

TEST IV
Chapters 33-34

Student's Name: Phillip Miller

Date of Test: 3/27/2008

True/False

1. Children over the age of 14 years can work in hazardous occupations.
 True False
2. Whistleblower statutes protect employees who disclose their employers' wrongdoing.
 True False
3. All unemployed workers are eligible for unemployment compensation.
 True False
4. An employer can require an employee to take a lie-detector test when investigating losses attributable to theft.
 True False
5. An employer may hire an illegal immigrant if the employer files a special form.
 True False
6. Employee contributions to pension plans vest immediately.
 True False
7. The Civil Rights Act of 1964 does NOT prohibit job discrimination on the basis of experience.
 True False
8. Damages are available for victims of intentional employment discrimination based on gender, religion, age or disability.
 True False
9. An employer is NOT required to hire or retain a disabled person who poses a "direct threat to the health or safety" of other employees.
 True False
10. Under the Americans with Disabilities Act of 1990, disabled employees are entitled to "reasonable accommodation."
 True False *w/o undue hardship*

Multiple Choice

11. Ken works for Local Excavation Corporation (LEC). While operating a backhoe, Ken suffers an injury. Ken will be compensated under state workers' compensation laws on if
 - a. Ken does not have health insurance.
 - b. Ken is completely disabled.
 - c. Ken's injury was accidental and occurred on the job or in the course of employment.
 - d. Ken successfully sues LEC.

12. First National Bank may subject its employees to lie detector tests when investigating
 - a. Health and medical conditions.
 - b. Losses attributable to theft.
 - c. Prior work history.
 - d. Suspected drug use.

13. Alpha Oil Company wants to test its workers for acquired immune deficiency syndrome (AIDS). Alpha may
 - a. Discharge employees who have AIDS.
 - b. Discriminate against job applicants who have AIDS.
 - c. Test its employees for AIDS.
 - d. None of the above.

14. Paul works as an employee for Eagle Distributors, Inc. The Federal Unemployment Tax Act created
 - a. A fund to pay the costs associated with Paul's injury on the job.
 - b. A retirement fund for Paul when he reaches age sixty-five.
 - c. A system that provides unemployment compensation to Paul, if he qualifies.
 - d. None of the above.

15. Machine Manufacturing, Inc., employs 400 workers at three locations in three states. Excluded from protection under the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 are workers who
 - a. Are fired for gross misconduct.
 - b. Are laid off for budgetary reasons.
 - c. Have their hours decreased from full-time to part-time.
 - d. Voluntarily quit their jobs.

16. Over a 40-year period, Ellen worked in a variety of jobs. She was also occasionally unemployed, briefly hospitalized, and suffered a temporary disability. She retired last year. The key federal law on all of these subjects is
- The Consolidated Omnibus Budget Reconciliation Act.
 - The Employee Retirement Income Security Act.
 - The Federal Insurance Contributions Act.
 - The Social Security Act.
17. Lee is 70 years old and Mira is gay. Based on this information, members of protected classes include
- Lee and Mira.
 - Lee only.
 - Mira only.
 - Neither Lee nor Mira.
18. Cody believes that Delta Corporation has discriminated against him on the basis of gender. Cody files a suit against Delta under Title VII. To establish a prima facie case of employment discrimination, Cody must show that
- Cody is a member of a protected class.
 - Delta has no legal defenses against the claim.
 - Discriminatory intent motivated Delta's act.
 - Other firms in Delta's industry have committed discriminatory acts.
19. Ken, who is Hispanic, applies for a job at Local Plant, Inc. Mary, the interviewer, says that Local Plant does not hire Hispanics. This is
- Impermissible discrimination on the basis of race.
 - Permissible discrimination because it is an honest response.
 - Permissible discrimination because it occurs before employment.
 - Permissible discrimination because "Ken" is not an Hispanic name.
20. Auto Repair Shop does not take any action to prevent sexual harassment of its employees. Auto Repair may be liable for such harassment by
- A customer only.
 - A customer or an employee.
 - An employee only.
 - Not a customer or an employee.
21. United Company replaces Vera, a 45-year-old employee, with Wendy. Vera files a suit against United under the Age Discrimination in Employment Act. To establish a prima facie case, Vera must show, among other things, that she is
- Deserving of higher pay than Wendy.
 - Generally more dependable than Wendy.
 - Older than Wendy.
 - Qualified for the position.

22. Aero Corporation requires its pilots to have 20/20 vision without glasses. Neither Beth, an African-American female, nor Clyde, a 50-year-old male, can satisfy this requirement. Relief under the Americans with Disabilities Act is
- Available to Beth and Clyde.
 - Available to Beth only.
 - Available to Clyde only.
 - Not available to Beth or Clyde.
23. Sophisticates, a women's clothing store, employs female attendants to assist customers in the dressing rooms. Tom, a 41-year-old male, applies for an attendant's job, but is not hired. In Tom's suit against Sophisticates for employment discrimination under Title VII, the store has
- An after-acquired evidence defense.
 - A bona fide occupational qualification defense.
 - A business necessity defense.
 - A seniority systems defense.
24. Standard Company gives preferential treatment in hiring and promotion to the members of some protected classes. This results in discrimination against members of a majority group who are not given preferential treatment. This is
- A bona fide occupational practice.
 - A business necessity.
 - Constructive discharge.
 - Reverse discrimination.
25. Beth, who has a disability, is an employee of Corporate Office Company (COC). After the installation of new doors in COC's building, Beth finds it nearly impossible to get in and out. For repeatedly failing to be on time, COC replaces Beth with Dian, who does not have a disability. To succeed in a claim against COC under the Americans with Disabilities Act, Beth will have to show that
- Beth consistently met the essential requirements of her job.
 - COC refused to make reasonable accommodation for Beth.
 - Dian is unqualified for Beth's position.
 - The doors were installed as an act of intentional discrimination.

Matching

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|---|--|
| 26. <u>D</u> Norris-Laguardia Act | A. Will help with medical care when you are 65 years old |
| 27. <u>B</u> National Labor Relations Act | B. Professional baseball players can strike |
| 28. <u>E</u> Occupational Safety & Health Act | C. May take for having new baby |
| 29. <u>A</u> Medicare | D. Can picket the war in Iraq |
| 30. <u>C</u> Family and Medical Leave Act | E. Nurse must wear gloves when giving a tetanus shot |

Essay Question #1 (10 points)

Beth, managing editor of the City News, has a lenient policy concerning employee tardiness. She would prefer that employees be to work by 9:00 a.m., but does not usually enforce this policy. One week, Don, who had spent the previous month in an alcohol-abuse rehabilitation program, was late three days in a row. Given his appearance, it was obvious that he had been drinking. Can Beth suspend him without pay for two weeks?

the Attendance Policy should NOT be OPINIONATED or effect one employee differently than ALL the other employees. unless Beth can verify DON is INTOXICATED, A SUSPENSION is INAPPROPRIATE unless other employees are subjected to the same penalty. the employer has a duty to ASSIST DON with his treatment for Alcholisim.

Essay Question #2 (10 points)

With a couple of new ideas regarding software design, Carol and Ray start a partnership that, with business success, becomes Pacific Applications Company. The company grows to include a staff of 21 employees. Over time, Pacific develops a new computer operating system. The firm signs licensing contracts with several computer manufacturers, but needs to double the number of its employees to fulfill those contracts. Is Pacific subject to federal antidiscrimination laws? If so, what should it consider in hiring new employees?

Pacific is Required to Comply with Federal Regulations Regarding employees. (15 or more). Job qualifications and Requirements should be written without ANY BIAS to PROTECTED STATUS. All qualified Applicants should be interviewed without Prejudice.

Essay Question #3 (10 Points)

Carol, a waitress at Diners Coffee Shop, notices that the kitchen staff is not wearing protective gloves while preparing food, a violation of state law. Carol reports this to her manager, but no steps are taken. Carol then tells Ethel, who works for Free Press, a local newspaper. Free Press runs a story on the violations. Business at Diners drops 65%. Can Diners fire Carol for these actions?

Diner's Coffee Shop. CAN NOT RETALIATE AGAINST THEIR EMPLOYEE PURSUANT TO THE 'WHISTLEBLOWER PROTECTION ACT OF 1989'. THE MANAGEMENT DECLINED TO REMEDY THE SITUATION, AND THE PUBLIC WAS DULY NOTIFIED OF THE HEALTH CONCERN AT THIS DINER.

Essay Question #4 (10 points)

Aurora Power Company is subject to mandatory workers' compensation laws in the states in which it does business. Beth and Doug work for Aurora as part of crew that travels to remote locations to repair downed power lines and other damaged equipment. At a distant site, Beth is injured in an accident that is entirely Doug's fault. Beth files a claim for workers' compensation. Should the claim be granted? What would be Aurora's best defense against it?

This claim should be allowed based upon:

- The injury occurred during the normal course of employment
- The employee was not a subcontractor
- The injury was accidental and not self-inflicted.

The only defense of the employer is to claim the injury was intentional to avoid liability. workers compensation is NO FAULT INSURANCE to protect both parties involved.