5. Jones is injured on the job and files a claim for workers compensation benefits. He is terminated for filing the claim. He had no contract for a specific term of employment. Which of the following is a correct statement of the law concerning this situation?

A.\_\_\_\_\_ He would have a claim under Title VII of the Civil Rights Act.

B.\_\_\_\_\_ He has no claim since he was an employee at will and there are no exceptions to that rule.

C.\_\_\_\_\_ He might have a claim for wrongful termination if he can prove the public policy exception to employment at will.

D.\_\_\_\_\_ His claim would be covered by the Equal Pay Act.

6. Your company has just instituted a voluntary affirmative action program. Your boss asks you to take a look at it before its formal presentation to all employees. You read through the plan and notice a major provision as follows:

Provision B, "Each office shall design an evaluation system for ranking candidates for appointment. The evaluation system shall use the following factors: the race of the candidate, the gender of the candidates, the national origin of the candidate, the educational level of the candidate, and the job related experience of the candidate."

With regard to Provision B:

A.\_\_\_\_\_ The provision is legal, provided race, sex, and national origin are not the sole factors used in hiring.

B,.\_\_\_\_\_ The provision is legal, provided the number of persons hired due to race equals the number of persons hired due to sex and national origin.

C.\_\_\_\_\_ The provision is illegal, since protected traits can never be used in recruiting.

D.\_\_\_\_\_ The provision is illegal, since education can never be used in recruiting.

7. With regard to obtaining the goals of a voluntary Affirmative Action plan, which of the following actions is consistent with court rulings (such as the Weber case) on the matter of Affirmative Action(assume that all of the persons hired in A, B, and C do help the company reach its goals).

A.\_\_\_\_\_ Joe, a qualified white male, is fired specifically to create an opening for Susan, a qualified white female.

B.\_\_\_\_\_ Leo, an unqualified minority, is hired for the job.

C.\_\_\_\_\_ Erin, a qualified minority female, is hired instead of Michelle, a white female, who is more qualified than Erin.

D.\_\_\_\_\_ None of the actions in A, B, or C would be permitted under Affirmative Action rules.

E.\_\_\_\_\_ All of the actions in A, B, or C would be permitted under Affirmative Action rules.

9. You have been involved in negotiations with the union representing your employees for over seven months. Agreement cannot be reached on any issue, even though you have been willing to concede on many issues from your original position. If no agreement is reached within a reasonable amount of time, the most likely result is:

A.\_\_\_\_\_ You will be liable for having committed an unfair labor practice, because the law presumes that an agreement will be reached if the parties bargain in good faith.

B.\_\_\_\_\_ The law permits the union to impose terms and conditions substantially similar to those enjoyed by similarly situated workers.

C.\_\_\_\_\_ You will not be liable for having committed an unfair labor practice, because the law does not require that an agreement be reached, only that the parties bargain in good faith.

D.\_\_\_\_\_ The law permits the federal government to impose terms and conditions substantially similar to those enjoyed by similarly situated workers.

10. Caroline has been working the night shift at a book store for years. Her job is to shelve books that customers leave laying around. She works with Leonard, who does the same thing. Last week she told you, her immediate supervisor, that she has undergone a profound religious conversion experience. Prior to the experience she had not been a member of an organized religion. Her new found religion requires that she not work in close proximity to unmarried males. Leonard is single, and Caroline now wants you to transfer him to the day shift while and leave her on the night shift. Leonard also wants to stay on the night shift. Must you grant Caroline’s request for accommodation?

A.\_\_\_\_\_ No, because an employer is only required to accommodate those religious beliefs that existed at the time the employer made the hiring decision.

B.\_\_\_\_\_ Yes, because all religious practices must be accommodated

C.\_\_\_\_\_ Yes, unless it causes an undue hardship

D.\_\_\_\_\_ No, because this religious practice has no basis in established theology

11. Cliff is a furniture assembler with The Port Alice Furniture Company, a private company. He has a three year written contract with the company. The contract says how much money he is to be paid for this work on a weekly basis. In addition, the contract strictly specifies his work schedule, the methods he must use to assemble the furniture, and that his work will be monitored by a supervisor of the company. Cliff's employment with the company can be classified as:

A.\_\_\_\_\_ Independent contractor

B\_\_\_\_\_ Contractual employee

C\_\_\_\_\_ At will employee

D\_\_\_\_\_ An employee for life

12. A provision of the Occupational Safety and Health Act that requires employers to furnish each employee with a place of employment free from recognized hazards that are likely to cause serious physical harm or death to the employee is known as:

A.\_\_\_\_\_ Recognizable Hazard Clause

B.\_\_\_\_\_ General Duty Clause

C.\_\_\_\_\_ Strict Compliance Clause

D.\_\_\_\_\_ Managerial Liability Clause

13. Lisa is the court reporter who recorded the courtroom testimony in the trial of a serial killer. Her job required her to view all of the evidence introduced in the trial, including gruesome photographs of many of the victims. Consequently she suffered severe emotional problems which her doctor attributed to her having viewed the photographs. Her claim for compensation for injuries would be covered by:

A\_\_\_\_\_ Title VII of the Civil Rights Act.

B\_\_\_\_\_ Equal Pay Act.

C\_\_\_\_\_ State workers compensation laws

D\_\_\_\_\_ Family Medical Leave Act.

20. Marx is a traveling furniture salesman for City Sofa. During the past week, he spent five hours in the office and forty hours traveling and making sales calls. He is paid by the hour at the rate of $15.00 per hour. His gross pay for the week was $675.00. Where would you look to see if he has been paid correctly?

A.\_\_\_\_\_ Equal Pay Act

B.\_\_\_\_\_ Fair Labor Standards Act

C.\_\_\_\_\_COBRA

D.\_\_\_\_\_ERISA

**23. Sara has applied for a job as stock clerk at Danny Boy's Supermarket. During her interview, she reveals to the interviewer that at some point in the next ten months she will need to undergo surgery to remove a tumor in one of her vertebrae, and that even if the surgery is successful, her post operative range of motion could be severely limited. The job for which Sara is applying requires a good deal of lifting and wide range of motion, in order to place goods on the shelves. At the time of the interview, Sara is the most qualified of all applicants.**

**What is the most correct action to take about Sara:**

**A.\_\_\_\_\_ The Supermarket may decline to hire her if it is reasonably certain that, within the near future, she will be unqualified for the job she currently seeks.**

**B.\_\_\_\_\_ The Supermarket must offer her the job, even though she may soon be rendered unqualified, if she agrees to defray the cost of any accommodation that may be necessary.**

**C.\_\_\_\_\_ Even though it appears that the surgery may result in Sara being not otherwise qualfied for the job, the Supermarket may not decline to offer her a job if, at the time of the interview, she is otherwise qualified.**

**D.\_\_\_\_\_ The possibility of future disability is, under the ADA, equal to a present disability, regardless of the probability of a disability materializing.**

27. Jorge is a teacher in the History Department at a private elementary school. He is 45 years old and of Latino descent.  Jorge's performance in the classroom is satisfactory, but the Principal recently received some news which concerns him about Jorge - the Janitor told the Principal that he saw Jorge in the school parking lot during the lunch break, and he was relatively certain that Jorge was smoking a marijuana cigarette. When quizzed by the Principal about his certainty, the Janitor said he recognized the odor associated with marijuana and that it wasn’t just a regular cigarette Jorge was smoking. The Principal does not want to overreact and fire Jorge on the spot, but he does want to investigate this claim by the Janitor. He asks you, the school’s Business Manager, if he can search Jorge’s desk in the History Department faculty room. What is your response?

A\_\_\_\_\_ The Principal must obtain the approval of a Judge first and obtain a search warrant before searching the desk.

B\_\_\_\_\_ The Principal can search Jorge’s desk without a search warrant

C\_\_\_\_\_ The Principal should search Jorge’s desk, either with or without a warrant, and announce to the rest of the History Department faculty what he is doing and why before he starts the search.

D\_\_\_\_\_ The Principal should ask Jorge if he has any disability which requires him to smoke marijuana and then search the desk.