

National Association of Personnel Services

# Certified Temporary Staffing-Specialist (CTS) Study Guide

For use by staffing industry professionals preparing for the NAPS CTS certification examination and by state certification chairpersons, trainers and others engaged in helping certification candidates study for the CTS examination.

Based on *Temporary Help Service Operations: A Legal Manual*, 4th edition  
Authors: Paula N. Rubin, Esq. and Robert P. Style, Esq.  
Published by the National Association of Personnel Services. Revised: 2004

National Association of Personnel Services  
P.O. Box 2128  
The Village at Banner Elk, suite 108  
Banner Elk, NC 28504  
Web site: [www.recruitinglife.com](http://www.recruitinglife.com)

The NAPC certification manual contains comprehensive information about the federal laws affecting the temporary staffing industry and the work of professional personnel consultants in the United States — knowledge of which is essential for those engaged in this important work.

The CTS examination addresses legal information relevant to practice of temporary staffing industry firms and the professional personnel consultants that function within those firms. The examination also addresses the NAPS professional and ethical standards and the certification program rules.

This CTS Study Guide is intended to serve as a tool for the review of the training manual and allow candidates for certification to prepare for the examination. It is not meant to be a substitute for the manual. The examination questions within this study guide were developed independent of the actual examination questions and are to be used as study aides, not as examples of actual questions. Individuals who fail to study and master the content in *Temporary Help Service Operations: A Legal Manual* (4th edition) will seriously jeopardize their chances of obtaining a satisfactory score on the certification examination.

This study guide is being made available to candidates for certification and to the network of state certification chairpersons and trainers who have volunteered their time and energy to assist those candidates in preparing for the examination. The current

edition of the study guide is being made available online and available for downloading by these audiences.

The original NAPS CTS study guide was prepared in 1995 by volunteers and friends of NAPS throughout the country. The association is indebted to these individuals and to their continuing commitment to quality and professionalism in the staffing industry.

Ken Bohan, CTS, CPC

Sue Breen, CPC

Corinne Galati

Sandi Hathaway

James D. Morrissey, CPC, CTS

Terrence Petra, CPC

Bonnie Pollock

James Rudman, CTS

Dotty Summerfield, CPC

Jean Swaim, CTS

Brandi Whitney

Beverly Zak, CTS

NAPS wishes to thank all of the members of the professional staffing community who have made certification a hallmark of the association's work.

NAPS views this study guide as an evolving tool and encourages individuals and organizations to make any contributions that will make it a better tool for candidates for certification. Accordingly, please forward to Dr. Frank Burtnett, NAPS Certification and Education Consultant, any comments, supplemental materials or material that you feel would strengthen or augment this document. Dr. Burtnett will work with the NAPS Certification Chair and Committee and make ongoing changes to this document.

Comments, supplemental materials, etc. should be sent to: Dr. Frank Burtnett, Education Now, 6604 Grey Fox Drive, Springfield, VA 22152-2608. Telephone and fax: 703/451-5889. Email: [fburtnett@recruitinglife.com](mailto:fburtnett@recruitinglife.com)

## Overview and Introduction

The National Association of Personnel Services (NAPS) is the professional association representing the staffing industry (placement and temporary staffing) in the United States and internationally. The NAPS certification program has been created to ensure the provision of quality services by staffing industry professionals to the general public and to the clients utilizing their services. More than 15,000 staffing industry professionals have been certified by the association since the credentialing program began in the 1960s.

The Certified Personnel Consultant (CPC), Certified Temporary-Staffing Specialist (CTS) and Physician Recruiting Consultant (PRC) examinations are administered online and as a part of the NAPS Certification Immersion Classes that are taught at various locations around the country.

To be eligible to register for CTS certification and sit for the certification examination, candidates must meet the following criteria:

Be actively employed as a professional in the temporary staffing industry. Position experience can include: owner, partner, manager, recruiter, placement consultant within a private firm; or corporate human resources or employee relations professional. Candidates must agree to uphold the National Association of Personnel Services (NAPS) Standards of Ethical Practices and abide by the certification program rules.

Individuals with specific questions or comments about the certification process should contact Dr. Frank Burtnett, NAPS Certification and Education Consultant at [fburtnett@recruitinglife.com](mailto:fburtnett@recruitinglife.com).

## Preparing for the CTS Examination

Certification candidates are required to study and master the information contained in *Temporary Help Service Operations: A Legal Manual* (4th edition) by Paula N. Rubin, Esq. and Robert P. Style, Esq. The most recent edition of this manual was published in 2004. The CTS certification examination is based solely on the contents of this manual. In addition, there are a number of study strategies that have been utilized by certification candidates to prepare for the examination; including participation in formal NAPS state association sponsored study sessions and informal meetings of staffing industry professionals that are formed in various communities. To learn of such opportunities, contact the certification program manager at the NAPS headquarters or your state association.

NAPS conducts Certification Immersion Classes in cooperation with various state association and staffing firms and organizations throughout the country at various times during the year and at the annual NAPS Conference. For information about these training programs, visit the [www.recruitinglife.com](http://www.recruitinglife.com) web site and click on *The NAPS Credential* electronic newsletter.

### Study and Review Strategies

Most candidates for certification have not experienced test taking in their recent lives or careers and NAPS has identified a number of strategies that individuals should follow in order to be successful:

- Set up a schedule well that will allow sufficient time for reading and study of the manual. This should be done well in advance of the time the individual wishes to schedule the certification examination. See the seven session study schedule below as a possible guide.
- Make notes in or mark (highlighter or marker) your manual to emphasize what you believe to be key concepts and passages.
- Engage in study and review sessions with other certification candidates and take turns presenting passages or chapters in the manual.

- Answer the practice examination questions that appear later in this study guide. They have been designed to help you review the important material in the manual while allowing you to experience taking an examination.
- Pace yourself throughout the study process. The content of the manual is best mastered when studied in segments over a period of time.

### Suggested Study Session Schedule

Following is a schedule that calls for seven study sessions. Whether you are studying individually or in a group, this schedule will afford you reasonable time to address each of the major areas in the manual. If your work situation permits, you might wish to engage in one session per week for seven weeks.

#### Session 1

The Employee Relationship (Chapter 1)

Temporary Employees

Independent Contractor

Co-Employment

The Laws Against Discrimination (Chapter 2)

The Laws: An Overview of the Laws

Civil Rights Act of 1964 (Title VII)

Age Discrimination Act of 1963

Equal Pay Act of 1963

Pregnancy Discrimination Act

Civil Rights Act of 1991

Americans With Disabilities Act

Rehabilitation Act of 1973

Vietnam Era Veterans Readjustment Assistance Act

Family and Medical Leave Act

#### Session 2.

The Laws Against Discrimination (continued)

Discrimination Based on Sex

Discrimination Based on Religion

National Origin Discrimination

Discrimination Based on Disability

Discrimination Based on Age

A Final Word About Discrimination

#### Session 3.

Screening and Selecting the Temp (Chapter 3)

Advertising

Applications and Interviews

Testing  
Background Checks

Hiring the Temp (Chapter 4)  
Verifying Authorization to Work in the United States  
Compensative the Temp  
Employee Handbooks  
Insurance

#### Session 4

Relationships with Clients (Chapter 5)  
Contract  
Time Sheet  
Fee Collection

#### Session 5

Other Federal Laws Affecting Staffing Firms (Chapter 6)  
National Labor Relations Act  
Occupational Safety and Health Act  
Consolidate Omnibus Budget Reconciliation Act of 1985  
Worker Adjustment and Retraining Notification Act

#### Session 6.

NAPS Standards of Ethical Practices  
NAPS Certification Program Rules

#### Session 7.

Review and Practice Examination Questions

#### Pre-Examination Strategies

As you move forward to the day of the examination, consider the following:

1. Get a good night's sleep.
2. Eat a wholesome meal.
3. Dress comfortably
4. Have the arrangements for taking the online examination worked out in advance...
5. Avoid stressful situations (e.g., last minute telephone calls, interruptions, etc.

#### During the Examination Information and Strategies

Once you have settled on a personal examination, candidates for certification may wish to consider the following:

1. You will have approximately 2 1/2 hours to complete the examination.
2. Each question on the online examination is timed and you need to follow the instructions carefully.
3. The examination consists of 150 questions, including approximately:
  - a. 100 – 110 multiple choice questions
  - b. 20 – 25 true/false questions
  - c. 20 25 case study questions with multiple choice responsesThere are no essay or discussion questions on the examination.
4. Before answering an item, be sure to read all answer choices first,
5. Do not leave any answers blank. You cannot return to any question you have not answered. No answer is an incorrect answer.
6. Each question in the CTS examination has only one correct answer. Your examination score will be based on the number of questions you answer correctly.
7. In the case study section of the examination, read the case or scenario thoroughly before attempting to answer the questions.
8. If you elect to withdraw from the examination, whether due to illness or some other reason, you may pause the exam and return to it at a later date. If for any reason, you experience technical difficulty, contact the NAPS immediately.
9. Your examination score will be reported to you at the end of the examination
10. Those individuals who successfully pass the examination will received their certificate and other certification program information from NAPS in approximately four – six weeks.

### CTS Examination - Critical Knowledge Points

The following portion of the CTS Study Guide contains critical knowledge points that have been extracted from *Temporary Help Service Operations: A Legal Manual* and summarized here for the certification applicant's personal study. Study of these passages only will result in insufficient preparation and it is suggested that this review take place after one has completed his/her detailed reading and study of each chapter.

#### The Employment Relationship

##### The Difference between Temporary Employees and Other Employees

Part time employees work less than the regular full time workweek established by the employer

Temporary employees may often work a full workweek

Part time employees generally work a regularly established work schedule

Most temporary assignment are expected to end at some definite point in time

Part time and full time employees are typically paid by the employer

Temporary employees are typically paid by the staffing firm

Employers should avoid using the term permanent employee in lieu of full time employee

## Temps: Employee vs. Independent Contractor

Wrongfully classifying employees as independent contractors can lead to Tax liability, overtime and other costs

Independent contractors are self-employed and responsible for their own taxes, expenses, as well as insurance

Employee vs. independent contractor test is tied to the amount of direction or control the individual retains

Most temps are employees

IRS may consider nature of relationship, hours worked and who set them and name under which services are performed in determining employer vs. independent contractor status

## Co-Employment

Sets forth legal responsibilities for employers and how they are allocated between staffing firm and client

Most litigated areas involving co-employment issues is workers compensation

EEOC has interpreted the employer of a temporary worker as both the staffing firm and the client

## The Laws Against Discrimination

### The Laws: A Quick Review

Civil Rights Act of 1964

Title VII prohibits discrimination on basis of race, color, religion, sex or national origin

Applies to firms with 15 or more employees

Law was intended to ensure that selection measures are related to job performance

Disparate treatment references when an employer treats an employee different.

Disparate impact occurs when a facially neutral policy has adverse impact on members of a protected class.

Bona Fide Occupational Qualification Exemption is the only basis upon which discrimination may be legal

BFOQ cannot discriminate on the basis of color or race

Disparate impact on a protected group is permitted when proven to be a business necessity

### Discrimination Based on Sex

Sex Discrimination: The Basics

Civil Rights Act of 1967 makes it illegal for employers of 15+ employees to discriminate on basis of sex

Relates to gender and not sexual orientation

Gender and Compensation

Equal Pay Act of 1963 states men and women should be paid same wages for performing same duties

Exempts merit, bonus and commission systems for payment differential

#### Pregnancy and Maternity

Title VII was amended in 1978 to add the Pregnancy Discrimination Act

Temporary staffing firms must refer qualified pregnant candidates to employer/client

Employer cannot refuse to hire and temp firm cannot refuse to refer a pregnant woman who can do job

#### Sexual harassment

The hallmark of sexual harassment is that the conduct is unwelcome

Hostile environment exists when offensive or abusive sexual harassment conduct exists in workplace

Sexual harassment policies are not required to require dismissal of offender

Victims of sexual harassment should have multiple avenues for filing complaint

#### Discrimination Based on Religion

Civil Rights Act of 1964 makes it illegal to discriminate on basis of religion, but does not define religion

EEOC defines religious practices as traditional moral beliefs, moral and ethical beliefs and strongly held views

EEOC guidelines state employers must make reasonable accommodations to the religious needs of employees

Religious belief accommodation is not necessary if it would cost the employer more than a minimal effort

#### National Origin Discrimination

Civil Rights Act and Immigration Reform and Control Act prohibit discrimination on basis of national origin

Immigration Reform and Control Act applies to employees working any amount of hours

Immigration Reform and Control Act requires employers to verify the employee's documents to establish identity and eligibility to work in the United States.

#### Discrimination Based on Disability

##### Americans with Disabilities Act

Disability defined as physical or mental impairment that substantially limits a major life activity

Addresses a significant number of known disabilities

Protects disabled in matters of compensation, advancement/promotion and discharge

Post offer medical examinations permitted if required of all

candidates

Conditions under which an employer can ask about accommodation

Reasonable accommodation does not include reallocating and/or redistributing essential job functions

Accommodation is not required if it would pose a direct threat to the health and safety of others

## Discrimination Based on Age

Age Discrimination in Employment Act of 1967

Prohibits discrimination of individuals over the age of 40

Advertisements indicating preference, limitation or discrimination based on age unlawful

## A Final Word About Discrimination

Filing a Complaint with EEOC

Filing of a charge against personnel consultant can set off series of actions leading to complaint

EEOC charged with issuance of Civil Rights Act interpretive guidelines

Charges of discrimination or discriminatory practices are also addressed by EEOC

706 agency is the state or local body responsible for prohibiting unlawful employment practices

Investigation could include records request, answers to written questions and worksite visit

Following review of claim, EEOC must dismiss, resolve or declare it will sue on behalf of claimant

Should EEOC determine reasonable cause, the proceedings enter a conciliation phase

Charging parties can still sue in court after EEOC drops the charges

Prior to 1991, successful plaintiffs awarded appointment to job, lost wages/benefits and attorney fees

Amended Civil Rights Act in 1991 added possibility of compensatory and punitive damages

## Screening and Selecting the Temp

Recruiting Temps Through Advertising

All temporary staffing firm advertising must comply with Civil Rights Act and EEOC guidelines

Applications and Interviews

Griggs v. Duke Power Company

Requiring a degree or diploma must be related to job performance

Questions on the Application or During the Interview

Review allowable application and interview questions\*

Reviewing Your Practices

Does question disqualify or make it difficult to obtain employment on the basis of the applicant's membership in a protected class?

Does information derived from question have bearing on the applicant's ability to do job?

Alternative method for finding out the same information

Sample Questions that May Be Asked

Review allowable questions\*

Sample Questions that May Not Be Asked

Review non-allowable questions\*

Testing

EEOC defines a test as any measure or procedure used as a basis for any employment decision

Tests include paper/pencil, assessment, performance tests, training programs, probationary periods, etc.

Tests for temporary placement must measure people in relationship to assignment, not in the abstract

Tests that result in adverse impact upon members of a protected class must be measured by the 4/5 rule

Any test that adversely affects candidates on basis of race, sex or minority status must be validated

Medical examinations and disability related inquiry must comply with ADA and be applied consistently

Employee Polygraph Protection Act prohibits polygraph exams with except in vary narrow circumstances

ADA is neutral on drug/alcohol tests and they may be administered at any time in the selection process.

Alcoholism is a disability, addiction to illegal drugs is not.

Privacy rights of individual must be maintained in how test results are communicated

Drug/alcohol testing policies must apply equally to all candidates

Background Checks

Reference and background checks one of the most difficult parts of selection and hiring of temps

Candidate right to privacy must be balanced with public's right to protection

Failing to make adequate checks may expose employers to claims of negligent hiring

Fair Credit Report Act establishes procedures to be followed in obtaining background and criminal reports

Employers must obtain candidates permission to conduct reference check

If requested, employer must provide information derived through reference check within five days in writing

## Hiring the Temp

Verifying Authorization to Work in the United States

All employers must verify that their employees are authorized to work in the United States

Verification tests\*

This verification must take place within three business days of the hire

Once valid documentation has been obtained I-9 forms must be completed and held for period of three years

## Compensating the Temp

Under the Fair Labor Standards Act, employees working in excess of 40 hours are entitled to overtime pay

Administrative, executive and professional employees are exempt from the overtime provisions of FLSA

Administrative employees must earn a salary (on hourly wage) of at least \$455 per week and exercise independent judgment and discretion

## Employee Handbooks

All businesses should develop and distribute well-defined employment policies

Employees should be encouraged to acknowledge receipt of policies and employee handbooks

## Insurance

Temporary service firms may need to procure insurance to protect the company from third party claims

Coverages should include liability, workers' compensation and unemployment compensation insurance, bonding and errors and omission insurance

To file unemployment claim, individual must be willing and able to work, unemployed for reasons other than willful conduct and register with state employment office and file claim for benefits

## Relationships with Clients

### Definition of a contract

A promise for the breach of which the law gives a remedy or the performance of which the law recognizes as a duty

### Types of Contracts

Bilateral and unilateral contracts

Bilateral contract – Mutual promises are made

Unilateral contract – All of the duties rest with one party

### Elements of a Contract

Offer, acceptance and consideration

Silence can be deemed to constitute acceptance

In implied acceptance, party does not respond in word, but rather in action

If one party presents different terms, the original party must accept the counter for an agreement to exist

### Written vs. Oral Contracts

Not all contracts need to be signed to be valid

A temporary worker timesheet, if signed by the client, is considered a

written agreement

#### Rules of Contract Construction

##### Authority to Sign Contracts

Actual authority – Individual who entered into contract or signs the time sheet on behalf of the client

Apparent authority – By his/her position or actions, one who appears to have the right to bind the client

##### Timesheet

Elements of an effective timesheet\*

##### When the Client Hires the Temp

Conversion – Client company hires the temp during or within the time thereafter specified on time sheet

Temp-to-hire – Client company has simultaneously listed a job order for permanent employee and temp

Staffing firm needs to take necessary steps to protect its entitlement to collect a fee

##### Collecting Fees

Time sheets, letter-agreements and contracts may all constitute a written contract

Absence of a written agreement will not automatically prevent staffing firm from recovering fee

Quantum meruit refers to the value placed on services rendered in situations where no contract exists

#### Other Federal Laws Affecting Staffing Firms

##### The National Labor Relations Act

The federal laws that permits employees to organization for the purpose of bargaining collectively

The NLRA prohibits threats against union supporters, benefits to union opponents or spying on union activity

##### Occupational Safety and Health Act

Principal duties include generation of standards and rules that make workplaces safe and hazard free

##### Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)

Provides extended insurance coverage at the expense of the employee

Coverage must be available up to 18 months if the employment has been terminated and 36 in all other cases

##### Worker Adjustment and Retraining Notification Act (WARN)

WARN requires employee notification of 60 days in cases of plant closings and mass layoffs

#### NAPS Standards of Ethical Practices

Established policies and procedures for the handling of ethics complaints in the industry

#### NAPS Certification Program Rules

Staffing professionals with any experience level are eligible to apply for NAPS certification

Certificate is awarded for as long as individual complies with program rules  
Currently certificants must show evidence of 50 hours (5.0 continuing education units) of education every three years

Copyright, 2005. Revised 2006. All rights reserved. This document is based on the content of *Temporary Help Services Operations: A Legal Manual* written by Paula N. Rubin, Esq. And Robert P. Style, Esq. It was prepared by Frank Burnett, Ed.D., NAPS Certification and Education Consultant, Education Now 6604 Grey Fox, Drive, Springfield, VA 22152. Telephone and fax: 703/451-5889. Email: [fburnett@recruitinglife.com](mailto:fburnett@recruitinglife.com) for use in NAPS sponsored certification workshops. Any others use, without written approval, is not permitted.

## CTS Examination Practice Questions

After you have studied *Temporary Help Services Operations: A Legal Manual* thoroughly and reviewed the critical knowledge points in this CTS Study Guide, you may wish to take the following examination practice questions. Should more than one answer appear to be correct, select the best answer or the one that is most correct in your estimation. Please note that these questions were prepared by peer professionals in the staffing industry and are presented here simply to help candidates for CPC certification study and prepare for the examination. The correct answers appear following each set of questions.

### Chapter 1

#### The Employment Relationship

#### Practice Examination Questions

(Correct answers follow)

1. Part time employees:
  - a. Work less than their full-time counterparts
  - b. Generally work a regularly established schedule
  - c. Both of the above
  - d. Neither of the above
  
2. It would be wise for employers to refrain from using the following term:
  - a. Permanent employee
  - b. Full time employee
  - c. Outsourced employee
  - d. None of the above.
  
3. The argument for independent contractor status is strengthened if the contractor is incorporated.

- a. True
  - b. False
4. Employee status, according to the Internal Revenue Service, is determined by:
- a. The hours the individual works and who sets them
  - b. Where the services are performed and who designates where those services are to be performed
  - c. The compensation arrangement, including who pays the overhead
  - d. All of the above.
5. The ultimate authority, direction and control over the temp with respect to the assignment and the number of hours worked lies with the:
- a. Client companies
  - b. Temporary staffing firm
  - c. Temporary
  - d. Local union
6. The potential for significant liability if employees are wrongfully classified is minimal.
- a. True
  - b. False
7. Most temps perform their work under the supervision and control of the temp staff or the client,
- a. True
  - b. False.
8. Part time employees are generally paid by the customer, while temps are paid by the temporary staffing firm.
- a. True
  - b. False
9. Areas of employer responsibility affected by co-employment include:
- a. Workers Compensation
  - b. Laws against discrimination
  - c. Payroll taxes and withholding obligations.
  - d. All of the above
10. The Fair Labor Standards Act ensures that employers are not be responsible for paying overtime for time worked over 40 hours.
- a. True
  - b. False
11. Sometimes employers incorrectly refer to regular or full-time employees as:
- a. Payroll employees
  - b. Permanent employees
  - c. Regular employees

- d. All of the above
12. Mere status as a part-time employee will not automatically disqualify an individual.
- a. From being considered a company employee
  - b. If they own a percentage of the business
  - c. From participating in the employer's benefit program
  - d. From entitlement to unemployment benefits
  - e. All of the above
13. A "leased" employee is an employee of a company other than the client, who performs services for the client on a "substantially full time basis."
- a. True
  - b. False
14. An independent contractor is, as a practical matter, is:
- a. Better educated than a temp
  - b. Self employed
  - c. Always employed by a temporary staffing firm
  - d. A part-time employee
15. It is the temporary staffing firm that:
- a. Matches the temp with the position
  - b. Sets the hours the temp will be employed
  - c. Controls the number of hour's each particular temp works
  - d. All of the above.
16. Who has the ultimate authority, direction, and control over the temp?
- a. The temporary staffing firm client
  - b. The temporary staffing firm
  - c. The temp
  - d. None of the above
17. All compensation issues are determined by the:
- a. Client company
  - b. Temporary
  - c. Temporary staffing firm
  - d. All of the above.
18. In the case of leased employees, the term "substantially full time basis" is generally accepted as meaning:
- a. 500 hours per year
  - b. 1,000 hours per year
  - c. 1,500 hours per year
  - d. 2,500 hours per year

19. OSHA administrative law judges have held in cases involving staffing firm employees that OSHA liability rests with the party in control of the workplace and which supervises the actions of the employees.

- a. True
- b. False

## Chapter One

### The Employment Relationship

### Practice Examination Answers

- |       |       |
|-------|-------|
| 1. c  | 11. b |
| 2. a  | 12. d |
| 3. a  | 13. a |
| 4. d  | 14. b |
| 5. b  | 15. d |
| 6. b  | 16. b |
| 7. a  | 17. c |
| 8. a  | 18. c |
| 9. d  | 19. a |
| 10. b |       |

## Chapter 2

### The Laws Against Discrimination

### Practice Examination Questions

(Correct answers follow)

1. The Supreme Court has made clear that the hallmark of sexual harassment is that the conduct is:

- a. Physical
- b. Unwelcome
- c. Verbal
- d. Both physical and verbal

2. Federal law:

- a. Prevents employers from asking an applicant's age on an application
- b. Allows employers to ask an applicant's age on an application as long as the applicant consents
- c. Does not prevent employers from asking an applicant's age on an application
- d. None of the above

3. In order to qualify for a BFOQ based on religion, the institution or organization must:

- a. Be in significant part owned by a specific religion or religious organization/
- b. Have a majority of its employee's members of one religious group.
- c. Make a formal application with the EEOC.

- d. Inform all applicants of their intent to discriminate.
4. To be qualified under the ADA, the job applicant or employee must be able to perform:
- a. All the functions of the job
  - b. The essential functions of the job
  - c. Any one function of the job
  - d. They do not have to perform, they are protected
5. What areas do owners and operators of temporary staffing firms need to evaluate to ensure compliance with Title III of the ADA:
- a. Policies and procedures
  - b. Architectural and structural barriers
  - c. Communications
  - d. All of the above
6. There is never a BFOQ for:
- a. Sex
  - b. Race
  - c. National origin
  - d. Religion
7. If an individual believes discrimination has occurred, a complaint may be filed with:
- a. FLSB
  - b. EEOC
  - c. ADA
  - d. Department of Labor
8. The Civil Rights Act of 1991:
- a. Reverses several recent Supreme Court decisions and primarily affects technical court rules affecting employment discrimination litigation.
  - b. Requires an employer to treat pregnancy in the same manner as it treats any other disability.
  - c. Makes it illegal to discriminate against anyone over the age of 40.
  - d. Requires employers with 50 or more employees to provide employees up to 12 weeks of unpaid leave for family and medical reasons.
9. If the EEOC finds reasonable cause, the proceedings enter the conciliation phase. During this process the EEOC:
- a. Will demand money from the accused
  - b. Endeavor to resolve the matter
  - c. Send the issue to the courts
  - d. None of the above
10. When state and federal laws are different you should follow:
- a. State

- b. Federal
  - c. Whichever is stricter
  - d. Whichever best fits the situation
11. The Civil Rights Act of 1964 applies to:
- a. Companies of 15 or more employees
  - b. All companies and organizations
  - c. Employers engaging in industry affecting commerce
  - d. Both A & C
12. The Family and Medical Leave Act of 1993 provides eligible employees with job protected leave for:
- a. Unlimited time if needed
  - b. Up to six weeks
  - c. Up to twelve weeks
  - d. No more than six months
13. What percentage of temporary workers are women:
- a. 85%
  - b. 62%
  - c. 50%
  - d. 78%
14. Examples of a BFOQ based on sex include:
- a. Actors, models and restroom attendants
  - b. Secretaries and receptionists
  - c. Forklift operator
  - d. All of the above
15. Exceptions to the Equal Pay Act of 1963 include:
- a. Seniority
  - b. Merit
  - c. Quantity of production
  - d. All of the above
16. To avoid liability for a claim of sexual harassment, the employer must establish:
- a. That it did not know about the conduct.
  - b. That the offender was terminated.
  - c. That it took immediate steps to remedy the offensive conduct.
  - d. Employers are never liable.
17. It is illegal to discriminate against individuals:
- a. Between 40 and 70 years of age
  - b. Over 40 years of age
  - c. Over 65 years of age
  - d. Between 40 and 65 years of age.

18. In advertising, acceptable terminology includes:
  - a. Trainee
  - b. Young
  - c. Recent graduate
  - d. Minority
  
19. If EEOC is handling a complaint of discrimination, they first:
  - a. Set a hearing date
  - b. Investigate the charge
  - c. Send a copy of the charge to the party accused of violating the law
  - d. Search for documents relating to the incident
  
20. The Rehabilitation Act of 1973 prohibits discrimination by:
  - a. Companies involved in commerce
  - b. Temporary help services
  - c. Companies with 50 or more employees
  - d. Programs receiving federal funds or federal agencies
  
21. The Pregnancy Discrimination Act outlaws discrimination on the basis of:
  - a. Pregnancy
  - b. Childbirth
  - c. Medical conditions caused by childbirth
  - d. All of the above
  
22. The Vietnam Era Veterans Readjustment Assistance Act applies to:
  - a. All companies
  - b. All federal agencies and contractors
  - c. Federal contractors with contracts of \$10,000 or more
  - d. Federal contractors with contracts of \$50,000 or more
  
24. The Americans with Disabilities Act of 1990:
  - a. Makes it illegal to discriminate against qualified individuals with disabilities
  - b. Provides persons with disabilities equal access to employment opportunities
  - c. Provides equal access to public accommodations
  - d. All of the above
  
25. In the case of United Auto Workers versus Johnson Controls, Inc., the United States Supreme Court unanimously held that employers may not:
  - a. Discriminate against people over 40
  - b. Bar women from jobs that might be hazardous to unborn children
  - c. Discriminate against qualified workers with disabilities
  - d. Comply with state laws that may be more strict
  
26. If the client of a temporary staffing firm refuses to provide reasonable accommodations for disabled temporaries, ADA:

- a. Permits this under any circumstance
  - b. Makes it illegal to contract with the client
  - c. Permits this if the temporary gives his/her permission
  - d. None of the above
27. Under ADA, in order to provide reasonable accommodations, temporary staffing firms may:
- a. Charge temporaries for special services
  - b. Not charge temporaries for special services
  - c. Charge temporaries if the accommodations cost more than ten percent of the temporary's salary
  - d. None of the above
28. With regard to the Age Discrimination in Employment Act, temporary staffing firms:
- a. Are exempt of all provisions
  - b. Are affected only if they are a federal contractor with \$100,000 or more in contracts
  - c. Both of the above
  - d. Neither of the above
29. Under ADA, covered employers, include:
- a. Those with 15 or more employees
  - b. Those with 25 or more employees
  - c. Those with 50 or more employees
  - d. None of the above
30. The EEOC defines religious practices as:
- a. Traditional moral beliefs
  - b. Moral and ethical beliefs
  - c. Beliefs that individuals hold with the "strength of traditional religious views."
  - d. All of the above
31. Protection from discrimination on the basis of religion may include practices that are part of the religion such as.
- a. Clothing
  - b. Grooming
  - c. Both A & B
  - d. None of the above
32. Sexual harassment occurs when:
- a. A sexual act is the condition precedent before an individual is hired, promoted or the recipient of other job benefits
  - b. A male manager asks a female employee for a date
  - c. A female manager asks a male employee for a date
  - d. None of the above

33. EEOC Guidelines state that hostile work environment harassment occurs when:
- There is a chance that management will insist that employees work overtime
  - There are more men than women in a particular job
  - Conduct has the purpose or effect of unreasonably interfering with an individual's work performance
  - None of the above
34. EEOC Guidelines on pregnancy provide for:
- Employees on maternity leave are entitled to accrue seniority in the same manner as other temporarily disabled employees
  - If non-pregnant temporarily disabled employees don not have to use up their vacation benefits prior to using their sick leave, neither do pregnant employees
  - Both of the above
  - None of the above
35. The Family and Medical Leave Act will look at the totality of the circumstances relating to joint employment such as:
- The power to determine the pay rates or the methods of payment of the workers
  - The right, directly or indirectly, to hire, fire or modify the employment
  - Preparation of the payroll and payment of wages
  - All of the above

## Chapter 2

### The Laws Against Discrimination

### Practice Examination Answers

1. b	11. d	21. d	31. c
2. c	12. c	22. c	32. a
3. a	13. b	23. d	33. c
4. b	14. a	24. d	34. c
5. d	15. d	25. b	35. d
6. b	16. c	26. b	
7. b	17. b	27. d	
8. a	18. a	28. d	
9. b	19. c	29. a	
10. c	20. d	30. d	

## Chapter 3

### Screening and Selecting the Temp

### Practice Examination Questions

(Correct answers follow)

- How many employees must an employer have to be under the provisions of the ADEA:
  - 20

- b. 15
  - c. 10
  - d. Any number
2. The ADEA makes it illegal for employers to discriminate against individuals:
- a. 40 years of age or older on the basis of the person's age
  - b. 60 years of age or older on the basis of the person's age
  - c. Depends on the particular job
  - d. It is never okay to discriminate on the basis of age
3. What is most important with respect to background checks?
- a. Consistency and honesty
  - b. Validation and review
  - c. Timeliness and detail
  - d. Thoroughness and persistence
4. Employers are free to see the application and interview process to:
- a. Evaluate applicant's ability for employment
  - b. Screen applicants
  - c. Estimate potential for workers' compensation benefits
  - d. A & B only
5. The law does allow for discrimination of some protected classifications if there is:
- a. A temporary agency involved
  - b. Valid reason for discrimination
  - c. A BFOQ
  - d. None of the above
6. You can legally ask an applicant:
- a. His/her date of birth
  - b. Marital status
  - c. National origin
  - d. All but one of the above
7. Questions about sex, height and weight are permitted:
- a. Never
  - b. If worded properly
  - c. If there is a bona fide occupational qualification
  - d. If it is not used to screen out applicants of protected classes
8. A temporary staffing firm may ask questions about an applicant's ~~delete~~ arrest arrest and conviction record:
- a. When there is a legitimate business necessity
  - b. When the questions relates to the job being sought
  - c. Both of the above

- d. Neither of the above
9. Any medical exams or inquiries may not be made until:
- a. After the person starts his/her employment
  - b. After the first interview has taken place
  - c. After a conditional offer of employment is made
  - d. None of the above
10. The ADEA requires an employer to keep applications for:
- a. One year from date accepted
  - b. Six months from date accepted
  - c. Three years from date accepted
  - d. Three months from date accepted
11. The assessment techniques ranging from traditional paper and pencil tests, medical exams or disability-related performance tests, and training programs to probationary periods, physicals and education and work experience fall under the scrutiny of the:
- a. EEOC
  - b. ADEA
  - c. Department of Labor
  - d. ADA
12. Tests used for screening and selection can include:
- a. Skills tests
  - b. Psychological tests
  - c. Drug tests
  - d. All of the above
13. The principle that tests should not be used as a means for excluding members of the protected class was the result of the:
- a. Taft Hartley Act
  - b. Griggs vs. Duke Power Company
  - c. Castro vs. Beecher
  - d. ADEA
14. A selection rate for any race, sex or ethnic group that is less than 80% of the selection rate of the high group is:
- a. Non-discriminatory
  - b. Adverse impact
  - c. Reverse discrimination
  - d. All of the above
15. The fact that it is illegal to conduct medical exams or disability-related [inquiries](#) prior to extending a conditional offer of employment was the result of:
- a. EEOC
  - b. ADA

- c. ADEA
  - d. Executive order
16. If medical exams are required as a condition of employment, they must be:
- a. Arranged prior to the interview
  - b. Fair and consistent
  - c. Performed by the applicant's physician
  - d. Performed by the employer's physician
17. It is illegal for private employers to administer polygraph exams:
- a. Usually
  - b. Always
  - c. Never
  - d. None of the above
18. Drug and alcohol tests may be administered:
- a. Prior to making an offer
  - b. Anytime during the selection process
  - c. Anytime during employment
  - d. All of the above
19. Who must comply with the Drug Free Workplace Act:
- a. All federal contractors
  - b. All federal contractors with contracts of \$25,000 or more
  - c. All federal contractors with contracts of \$50,000 or more
  - d. All federal contractors with contracts of \$10,000 or more
20. Applicants must provide for credit checks, school records and transcripts with:
- a. Prior verbal permission
  - b. Prior written permission
  - c. No permission
  - d. Both A&B
21. In the interview process care must be taken not to screen out individuals by reason of their stature as a member of a protected class.
- a. True
  - b. False
22. Employers should \_\_\_\_\_ the application and interview process:
- a. Expedite
  - b. Memorize
  - c. Standardize
  - d. Equalize
23. Examples of protected class(es) included:
- a. Age

- b. Sex
  - c. National origin
  - d. All of the above
24. Validation of a test means establishing a relationship between what the test measures and the:
- a. Impact on women and minorities
  - b. Performance on the job
  - c. Implication of disability
  - d. Likelihood of failure
25. A cornerstone of Title VII of the Civil Rights Act is:
- a. The illegality of interstate transportation of illegal aliens
  - b. The right of Americans to bear arms
  - c. The opportunity to engage in free speech
  - d. Elimination of barriers to access to equal employment opportunity
26. Tests or other selection criteria may be viewed as discriminatory if:
- a. They are not administered at the same time of the day
  - b. They make an adverse impact upon members of a protected class
  - c. No one can pass the test
  - d. They are not evenly comprised of various kinds of test questions
27. The “four-fifths rule” has to do with:
- a. Adverse impact
  - b. Hiring quotas
  - c. Time allocation
  - d. Higher education requirements
28. ADA in relationship to employment testing relates to which of the following:
- a. Americans with Disabilities Act
  - b. American Discrimination Act
  - c. Association of Disadvantaged Americans
  - d. Common Cause
29. “Procedures or tests that seek information about the nature, existence, or severity of an individual’s physical or mental impairment, or that seek information regarding an individual’s physical or psychological health” is the EEOC’s definition of a:
- a. Physical workout.
  - b. Psychological test
  - c. Health report
  - d. Medical exam
30. Under the ADA what type of test is not considered medical in nature and is therefore permissible prior to extending an offer of employment?
- a. EKG examination

- b. Agility test
  - c. Psychological test
  - d. Vision test
31. The Drug Free Workplace Act covers federal contractors with contracts of:
- a. \$1,000
  - b. \$2,500
  - c. \$25,000
  - d. \$250,000
32. The ADA position on drug testing allows them to be administered:
- a. Only after a conditional offer is made
  - b. Exclusively prior to the initial interview
  - c. Anytime during the selection process
  - d. Always at the same time as all other testing
33. Under the Drug Free Workplace Act, contractors must create an awareness program that teaches/informs:
- a. Of the workplace policy
  - b. About drug-related employee and assistance programs
  - c. Of the penalties for infractions of the policy
  - d. All of the above

### Chapter 3

#### Screening and Selecting the Temp

#### Practice Examination Answers

- |       |       |       |       |
|-------|-------|-------|-------|
| 1. a  | 10. a | 19. b | 28. a |
| 2. a  | 11. a | 20. b | 29. b |
| 3. a  | 12. d | 21. a | 30. b |
| 4. d  | 13. b | 22. c | 31. c |
| 5. c  | 14. b | 23. d | 32. c |
| 6. d  | 15. b | 24. b | 33. d |
| 7. c  | 16. b | 25. d |       |
| 8. c  | 17. a | 26. b |       |
| 9. c  | 18. d | 27. a |       |
| 10. a |       |       |       |

### Chapter 4

#### Hiring the Temp

#### Practice Examination Questions

(Correct answers follow)

1. Which of the following requires all employers to verify that employees are authorized to work in the US?

- a. Fair Credit Reporting Act
  - b. Fair Labor Standards Act
  - c. Immigration Reform and Control Act
  - d. None of the above
2. Which of the following documents establishes both identity and authorization to work in the United States?
- a. Certificate of Naturalization
  - b. US Passport
  - c. Expired foreign passport
  - d. All but one of the above
3. Employment verification must take place within:
- a. Five business days after the employee is hired
  - b. Two business days after the employee is hired
  - c. Before an employee can actually begin work
  - d. Three business days after the employee is hired
4. The I-9 form must be kept for:
- a. Three years
  - b. One year beyond the termination of an employee who worked longer than three years
  - c. Seven years
  - d. All but one of the above
5. Exempt from the provisions of the FLSA are positions which fall in the following categories:
- a. Executive
  - b. Professional
  - c. Administrative
  - d. All of the above
6. The FLSA regulates:
- a. Minimum wage
  - b. Disability leave
  - c. Overtime requirements
  - d. All but one of the above
7. The “employment at will” doctrine means that even with an employment contract to the contrary, an employee may be fired at any time, for any reason, or for no reason at all:
- a. True
  - b. False
8. Which of the following **could** be considered trade secrets?
- a. Mark up rates
  - b. Key contacts

- c. Billing rates
  - d. All of the above
9. Workers' compensation statutes are Federal laws:
- a. True
  - b. False
10. Workers' compensation insurance:
- a. Covers an employer's duty to indemnify an injured or disabled employee.
  - b. Does not cover those injuries caused by the willful actions of the employee
  - c. Pays for injuries or diseases arising out of or occurring during the course of employment
  - d. All of the above
11. If an employee earns at least \$455/week and whose duties only include work that requires discretion and independent judgment, they are exempt from overtime pay under:
- a. Executive exemption
  - b. Administrative exemption
  - c. Professional exemption
  - d. None of the above
12. Which of the following are advantages for distributing employee handbooks?
- a. Can be used as training devices
  - b. Effectively communicate policies and procedures
  - c. Serve as written evidence of employer expectations
  - d. All of the above
13. To be eligible for unemployment compensation insurance, unemployed workers must:
- a. Be willing and able to work
  - b. Not have engaged in willful misconduct
  - c. Register with the state's employment office and file a claim for benefits
  - d. All of the above
14. Which of the following documents establish eligibility for work?
- a. State issued driver's license
  - b. Temporary resident card
  - c. Voter's registration card
  - d. All of the above
15. Which of the following reimburses the employer for loss of money or property growing out of an employee's dishonest acts?
- a. Bonding
  - b. Errors and omissions insurance
  - c. A & B
  - d. Neither of the above

16. Which of the following documents establish identity only?
- School ID with photo
  - US military card
  - Social Security card
  - A & B
17. The IRCA makes it illegal for employers with four or more employees to discriminate on the basis of national origin or citizenship status:
- True
  - False
18. The FSLA applies to employers if:
- The employee works for an enterprise engaged in commerce or the production of goods for commerce
  - The employee is involved in producing goods for commerce or is closely associated with such production
  - The employee engages in intrastate commerce
  - A & B
19. The hallmark of a trade secret is that it is information readily accessible to the public and cannot be replicated without significant expense and time:
- True
  - False
- 20 Errors and omissions is insurance protection for:
- The staffing firm
  - Temporary employees
  - A & B
  - Neither of the above
- 21, Which of the following individuals, hired by a temporary staffing firm, have to be verified under the Immigration Reform and Control Act:
- A temp working 35 or more hours per week
  - An in-house employee
  - A temp working 20 hours per week
  - All of the above
22. Employees covered by the Fair Labor Standards Administration are entitled to overtime pay for hours worked.
- In excess of 20 hours/week
  - In excess of 37-1/2 hours/week
  - In excess of 40 hours/week
  - None of the above

23. The employee handbook should cover:
- a. Employee expectations
  - b. Employer expectations
  - c. Administrative issues.
  - d. All of the above.
  - e. A & C
24. An employee might be considered administrative under the FLSA if:
- a. They do not earn less than \$455/week.
  - b. They regularly exercise independent judgment and discretion
  - c. Their main duties are not manual
  - d. All of the above
25. Some states have a higher minimum wage than the federal laws specifies:
- a. True
  - b. False
26. Non-compete agreements are easily enforceable in all fifty states.
- a. True
  - b. False
27. In some states, overtime compensation may be required for work in excess of:
- a. Five hour per day if on a holiday
  - b. Eight hours a day
  - c. 25 hour per week
  - d. None of the above
28. In the absence of a signed non-competition agreement:
- a. Former employees may not copy, take or use the temporary staffing firms trade secrets
  - b. Former employees may give confidential information to a third party
  - c. Both of the above
  - d. Neither of the above
29. An employee handbook should state that policy may be modified only with prior notice to employees:
- a. True
  - b. False
30. Topics that an employee handbook could include:
- a. AIDS in the workplace
  - b. Benefits
  - c. Privacy
  - d. All of the above
31. It is never necessary for an employee to sign an acknowledgment or receipt

of the employee handbook:

- a. True
  - b. False
32. The aggregate limit to the general liability insurance policy is the maximum amount of money the insurance carrier will pay for one occurrence:
- a. True
  - b. False
33. Errors and omission insurance will:
- a. Provide money for a defense
  - b. Provide money to cover damages paid by the service.
  - c. Reimburse the employer for loss of money or property growing out of an employee's dishonest acts
  - d. A & B
34. A Form I-9 that contains an expired employment authorization stamp is an acceptable document to establish identity and eligibility under IRCA:
- a. True
  - b. False
35. An executive exemption and not entitled to receive overtime pay includes:
- a. Routinely supervises three or more employees
  - b. Earns at least \$185/week
  - c. Has hiring, firing or promotion authority
  - d. All of the above
36. If someone routinely exercises discretion and independent judgment in the performance of their job, they are exempt from overtime pay under:
- a. Executive exemption
  - b. Administrative exemption
  - c. Professional exemption
  - d. None of the above
37. If the primary duties include teaching, tutoring, lecturing or instructing for an educational institution, they are exempt from overtime pay under:
- a. Executive exemption
  - b. Administrative exemption
  - c. Professional exemption
  - d. None of the above

#### Chapter 4

#### Hiring the Temp

#### Practice Examination Answers

1. c            11. b            21. d            31. b

2. d	12. d	22. c	32. b
3. d	13. d	23. d	33. d
4. b	14. b	24. d	34. b
5. d	15. a	25. a	35. c
6. d	16. d	26. b	36. b
7. b	17. a	27. b	37. c
8. d	18. d	28. a	
9. b	19. b	29. b	
10. d	20. a	30. d	

## Chapter 5

### Relationships with Clients

### Practice Examination Questions

(Correct answers follow)

1. A contract is most simply defined as:
  - a. A promise for a breach of which the law gives a remedy or the performance of which the law recognizes a duty
  - b. A unilateral promise for which there is a legal debt
  - c. Consisting of bilateral and unilateral elements
  - d. When an offer to perform services is implied but never written.
  
2. The following are two types of legal contracts:
  - a. Binding and non-binding
  - b. Offer and acceptance
  - c. Bilateral and unilateral
  - d. Express authority and apparent authority
  
3. A bilateral contract is one in which:
  - a. Two promises are offered
  - b. Mutual promises are exchanged
  - c. Both parties are obligated
  - d. Neither party is obligated
  
4. Unilateral contracts are those agreements in which:
  - a. All of the obligations remain with one party until the conditions are met at which time the other party becomes obligated to perform their part of the agreement
  - b. The obligations are immediately shared between both parties
  - c. One party unilaterally decides it wants to enter into an agreement
  - d. There are no such things as unilateral contracts
  
5. The elements of a contract are as follows:
  - a. Offer, acceptance, consideration and collection
  - b. Offer, consideration and execution

- c. Offer and acceptance
  - d. Offer, acceptance and consideration
6. The offer:
- a. If accepted by the other party, results in a contract
  - b. If accepted by the other party is implied acceptance
  - c. Can be implied or expressed
  - d. Is implied if it leads to a counter offer
7. Which of the following cannot be construed as a form of acceptance of a contract?
- a. Express acceptance
  - b. Implied acceptance
  - c. Silence
  - d. Consideration
8. If a party rejects some or all of the terms of an offer and instead proposes different terms:
- a. The offer is enforceable with consideration
  - b. The original party must accept the new counter offer for there to be an agreement
  - c. The new terms would be invalid
  - d. Silence would constitute implied acceptance
9. Consideration is:
- a. One of four elements present in a contract
  - b. For bilateral contracts, a return promise
  - c. For unilateral contracts, a return promise
  - d. Implied through an express acceptance of a contract
10. Under the legal doctrine, known as the Statute of Frauds:
- a. All contracts of the type described in the statute must be in writing
  - b. Contracts dealing with personnel must be in writing
  - c. All contracts must be performed within one year
  - d. Oral contracts are not valid
11. In the staffing industry:
- a. All contracts must be in writing
  - b. All contract must be oral
  - c. Contracts can be either oral or written
  - d. All contracts should be notarized
12. A time sheet signed by an authorized client
- a. Implies acceptance of an offer
  - b. Is evidence of consideration
  - c. Is a written agreement
  - d. Must also be signed by the temporary employee

13. A time sheet signed by a client:
- Is valid if there is either actual or apparent authority
  - Is not valid without actual authority
  - Is not valid without apparent authority
  - Can be signed by any employee at the client company
14. Which of the following statements is correct?
- The person signing an agreement must have both actual and apparent authority for it to be valid
  - The person signing an agreement need not have either actual or apparent authority for it to be valid
  - The person signing an agreement must have implied authority for it to be valid
  - The person signing an agreement must have either actual or apparent authority for it to be valid
15. Implied acceptance of a contract means:
- The party agrees to the terms of the offer exactly as it was made
  - The party does not respond by words, but rather responds by actions
  - The party rejects all of the terms
  - None of the above
16. Rules of contract construction include:
- Giving words their ordinary meaning and avoiding an interpretation that would result in a harsh or unreasonable result
  - Dictates that issues be addressed in chronological order
  - Creating various interpretations of similar words throughout the documents
  - Offer and acceptance
17. The following should appear on the time sheet:
- The name of the temp performing the services along with the dates, times and hours worked
  - Quality control and guaranty policies, including policies on liability
  - Space for the name, signature and title of person signing the time sheet and the temporary employee
  - All of the above
18. A conversion occurs:
- When a temp referred for a specific assignment is transferred to another assignment within the company
  - When a temporary assignment is filled on a permanent basis
  - When a temp referred to a specific assignment is subsequently hired by the client company
  - When a fee is charged for a permanent placement
19. A “temp to hire” occurs when:

- a. The client company screens candidates by having them work as a temporary employee before making a hiring decision.
  - b. A staffing company does both direct hire and temporary placements
  - c. A fee is charged by the temporary staffing firm
  - d. The client company had no previous indication that a permanent position would be available
20. Temporary staffing firms might consider charging a liquidated fee/conversion charge when:
- a. The client hires the temp through a “conversion”
  - b. The client hires the temp through “a temp to perm”
  - c. Both of the above
  - d. Neither of the above
21. Language for a proper liquidated fee/conversion charge would include:
- a. A statement explaining when the fee is earned
  - b. A statement of the billing terms and any finance charges
  - c. Both of the above
  - d. Neither of the above
22. The following may constitute a written contract upon which to predicate a lawsuit for collecting fees:
- a. Time sheets
  - b. Letter agreements
  - c. Contracts prepared by the client
  - d. All of the above
23. Lawsuits based on oral agreements:
- a. Prevent the temporary staffing firms from recovering its fee
  - b. May enable the agency to collect its fee if it can prove its “prima facie” case through the records it keeps in the ordinary course of business
  - c. Must be collaborated through the signed time sheet
  - d. None of the above
24. Collecting fees can be achieved by:
- a. Calling the client and reaching an understanding
  - b. Sending a Dunning letter to the client
  - c. Filing a lawsuit against the client
  - d. All of the above
25. Under the doctrine of quantum meruit:
- a. The absence of an agreement automatically prevents an agency from recovering fees
  - b. Parties can recover monies owed even when there has been no expressed contracts either written or oral

- c. A temporary staffing firm may be paid for services rendered at a rate up to twice the pay rate
  - d. There is implied a quantity discount for services rendered
26. Providing temporary employees constitutes a unilateral contract because:
- a. This is a proposal which, if accepted by the other party, results in a contract
  - b. The staffing firm is not required to assign temps to the client
  - c. There is express acceptance
  - d. There is no implied counter offer
27. An example of consideration by a temporary staffing firm to a client is:
- a. Performing a comprehensive interview of the candidate
  - b. Paying the temporary on a weekly basis
  - c. Respecting the confidentiality of a client's business
  - d. Providing temporary help to a client and the work performed by that temp
28. An example of consideration given by the client should be:
- a. The fees paid to the temporary staffing firm for the hours worked for the client
  - b. Allow the temporary staffing firm to enter into the contract
  - c. Providing a "professional work environment" for the temp
  - d. All of the above
29. In contract terms, silence:
- a. Can be deemed to constitute an acceptance of an offer
  - b. Require the act be performed in reliance on the promise
  - c. Cannot constitute acceptance of a contract
  - d. Is a form of express acceptance
30. A demand letter used in collecting fees:
- a. Should be avoided at all costs
  - b. Requires the temporary staffing firm to file a lawsuit
  - c. Should clearly state that a fee is due and payable
  - d. Requires evidence of a written contract
31. The doctrine of "Quantum Meruit":
- a. Provide for equal pay for equal work performed
  - b. Implies that an offer, if accepted with consideration, is incontestable
  - c. Allows a temporary staffing firm to be paid for reasonable value of the services performed
  - d. Provides satisfaction for an oral contract

## Chapter 5

### Relationships with Clients

### Practice Examination Answers

1. a            12. c            23. b

- |       |       |       |
|-------|-------|-------|
| 2. c  | 13. a | 24. d |
| 3. b  | 14. d | 25. b |
| 4. a  | 15. b | 26. b |
| 5. d  | 16. a | 27. d |
| 6. a  | 17. d | 28. a |
| 7. d  | 18. c | 29. a |
| 8. b  | 19. a | 30. c |
| 9. b  | 20. c | 31. c |
| 10. b | 21. c |       |
| 11. c | 22. d |       |

## Chapter 6

### Other Federal Laws Affecting Staffing Firms

### Practice Examination Questions

(Correct answers follow)

1. The National Labor Relations Act grants rights to:
  - a. Unionized workers
  - b. Non-unionized workers
  - c. Both of the above
  - d. Neither of the above
2. Which of the following is prohibited by the NLRA?
  - a. Interrogating workers about their union sentiments
  - b. Promising benefits to workers who oppose the union
  - c. Spying on employees to ascertain their views on unionization
  - d. All of the above
3. The Occupational Safety and Health Act's (OSHA) general duty provision is that all places of employment should be free from recognized hazards that cause, or are likely to cause, death or serious physical injury to employees.
  - a. True
  - b. False
4. The Consolidated Omnibus Budget Reconciliation Act (COBRA) applies employers with how many employees?
  - a. 10 or more
  - b. 20 or more
  - c. 50 or more
  - d. 100 or more
5. How long must COBRA benefits be available to employees who have been terminated or had their hours reduced?
  - a. Up to 6 months
  - b. Up to one year

- c. Up to 18 months
  - d. None of the above
6. The Worker Adjustment and Retraining Act (WARN) applies to firms with how many number of employees?
- a. 25 or more
  - b. 50 or more
  - c. 100 or more
  - d. 500 or more
7. Under the provisions of WARN, employers closing a plant or facility, must:
- a. Provide training for affected workers
  - b. Guarantee severance to terminated workers
  - c. Provide relocation counseling
  - d. Provide 60 days advance notice of closing

## Chapter 6

### Other Laws Affecting Staffing Firms

### Practice Examination Answers

- |      |      |
|------|------|
| 1. c | 5. c |
| 2. d | 6. c |
| 3. a | 7. d |
| 4. b |      |

## Appendix

### NAPS Standards of Ethical Practice and Certification Program Rules

### Practice Questions

1. How often following certification must a certificant show evidence of continuing education?
- a. Every three years
  - b. Every five years
  - c. Every seven years
  - d. None of the above
2. During the decertification process, what happens when the state association chooses not to process the complaint?
- a. It is referred back to the President of NAPS
  - b. It is referred to the NAPS Executive Committee
  - c. It is referred to the NAPS Certification Committee
  - d. It is dismissed
3. It is the responsibility of the NAPS Ethics Committee to:
- a. Forward a copy of the charge and related documents to the accused

- b. Forward a copy of the charge and related documents to the state association
  - c. Forward a copy of the charge and related documents to the accused's attorney
  - d. Forward a copy of the charge and related documents to the accused's employer
4. The designation Certified Temporary-Staffing Specialist (CTS) may be used:
- a. Following the professional name of the certified firm
  - b. Following the professional name of the certified individual only
  - c. Following the professional name of the certified individual or firm
  - d. None of the above
5. A service charge should not be issued to a client unless:
- a. They have been made aware of the charge before it is incurred
  - b. An offer, acceptance and start date have been confirmed
  - c. The starting salary has been set
  - d. All of the above
6. If an employer experiences a strike or lockout, the temporary services firm should:
- a. Not refer any applicants to that employer
  - b. Refer non-union candidates
  - c. Refer union candidates
  - d. Inform candidates of the strike or lockout before referral to the employer
7. A candidate, employee, personnel service or employer who has a complaint about the practices of a personnel service should be directed to file the complaint with:
- a. The offering firm
  - b. NAPS headquarters

- c. Both A & B
  - d. Neither of the above
8. The National Association of Personnel Services Standards of Ethical Practice:
- a. Supersede federal law
  - b. Supersede state law
  - c. Both A & B
  - d. Neither of the above
9. Newspaper ads for temporary assignments shall be representative of:
- a. Bona fide openings available at the time that copy is given to the newspaper
  - b. Representative of the types of openings generally available through the service
  - c. Representative of the types of opening occasionally available through the service
  - d. Both A & B
10. A candidate shall be referred to an employer/client for interview only after:
- a. A written contract has been signed
  - b. Prior authorization of the employer/client has been given
  - c. The service charge has been disclosed to the client and/or employer
  - d. Both B & C
11. The CTS certificate issued by NAPS is valid for how long?
- a. As long as the certificant abides by the certification program rules
  - b. Three years
  - c. Five years
  - d. Life

Appendix

NAPS Standards of Ethical Practice  
and Certification Program Rules

Practice Question Answers

- 1. a
- 2. c
- 3. a
- 4. b
- 5. a
- 6. d
- 7. b
- 8. d
- 9. a
- 10. d
- 11. a

Copyright, 2007  
National Association of Personnel Services  
PO Box 2128  
Banner Elk, NC 28604-2128

This study guide may only be reproduced by candidates for CTS certification and those trainers assisting candidates prepare for the certification examination. Report all violators to the President of NAPS.