Law Ch 21 Exam

True/False

Indicate whether the statement is true or false.

____ 1. A person need not be supervised to be classified as an employee.
____ 2. An independent contractor receives pay without supervision.
____ 3. Generally, an employee can be discharged if unable to do the work because of illness or injury.
____ 4. The minimum wage and overtime requirements of the law do not apply to salaried executives, administrators, and professional workers.
____ 5. The person who hired an independent contractor usually is liable for the contractor's torts.
____ 6. All employees are entitled to due process before being discharged.
____ 7. If the job to be done by an independent contractor is inherently dangerous, such as blasting with dynamite, the party who hired the independent contractor may be liable to anyone injured.
____ 8. In calculating the maximum number of hours a young person may work, the school hours are not counted even when school is in session.
____ 9. When state child-labor laws have stricter standards than federal laws, the state laws control.
____ 10. Under the controlling federal act, if more than 40 hours are worked in one week, overtime must be paid at two times the regular rate.

Multiple Choice

Identify the choice that best completes the statement or answers the question.

____ 11. An employment relationship can be established without
   a. a contract to pay. c. supervision and control.
   b. a specified duration. d. all of these.
____ 12. A common contractual term for an employee and an independent contractor would be
   a. promise to pay. c. supervision and control.
   b. length of term. d. all of these.
____ 13. Employees that can be discharged at any time are
   a. employees working at will.
   b. employees working for a specific term.
   c. public employees.
   d. none of these.
____ 14. Which employee duty is violated when the employee reveals confidential information about the employer or its business?
   a. duty of loyalty and honesty c. duty of reasonable performance
   b. duty of obedience d. duty of reasonable skill
____ 15. Which employee duty obligates the employee to look out for the employer's best interest?
   a. duty of loyalty and honesty c. duty of reasonable performance
   b. duty of obedience d. duty of reasonable skill
16. What duty is owed to the employee by the employer?
   a. duty of accounting  
   b. duty of obedience  
   c. duty of reasonable skill  
   d. duty of reasonable treatment

17. The minimum wage and maximum hours for employees is established by
   a. child labor laws.  
   b. the employer.  
   d. the Fair Pay for Labor Act.

18. If an employer fires an employee in retaliation for the employee's reporting unlawful conduct by the employer
   it is termed
   a. discharged for cause.  
   b. discharged without cause.  
   c. a wrongful discharge.  
   d. discrimination.

19. An employee who is discharged without cause is entitled to
   a. unemployment compensation.  
   b. workers' compensation.  
   c. both a and b.  
   d. none of these.

20. Public employees are entitled to notice of the reasons for the discharge along with a hearing before being
    terminated. This procedure is referred to as
   a. due process.  
   b. administrative review.  
   c. labor review procedure.  
   d. none of the above.

21. After Stacey was laid off she was unable to quickly obtain a new job. The government program that will
    provide her with short-term income is called
   a. FICA.  
   b. workers' compensation.  
   c. OSHA.  
   d. unemployment insurance.

22. Reilly is the owner and manager of Retro Boutique. He has hired Jody to work in his store under his direct
    supervision in which she will perform a variety of tasks including retail sales, inventory, and stocking. In this
    situation Jody is known as a(n)
   a. independent contractor.  
   b. employee contractor.  
   c. employee.  
   d. dependent contractor.

23. Which of the following statements regarding child-labor laws is true?
   a. Only the federal government regulates the conditions of employment for individuals under 18 years of age.  
   b. The Fair Labor Standards Act makes it illegal to hire anyone at all who is under 14 years of age.  
   c. When a state's child-labor laws are stricter than the federal law, the federal law rules.  
   d. Some states set a common maximum number of combined school and work hours at 48 hours per week.

24. Toni presented Calvin Cooper, the president of Cooper Copters, Inc., with a resume in which she stated she
    was a recent graduate of a business college and typed 90+ words per minute. Based upon Toni’s
    representation of her skill level, Cooper hired her to work as his executive secretary. In a short time Cooper
    learned that Toni had never attended a business college and could barely type 9 words per minute. Which of
    the following statements are true about this employment situation?
   a. Cooper can not fire Toni without giving her due notice by law.  
   b. Cooper can fire Toni for cause and is not responsible for paying her any damages whatsoever.  
   c. Cooper can fire Toni for cause but is responsible for paying her damages for breach of her employment contract.  
   d. Once fired, Toni will be eligible for unemployment compensation.
25. Which of the following statements is true?
   a. As mandated by federal law all employees must be given sufficient time off with pay in order to vote in regular primary and/or general elections.
   b. Most states require 16-year-olds and 17-year-olds to obtain a work permit before they can be employed.
   c. Children under the age of 18 must be paid if they work for their parents in agricultural jobs.
   d. When children work, the government does not require the employer to make payroll deductions for the child employee.

26. Tory hires James to paint her house at a rate of $6 per hour. Which of the following statements applies in this situation?
   a. This relationship is for a specific period.
   b. Tory must pay workers' compensation insurance.
   c. This relationship is known as employment at will.
   d. Both b and c.

27. Greenlake School hired Jorge to work as the school's head administrator for a period of 12 months beginning July 1 and ending the next year on June 30. Which of the following statements regarding Jorge's work arrangement is true?
   a. If Jorge quits prior to June 30, Greenlake can sue him for breach of contract.
   b. If he is discharged without cause, Jorge will not receive unemployment compensation.
   c. Jorge's job as head administrator is terminable at will.
   d. None of these.

28. If Dot agrees to pay Jarred on a monthly basis but fails to do so, what has occurred?
   a. breach of duty of reasonable performance
   b. breach of contract
   c. violation of Fair Labor Standards Act
   d. FICA violation

29. Which of the following is not considered a hazardous occupation unavailable to minors?
   a. mining
   b. roofing
   c. meat packing
   d. all of the above are hazardous and unavailable to minors

30. Every state government has a child-labor law to regulate the conditions and types of employment for persons under age
   a. 14.
   b. 16.
   c. 17.
   d. 18.

Completion
Complete each statement.

31. The federal government enacted the _________________________ to establish the minimum wage and maximum hours for all employees under the jurisdiction of the act.

32. Employers make payments into a fund that, in turn, makes ____________________ payments to employees unable to work due to on-the-job injuries.

33. The Military Selective Service Extension Act of 1950 requires that certain military persons be re-employed by their former employer after receiving a(n) ____________________ from military service.
34. The ____________________ Act makes it illegal for people under fourteen years old to work except in entertainment and agriculture.

35. While working as a sale representative for a local health club, Caterina noticed that chlorine levels in the swimming pool were too high and that the locker area was not properly cleaned according to local health regulations. Although she reported these violations to her supervisor, she saw no improvement and later opted to notify local health board officials. In firing Caterina two days later, the health club committed a tort called ____________________.

36. Denny operates a trucking business in which he agrees to pay each trucker 50 cents per mile payable two weeks after the completion of a trip. Before distributing paychecks, however, Denny must make certain deductions from each employee's paycheck in order to fund the federal social security program. The name of the federal law mandating this deduction is known as ______________________________.

37. If the breach of an employment contract is ____________________, it extinguishes the obligations of the other party to the contract.

38. If you merely hire someone to produce a result in the manner they see fit, you have hired what the law terms as a(n) ____________________.

39. If an employee commits a tort but is not acting within the scope of the employer’s business, the ____________________ alone is liable for any resulting injuries.

40. Deon lives in a state that closely regulates the employment of minors. In fact, his state, like many other states, requires a minor to obtain a document known as a(n) ____________________ that will allow the minor to work.