SHRM US Employment Laws and Regulations Practice Test (Sample)

Study Guide

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Questions

1. **Which term best describes the uncertainties an organization faces even after implementing risk management practices?**
   - A. Inherent risk
   - B. Residual risk
   - C. Controllable risk
   - D. Acceptable risk

2. **What term describes union employees' right to have representation during investigatory interviews in the U.S.?**
   - A. Collective bargaining rights
   - B. Weingarten rights
   - C. Labor rights
   - D. Representation rights

3. **Under the Age Discrimination in Employment Act (ADEA), what is the age limit for protection against discrimination?**
   - A. 40 years old and older
   - B. 50 years old and older
   - C. 60 years old and older
   - D. All employees, regardless of age

4. **Which of the following is NOT a key principle of the Immigration Reform and Control Act?**
   - A. Prohibiting discrimination based on national origin
   - B. Establishing penalties for hiring undocumented workers
   - C. Mandating employee background checks prior to hiring
   - D. Implementing work eligibility verification

5. **What term refers to the amount of uncertainty that remains after all risk management efforts have been exhausted?**
   - A. Residual risk
   - B. Inherent risk
   - C. Net risk
   - D. Projected risk

6. What is a proposal presented to a legislative body for possible enactment called?

A. Act

B. Bill

C. Resolution

D. Ordinance

7. What U.S. act established national policy for workplace safety and health?

A. Fair Labor Standards Act

B. Occupational Safety and Health Act (OSHA)

C. Age Discrimination in Employment Act

D. Patient Protection and Affordable Care Act

8. What term describes the primary job duties that a qualified individual must be able to perform?

A. Essential functions

B. Workplace obligations

C. Job responsibilities

D. Critical tasks

9. Which act prohibits wage discrimination by requiring equal pay for equal or substantially equal work?

A. Equal Employment Opportunity Act

B. Fair and Accurate Credit Transactions Act

C. Equal Pay Act (EPA)

D. Family and Medical Leave Act

10. Which law requires a minimum wage to be set for employees in covered industries?

A. The Wage and Hour Act

B. The Fair Labor Standards Act (FLSA)

C. The Occupational Safety and Health Act

D. The Worker Adjustment and Retraining Notification Act

Answers

1. B
2. B
3. A
4. C
5. A
6. B
7. B
8. A
9. C
10. B

Explanations

1. **Which term best describes the uncertainties an organization faces even after implementing risk management practices?**

   A. Inherent risk

   B. Residual risk

   C. Controllable risk

   D. Acceptable risk

The term that best describes the uncertainties an organization encounters even after implementing risk management practices is residual risk. Residual risk refers to the level of risk that remains after all risk management measures have been applied. Organizations employ various strategies to mitigate risks, such as implementing controls, conducting training, and following protocols, but despite these efforts, some level of uncertainty or risk persists. This ongoing uncertainty can arise from factors such as unforeseen events, human error, or limitations in the effectiveness of the risk management strategies employed. In contrast, inherent risk represents the exposure to risk without considering any risk management efforts, while controllable risk refers to risks that the organization can entirely manage through its actions. Acceptable risk indicates a level of risk that an organization is willing to tolerate in pursuit of its objectives, but it does not encompass the residual uncertainty that remains. Thus, residual risk accurately captures the essence of the risks that an organization continues to face post-implementation of risk management practices.

2. **What term describes union employees' right to have representation during investigatory interviews in the U.S.?**

   A. Collective bargaining rights

   B. Weingarten rights

   C. Labor rights

   D. Representation rights

The term that describes union employees' right to have representation during investigatory interviews is known as Weingarten rights. This concept originates from a landmark case decided by the U.S. Supreme Court in 1975, specifically NLRB v. J. Weingarten, Inc. The case established that employees have the right to request union representation if they believe that an interview with their employer may lead to disciplinary action. These rights ensure that employees can have someone to advocate for them, provide support, and help maintain fairness during potentially coercive situations. The Weingarten rights are crucial because they empower employees to feel secure in voicing their concerns or responding to employer inquiries without fear of retribution or misunderstanding of their rights. While collective bargaining rights, labor rights, and representation rights are related concepts in labor relations, none specifically refer to the right of employees to have union representation during investigatory interviews as Weingarten rights do.

3. **Under the Age Discrimination in Employment Act (ADEA), what is the age limit for protection against discrimination?**

   A. 40 years old and older

   B. 50 years old and older

   C. 60 years old and older

   D. All employees, regardless of age

The Age Discrimination in Employment Act (ADEA) specifically protects individuals who are 40 years old and older from discrimination in employment based on age. This legislation aims to prevent age-related biases that can occur in hiring, promotion, salary decisions, and other employment practices. By setting 40 as the threshold, the ADEA recognizes that older workers may face significant challenges in the job market compared to their younger counterparts. The emphasis on age 40 was intended to align with the increasing number of older individuals in the workforce and the need for fair treatment regardless of their age as they seek employment or advancement in their careers. Other age limits presented in the choices do not align with the specific language and intent of the ADEA, which focuses on protecting workers who are 40 and older, establishing a clear guideline for what constitutes age discrimination in employment situations. This age bracket reflects the act's goal of ensuring that individuals are not disadvantaged simply because of their age after reaching a certain point in their career.

4. **Which of the following is NOT a key principle of the Immigration Reform and Control Act?**

   A. Prohibiting discrimination based on national origin

   B. Establishing penalties for hiring undocumented workers

   C. Mandating employee background checks prior to hiring

   D. Implementing work eligibility verification

The correct answer highlights that mandating employee background checks prior to hiring is not a key principle of the Immigration Reform and Control Act (IRCA). Rather, the IRCA primarily focuses on the prevention of unauthorized employment and the enforcement of work eligibility for individuals working in the United States. The act established specific guidelines to ensure that employers verify the legal work status of their employees through the use of the I-9 form, making work eligibility verification a fundamental requirement. Additionally, it prohibits discrimination against individuals based on national origin and establishes penalties for employers found guilty of hiring undocumented workers. While background checks may be a standard hiring practice for various employers, they are not mandated by the IRCA as a function of immigration control and are therefore not embedded within the act's core principles.

5. What term refers to the amount of uncertainty that remains after all risk management efforts have been exhausted?

A. Residual risk

B. Inherent risk

C. Net risk

D. Projected risk

Residual risk is the term that signifies the amount of uncertainty that remains after all risk management strategies and efforts have been applied. In risk management, organizations take various steps to identify, assess, and mitigate risks associated with their operations. Despite these efforts, it is inevitable that some level of risk will remain due to factors such as incomplete information, inherent uncertainties in the environment, or limitations in the effectiveness of risk management measures. This leftover risk is what we refer to as residual risk. Understanding this concept is crucial for organizations because it helps to focus on those areas that require ongoing monitoring and may need additional strategies for improvement. It emphasizes the need for an organization to accept that complete elimination of risk is impossible and to prepare for potential impacts of remaining risks through contingency planning or other means.

6. What is a proposal presented to a legislative body for possible enactment called?

A. Act

B. Bill

C. Resolution

D. Ordinance

A proposal presented to a legislative body for possible enactment is referred to as a bill. In the legislative process, a bill is an initial draft of a proposed law that is introduced in either chamber of a government body, such as Congress or a state legislature. Once introduced, a bill is subject to debates, amendments, and votes. If approved by the legislative body and signed by the executive (e.g., the President or a Governor), it becomes law. The term "act" refers to a bill that has successfully been passed and enacted into law, so it is not used to describe the proposal stage. A "resolution" typically addresses issues such as internal rules of an organization or expresses opinions but does not have the force of law like a bill does. An "ordinance" generally refers to laws or regulations enacted by local government units, such as municipalities or counties, rather than state or federal legislative bodies. Therefore, the correct term for a proposal to a legislative body is a bill.

7. What U.S. act established national policy for workplace safety and health?

A. Fair Labor Standards Act

B. Occupational Safety and Health Act (OSHA)

C. Age Discrimination in Employment Act

D. Patient Protection and Affordable Care Act

The Occupational Safety and Health Act (OSHA) is the legislation that established national policy for workplace safety and health in the United States. Enacted in 1970, OSHA's primary purpose is to ensure safe and healthful working conditions by setting and enforcing standards and providing training, outreach, education, and assistance. The Act created the Occupational Safety and Health Administration, which is responsible for regulating workplace safety and health through inspections and compliance assistance. This emphasis on the protection of employees from work-related injuries and illnesses reflects a national commitment to ensuring that every working individual has the right to a safe workplace. OSHA applies to most private sector employers and their employees, along with some public sector employees in states that have developed their own OSHA-approved safety and health plans. The other options presented focus on different areas of employment law. The Fair Labor Standards Act deals with labor standards such as minimum wage and overtime pay. The Age Discrimination in Employment Act addresses employment discrimination against individuals aged 40 and older. The Patient Protection and Affordable Care Act primarily concerns health insurance coverage and does not pertain specifically to workplace safety and health. Each of these statutes plays a critical role in employment law but does not address the overarching issue of workplace safety in the manner that OSHA does.

8. What term describes the primary job duties that a qualified individual must be able to perform?

A. Essential functions

B. Workplace obligations

C. Job responsibilities

D. Critical tasks

The term that describes the primary job duties that a qualified individual must be able to perform is "essential functions." In the context of employment and under the Americans with Disabilities Act (ADA), essential functions refer to the fundamental job duties of the employment position the individual holds or desires. These are the critical roles that an employee must be able to perform, with or without reasonable accommodation, and they are key to the overall purpose and responsibilities of the job. Understanding essential functions is crucial for both employers and employees, as it helps define the baseline competency required for job performance and ensures compliance with non-discrimination laws in the workplace. This concept is particularly important when considering accommodations for individuals with disabilities, as it delineates the tasks that must be maintained even during adaptations. Other terms such as workplace obligations, job responsibilities, and critical tasks may encompass some of the duties associated with a job but do not carry the legal and specific connotations that "essential functions" does in the context of employment law. Therefore, essential functions is the most precise and applicable term in this case.

9. Which act prohibits wage discrimination by requiring equal pay for equal or substantially equal work?

A. Equal Employment Opportunity Act

B. Fair and Accurate Credit Transactions Act

C. Equal Pay Act (EPA)

D. Family and Medical Leave Act

The Equal Pay Act (EPA) is the legislation that specifically addresses wage discrimination by mandating that men and women receive equal pay for equal or substantially equal work performed in the same establishment. This law aims to eliminate the wage gap between genders by ensuring that employees who perform jobs that require the same skills, effort, and responsibilities are compensated equally, without regard to gender. The EPA provides a framework for addressing wage discrepancies and allows for remedies if an employer is found in violation of its provisions. This includes the possibility of back pay, as well as punitive damages in some cases. The act is a vital component of the broader framework of employment laws aimed at promoting fairness and equality in the workplace. Other options do not pertain to wage discrimination. The Equal Employment Opportunity Act focuses more broadly on preventing discrimination in the workplace. The Fair and Accurate Credit Transactions Act deals with credit reporting and identity theft issues, while the Family and Medical Leave Act provides employees with the right to take unpaid leave for specific family and medical reasons. Each of these laws addresses different aspects of employment but does not specifically target wage discrimination in the way the Equal Pay Act does.

10. Which law requires a minimum wage to be set for employees in covered industries?

A. The Wage and Hour Act

B. The Fair Labor Standards Act (FLSA)

C. The Occupational Safety and Health Act

D. The Worker Adjustment and Retraining Notification Act

The Fair Labor Standards Act (FLSA) is the law that specifically sets a minimum wage for employees working in covered industries. Enacted in 1938, the FLSA established critical labor standards, including minimum wage, overtime pay eligibility, recordkeeping, and youth employment protections. The minimum wage provisions apply to most employees in the private sector and in federal, state, and local governments, ensuring that workers receive fair compensation for their labor. The significance of the FLSA lies in its role as a foundational statute for labor rights in the United States, influencing many aspects of employee treatment and compensation. This law has been amended multiple times to raise the minimum wage and expand coverage to more workers. Other options relate to different regulatory areas. For instance, the Wage and Hour Act is essentially a colloquial reference within the framework of the FLSA and does not stand as a separate law. The Occupational Safety and Health Act focuses on workplace safety and health standards rather than wage issues. The Worker Adjustment and Retraining Notification (WARN) Act pertains to employer responsibilities in the event of mass layoffs or plant closings, primarily concerning notice rather than wage establishment.