming intentional discrimination can ask for both compensatory damages and punitive damages.

Diff: 2 Page Ref: 36

Chapter: 2

Objective: 1

Skill: Concept

81) The Americans with Disabilities Act of 1990 does not list specific disabilities but provides impairment guidelines instead.

Answer: TRUE

Explanation: The ADA does not list specific disabilities. Instead, EEOC guidelines say someone is disabled when he or she has a physical or mental impairment that "substantially limits" one or more major life activities. Impairments include any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of several body systems, or any mental or psychological disorder.

Diff: 1 Page Ref: 36

Chapter: 2

Objective: 1

Skill: Application

82) Individuals diagnosed with HIV/AIDS are not protected from discrimination under the Americans with Disabilities Act, although legislation is being considered.

Answer: FALSE

Explanation: The ADA prohibits discrimination against people with HIV/AIDS.

Diff: 1 Page Ref: 36

Chapter: 2

Objective: 1

Skill: Concept

83) Mental disabilities, such as depression and anxiety disorders, account for the greatest number of claims brought under the ADA.

Answer: TRUE

Explanation: Mental disabilities account for the greatest number of ADA claims. Under EEOC ADA guidelines, "mental impairment" includes "any mental or psychological disorder, such as . . . emotional or mental illness." Examples include major depression, anxiety disorders, and personality disorders.

Diff: 2 Page Ref: 36

Chapter: 2

Objective: 1

Skill: Concept

84) According to the ADA, firms must employ all disabled individuals who apply for positions and provide them with job training when necessary.

Answer: FALSE

Explanation: Employers are not required to employ all disabled job applicants. The ADA prohibits discrimination against qualified individuals—those who, with (or without) a reasonable accommodation, can carry out the essential functions of the job. The individual must have the requisite skills, educational background, and experience to do the job.

Diff: 1 Page Ref: 37

Chapter: 2

Objective: 1

Skill: Concept

85) According to GINA, health insurers and employers are prohibited from discriminating based on people's genetic information.

Answer: TRUE

Explanation: The Genetic Information Nondiscrimination Act (GINA) prohibits discrimination by health insurers and employers based on people's genetic information. Specifically, it prohibits the use of genetic information in employment, prohibits the intentional acquisition of genetic information about applicants and employees, and imposes strict confidentiality requirements.

Diff: 2 Page Ref: 39

Chapter: 2

Objective: 1

Skill: Concept

86) To prove sexual harassment, it is necessary to show that the harassment had tangible consequences such as demotion or termination.

Answer: FALSE

Explanation: In *Burlington Industries v. Ellerth*, the employee accused her supervisor of *quid pro quo* harassment. She said her boss propositioned and threatened her with demotion if she did not respond. He did not carry out the threats, and she was promoted. Therefore, in *quid pro quo* cases it is not necessary for the employee to suffer a tangible job action (such as a demotion) to win the case.

Diff: 2 Page Ref: 42

Chapter: 2

Objective: 2

Skill: Concept

87) Due to extensive legislative efforts, most of today's sexual harassment victims complain to their managers and sue their employers rather than quitting their jobs, which was a more common response in the past.

Answer: FALSE

Explanation: Most sexual harassment victims don't sue or complain. Instead, they quit or try to avoid their harassers despite the increased efforts made by employers and government agencies.

Diff: 2 Page Ref: 44

Chapter: 2

Objective: 2

Skill: Concept

88) Under the Civil Rights Act of 1991, disparate impact claims require proof of discriminatory intent.

Answer: FALSE

Explanation: Disparate impact means that an employer engages in an employment practice or policy that has a greater adverse impact (effect) on the members of a protected group under Title VII than on other employees, regardless of intent.

Diff: 2 Page Ref: 46

Chapter: 2

Objective: 3

Skill: Concept

89) The McDonnell-Douglas test is a procedure used by federal agencies to assess disparate impact.

Answer: FALSE

Explanation: Lawyers use the McDonnell-Douglas test for showing disparate treatment instead of disparate impact. The 4/5ths rule is used by federal agencies to assess disparate rejection rates.

Diff: 1 Page Ref: 46-47

Chapter: 2

Objective: 3

Skill: Concept

90) The restricted policy approach involves demonstrating that an employer's hiring practices either intentionally or unintentionally exclude members of a protected group.

Answer: TRUE

Explanation: The restricted policy approach means demonstrating that the employer's policy intentionally or unintentionally excluded members of a protected group. Here the problem is usually obvious—such as policies against hiring bartenders less than six feet tall. Evidence of restricted policies such as these is enough to prove adverse impact and to expose an employer to litigation.

Diff: 1 Page Ref: 47

Chapter: 2

Objective: 3

Skill: Concept

91) Shippers Express is accused of adverse impact on a protected group. 80% of all male applicants are hired but only 50% of female applicants are hired. Using the formula for disparate rejection rates, adverse impact cannot be shown.

Answer: FALSE

Explanation: A selection rate for any racial, ethnic, or sex group which is less than four-fifths or 80% of the rate for the group with the highest rate will generally be regarded as evidence of adverse impact, while a greater than four-fifths rate will generally not be regarded as evidence of adverse impact. In this example, Shippers Express hires 80% of male applicants, but only 50% of female applicants. Four-fifths of 80% would be 64%. Since 50% is less than 64%, adverse impact exists.

Diff: 3 Page Ref: 47

Chapter: 2

Objective: 3

Skill: Application

92) Defining the relevant labor market is a crucial step in using population comparisons to show adverse impact.

Answer: TRUE

Explanation: The labor market varies with the job and the location, and defining it is critical to using the population comparison approach to show adverse impact. For example, the local labor market may be full of minority clerical workers but have very few minority physicists.

Diff: 2 Page Ref: 47

Chapter: 2

Objective: 3

Skill: Concept

93) Employers frequently use a bona fide occupation qualification as a defense against charges of intentional discrimination based on gender rather than factors such as age or religion.

Answer: FALSE

Explanation: In most cases, employers use BFOQ as a defense against charges of intentional discrimination based on age. BFOQ is not a common defense in charges regarding religion or gender.

Diff: 2 Page Ref: 48

Chapter: 2

Objective: 4

Skill: Concept

94) The Age Discrimination in Employment Act prohibits the use of age as a BFOQ for any type of employment.

Answer: FALSE

Explanation: The Age Discrimination in Employment Act (ADEA) permits disparate treatment in those instances when age is a BFOQ. For example, age is a BFOQ when the Federal Aviation Agency sets a compulsory retirement age of 65 for commercial pilots or when actors need to be youthful or elderly to play specific roles.

Diff: 2 Page Ref: 48

Chapter: 2

Objective: 4

Skill: Concept

95) Under no circumstances may religion be used as a bona fide occupational qualification (BFOQ).

Answer: FALSE

Explanation: Religion may be a BFOQ in religious organizations or societies that require employees to share their particular religion. For example, religion may be a BFOQ when hiring persons to teach in a religious school.

Diff: 2 Page Ref: 48

Chapter: 2

Objective: 4

Skill: Concept

96) According to federal laws, asking job candidates about their marital status is not illegal; however, a firm needs to be able to defend the practice as a BFOQ to avoid raising discrimination issues.

Answer: TRUE

Explanation: It isn't illegal to ask a job candidate about her marital status although such a question might seem discriminatory. Employers can ask but they should be prepared to show either that they do not discriminate or that they can defend the practice as a BFOQ or business necessity.

Diff: 2 Page Ref: 50

Chapter: 2

Objective: 5

Skill: Concept

97) Courts have ruled that educational qualifications are illegal when the qualifications are not job related.

Answer: TRUE

Explanation: Courts have found educational qualifications to be illegal when minority groups are less likely to possess the educational qualifications and such qualifications are also not job related.

Diff: 2 Page Ref: 51

Chapter: 2

Objective: 5

Skill: Concept

98) According to the Civil Rights Act of 1991, an employment discrimination claim must be filed within 60 days after the alleged incident occurred or a claim cannot be filed.

Answer: FALSE

Explanation: Under CRA 1991, the discrimination claim must be filed within 300 days (when there is a similar state law) or 180 days (where there is no similar state law) after the alleged incident took place (2 years for the Equal Pay Act). Either the aggrieved person or a member of the EEOC who has reasonable cause to believe that a violation occurred must file the claim in writing and under oath.

Diff: 1 Page Ref: 53

Chapter: 2

Objective: 6

Skill: Concept

99) Alternative dispute resolution is a grievance procedure that provides for binding arbitration as the last step in employment discrimination claims.

Answer: TRUE

Explanation: Alternative dispute resolution or ADR programs are grievance procedures that provide binding arbitration in EEO lawsuits.

Diff: 1 Page Ref: 56

Chapter: 2

Objective: 6

Skill: Concept

100) Managing diversity means maximizing diversity's potential advantages while minimizing the potential hindrances of diversity that can undermine a firm's performance.

Answer: TRUE

Explanation: Diversity management means maximizing diversity's potential benefits such as greater cultural awareness and broader language skills. In addition, diversity management minimizes potential barriers such as prejudice and bias that can undermine a company's performance.

Diff: 1 Page Ref: 57

AACSB: Multicultural and Diversity

Chapter: 2

Objective: 7

Skill: Concept

101) What is the significance of Title VII? What has been the effect of Title VII on the modern workforce and diversity management?

Answer: Title VII bars discrimination on the part of most employers, including all public or private employers of 15 or more persons. It also covers all private and public educational institutions, the

federal government, and state and local governments. It bars public and private employment agencies from failing or refusing to refer for employment any individual because of race, color, religion, sex, or national origin. Title VII also established the Equal Employment Opportunity Commission (EEOC) to administer and enforce the Civil Rights law at work. The changes brought about by Title VII as well as demographic changes and globalization have altered the modern workforce. White males no longer dominate the labor force, and women and minorities represent the lion's share of labor force growth over the near future. Furthermore, globalization requires employers to hire minority members with the cultural and language skills to deal with customers abroad. Managing diversity means maximizing diversity's potential benefits (greater cultural awareness, and broader language skills, for instance) while minimizing the potential barriers (such as prejudices and bias) that can undermine the company's performance. Legally compulsory actions can reduce some blatant diversity barriers, taking a diverse workforce and blending it into a close-knit and productive one requires more.

Diff: 3 Page Ref: 32, 56-57

AACSB: Analytic Skills

Chapter: 2

Objective: 1, 7

Skill: Synthesis

102) What were the three crucial guidelines affecting equal employment legislation that Chief Justice Burger identified in his written opinion on *Griggs v. Duke Power Company*?

Answer: First, discrimination by the employer need not be overt. The employer does not have to be shown to have intentionally discriminated against the employee or applicant. It need only show that discrimination did take place. Second, an employment practice must be job related if it has an unequal impact on members of a protected class. Third, the burden of proof is on the employer to show that the hiring practice is job related.

Diff: 3 Page Ref: 34

AACSB: Reflective Thinking

Chapter: 2

Objective: 1

Skill: Application

103) In a brief essay, describe how the ADA Amendments Act of 2008 affects both employers and employees.

Answer: The era in which employers prevail in most ADA claims probably ended January 1, 2009. On that day, the ADA Amendments Act of 2008 (ADAAA) became effective. The EEOC had been interpreting the ADA's "substantially limits" phrase very narrowly. The new ADAAA's basic effect will be to make it much easier for employees to show that their disabilities are limiting. For example, the new act makes it easier for an employee to show that his or her disability is influencing one of the employee's "major life activities." It does this by adding examples like reading, concentrating, thinking, sleeping, and communicating to the list of ADA major life

activities. As another example, under the new act, an employee will be considered disabled even if he or she has been able to control his or her impairments through medical or "learned behavioral" modifications. The bottom line is that employers will henceforth have to redouble their efforts to make sure they're complying with the ADA and providing reasonable accommodations

Diff: 3 Page Ref: 38

AACSB: Reflective Thinking

Chapter: 2

Objective: 1

Skill: Application

104) What are the three primary ways that an individual can prove sexual harassment? Name and describe each one in a brief essay.

Answer: The three main ways an employee can prove sexual harassment is quid pro quo, hostile environment created by supervisors, or hostile environment created by co-workers or nonemployees. Quid pro quo means that submission to sexual conduct is made a term or condition of employment or advancement. Even when no direct threats or promises are made in exchange for sexual advances, if an offensive work environment is created, sexual harassment has occurred. Further, advances do not have to be made by the person's supervisor in order to qualify as sexual harassment. An employee's co-worker or customers can cause the employer to be held responsible for sexual harassment. EEOC guidelines state that an employer is liable for the sexually harassing acts of its nonsupervisor employees if the employer knew or should have known of the harassing conduct.

Diff: 3 Page Ref: 41

Chapter: 2

Objective: 2

Skill: Application

105) What are the two primary arguments available to employers when defending against sexual harassment liability? What two defenses are available to employers fighting discriminatory practice allegations?

Answer: An employer must show that it exercised reasonable care to prevent and correct promptly any sexually harassing behavior. Reasonable care can be shown through strong sexual harassment policies, training managers and employees regarding their responsibilities for complying with these policies, instituting reporting processes, investigating charges promptly, and taking corrective action promptly. Second, the employer can demonstrate that the plaintiff "unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer." The employee's failing to use formal organizational reporting systems satisfies the second component. When defending against discriminatory practice allegations, an employer can claim that the employment practice is a bona fide occupational qualification for performing the job. The other option is showing that the practice is a business necessity, which requires showing that there is an overriding business purpose for the discriminatory practice and that the practice is therefore acceptable.

Diff: 3 Page Ref: 42, 48, 49

Chapter: 2

Objective: 2, 4

Skill: Synthesis

106) What steps can an employee take to address the problem of sexual harassment in the work place?

Answer: Employees can take the following 5 steps. First, employees can file a verbal complaint or protest with the harasser and the harasser's boss stating that the unwanted overtures should cease because the conduct is unwelcome. Second, employees can write a letter to the accused. This letter provides a detailed statement of the facts as the writer sees them, describes his or her feelings and what damage the writer thinks has been done, and states that he or she would like to request that the future relationship be on a purely professional basis. This letter should be delivered in person with a witness. Third, if the unwelcome conduct does not cease, verbal and written reports should be filed regarding the unwelcome conduct and unsuccessful efforts to get it to stop. These reports should be filed with the harasser's manager and/or the human resource director. Fourth, if the letters and appeals do not suffice, the accuser should turn to the local office of the EEOC to file a claim. Fifth, if the harassment is of a serious nature, the employee can also consult an attorney about suing the harasser for assault and battery, intentional infliction of emotional distress, and injunctive relief and to recover compensatory and punitive damages.

Diff: 3 Page Ref: 44-45

Chapter: 2

Objective: 2

Skill: Application

107) Compare and contrast disparate treatment and disparate impact.

Answer: Disparate treatment means intentional discrimination. It exists where an employer treats an individual differently because that individual is a member of a particular race, religion, gender, or ethnic group. Disparate impact means that an employer engages in an employment practice or policy that has a greater impact on the members of a protected group under Title VII than on other employees, regardless of intent. Disparate treatment requires finding intent to discriminate while disparate impact claims do not require proof of discriminatory intent.

Diff: 3 Page Ref: 46

Chapter: 2

Objective: 3

Skill: Application

108) What are uniform guidelines? How do uniform guidelines relate to discriminatory employment practices involving educational qualifications and testing?

Answer: The EEOC, Civil Service Commission, Department of Labor, and Department of Justice together issued uniform guidelines. These set forth "highly recommended" procedures regarding things like employee selection, record keeping, and preemployment inquiries. As an example, they specify that employers must validate any employment selection devices (like tests) that screen out disproportionate numbers of women or minorities. And they explain how to validate a selection device. Courts have found educational qualifications to be illegal when (1) minority groups are less likely to possess the educational qualifications (such as a high school degree) and (2) such qualifications are also not job related. However, there may be jobs of course for which educational requirements (such as college degrees for pilot candidates) are a necessity. Courts deem tests unlawful if they disproportionately screen out minorities or women and they are not job related. According to former Chief Justice Burger, "Nothing in the [Title VII] act precludes the use of testing or measuring procedures; obviously they are useful. What Congress has forbidden is giving these devices and mechanisms controlling force unless they are demonstrating a reasonable measure of job performance."

Diff: 3 Page Ref: 34, 51

AACSB: Reflective Thinking

Chapter: 2

Objective: 1, 5

Skill: Synthesis

109) How can managers help firms avoid claims of discrimination? What laws are especially important for managers to understand in order to avoid triggering discrimination claims?

Answer: The human resource manager certainly plays a big role in helping the company avoid discriminatory practices like these, but at the end of the day, the first-line supervisor usually triggers the problem. Managers need to understand the questions that can and cannot be asked when interviewing applicants, and know what constitutes sexual harassment, and how equal employment opportunity law affects all human resources decisions, including those relating to appraisal, compensation, promotions, disciplinary procedures, and employee dismissals. First, managers should understand the Equal Pay Act of 1963, which states it is unlawful to discriminate in pay on the basis of sex when jobs involve equal work; require equivalent skills, effort, and responsibility; and are performed under similar working conditions. Managers should also understand the Age Discrimination in Employment Act of 1967 (ADEA), which made it unlawful to discriminate against employees or applicants who are between 40 and 65 years of age. Younger managers may have to especially guard against ageist prejudices and assuming that younger workers are better qualified than older workers.

Diff: 3 Page Ref: 33, 52

AACSB: Reflective Thinking

Chapter: 2

Objective: 1, 5

Skill: Synthesis

110) Managers serve a significant role in establishing the environment of a work place. How can managers discourage sexual harassment? How can managers encourage inclusion in a diverse workforce?

Answer: Managers can actively discourage sexual harassment through a number of methods. First, managers should take all complaints about harassment seriously and issue a strong policy statement condemning such behavior. The policy should clearly describe the prohibited conduct, assure protection against retaliation, describe a complaint process that provides confidentiality, and provide accessible avenues of complaint and prompt, thorough, impartial investigation and corrective action. Managers should take steps to prevent sexual harassment from occurring, such as communicating to employees that the employer will not tolerate sexual harassment, and take immediate action when someone complains. In order to encourage an atmosphere of inclusion in a diverse workforce, managers should learn about other cultures and groups and facilitate interactions between employees from different backgrounds. Management diversity involves providing strong leadership, assessing the situation, providing diversity training and education, changing culture and management systems, and evaluating the diversity management program.

Diff: 3 Page Ref: 42, 59

AACSB: Reflective Thinking

Chapter: 2

Objective: 2, 7

Skill: Synthesis