

Test Questions and Answers

CHAPTER 1

True or False

1. Employment relationships may initially be defined in two broad categories: master-servant and independent contractor. ____
2. An essential element for a judicial finding of a master-servant relationship is the extent of control exercised by the master. ____
3. An agent has the legal authority to act on behalf of the principal and to bind the principal to third persons by contract. ____
4. If a third person is injured by a servant who is not fit to do the job for which he or she has been hired, the master is not liable. ____
5. An agent owes the principal a high duty of loyalty and is prohibited from acting on behalf of himself in any transaction for the principal. ____
6. Employment at will applies to employees subject to union contracts. ____
7. All states recognize the public policy exception to employment at will. ____
8. An employer's responsibilities and liabilities generally are greater when a worker is an employee than when the worker is an independent contractor. ____
9. All governmental agencies must be consistent in their classifications of a worker as an employee. ____
10. The existence of an employment agreement reflecting that an individual is an independent contractor is sufficient to establish the independent contractor status. ____

Matching

1. The master's careless hiring of someone who is likely to injure third parties. ____
2. An employer or anyone else who has another person do things for him. ____
3. The doctrine of the master's liability for a servant's action within the scope of employment. ____
4. An individual is stopped by his or her own prior acts from claiming a right against another person who has legitimately relied on those acts. ____
5. The confirmation and acceptance of a previous act done by another person. ____
6. A person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed. ____
7. A person who contracts with an "employer" to do a particular piece of work by his or her own methods and under his or her own control. ____
8. A test focusing upon whether a worker is dependent upon the business for which he or she is working. ____
9. Workers of one employer who are assigned to a relatively short project of another employer, the "client company." ____
10. A job in which the essential terms and conditions of the employee's work are controlled by two or more entities. ____
 - a. ratification
 - b. principal
 - c. estoppel
 - d. employee
 - e. *respondeat superior*
 - f. economic realities
 - g. temporary employees
 - h. negligent hiring
 - i. independent contractor
 - j. joint employment

CHAPTER 2

True or False

1. The terminology “female wait staff” is proper when incorporated in a newspaper advertisement for an employment opening. ____
2. Criterion-related validation is the most traditional type of test validation. ____
3. Employers may not order a credit report on a job applicant. ____
4. No reference to a “permanent” position or a specified period of employment should be included in an offer letter. ____
5. A fixed-term agreement is the simplest and most often utilized type of employment agreement. ____
6. Affirmative action and employment quotas are synonymous. ____
7. The employer cannot terminate an employee-at-will under a fixed term employment agreement. ____
8. The severability clause provides that if any portion of an agreement is determined to be unenforceable, the other portions of the agreement continue to be effective. ____
9. Affirmative action requires hiring quotas for women or minorities, to the exclusion of other qualified employees, whether or not the minorities or women are qualified for the job. ____
10. There is no legitimate reason for an employer to discriminate in hiring based on race, sex, or age. ____

Matching

1. Discrimination based on race, color, religion, sex, national origin, age, or disability that results from a practice that does not seem to be discriminatory and was not intended to be discriminatory. ____
2. Tests such as the polygraph, drug and alcohol tests, and HIV testing, that search for disqualifying factors for employment purposes. ____
3. An employer’s legitimate need to discriminate in hiring based on race, sex, or age. ____
4. The use of laser and computer technology to evaluate an individual’s biological predispositions, based upon the presence of a specific disease-associated gene on an individual’s chromosome. ____
5. A written offer of employment that verifies the terms agreed to by the employer and the prospective employee. ____
6. An agreement that ends at the expiration of the term stated in the agreement. ____
7. Termination due to an employee’s failure to perform the duties that a person in the industry would ordinarily perform under similar circumstances. ____
8. Steps to remedy past discrimination in hiring, promotion, etc. ____
9. The strict numbers of women or minorities that must be hired to comply with affirmative action requirements. ____
10. Testing to ensure that the applicant is capable of performing and qualified for the position. ____
 - a. offer letter
 - b. bona fide occupational qualification
 - c. fixed-term agreement
 - d. quotas
 - e. ineligibility testing
 - f. genetic testing
 - g. disparate impact
 - h. eligibility testing
 - i. affirmative action
 - j. good cause