

# Western Governors University (WGU) HRM3110 D352 Employment and Labor Law Practice Exam (Sample)

Study Guide



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## Questions

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1. How do "labor disputes" typically arise?
  - A. From disagreements over communication styles
  - B. From disagreements over contract negotiations and working conditions
  - C. From overlapping employee roles
  - D. From changes in management personnel
2. What is a primary focus of the National Labor Relations Act?
  - A. Providing safer work environments
  - B. Protecting the rights of workers to organize
  - C. Regulating employee schedules
  - D. Overseeing employee performance evaluations
3. How does the LMRDA enhance union accountability?
  - A. By requiring union elections to be held annually
  - B. By mandating financial reporting and governance standards
  - C. By allowing unions to self-regulate
  - D. By limiting the number of union members
4. What policy should the HR manager create to address discriminatory hiring practices?
  - A. Revise existing job descriptions
  - B. Implement a hiring and pay policy that is based on qualifications
  - C. Establish a mentorship program for underrepresented groups
  - D. Increase outreach to high schools
5. How can the employer prevent age discrimination against older employees who are told to train younger workers?
  - A. Discontinue marginalizing the staff member by removing opportunities
  - B. Promote older employees to leadership roles
  - C. Ensure older employees are required to train younger employees
  - D. Limit work assignments based on age

6. What does "retaliation" refer to in employment law?
- A. Voluntary job termination by an employee
  - B. Performance reviews conducted by management
  - C. Negative actions taken against an employee for reporting discrimination
  - D. Collective agreement negotiations between employees and employers
7. What does the Family and Medical Leave Act (FMLA) entitle eligible employees to?
- A. Paid time off for vacations
  - B. Paid maternity leave
  - C. Unpaid leave for family and medical reasons
  - D. Job training opportunities
8. Why was the union member reinstated after being terminated for discussing a new break policy?
- A. The member was part of a protected class
  - B. The termination violated company policy
  - C. An employee's right to free speech is defined as a protected activity
  - D. The member was unaware of the policy changes
9. What is described as a clause in a contract requiring arbitration instead of court for dispute resolution?
- A. Voluntary arbitration
  - B. Forced arbitration
  - C. Mediation clause
  - D. Negotiation clause
10. Which employees are referred to as "exempt employees" under the FLSA?
- A. All part-time employees
  - B. Employees not eligible for overtime pay based on job duties
  - C. Employees under 18 years of age
  - D. Employees with no formal education

## Answers

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

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## Explanations

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## 1. How do "labor disputes" typically arise?

- A. From disagreements over communication styles
- B. From disagreements over contract negotiations and working conditions
- C. From overlapping employee roles
- D. From changes in management personnel

Labor disputes typically arise from disagreements over contract negotiations and working conditions. This can include issues such as wage disputes, benefits, work hours, job security, and the enforcement of labor agreements. When employees and employers cannot come to a consensus on these fundamental aspects of the employment relationship, it can lead to conflict and, ultimately, a labor dispute. Contract negotiations are particularly critical because they outline the terms and conditions under which employees work. Disagreements can emerge if one party feels that their needs or rights are not being adequately addressed or if there is a perceived imbalance of power. Additionally, working conditions, which encompass the physical environment, safety issues, and job expectations, can be sources of significant contention, particularly if employees feel those conditions are substandard or unsafe. While the other options could lead to conflicts in the workplace, they do not directly represent the core issues that typically escalate into labor disputes as seen in labor law contexts. For example, disagreements over communication styles may affect workplace dynamics but are less likely to lead to formal disputes than issues rooted in contract terms or working conditions.

## 2. What is a primary focus of the National Labor Relations Act?

- A. Providing safer work environments
- B. Protecting the rights of workers to organize
- C. Regulating employee schedules
- D. Overseeing employee performance evaluations

The National Labor Relations Act (NLRA), enacted in 1935, primarily aims to protect the rights of workers to organize and engage in collective bargaining. This legislation was designed to promote fair labor practices and to ensure that employees can freely form, join, or assist labor organizations without fear of employer retaliation or discrimination. By safeguarding these rights, the NLRA enables workers to negotiate better wages, working conditions, and other employment terms collectively rather than individually, fostering an environment where labor relations can develop in a balanced manner. The Act plays a critical role in empowering employees, allowing them to advocate for their interests and ensuring that they have the ability to unite in addressing grievances. This focus on the right to organize is essential for establishing a cooperative relationship between employers and employees, thus enhancing the overall dynamics of the workplace. The other options, while relevant to various aspects of workplace management and safety, do not encapsulate the foundational objective of the NLRA, which is explicitly centered on workers' rights to unionize and engage in collective bargaining activities.

### 3. How does the LMRDA enhance union accountability?

- A. By requiring union elections to be held annually
- B. By mandating financial reporting and governance standards
- C. By allowing unions to self-regulate
- D. By limiting the number of union members

The Labor-Management Reporting and Disclosure Act (LMRDA) significantly enhances union accountability by mandating financial reporting and governance standards. This legislation was enacted to protect the rights of union members and ensure that labor organizations operate in a manner that is transparent and accountable to their membership. Under the LMRDA, unions are required to file detailed financial reports with the Department of Labor, which includes information about their income, expenses, and the compensation of union officials. This requirement enables union members and the public to scrutinize a union's financial activities and hold its leaders accountable for their management of union resources. Additionally, the LMRDA establishes governance standards that promote democratic practices within unions, ensuring that members have a voice in the decision-making processes affecting their union. This combination of financial reporting and governance requirements fosters a culture of transparency and integrity within labor organizations, effectively enhancing their accountability to the members they represent.

### 4. What policy should the HR manager create to address discriminatory hiring practices?

- A. Revise existing job descriptions
- B. Implement a hiring and pay policy that is based on qualifications
- C. Establish a mentorship program for underrepresented groups
- D. Increase outreach to high schools

Implementing a hiring and pay policy that is based on qualifications is a fundamental step in addressing discriminatory hiring practices. This approach ensures that all candidates are evaluated based on their skills, experience, and professional competencies rather than factors such as race, gender, age, or other characteristics that may lead to bias. A qualifications-based policy promotes a meritocratic hiring process, where the best candidates are identified and selected for the job based solely on their ability to fulfill the role's requirements. It serves to standardize hiring practices across the organization, reducing the risk of subjective decision-making that can inadvertently favor one group over another. Additionally, a clear policy that emphasizes qualifications can help the organization defend its hiring decisions if challenged, demonstrating a commitment to fairness and equity in employment practices. While revising existing job descriptions can help clarify role requirements and expectations, it does not directly address the systemic issues of bias in the hiring process. Establishing a mentorship program for underrepresented groups can support career development, but it does not fix the immediate hiring practices. Increasing outreach to high schools might enhance the talent pool and diversity in applications but does not directly ensure that the hiring process being used is equitable. Therefore, focusing on a qualifications-based hiring and pay policy directly confronts the challenge of

5. How can the employer prevent age discrimination against older employees who are told to train younger workers?

A. Discontinue marginalizing the staff member by removing opportunities

B. Promote older employees to leadership roles

C. Ensure older employees are required to train younger employees

D. Limit work assignments based on age

The most effective approach for the employer to prevent age discrimination against older employees who are asked to train younger workers involves promoting an inclusive and respectful work environment. When an employer promotes older employees to leadership roles, it not only affirms their value and experience within the organization but also helps to dismantle stereotypes associated with aging in the workplace. This action demonstrates that older employees have a vital role in the company's future, which counters any negative perceptions that might arise when they are tasked with training younger staff. Additionally, this strategy can lead to a mentorship environment where knowledge and skills are shared across generations, fostering collaboration rather than division. It sends a clear message that age does not dictate an employee's capacity for leadership or contribution to the company's success, which can ultimately strengthen workplace morale and cohesion. Promoting older employees to leadership roles reflects an understanding that age diversity can enhance a team's performance, not hinder it, helping to mitigate potential age discrimination concerns within the organization.

6. What does "retaliation" refer to in employment law?

A. Voluntary job termination by an employee

B. Performance reviews conducted by management

C. Negative actions taken against an employee for reporting discrimination

D. Collective agreement negotiations between employees and employers

Retaliation in employment law specifically pertains to negative actions taken against an employee as a result of that employee engaging in protected activities, such as reporting discrimination, filing a complaint, or participating in investigations. This legal concept is designed to safeguard employees from being penalized for asserting their rights or voicing concerns about workplace injustices. When an employee reports discrimination or harassment, they are exercising their rights under various employment laws, such as Title VII of the Civil Rights Act. If the employer responds by taking adverse action—such as demotion, termination, reduced hours, or other forms of punishment—this constitutes retaliation. The law aims to encourage employees to come forward without fear of retribution, thereby promoting a fair and safe working environment. The other options do not relate to the concept of retaliation. Voluntary job termination refers to an employee's choice to leave a position, while performance reviews involve assessing an employee's work. Collective agreement negotiations pertain to discussions between employees and employers regarding working conditions and terms of employment but do not address retaliation specifically.

7. What does the Family and Medical Leave Act (FMLA) entitle eligible employees to?

- A. Paid time off for vacations
- B. Paid maternity leave
- C. Unpaid leave for family and medical reasons
- D. Job training opportunities

The Family and Medical Leave Act (FMLA) entitles eligible employees to take unpaid leave for specific family and medical reasons while ensuring that their job is protected during the absence. This federal law allows employees to take up to 12 weeks of unpaid leave in a 12-month period for several reasons, such as the birth and care of a newborn child, the adoption of a child, the care of a spouse, child, or parent with a serious health condition, or when the employee is unable to work due to a serious health condition. The focus of the FMLA is on providing employees the opportunity to manage significant personal and family health-related issues without fear of losing their job. It is crucial for fostering work-life balance, but it does not guarantee paid leave or other benefits such as job training or paid maternity leave. Therefore, unpaid leave for family and medical reasons is the primary entitlement under this law.

8. Why was the union member reinstated after being terminated for discussing a new break policy?

- A. The member was part of a protected class
- B. The termination violated company policy
- C. An employee's right to free speech is defined as a protected activity
- D. The member was unaware of the policy changes

The reason the union member was reinstated after discussing a new break policy relates to the concept of protected activities under labor law. In the context of labor relations, employees have the right to engage in certain activities without fear of retaliation by their employers, one of which includes discussing workplace policies, particularly those that affect their working conditions. This right is grounded in the National Labor Relations Act (NLRA), which protects concerted activities among employees, allowing them to communicate and advocate for their rights and working conditions collectively. Discussing changes to break policies constitutes an exercise of an employee's right to free speech in relation to their work environment and is considered a protected activity. Therefore, the termination of the union member for engaging in this discussion was deemed unlawful, leading to their reinstatement. By protecting employees in their right to speak about such policies, the law promotes open communication and advocacy within the workplace, essential for maintaining fair labor practices.

9. What is described as a clause in a contract requiring arbitration instead of court for dispute resolution?

A. Voluntary arbitration

B. Forced arbitration

C. Mediation clause

D. Negotiation clause

The correct answer is a clause that requires arbitration instead of court for dispute resolution is known as "forced arbitration." This type of clause often necessitates that parties resolve their disputes through arbitration rather than through litigation in court. Forced arbitration clauses are commonly included in contracts to provide a streamlined and potentially less costly method of resolving disputes, as they often aim to limit the legal resources and time associated with a courtroom battle. This approach can be seen in many consumer contracts, employment agreements, and other types of legal arrangements where one party may have more power, leading to the inclusion of arbitration clauses as a standard practice. The purpose is to encourage resolution through arbitration, which is typically private and may be faster than traditional court proceedings. In contrast, voluntary arbitration refers to scenarios where both parties mutually agree to resolve their disputes through arbitration, without any clause mandating it in advance. Similarly, mediation clauses involve a non-binding process where a neutral third party helps facilitate the resolution of a conflict, while negotiation clauses pertain to the practices of entering discussions to reach an agreement without formal mechanisms like arbitration or mediation.

10. Which employees are referred to as "exempt employees" under the FLSA?

A. All part-time employees

B. Employees not eligible for overtime pay based on job duties

C. Employees under 18 years of age

D. Employees with no formal education

Exempt employees under the Fair Labor Standards Act (FLSA) are defined as those who are not entitled to receive overtime pay. This status is primarily determined by the nature of their job duties, responsibilities, and salary level. In order for an employee to qualify as exempt, their role must meet specific criteria outlined by the FLSA, which includes management duties, certain professional roles, or administrative functions. The classification of exempt employees typically involves evaluating whether the employee's duties involve significant decision-making authority, specialized knowledge, and a typical salary level above a set threshold. Therefore, employees who are not eligible for overtime pay due to their job duties fit into the exempt category, making this the correct answer. The other choices do not accurately represent the criteria for exempt status under the FLSA. For instance, part-time employees can be either exempt or non-exempt based on their job responsibilities and salary; being under 18 years of age does not automatically confer exempt status; and formal education level is not a determining factor for an employee's exempt status under the FLSA.