**CHAPTER 19-EMPLOYMENT DISCRIMINATION**

**TRUE/FALSE**

1. Under the Equal Pay Act of 1963 an employee may not be paid at a lesser rate than employees of the opposite sex for tasks requiring equal skill, effort, and responsibility under similar working conditions.

2. Heather applied for a promotion, but her manager promoted a co-worker because the manager knew Heather was seven months pregnant. The manager did not want to promote someone who would probably be taking time off of work for childbirth and child care. The manager has acted legally and reasonably to protect her company’s interests.

3. Discrimination in the workplace on the basis of age is prohibited under Title VII of the Civil Rights Act of 1964.

4. Discrimination protection under Title VII does not extend to job placement ads or postemployment references.

5. The plaintiff in a disparate treatment case must prove that an employer or potential employer discriminated against her because of her sex, race, color, religion, or national origin.

6. A disparate impact case involves a rule that, on its face, is not discriminatory, but in practice excludes too many people in a protected group.

7. An employer cannot have a valid Title VII defense that it was using a legitimate seniority system if such a system perpetuates past discrimination.

8. Affirmative action is required by Title VII to remedy past discrimination.

9. The Age Discrimination in Employment Act would be violated if a company refuses to interview and hire applicants under twenty years of age.

10. An employer may not disqualify a job applicant because of a disability if they can perform the essential functions of the job with reasonable accommodation.

11. As with Title VII, a plaintiff under the Americans with Disabilities Act must first file a charge with the EEOC.

12. Remedies under title VII include unlimited punitive damages.

13. In determining if an accommodation is reasonable, the courts will look at absolute cost.

14. It would be permissible to ask a woman about child care arrangements.

15. The Equal Pay Act prohibits salary differences based upon gender.

**MULTIPLE CHOICE**

1. Affirmative action programs:

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| a. | are required if needed to overcome specific past discrimination. |
| b. | are permissible only if they have time limits and nondiscriminatory alternatives are not available. |
| c. | result only from litigation or from Executive Order 11246. |
| d. | were found to be no longer permissible as a result of a 1995 Supreme Court decision. |

2. Mark was refused employment at a Christian Bookstore because he was not a "born-again Christian." If Mark brings a Title VII action against the bookstore, its best defense would be:

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| a. | they did not discriminate against a protected category |
| b. | Title VII doesn't apply to private businesses |
| c. | being a "born-again Christian" is a bona fide occupational requirement |
| d. | they could not reasonably accommodate Mark. |

3. The *Jesperson v. Harrahs* case involved the issue:

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| a. | Whether female bartenders could be force to work only in the restaurant area behind the scenes when they were pregnant. |
| b. | Whether female employees could be forced to wear makeup while working. |
| c. | Could be forced to change jobs to cocktail waitress when the image of the club was changed. |
| d. | Could wear her body piercing at work. |

4. Which of the following may be legitimate nondiscriminatory criteria for selection of an employee?

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| a. | age. |
| b. | race. |
| c. | color. |
| d. | educational level. |

5. ADA reasonable accommodations may include:

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| a. | modification of equipment. |
| b. | ramps for accessibility. |
| c. | flexible work schedules. |
| d. | all of the above. |

6. Which of the following would probably not be required of employers to reasonably accommodate for religious beliefs?

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| a. | flexible scheduling. |
| b. | closing the business on Sundays. |
| c. | reassigning employees within the company. |
| d. | allowing employees to switch work schedules. |

7. Maude was denied employment with Trucks R Us as a warehouse worker because she didn't meet the weight requirement of 160 pounds. Trucks argued the weight requirement was reasonable because warehouse workers often have to lift things weighing up to 100 pounds. If she sues Trucks, she will probably:

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| a. | lose, as the weight requirement seems like a reasonable occupational requirement.. |
| b. | lose, as the 160-pound requirement doesn't discriminate. |
| c. | win, as the weight requirement is discriminatory and doesn't appear necessary for the requirement of lifting 100 pounds. |
| d. | win, as the employer specifically cannot have a weight requirement. |

8. Laura intends to file a Title VII lawsuit against her employer. Which of the following is true?

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| a. | Laura is required to first submit her claim to the Equal Employment Opportunity Commission. |
| b. | Laura must first submit her claim to a state civil rights commission before she may proceed with her lawsuit. |
| c. | If the EEOC determines Laura has no case against her employer, she may not file a lawsuit. |
| d. | Laura may initiate a lawsuit or file with the EEOC as she so elects. |

9. Larry works as an exotic dancer at Silly-Cone, an adult nightclub. Though he gets tips from the patrons, Larry is paid a weekly salary. Larry discovers that though he works the same number of hours, female dancers are paid a salary double his. If Larry sues the Silly-Cone management, who will win?

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| a. | Larry because of the Equal Pay Act. |
| b. | Larry if all the women earn more than he does. |
| c. | Silly-Cone if they have a legitimate non discriminatory reason for the pay disparity. |
| d. | Silly-Cone because employers can discriminate in sexually oriented businesses. |

10. Mackey wants to work as a security guard. However the employer hires Wanda instead. The primary reason the employer chose Wanda is her gender. What is the best defense against Mackey’s sex discrimination suit?

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| a. | Wanda will supervise girls and be responsible for searching female employees when necessary. |
| b. | Wanda is more attractive than Mackey. |
| c. | Wanda is stronger than Mackey |
| d. | Wanda studied as a nun. |

11. Which of the following is NOT an available remedy for infractions of Title VII?

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| a. | job reinstatement |
| b. | reasonable attorney fees |
| c. | punitive damages up to $1 million |
| d. | retroactive seniority |

12. When determining if an accommodation for a disability is reasonable, courts consider:

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| a. | the cost of the accommodation |
| b. | if it imposes undue hardship on the company |
| c. | fairness to other workers |
| d. | the value of the employee |

13. It is acceptable to ask a job candidate:

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| a. | How many days were you sick last year? |
| b. | Are you currently using illegal drugs? |
| c. | What prescription medications do you use? |
| d. | What country were you born in? |

14. The Equal Pay Act requires:

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| a. | All employees in the same job title to receive equal pay. |
| b. | All employees to receive the same percentage raise each year. |
| c. | Employees of each gender to receive equal pay for equal experience and equal work. |
| d. | A fair distribution of benefits to all employees. |

15. Title VII does NOT prohibit:

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| a. | discrimination in the workplace |
| b. | sexual harassment |
| c. | discrimination because of pregnancy. |
| d. | employment tests. |

16. Discrimination under Title VII does NOT include:

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| a. | firing a women after she becomes pregnant |
| b. | refusing to hire a person based on the color of their skin |
| c. | refusing to promote a woman to a position in authority over men |
| d. | refusing to hire a 15 year old boy |

17. To prove a disparate treatment case: the plaintiff must:

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| a. | only show a presumption that discrimination occurred. |
| b. | show that any reasoning presented by the defendant is just a pretext, not legitimate reasons for the treatment. |
| c. | provide a witness who testifies that the defendant intentionally discriminated. |
| d. | prove that the defendant has discriminated similarly in the past. |

18. To prove a disparate impact case, the plaintiff must:

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| a. | only show that the employer has a rule that excludes too many people in a protected group. |
| b. | show that any reasoning presented by the defendant is just a pretext, not legitimate reasons for the treatment. |
| c. | provide a witness who testifies that the defendant intentionally discriminated. |
| d. | prove that the defendant has discriminated similarly in the past. |

19. Valid defenses to charges of discrimination include all of the following, except:

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| a. | Merit |
| b. | Seniority |
| c. | Test scores |
| d. | Bona fide occupational qualification |

20. Affirmative action programs have arisen from all of the following except:

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| a. | Title VII requirements |
| b. | Litigation |
| c. | Voluntary employer action |
| d. | Government contracts |

21. *Quid pro quo* means:

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| a. | “one thing for another” |
| b. | “let the status remain” |
| c. | “for the common good” |
| d. | “fairness in all things” |

22. A company is not liable for sexual harassment committed by its employees if:

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| a. | the victimized employee is still able to work |
| b. | the victim was not another employee |
| c. | the victimized employee has not been demoted or had a job-related detriment |
| d. | it used reasonable care to prevent sexual harassment |

23. Which statement is true about procedures for filing a Title VII case?

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| a. | The plaintiff must file within 60 days of the wrongdoing. |
| b. | The plaintiff must exhaust all legal remedies through the courts before filing a case with the Equal Employment Opportunity Commission. |
| c. | The Equal Employment Opportunity Commission will sue on behalf of the victim and pay the legal bills. |
| d. | If the EEOC decides not to bring the case, or does not make a decision within three months, it issues a right to sue letter. |

24. The Age Discrimination in Employment Act (ADEA) of 1967 prohibits age discrimination against employees or job applicants who are:

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| a. | at least 40 years old |
| b. | at least 55 years old |
| c. | under 21 years old |
| d. | younger than any other employee |

25. The definition of a major life activity (used in determining if a person is disabled) includes:

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| a. | walking |
| b. | drug use |
| c. | compulsive gambling |
| d. | sexual disorders |

**ESSAY**

1. Explain the Title VII requirements on affirmative action, and identify three sources of affirmative action programs.

2. Betty wants to hire a secretary who is "mature." In particular, she wants to hire a woman with experience and whose children are grown (so she will not have to be staying home with sick children, etc.). She also wants to make sure the woman is of "sound, Christian character, with solid morals."

To find such an employee, she ran the following ad in the newspaper: "Secretary. Excellent Pay. Quiet professional office. Must not have young children. Must not be opposed to Christian work ethic. References required. 555-1111 or write to P.O. Box 114, Ourtown, USA."

Discuss the legal issues raised by Betty's ad.

3. What are three general defenses an employer can raise if sued for violating Title VII of the Civil Rights Act?

4. Discuss what considerations are made when determining what accommodations are reasonable?

5. What is the Genetic Information Nondiscrimination Act?