National Association of Personnel Services
Certified Personnel Consultant (CPC)
Study Guide

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

Based on the NAPS Certified Personnel Consultants’ Legal Manual
3rd Edition by Robert P. Style, Esq.

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The National Association of Personnel Services is pleased to provide this study guide in support of the Certified Personnel Consultants’ Legal Manual (3rd edition). Written by Robert P. Style, Esq., this manual contains comprehensive information about the federal laws affecting the 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.

This 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 training manual. The examination questions within this study guide were developed independent of the actual test exam 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 the Certified Personnel Consultants’ Legal Manual (3rd 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 fall, 2000 edition of the study guide is being made available online and available for downloading by these audiences.

The original NAPS CPC 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.

Contributors to the original CPC study guide included:

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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.
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 12,000 staffing industry professionals have been certified by the association since the credentialing program was initiated in the 1960s.

The Certified Personnel Consultant (CPC), Certified Temporary-Staffing Specialist (CTS) and Physician Recruiting Consultant (PRC) examinations are given each year in May and November to candidates seeking certification. To be eligible for CPC certification candidates must meet the following criteria:

Two years experience in direct hire placements as of the first day of the testing month. Position experience includes: owner, partner, manager, recruiter, placement consultant within a private firm; or corporate human resources or employee relations professional. Note: Candidates must be able to submit written verification of their two years experience upon request.

Be currently employed in any of the above.

Candidates must agree to uphold the National Association of Personnel Services (NAPS) Standards of Ethical Practices and abide by the certification program rules.

Applications for certification should be directed to the NAPS office in Alexandria, Virginia. Individuals with specific questions or comments about the certification process should contact the certification program manager at 703/684-0180.
Preparing For The CPC Examination
Certification candidates are required to study and master the information contained in Certified Placement Consultants’ Manual (3rd edition) by Robert P. Style, Esq. This edition was published in 1999. The CPC 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 often formed in various communities. To learn of such opportunities, contact the certification program manager at the NAPS headquarters.

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.

1. Set up a schedule well in advance of the examination date (May and November each year) to engage in the reading and study required to learn the manual contents. Make notes in or mark (highlighter or marker) your manual to emphasize what you believe to be key concepts and passages. See the seven-week study schedule below as possible guide.

2. Engage in study and review sessions with other certification candidates and take turns presenting passages or chapters in the manual.

3. 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—something you may not have done in a long time.

Suggested Study Session Schedule
Note: The study outline and study questions that follow are broken down according to this suggested study session schedule. If sufficient time exists, it would be reasonable to consider accomplishing one session per week to complete the entire study session schedule in seven weeks.

### Study Session Sections of the Certified Personnel Consultants’ Manual

1. **The Laws Against Discrimination**  
   pp. 1-1 to 1-27 (in manual); p. 8 (in this guide)

2. **The Laws Against Discrimination** (continued)  
   pp. 1-29 to 1-54 (in manual); p. 13 (in this guide)

3. **The Laws Against Discrimination** (continued)  
   pp. 1-55 to 1-82 (in manual); p. 18 (in this guide)

4. **Truth in Lending**  
   Reference Checking  
   Telephone Consumer Protection Act  
   pp. 2-1 to 4-5 (in manual); p. 23 (in this guide)

5. **Contracts**  
   pp. 5-1 to 5-19 (in manual); p. 27 (in this guide)

6. **Test your Knowledge – Case Studies**  
   pp. 6-1 to 7-10 (in manual); p. 29 (in this guide)

7. **Appendix – Certification Program Rules**  
   Standards of Ethical Practices  
   Practice Test Questions  
   pp. 8-1 to 8-12 (in manual); p. 30 (in this guide)

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**Personal Readiness For The Examination**
As you move forward to the day of the examination, consider the following.

• Get a good night’s sleep.
• Eat a wholesome meal.
• Dress comfortably
• Get to the examination site well in advance of the set time.
• Avoid stressful situations (e.g., traffic, long commute to exam site, etc.)

**Examination-Taking Strategies**
Once situated at the examination site, candidates for certification may wish to consider the following:

1. After you have checked in and are seated at the examination site, you will have three (3) hours to complete the CPC examination. Approach the examination as a personal experience and ignore the other test-takers in the room. Their anxiety (if it exists) isn’t good for you.

2. Listen carefully to the verbal instructions offered by the proctor and read all directions very thoroughly.

3. Be particularly attentive regarding the recording of your name on the examination answer sheet and the marking of your answers. Answer sheets are machine scanned and NAPS is cannot be responsible for illegible responses.

4. Before answering an item, be sure to read all answer choices first. Answer all of the test items you know first. Go back and answer the other items later.

5. Make sure you fill in the correct letter choice alongside the appropriate number on the answer sheet. This is especially important if you leave any answers blank as your move through the test the first time.

6. Keep track of time throughout the examination.

7. Each question in the CPC examination has only one correct answer. Your examination score will be based on the number of questions you answer correctly. Thus, it is to your advantage to answer every question.

8. In the case study section of the examination, read the case or scenario thoroughly before attempting to answer the questions. Return to the case or scenario as required as you attempt to respond to the specific question.

**Examination-Taking Strategies continued**
9. There is no break period during this examination. However, you will be allowed to go to the restroom, one at a time, during examination. Before leaving the room to go to the restroom, you must surrender your examination book and answer sheet to the proctor.

10. If you finish early, use the time to return to any questions that might have troubled you in the first reading.

11. If you finish the examination in less than the allotted time and wish to leave, you may do so, but it is essential that those who leave early do so one at a time and as quietly as possible. It is important to return all examination materials.

12. If you choose to withdraw from the examination, whether due to illness or some other reason, present all of your examination materials to the proctor. You will be asked whether or not you wish to have your answer sheet scored and the reason for withdrawal. If you choose not to have your answer sheet scored, it will be voided. All materials must be returned to the proctor at this point.

13. Your examination score will be reported to you by NAPS in approximately six to eight weeks.

**Overview Of Certified Personnel Consultant (CPC) Examination**

The CPC examination consists of legal information relevant to practice of 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.

The examination consists of 150 multiple choice, true/false and case study questions. The time allocated for completion of examination is three hours. The examination will be administered twice annually (May and November) by a NAPS selected proctor at one of a number of sites around the country. Candidates must have registered in advance and bring a photo identification in order to be admitted into exam.
CPC Study Questions
Study Session 1
Certified Personnel Consultants’ Legal Manual • pp. 1-0 to 1-28

Relationship Between Federal & State Laws
Q. How does one choose between following state or federal law?
A. You don’t choose – you follow both, unless they directly conflict.

Q. When is it appropriate to ignore state law?
A. When it is in direct conflict with a federal law.

Q. What laws expressly prohibit discrimination on the basis of marital status?
A. Many state civil rights acts.

Q. The CPC examination addresses which of these laws?
A. Federal laws.

Civil Rights Act of 1964
Q. What are the five bases upon which discrimination is prohibited?
A. Race, color, religion, sex, and national origin.

Q. What federal agency was created by this law?

Q. How does this act affect personnel services?
A. It is unlawful to fail or refuse to refer anyone for employment because of any of the above categories.

Q. What companies are covered?
A. Companies with fifteen employees who engage in interstate commerce. All personnel services regardless of the number of employees.

Bona Fide Occupational Qualification (BFOQ) Exemptions
Q. A BFOQ may justify discrimination on what basis?
A. Religion, sex and national origin.

Q. A BFOQ may not justify discrimination on what basis?
A. Race and color.
Q. When may discrimination be justified on the basis of a BFOQ?
A. When such discrimination is reasonably necessary to the normal operation of a business. A client preference is not a basis for a BFOQ.

Q. How does this impact on personnel services referrals?
A. It should not impact at all. A candidate may only be referred based upon lawful, non-discriminatory criteria.

**Pregnancy**

Q. What precipitated the Pregnancy Disability Act of 1978?
A. In a court decision, General Electric Company vs. Gilbert, the Supreme Court held that employers could treat pregnancy differently than other disabilities.

Q. Paraphrase the act:
A. Unlawful to discriminate on the basis of pregnancy, childbirth or related medical conditions. Disability from pregnancy is treated as other similar disabilities, therefore disability plans must be consistent within a company, (esp. temporary disabilities). Note – pregnancy is a “disability” for purposes of this act, but not under the ADA.

Q. How does this impact personnel services firm referrals?
A. A personnel consultant cannot refuse to refer a pregnant candidate who is able to perform the major functions necessary to the job, because of her pregnancy.

**Discriminatory Job Orders**

Q. Can a personnel services firm work/place exclusively with one sex?
A. Only in those rare instances when sex is a BFOQ.

Q. What is the responsibility of a personnel services firm in accepting a discriminatory job order?
A. If BFOQ is not valid and the personnel services firm knows this, then it shares responsibility in taking a discriminatory action. However, if not valid and the personnel services firm has no reason to know this, it does not share responsibility if it keeps paper records.

**Testing Regulations**

Q. What is required of a personnel services firm administering tests?
A. A personnel services firm must have secured validation documentation for any test used as a screening device for referrals. If an agency is administering a test for a client it must have validation records or refuse to administer the test.
**Age Discrimination In Employment Act of 1967**

Q. What federal agency enforces this act?

Q. What are the age parameters of the act?
A. Over the age of 40.

Q. How does this law impact on personnel services firms?
A. It is illegal/unlawful to refuse to refer for employment or print/publish advertisements indicating preference, limitations, specification, or discrimination based on age.

**American with Disabilities Act (ADA)**

Q. Describe a non-chronic impairment vs. actual disability – include both mental and physical.
A. Non-chronic physical impairment such as a normally healing broken leg as opposed to one which takes longer than normal to heal; Mental impairment such as illiteracy caused by lack of education as opposed to dyslexia. An actual disability must pose a substantial limitation on a major life activity be it physical or mental, (e.g., walking, speaking, hearing, or seeing).

Q. How does the ADA address drug and alcohol abuse?
A. Drug users are not protected, but rehabilitated addicts, persons participating in supervised rehab no longer using drugs & people erroneously regarded as engaging in drug use are considered disabled & may not be discriminated against. Alcoholics, however currently using alcohol are considered disabled and cannot be disqualified solely on that basis. If alcoholism interferes with the person’s job performance, they may be discharged if others with the same performance deficiencies are discharged.

Q. Describe the term “qualified” as seen under the ADA:
A. Does the person meet the job order requirements and can the person perform the “essential functions” of the job with or without reasonable accommodations.

Q. Explain who decides “essential function” for a job.
A. The employer.

Q. Does time spent on a particular function make it essential? Explain.
A. Often, but sometimes something that takes very little time may be very important.

Q. In what type of environment would all functions be deemed essential? Why?
A. A rotating team environment – everyone must be able to do all functions.

Q. Is a failure to perform an essential function of a job an automatic disqualifier to a potential hire? Why?
A. No. It may be possible to provide a reasonable accommodation which enables the candidate to perform the essential function.
Q. Describe “reasonable accommodation” and give examples.
A. A modification or adjustment which enables a disabled person to perform the essential functions of the job (i.e. accessibility, modifying work schedule, altering how or when an essential function is performed, redistributing marginal functions, obtaining equipment or devices, modifying examination or training materials, providing readers and interpreters, reassignment to vacant position, permitting appropriate leaves of absence for treatment of condition, providing appropriate parking or allowing employees to provide their own equipment or devices).

Q. How are reasonable accommodations made?
A. On a case by case basis.

Q. Do we have an exact definition of “undue hardship”? Explain.
A. No, depends on four factors of the employer – mainly overall ability to afford what changes would cost. The most expensive accommodation is not required, just what accomplishes the needed change or adjustment.

Q. What factors are weighed in considering undue hardship?
A. Nature and cost, financial resources of facility, the financial resources of the employer and the type of operation and workforce of the employer.

Q. Can personnel consultants determine accommodation alone? Explain.
A. No, they must work with the employer and employee.

Q. When can an employer or personnel consultant ask about a candidate’s need for an accommodation?
A. If disability is obvious, the candidate voluntarily discloses the disability or the candidate discloses the need for an accommodation.

Q. Are questions about drug use appropriate?
A. Only about illegal drugs. You may ask about the use of lawful drugs only to see if such use might have caused a positive result on a drug test.

Q. Can a job offer depend on a medical exam?
A. Only if an exam is required of all employees in that particular category and only if a conditional offer of employment has been made.
Q. How should medical records be maintained?
A. They should be maintained separately in a locked cabinet with limited access. Supervisors and managers can be informed concerning duty restrictions and necessary accommodations. First aid personnel may also be informed on an as needed basis.

**Other Federal Acts**

Q. The Equal Pay Act of 1963 is an amendment to what law?

Q. Paraphrase the act?
A. An employer cannot pay different wages to different sexes for equal work. To equalize pay, an employer cannot lower anyone’s pay.

Q. What are acceptable reasons to differentiate?
A. Seniority systems, merit systems, production, anything but sex differentials are acceptable.

**Veterans Readjustment Act of 1974**

Q. Who is impacted?
A. Vietnam veterans – federal contractors working with US receiving payments over $10,000 must take affirmative action.

**Immigration Reform and Control Act of 1986**

Q. Who is impacted?
A. Businesses with four or more employees.

**Executive Orders 11246 and 11141**

Q. Why are Executive Orders 11246 and 11141 important?
A. Both cover government contracts and restate no discrimination for previously discussed issues.
The Application and Interview
Griggs vs. Duke Power Company
Q. Provide a brief summary of Duke Power Company’s policy.
A. Required all employees to be high school graduates. Later required prospective employees to perform satisfactorily on two professionally prepared aptitude tests.

Q. What was the relationship between the graduation and test requirement and successful job performance.
A. Neither the high school graduation requirement or aptitude tests bore any kind of relationship to successful performance of jobs for which individuals were applying.

Q. Explain how the tests were administered and group affected.
A. The tests were administered in a nondiscriminatory manner and did not favor or penalize any racial group as to administration, grading or evaluation of the test.

Q. What was the problem?
A. The high school graduate requirement disqualified more Black employees than white employees in the geographical area of the plant location.

Q. Explain points the courts considered in their decision.
A. Federal District Court of Appeals and Court of Appeals: Lack of discriminatory intent and equality of opportunity inherent in the testing process.

US Supreme Court: Civil Rights Act covers not only overt discrimination, but also practices that are fair in form but discriminatory in operation.

Q. Explain what business necessity is:
A. An employment practice that discriminates must be proved to be essential to the safe and efficient operation of the business.

Q. If a test is used, what must it measure?
A. The person for the job, not the person in the abstract.
Q. List examples of practices which have been found to be unlawful recruiting and hiring policies since Duke Power case:
A. The following are examples of hiring policies deemed to be unlawful:
1. Refusal to hire because of arrest record.
2. Use of word-of-mouth recruiting only.
3. High school education requirement.
4. Refusal to employ persons fined for gambling.
5. Refusal to employ persons because of poor credit record.
6. Failure to give applicants’ the opportunity to rebut bad references.
7. Giving preference to relatives of present employees.
8. Use of minimum height requirements.
9. Denial of employment to unwed mothers.

Q Why were these policies or practices deemed unlawful?
A. They had a discriminatory impact upon a member of a protected class without being necessary for the business purposes of the employer.

**Questions on the Application and During the Interview**

Q. Briefly discuss the following areas as to impermissible questions and why:

Name: Maiden name/original name.

Birthplace and Residence: Shouldn’t ask birthplace, but residence is acceptable.

Creed or Religion: Can’t ask religion, church membership, or religious holidays observed

Race or Color: Should not ask or record anything about the race or color of the applicant. Photographs should not be required of applicants.

Citizenship: Inquiry can be made as to his/her legal right to work in United States.

Language: Permissible to ask language(s) spoken if it relates to the job.

Relatives: Permissible to ask who might be contacted in order to reach applicant.

Child Care: Any questions about child care should be avoided and future plans for marriage and parenting should not be asked.

Age: Not recommended because it could later be alleged that reason for asking was related to act of discrimination.
Height and Weight: Little need to ask as question can be construed to discriminate against women and Asians.

Arrest Record: Questions about criminal record must be related to person’s qualifications for the position.

Q. What other topics may be covered by state law?
A. Marital status, physical and mental disabilities, military status, sexual preference.

**Reviewing Your Practices**

Q. What criteria should be used in the review of applications?
A. Do any questions tend to disqualify members of protected classes? If so, are the questions job related. Is there another way to ask the questions without having discriminatory impact?

**Formal Testing**

Q. What four groups/agencies adopted the Uniform Guidelines on Employee Selection Procedures?
A. The Equal Employment Opportunity Commission, US Civil Service Commission, Department of Labor and Department of Justice.

Q. Explain why employer intent is irrelevant.
A. Adverse impact on a protected group that cannot be justified is unlawful.

Q. What are the two steps a personnel consultant must go through to administer a test?
A. Determine if test has an adverse impact on any of the following groups: African Americans, native born Americans, Spanish, Hispanic, Whites other than Hispanics, males, females. If an adverse impact is present the test must be validated.

**How To Determine Adverse Impact.**

Q. Explain the 4/5 Rule?
A. If the selection rate for any of the protected groups as a result of the test is less than 4/5 of the rate of the group with the highest selection rate.

Q. What kind of records need to be kept?
A. A breakdown of identifiable race; sex; ethnic group for the following groups: African Americans, native born Americans (including Alaskan natives), Asians (including Pacific Islanders), Hispanics, (including persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish origins) Whites other than Hispanic, and totals.

Q. What are the limitations such records can be used?
A. To determine adverse impact---not as an aid to discrimination.
Q. Define the three types of validity.
A. Criterion related validity—correlating success on test to success on job.
Content validity—test samples certain functions for job performance.
Construct validity—measures a psychological trait which underlies successful job performance.

**Drug Testing**
Q. Describe elements of employee privacy rights when developing drug testing programs.
A. The manner in which the test itself is given should take into consideration the employees reasonable expectations of privacy.

Q. Describe the effect to anti-discrimination laws as they apply to drug testing.
A. Anti-discrimination laws apply to drug testing, just as to any other test.

**Polygraph Testing**
Q. Describe the Employee Polygraph Protection Act of 1988.
A. This act virtually eliminated the use of polygraph as a pre-employment screening device or as an investigative tool with respect to the conduct of existing employees. Under the act, pre-employment tests may only be administered to those employees engaged in providing security operations “having a significant impact on health and safety.”

Q. What conditions must an employer satisfy to conduct polygraph testing on current employees?
A. The employer must satisfy the following conditions: 1) Must request, not require test, 2) May request test only in connection with an ongoing investigation of economic loss or injury to the employee’s business, 3) Must have “reasonable suspicion.” Employee’s access to stolen items may not be the sole basis for suspicion, and 4) Must give employee at least 48 hours notice regarding date, time, location of test and right to legal counsel.

**Advertising**
Q. What laws concern themselves with help wanted notices/ads?
A. The Age Discrimination in Employment Act and Title VII of the Civil Rights Act

Q. Paraphrase Title VII.
A. It is a violation of Title VII to indicate a preference, limitation, specification or discrimination based on sex unless BFOQ. Help wanted listings or posting by male/female headings is a violation.

Q. Paraphrase regulations of the Age Discrimination in Employment Act.
A. No terms indicting age preference or limitation can be used (i.e., boy, girl, recent college student, or any specific age range (25-35). Terms such as “retired” and “supplement your premium” discriminate against other members of the protected group.
Q. Give examples of non-protected groups.
A. People less than 40 are not a protected group as an age category, so the term “not under 18,” is lawful.

**Brennan vs. Paragon**
Q. What precipitated the legal action?
A. The use of certain “trigger” words (rather than content) by employment agencies.

Q. Discuss the term “junior”.
A. It’s acceptable if it indicates job duties, rather than age.

**Hodgson vs. Approved Personnel Service**
Q. What precipitated this legal action?
The use of the expression, “recent college grad,” and concern that it might eliminated more experienced or older applicants.

Q. When can recent grads be targeted?
A. When the timing of ad important for targeting people coming on the job market at a certain time or to educate them about the availability of employment services.

**Barnes vs. Rourke**
Q. Describe this case.
A. Headings or divisions by male and female violate Civil Rights Act. The defendant was a personnel services firm and accepted employment listings from employers that were sex specific and made no effort to explore BFOQ requirements. The office was organized so that there were female/male applicant desks and refused to refer qualified applicants of a certain gender to employers that had expressed a preference based upon sex.

Q. In evaluating a possible violation what does the court look at?
A. Context of ad and intent. Encourage use of services by a class who might not otherwise use them. Does content discourage a protected group from applying?

Q. What must also be included in advertisements for recent college graduates?
A. Reference that older individuals are also eligible.

Q. What is the EEOC’s position on advertisement for “those seeking to supplement income”?
A. That the ADEA protects the younger members of the near-40 protected class. Also the EEOC deems it as a violation. However, it will probably remain for the Supreme Court to determine the legality.
Discrimination of the Basis of Religion

Q. Previous to the TWA vs. Hardison legal decision, what EEOC guidelines were used?
A. Reasonable accommodation to the religious needs of employees not an “undue hardship.”

Q. What was the result of TWA vs. Hardison decision?
A. The accommodations for employees requiring special consideration may not be as great as believed prior to this decision.

Q. Discuss the case in general covering what the three alternatives TWA thought made up their accommodation.
A. The Civil Rights Act does not require an employer and union with an agreed seniority clause to deprive senior employees their right, in order to accommodate a junior employee’s religious practices. Transferring Hardison from one department to another would have created the same problem in another department. The court found it to be an undue hardship to hire someone not regularly assigned to Saturday work because this replacement employee would receive premium pay.

Q. Discuss Ansonia Board of Education vs. Philbrook.
A. In this case an employee needed more than the three days allotted by the employer for religious reasons. The employer also refused to allow personal days to be used for religious purposes. The court supported this policy requiring an employee to take unpaid leave rather than paid leave as a reasonable accommodation. The accommodation does not have to be the one preferred by the employee.

Q. How does the Equal Employment Opportunity Commission define religious belief entitled to protection?
A. Religious practices to include moral or ethical beliefs as to what is right or wrong which are sincerely held with the strength of traditional religious views.

Q. Does the employee have to belong to an organized group that espouses such beliefs?
A. No.
**Sexual Harassment**

Q. Define/explain quid pro quo cases of sexual harassment
A. An employee is threatened or suffers job detriment or retaliation for refusing to accede to sexual harassment demands.

Q. Define/explain hostile environment
A. No job detriment occurs but the harassment creates an offensive or abusive environment.

Q. In a quid pro quo case, what must the employee show?
A. They were subject to unwelcome sexual harassment that they did not solicit and found offensive. The harassment would not have occurred but for the fact of the employee’s sex. The employee’s reaction to the harassment affected certain tangible aspects of their employment terms, condition, or privileges of employment. The employee must show that because of the employer’s use of prohibited criteria (compliance with unwelcome sexual advances) the employee was deprived of a job benefit he or she was otherwise qualified to receive.

Q. What must an employer do so it will not be held responsible/liable for the sexually harassing actions of a supervisor?
A. The employer must take definite and prompt action to stop the harassment. In a quid pro quo case, the employer will be held liable even if it did not know of the harassment.

Q. What must be shown to establish a hostile environment claim?
A. Unwelcome sexual harassment. The harassment was based on the sex of the employee. The harassment must be sufficiently pervasive to create an abusive working environment and therefore alter the conditions of employment.

Q. What kinds of conduct may create a hostile environment?
A. Repeated offensive jokes; sexually explicit graffiti, posters, or calendars.

**The Family Medical Leave Act of 1993**

Q. What employers are covered by the FMLA?
A. Employers who employ fifty (50) or more persons for each working day during twenty (20) or more calendar work weeks in either the current or preceding years; many temp agencies would be included within this definition.

Q. What employees are covered by the FMLA?
A. Must be employed at a work site at which the employer employs fifty (50) or more workers or a site which is within seventy five (75) miles of such a facility. He or she must have been employed for at least twelve (12) months by the employer from whom leave is requested and have been employed for at least 1,250 hours of service in the preceding twelve (12) month period.
Q. List the four permitted purposes for leaves of absence:
A. Birth of a child, placement of a child with employee for adoption or foster care, serious health condition of an employee’s spouse, child or parent requiring the employee to care for said person and serious health condition of the employee.

Q. Must an employee be returned to a previously held position in all circumstances? Explain.
A. No, if the employee would have been laid off if the leave had never been taken.

Q. Is an employee entitled to medical benefits during leave? Explain.
A. Yes, under the same conditions as an employee not on leave. If the employee quits rather than return to work they can be held responsible for any monies spent on their behalf during the leave.

Q. In the case of a violation of the FMLA, what are an employer’s liabilities?
A. Wages or compensation lost; attorney’s fees; and equitable relief including reinstatement and promotion as may be appropriate.

**Compliance with Client’s Policies**

Q. Under what circumstances can an agency prefer a member of a protected class, or refuse to prefer someone not a member of a protected class? Explain.
A. Only if the employer is able to substantiate BFOQ. An agency must refer all candidates based upon their capabilities of doing the job. However, the agency/personnel consultant can direct it’s recruitment in such a way to increase the likelihood of exposure of the job opening to the targeted minority. An agency cannot accept a job order that discriminates against a member of a protected class unless the employer can set forth a BFOQ. If that is the case, a written record of the basis of the BFOQ as expressed by the employer must be kept by the agency.

**Comparing ADA to FMLA**

Q. Can an employee extend FMLA leave beyond 12 weeks?
A. He/she can if they have a “serious health condition” which is also an ADA “disability” and the extended leave is considered a reasonable accommodation.

Q. Does each law require that a person on leave return to work when he is able to return?
A. Yes, unless such return is an “undue hardship” for the employer under the ADA. The FMLA has no undue hardship provision.
The Effect Of A Charge Of Discrimination

Q. What can happen if a personnel consultant refuses to refer a person to a job and that individual sues?
A. The personnel consultant may have to pay the individual for the damages suffered. It may also be liable for the difference between what the applicant would have made had they not been discriminated against and what they actually earned during the same period of time. He/she may be required to perform a series of acts designed to assure the same kind of discrimination does not occur again.

Q. What is the first procedural step taken in initiating proceedings on discrimination? Explain from the point of view of the accused personnel consultant?
A. Filing a charge with the Equal Employment Opportunity Commission. This is usually done at a district or regional office. It can be done from Washington. Most often it will be by an applicant that was not referred to a specific position or failed to find employment as a result of the personnel consultant’s efforts. The personnel consultant may be named as a defendant with a company.

Q. What must be included at the time of filing?
A. Full name, address, and phone number of individual making the charge (this may not be included in the charge, but EEOC will have as a separate record); name and address of person being charged; clear and concise statement of facts, including dates, of the alleged unlawful employment practices; statement disclosing whether this complaint is against a state or local agency that is supposed to enforce laws against discrimination.

Q. What is a 706 agency?
A. A state or local agency responsible for fair employment practices. This group is given sixty (60) days to decide if it will waive it’s right to take any action. If there is no 706 agency within the jurisdiction there is no waiting period.

Q. What happens at the investigation stage?
A. Commission asks for a fact finding conference with both parties. (this is to narrow the issues in dispute and negotiate settlement). If no settlement EEOC may interview prospective witnesses, including employees of the personnel firm, and request to review documents.

Q. What happens at the end of the investigation stage?
A. The Commission determines if reasonable cause exists to believe unlawful discrimination occurred. If not, it must dismiss the charge. Dismissal resolves the issue as far as the EEOC is concerned. If the determination is that there is reasonable cause the proceedings enter the conciliation stage. Many disputes are resolved short of litigation.
Q. What are the informal methods of resolution the EEOC may use to eliminate unlawful employment procedures?
A. Conference, conciliation, persuasion.

Q. What is the goal of conciliation?
A. Resolve all violations and obtain agreement that the respondent will eliminate the unlawful employment practice and provide appropriate affirmation relief. This is what empowers the EEOC to do more than merely compensate the wronged party.

Q. How should agreements be finalized?
A. Such agreements will be written, signed by Commission representative, and the parties. A copy will be also sent to respondent and aggrieved party.
Truth-In-Lending Act

Q. Identify law and explain Truth-In-Lending Act:
A. Title 1 of the Consumer Credit Protection Act. The Truth-In-Lending Act requires certain disclosures by creditors involved in credit transactions, and provides punitive measures against those creditors who fail to give the required disclosures.

Q. What governmental group was made responsible for enacting and following-up on the Truth in Lending Law?
A. Board of Governors of the Federal Reserve System.

Q. What is regulation Z?
A. Added by the Federal Reserve Board of Directors. Outlines (with the Act) the responsibilities of the grantor of consumer credit.

Q. What is meant by meaningful information that is to be provided by the grantor to the consumer?
A. Refers to the cost of receiving credit. The cost must be expressed in a dollar amount as a finance charge. An annual percentage rate is computed on unpaid balance of amount financed. Other relevant credit information is required to be disclosed so the consumer can compare other credit terms from other sources – to avoid the uninformed use of credit.

Q. What kinds of loans are covered by the Truth in Lending Act?
A. Personal, family, household, or agricultural. The act has no application to employer-paid fees.

Q. How does the act impact/apply to applicant-paid fee transaction?
A. It affects the following: Discounting for prompt payment, payment plans in more than four installments and arranging for credit.

Q. Explain what regulation Z requires if a discount is offered:
A. The discounted amount is the fee and the non-discounted amount is fee plus interest. (Subtract early payment amount from later amount due and the difference is the interest). Regulation Z requires that any transaction that is subject to a discount for payment before a specified date for delaying payment after a specified date is then subject to other requirements of the law.
Q. How do you determine the annual percentage rate?
A. Divide the amount of the finance charge by amount which must be paid if the individual takes discount. Multiply the percentage which results with a fraction (numerator is 12 and denominator is number of whole months between the first day of the billing cycle in which transaction is consummated and the first day of the monthly billing cycle in which obligation becomes due).

Q. If the personnel consultant helps an applicant fill out a credit application, are you required to make disclosures?
A. No, if you are only giving directions or explaining directions. Yes, if you fill out the application for the candidate or receive a commission for referring applicant to credit agency.

Q. What is the penalty for failing to disclose required information?
A. Return to applicant an amount equal to twice the amount of the finance charge minimum of $100 and maximum of $1,000 and reasonable attorney’s fees determined by the court.

Q. What happens if you unintentionally failed to disclose or disclose incorrectly?
A. You have fifteen days to correct any errors you discover. If you have established office procedures showing you are making reasonable efforts to comply with the act probably won’t have to worry about penalties. If you willfully and knowingly disclose false or inaccurate information there are criminal penalties.

Q. How does state employment agency law apply?
A. The state may require contents (copies) of disclosure documents and may require these to be filed prior to using such documents.

Reference Checking
Fair Credit Reporting Act:
Q. Why was the Fair Credit Reporting Act enacted?
A. Complaints because of why credit was denied and not knowing why or because of inaccurate reports of credit reporting agencies.

Q. When does the act apply to employment agencies?
A. When the agency checks the references of an applicant or candidate in order to determine the eligibility of that person for referral to employers for employment.
Q. Why?
A. Consultants who engage in reference checking are engaged in the complication of an investigative consumer report. Any written, oral, or other communication of any information by the consumer reporting agency bearing on a consumer’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used in whole or in part as a factor in establishing eligibility for employment purposes.

Q. Does the placement firm have to gain the permission of the candidate in order to do a reference check?
A. The candidate must consent orally or in writing to the nature and scope of the communication before a reference check is conducted, and if the consent is granted orally, the placement firm must provide written confirmation of that consent within three business days after consent is given.

Q. What information about any reference check is the candidate entitled to have?
A. The placement firm must, within five business days after receiving any request from a candidate, disclose in writing the nature and substance of all information in the candidate’s file. The sources of the information need not be disclosed.

Q. How has the act been changed by recent legislation?
A. From a placement perspective, the most important differences are the following: Personnel consultants must now obtain the candidate’s permission to conduct reference checks and communicate with prospective candidates regarding its results. Previously, no disclosure should to be made to the candidate until three days after the reference check was conducted. Now, the candidate’s consent must now be obtained before the recruiting firms conducts a reference check, even though that consent may be confirmed in writing as late as three business days following the date upon which the consent was obtained. While candidates have always had the right to request the nature and substance of the information contained in the reference check, previously that information has to be provided to the candidate in the same manner in which it was requested. Now, the information must be provided in written form and within five days after it is requested.

Q. Under what circumstances can certain information not be conveyed to third parties:
A. If the salary will not be over 75K the following information may not be disclosed: Bankruptcy actions more than 10 years before the reference check. None of the following if occurred more than seven years before the date of the reference check: 1) suits, 2) judgments, 3) paid tax liens, 4) accounts placed for collection, 5) arrest, indictment and conviction records and 6) Other adverse information over seven years prior to reference check.
Q. Does the candidate have to give written permission to check references?
A. No.

Q. What happens if a consultant/agency fails to comply with the Act?
A. Liability to candidate equal to sum of actual damages sustained as a result of breaching the act, punitive damages, and attorney’s fee.
Study Session 5
Certified Personnel Consultants’ Legal Manual • pp. 5-1 to 5-19

Contracts

Q. Define contract?
A. A promise which is enforceable by law by one party compelling the other party to perform the promise or by one party compelling the other to pay damages resulting from the breach of that promise.

Q. What are the two general types of contracts? Define each.
A. Bilateral – most common, mutual promises are made promise to sell a house and someone promises to, buy the house, both agree to a price. Unilateral – kind agencies have with employers, all of the duties rest on one party. Employer promises to pay a fee if she/he hires an applicant referenced by the consultant. If applicant is hired and no fee is paid the agreement is enforceable. However, if consultant fails to perform, the employer has no remedy because all enforceable obligations are on the part of the employer.

Q. Does the agreement to pay a fee have to be in writing in order to be enforceable?
A. No, but it is easier – it is harder to prove that there was an oral agreement.

Q. What are the three elements necessary to establish the existence of a contract? Explain each.
A. Offer: A consultant offers to find a person to fill an opening, for a fee. Acceptance: Employer agrees to the fee; or actually interviews people referred by the consultant (even if verbal agreement did not occur at offer stage); not responding to a follow-up letter of conversation at offer stage or fee agreement may be evidence of acceptance. Consideration: (Return promise – bilateral) an act is performed by the consultant in reliance upon the promise to pay a fee (agency-advertises, interviews, and refers applicants).

Q. Explain quantum meruit?
A. A fee may be due if a company accepts the benefit of services (hiring candidates referred by an agency), without fee agreement. Court decides the worth of services – prior dealings between the parties, custom of industry, judge’s idea of worth are taken into consideration.

Q. Explain law of mistake?
A. One party’s mistake as to the nature of the contract is no excuse, unless the other party knew and took advantage of that lack of knowledge or lack of understanding.

Q. What are the most troublesome placement disputes over?
A. Company hires a referred candidate after a considerable amount of time passes. Applicant hired is referred to company by more than one agency.
Q. What is most often not explained and causes a great deal of confusion?
A. The tasks which are performed by the consultant to earn the fee.

Q. What impact did David Bruce Personnel Systems Inc., vs. Raphael’s Department Stores, Inc.?
A. It stands for the proposition that a placement firm is entitled to a fee if it causes the hire.

Q. Discuss the steps that should be taken to be better prepared for litigation?
A. Fee schedule should explain what is done to earn a fee (discuss the suggested statement on pages 5-15 and the 4 areas it covers). Job orders should be confirmed in writing. Consultant should send a letter with unsolicited resume worded to constitute an offer to enter a contractual relationship. When employer responds to unsolicited resume consultant should confirm such in writing worded to cover offer. Maintain system of filing and record keeping for transactions. Be professional in resolving disputes with employers (NAPS Ethics Committee). National also has an arbitration process.

Q. Explain Law of Agency.
A. An employee (HR line manager, etc.) enters into a contract on behalf of their employer (our client) and binds the employer to pay a fee.

Q. Define actual authority and apparent authority?
A. Actual authority means a person acting on behalf of employer has actually been given the authority/"empowered" by someone who has the right to give it. Apparent authority suggests that although employee has not been directed to commit company, it is reasonable that the individual has such power. So even if employee told not to, but does if it is reasonable for the agency/consultant to assume employee has apparent authority the court would support agency.
Study Session 6
Certified Personnel Consultants’ Legal Manual • pp. 6-1 to 7-10

Test Your Knowledge
Case Study Question 1 (pp. 6-3 to 6-5)
Answer (pp. 7-3 to 7-6)
Review and discuss

Case Study Question 2 (pp. 6-6 to 6-7)
Answer (p. 7-7)
Review and discuss

Case Study Question 3 (pp. 6-8)
Answer (pp. 7-8 to 7-9)
Review and discuss

Case Study Question 4 (pp. 6-9 to 6-10)
Answer (p. 7-10)
Review and discuss

Study Session 7
Certified Personnel Consultants’ Legal Manual • pp. 8-1 to 8-12

National Association of Personnel Services Certification Program Rules
Review and discuss

National Association of Personnel Services Standards of Ethical Practices
Review and discuss.
Practice CPC Examination Questions
After you have studied the Certified Personnel Consultants’ Legal Manual thoroughly and reviewed each section in light of the study questions above, you may wish to take the following practice examination. Should more than one answer appears 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 to these practice questions appear in the final section of this study guide.

1. The Civil Rights Act applies to any personnel agency that:
   a. Has a minimum of 15 employees
   b. Has at least one employer covered by the Act
   c. Has government contracts
   d. Engages in interstate commerce

2. A personnel agency must refer qualified pregnant candidates to a client:
   a. Through the 1st trimester
   b. Through the 2nd trimester
   c. Regardless of the pregnancy
   d. Will not be in violation of the law if they wait until after the pregnancy

3. The EEOC enforces:
   a. The Civil Rights Act of 1964
   b. The Age Discrimination Act of 1967
   c. Fair Labor Standards Act of 1938
   d. All of the above
   e. A & B above

4. The Fair Labor Standards Act is also known as the:
   a. Taft-Hartley Act
   b. Minimum Wage Act
   c. Equal Pay Act
   d. All of the above
   e. None of the above
5. The Equal Pay Act of 1963 establishes:
a. Guidelines for Griggs vs. Duke Power
b. Bonus programs for veterans
c. Minimum age requirements
d. The right to equal pay for equal work

6. Executive Order 11246 concerns:
a. Maximum age limits
b. Federal government contractors
c. Companies with less than four employees
d. Immigration quotas

7. Examples of unlawful hiring practices as defined by Griggs vs. Duke Power:
a. Refusal to hire based on bankruptcy/credit history
b. Refusal to hire based on arrest record
c. Refusal to hire pregnant women
d. A & B
e. A & C

8. What constitutes testing?
a. A validated formal test
b. Application forms
c. The interview process
d. All of the above

9. Adverse impact applies to which groups?
a. Females, Blacks, Whites, American Indians
b. Immigrants, Males, Mexicans, Jews
c. Spanish, Portuguese, Mexicans, Cubans
d. South Americans, Europeans, Indians, Australians

10. An advertisement that indicates a preference based upon sex is a violation of:
a. Griggs vs. Duke Power
b. Civil Rights Act Title VII
c. Resolution Z
d. Fair Labor Standards Act

11. An ad calling for female candidates is lawful if:
a. Adverse impact is proven
b. The preference is for women
c. EEOC grants special permission
d. A bona fide occupational qualification can be justified
12. In quid pro quo sexual harassment the employee must prove:
   a. The action was unwelcome and unsolicited by the employee and was offensive to the employee
   b. The action occurred because of the person’s sex
   c. The employee’s reaction affected employment terms, conditions, and privilege of employment
   d. All of the above
   e. None of the above

13. When an agency is working with a client that is staffing under affirmative action obligations, the agency:
   a. Can recruit minorities for the client
   b. Must refer all qualified candidates
   c. Must still reject a discriminatory job order without a valid BFOQ
   d. All of the above
   None of the above

14. The Truth in Lending Act is part of:
   a. The Federal Reserve Board
   b. Regulation Z
   c. The Federal Consumer Credit Protection Act
   d. Board of Governors Ethics Statement

15. Regulation Z requires what disclosure?
   a. Date of transaction and date of invoice
   b. Rate of discount, expressed as a percentage for early payment
   c. Date the total amount is due if discount is not used
   d. All of the above
   e. None of the above

16. The Fair Credit Reporting Act considers what agency activity to be an investigative consumer report?
   a. Reference checking
   b. Determining a valid BFOQ
   c. Involving client companies
   d. The evaluation of an uncooperative candidate

17. Bankruptcy disclosures are limited to a minimum income level and certain actions performed more than years prior to the reference check:
   a. 5
   b. 7
   c. 10
   d. 12
18. A bilateral contract:
   a. Is when all duties rest on one party
   b. Is when mutual promises are made
   c. Must be written
   d. Is usually verbal

19. A unilateral contract is:
   a. When all duties rest on one party
   b. When mutual promises are made
   c. Must be written
   d. Is usually verbal

20. Title VII of The Civil Rights Act of 1964 makes it illegal for an employer or personnel agency to discriminate on the basis of:
   a. Race, religion, age
   b. Color, sexual preference, national origin
   c. Sex, race, bankruptcy history
   d. Race, religion, national origin

21. A Bona Fide Occupational Qualification (BFOQ) exemption:
   a. Is illegal if it has an adverse impact
   b. Is legal if reasonably necessary to the normal operation of that particular business
   c. Can be based on community preference
   d. Can be based on customer preference

22. An employer must treat pregnancy in the same manner as it treats:
   a. Any other disability
   b. Any other long term disability
   c. Any other temporary disability
   d. Sick leave policy

23. The Federal Trade Commission enforces:
   a. The Fair Credit Reporting Act
   b. The Truth in Lending Act
   c. Regulation Z
   d. All of the above
   e. None of the above
24. The Vocational Rehabilitation Act of 1973 requires federal contractors in excess of $2,500 to:
   a. Rehire laid off employees
   b. Advance Vietnam Vets
   c. Advance handicapped individuals
   d. Hire immigrants

25. Executive Order 11141 concerns:
   a. Maximum age limits
   b. BFOQ
   c. Companies with less than four employees
   d. Immigration quotas

26. Questions about name, birthplace, foreign language training, and citizenship are restricted in the interview process because:
   a. Of privacy concerns
   b. Of immigration/citizenship concerns
   c. All are BFOQ’s
   d. Of national origin concerns

27. An applicant can be asked:
   a. What foreign language(s) they speak only if related to the job
   b. What foreign language(s) they speak
   c. How they learned to speak a foreign language
   d. A & C
   e. B & C

28. When guidelines were adopted concerning testing, they were called:
   a. Uniform Guidelines on Employee Selection
   b. Uniform Testing Guidelines
   c. Department of Labor Hiring Practices
   d. Guidelines for Employee Selection Through Standardized Testing

29. Sex may be a BFOQ when:
   a. There is heavy lifting involved
   b. The company employees prefer one of the sexes
   c. The job involves travel with members of the opposite sex
   d. Hiring models
30. Adverse impact is defined by the:
   a. Diversity percentage rule
   b. 2/3 to 1/3 ratio
   c. 4/5 rule
   d. Business necessity

31. If a personnel agency does not refer an individual because of discrimination, the firm:
   a. Will lose their business license
   b. Could be liable for the monetary difference between the candidates actual and anticipated earnings
   c. Will have to provide referral records on all protected groups
   d. Will have no monetary liability

32. Once a discrimination claim is reviewed by the EEOC, the Commission can:
   a. Refer the claim back to the 706 Agency for decision
   b. Dismiss or proceed to conciliation
   c. Levy a monetary fine
   d. Refer the claim to the Supreme Court

33. The Truth in Lending Act stipulates:
   a. Cost must be expressed in a dollar amount
   b. The finance charge must be expressed in capital letters or bold print
   c. The total cost of the annual percentage rate must be computed on the remaining unpaid balance
   d. All of the above
   e. None of the above

34. The Immigration Reform and Control Act of 1986 requires:
   a. Records of citizenship be filed separately from other employee files (job evaluations and reviews)
   b. The employer verifies an employee’s right to work
   c. Employers complete Form I-9 for all immigrants under the age of 18
   d. A & B

35. The nature and substance of reference checks must be provided:
   a. In writing and within five days of the request
   b. Verbally
   c. Never, they are the property of the agency and not subject to disclosure
   d. None of the above
36. A candidate verbally requests information about their reference check. How should they be responded to?
   a. In writing
   b. A verbal explanation
   c. It doesn’t matter, written or verbal
   d. They are not entitled to any information

37. It may be illegal to send an unsolicited resume:
   a. By mail
   b. To a prospective employer without prior notification
   c. By fax
   d. Across state lines

38. The Telephone Consumer Protection Act was created to address:
   a. Long distance rates
   b. Telephone solicitation
   c. Objectionable content on the Internet
   d. None of the above

39. Successful plaintiffs under the Telephone Consumer Protection Act may be awarded:
   a. $500 for each violation, or actual damages, whichever is greater
   b. Free long distance service for life
   c. Both of the above
   d. Neither of the above

40. The Civil Rights Act is administered by:
   a. Federal Reserve Board
   b. Federal Trade Commission
   c. EEOC
   d. 706 Agency

41. An agency that requires a job order containing an unlawful specification and fills the job knowing it was not a BFOQ request:
   a. Will be held completely responsible in referring candidates
   b. Will share responsibility with the employer
   c. Will have no responsibility
   d. Will have to prove they tried to ascertain the BFOQ requirements
42. The Age Discrimination Act makes it illegal for an agency to:
   a. Refuse to refer for employment because they are over 40
   b. Classify a candidate in age categories
   c. Advertise indicating an age preference
   d. All of the above
   e. None of the above

43. In the case of Ansonia Board of Education vs. Philbrook:
   a. An employer could not fire an employee for failure to work on certain days
   b. An employer could fire an employee for failure to work on certain days
   c. The company had to endure undue hardship to accommodate a religious preference
   d. An employee could not insist on being paid for time taken off for a religious observance

44. The case that supported Regulation Z installment plan disclosure was:
   a. Morning vs. Family Publications
   b. Barnes vs. Rourke
   c. Brennan vs. Paragon
   d. Dale Bruce vs. Raphaels

45. Age questions are permissible by law, but they should be avoided unless:
   a. Needed for affirmative action records
   b. The applicant is under forty
   c. A minimum age requirement is necessary
   d. The candidate wants to discuss it

46. Testing a job applicant is legal to:
   a. Measure the person to the job
   b. Measure the person in the abstract
   c. Use easier tests for protected groups, for the same position
   d. Give tests to one sex only when more than eighty percent are usually of that job category

47. The government testing guidelines were adopted by what government departments?
   a. Department of Labor
   b. Department of Justice
   c. EEOC
   d. All of the above

48. If a test has adverse impact it:
   a. Cannot be used
   b. Can only be used with protected groups
   c. Can only be used with unprotected groups
   d. Must be validated
49. Concerning age preference in advertising:
a. A minimum and maximum range is permissible
b. A minimum age under 40 is permissible
c. No preferences are ever permissible
d. A maximum age over 40 is permissible

50. Of what federal act is Title VII a part?
a. The Civil Rights Act of 1964
b. The Fair Labor Standards Act of 1938
c. The Fair Credit Reporting Act of 1971
d. The Age Discrimination Act of 1967

51. The first step to file a discrimination claim is to:
a. Notify the company of intent
b. File with a 706 Agency or EEOC
c. Briefly outline history and forward by registered mail to EEOC in Washington
d. Contact your U.S. Representative’s office

52. During conciliation the EEOC can:
a. Agree to a class action suit
b. Develop and demand affirmative action policy for the offending party, agency or company
c. Request other documentation on hiring other then current incident reports
d. All of the above

53. Regulation Z covers payment plans of:
a. 2 or more payments
b. 3 or more payments
c. 4 or more payments
d. 5 or more payments

54. Of which federal act is the Truth in Lending Act a part?
a. Federal Reserve Act
b. Federal Consumer Credit Protection Act
c. Regulation Z
d. Fair Credit Protection Act

55. What case tests the duty of a personnel agency to check the credentials of an employer before making an applicant referral?
a. Brennan vs. Paragon Employment Agency
b. Gutzan vs. Airlines and Romac and Associates
d. Hodgson vs. Approved Personnel Service
56. The Civil Rights Act of 1964 covers all employers that:
   a. Have a minimum of fifteen employees
   b. Have government contracts
   c. Engage in interstate commerce
   d. A & C
   e. A & B

57. The Pregnancy Discrimination Act of 1978 is an amendment to the:
   a. Civil Rights Act of 1964
   b. Equal Pay Act of 1963
   c. Executive Order 11246
   d. Fair Labor Standards Act

58. If the job order is not a valid BFOQ request:
   a. All qualified candidates must be referred
   b. Only candidates that are not members of the protected group should be referred
   c. Only candidates that are members of the protected group should be referred
   d. No one should be referred

59. The Equal Pay Act of 1963:
   a. Is an amendment to the Fair Labor Standards Act
   b. Established overtime work requirements compensation
   c. Covers pregnancy leave compensation
   d. A & B
   e. B & C

60. Which of the following hiring practices are discriminatory based on sex?
   a. Hiring female minorities
   b. Hiring male security guards
   c. Hiring female manufacturing workers because of the very small parts they must handle
   d. All of the above
   e. B & C only

61. In Griggs vs. Duke Power, the Federal District Court and Court of Appeals:
   a. Ruled tests were illegal under the Civil Rights Act
   b. Ruled tests were legal under the Civil Rights Act
   c. Created the concept of business necessity
   d. Defined adverse impact
62. A candidate can be asked about:
   a. Arrest records
   b. Any convictions
   c. Convictions that are job related
   d. A & B

63. A criterion related test is validated by:
   a. Testing functions necessary on the job
   b. Correlating success on the test with job success
   c. Measuring a psychological trait which underlies successful performance on the job
   d. Proving the business necessity for the adverse impact

64. In the case of Brennan vs. Paragon Employment Agency the agency prevailed in using the terms they did because:
   a. They were trying to target a group that wouldn’t be aware of their services
   b. They were not trying to exclude or discourage older workers from applying
   c. They were referring to job description/responsibilities and not function
   d. All of the above
   e. A & B only

65. What ages are protected under the ADEA?
   a. Ages 40-70
   b. All ages
   c. Age 35 and higher
   d. All individuals over age 40

66. How long does a 706 Agency have to make a decision before the EEOC can assume jurisdiction:
   a. 30 days
   b. 45 days
   c. 60 days
   d. 90 days

67. In reviewing a discrimination claim the EEOC must:
   a. Dismiss, resolve, or declare it will sue on behalf of claimant
   b. Make all of its notes available to all concerned parties
   c. Provide a list of mediators for the conciliation stage
   d. All of the above
   e. None of the above
68. A placement firm is entitled to a fee when:
   a. The candidate it refers is hired for a specific position
   b. The candidate it refers is hired, as a result of that referral, for any position
   c. It meets its required number of referrals
   d. All of the above

69. A unilateral contract:
   a. Consists of one person making a promise in exchange for another
   b. Consists of one person promising to do something in exchange for an act to be performed by the other
   c. Consists of one person giving a consideration in agreement to secure services
   d. Consists of an agreement where there are three or more parties

70. Under the Fair Credit Protection Act, certain disclosures are prohibited if the candidate will not make more than:
   a. 25K
   b. 50K
   c. 75K
   d. 100K

71. A candidate can request the following information about their reference:
   a. A written transcript of the reference makers verbatim comments
   b. Nature and substance of reference
   c. Both of the above
   d. Neither of the above

72. A contract includes:
   a. Verbal acceptance, written follow up, agreement to pay
   b. Send out, interview, offer
   c. Interview, offer, start date
   d. Offer, acceptance, and consideration

73. The Pregnancy Discrimination Act overturned the Supreme Court decision of:
   a. California Federal Savings & Loan vs. General Electric
   b. TWA vs. Hardison
   c. Griggs vs. Duke Power
   d. General Electric vs. Gilbert
74. The Equal Pay Act of 1963 requires equal wages for equal work on jobs that require equal skill, equal effort, and equal responsibility performed under similar working conditions except for pay differentials based on:
   a. Sex
   b. Seniority system
   c. Union contract agreements
   d. All of the above
   e. None of the above

75. In order for a company policy to be a business necessity it must:
   a. Not exclude more than twenty percent of any protected group
   b. Be covered through a contractual agreement
   c. Be absolutely needed for the employer’s business purposes
   d. Not be in conflict of religious observance

76. A construct validity test is validated by:
   a. Testing functions necessary for performance on the job
   b. Correlating success on the test with job success
   c. Measuring a psychological trait which underlies successful performance on the job
   d. Proving the business necessity for the adverse impact

77. Regulation Z covers any transaction that:
   a. Involves two or more locations
   b. Involves company paid fees
   c. Offers a discount to a candidate for early payment
   d. None of the above

78. How should a candidate requesting information about their references in be answered?
   a. In writing
   b. With a verbal explanation
   c. It doesn’t matter, written or verbal
   d. They are not entitled to any information

79. A content validity is determined by:
   a. Testing functions necessary for performance on the job
   b. Correlating success on the test with job success
   c. Measuring a psychological trait which underlies successful performance on the job
   d. Providing the business necessity for the adverse impact
80. A personnel agency’s failure to comply with the Fair Credit Reporting Act will result in a liability of:
   a. An amount equal to the fee
   b. An amount equal to the damages sustained by the candidate
   c. Placing the candidate with no charge to the client
   d. An amount equal to damages plus attorney’s fees

81. The Veterans Readjustment Act of 1974 is enforced by:
   a. The Veterans Administration
   b. EEOC
   c. Department of Justice
   d. Department of Labor

82. A contract is defined as:
   a. An agreement between two people
   b. A written agreement between two or more people with a value of over $500.00
   c. A promise or set of promises enforceable in a court of law
   d. An offer and acceptance which must be written in legal form

83. In the case of TWA vs. Hardison, the Supreme Court concluded:
   a. An employer could not fire an employee for failure to work on certain days
   b. An employer could fire an employee for failure to work on certain days
   c. The company did not have to endure undue hardship to accommodate a religious preference
   d. An employee could not insist on being paid for time taken off for religious observance

84. The Barnes vs. Rourke legal decision still impacts:
   a. How applications are setup
   b. How newspapers organize help wanted sections
   c. How references are checked
   d. How applicant paid fees are collected

85. The placement fee agreement is a “unilateral contract” because:
   a. Any acceptance by an employed candidate is subject to a counter offer
   b. The client may be accepting referrals from many placement services
   c. A fee schedule is generally printed on only one side until the personnel agency fully performs and the candidate is hired
   d. There is no consideration
   e. None of the above
86. According to the EEOC guidelines, when an agency advertises for a recent college graduate, it:
   a. Can do so only the month preceding and the month following local graduation ceremonies
   b. Must also include a statement that older individuals are able to use the agency services
   c. Must also include a statement that older individuals may also respond to the specific job being advertised
   d. Cannot recruit only recent graduates through advertising

87. An employer has determined that a secretary must type seventy five words per minute. Under the ADA, the agency should refer:
   a. Only those applicants that type seventy five words per minute
   b. Anyone who can type
   c. Only those who type seventy plus words per minute
   d. Only those who type sixty plus words per minute

88. A personnel services firm is entitled to collect fee upon fulfilling two conditions, which are:
   a. Being responsible for making a referral that results in the employer hiring the applicant who commences employment and having a contract requiring payment from either applicant or employer upon referring an applicant to an employer who as a result is hired
   b. Having a written contract of payment with the client establishing the interest rate to be charged and the annual payment schedule and having been the “causing effect” in the relationship
   c. Having an offer and acceptance
   d. None of the above

89. What is the legal relationship that exists between personnel agency and candidate after the contract is signed?
   a. Master/apprentice
   b. Offerer/offeree
   c. Principal/agent
   d. Employer/employee

90. What law regulates reference checking?
   a. The Truth in Lending Act
   b. The Fair Pay Act
   c. The Fair Credit Reporting Act
   d. The Fair Labor Standards Act

91. The Americans with Disabilities Act (ADA) protects all individuals with a disability against discrimination in:
   a. Advancement
b. Discharge
c. Compensation
d. Training
e. All of the above
f. None of the above

92. A disability is defined as physical or mental impairment that has what effect on the individual?
a. Prevents them from being employed full-time
b. Substantially limits one or more major life activity
c. Prevents completion of one major life activity
d. Prevents completion of one or more major life activity

93. A cancer patient could be covered under the ADA if they are:
a. Cured
b. Controlled
c. In remission
d. All of the above

94. The following groups are protected under the ADA:
a. Illegal drug users, rehabilitated drug addicts, individuals participating in supervised rehabilitation programs
b. Rehabilitation addicts, participants in a rehab program, individuals willing to submit to regular drug testing
c. Clean rehabilitated addicts, participants in rehabilitation programs, alcoholics
d. All of the above
e. None of the above

95. An alcoholic can be fired if:
a. They resume drinking
b. Their drinking interferes with job performance
c. It is discovered after hiring them that they had a drinking problem
d. A later reference check reveals they were fired for drinking on the job.

96. To be protected under ADA the person must be a “qualified” individual with a disability. This means:
a. They are “otherwise qualified”
b. Also fall into a protected group on the basis of BFOQ
c. They must provide a business necessity for the employee company
d. Be referred by a 706 agency

97. According to the EEOC's Enforcement Guidelines with respect to interviews under the ADA, which of the following questions may be asked at the pre-offer stage?
a. Can the candidate perform any of all of the functions of the job, with or without reasonable accommodation
b. Does the candidate have a history of job-related injuries
c. Does the candidate use alcohol excessively?
d. None of the above

98. What factors are considered in deciding the “essential functions” of a job:
a. Education required, time spent on functions, ability to communicate with others, job description
b. Cost of making an accommodation, job description, special furniture and/or equipment required
c. Job description, time spent on functions, actual work experience, and employers judgment
d. None of the above

99. If a written job description is available the ADA will:
a. Ignore it because it is not required
b. Insist that one be produced in order to evaluate the essential functions
c. Use it as evidence in their investigation
d. Create its own job description after talking with all involved parties

100. An employer must accommodate:
a. All types of disabilities
b. Known disabilities
c. Only physical disabilities
d. Only those disabilities that impact on job performance

101. A personnel agency may have to make accommodations in what areas?
a. Filling out an application
b. A telephone interview
c. A face to face interview
d. All of the above
e. None of the above

102. The purpose of the 1967 Age Discrimination in Employment Act is:
a. To promote employment of older persons based on ability rather than age
b. To prohibit arbitrary age discrimination
c. To help employers and workers find ways of meeting problems arising from the impact of age on employment
d. All of the above
103. Candidates shall be referred to employers for interviews only:
   a. On job openings where at least verbal authority has been given
   b. When there is a possible opening
   c. When there is no opening
   d. When there is a newspaper ad

104. The Family and Medical Leave Act grants leaves for:
   a. Birth, adoption, illness of employee, child, spouse, or parent
   b. Any major life cycle event: birth, death, marriage
   c. Birth, adoption, pregnancy, marriage
   d. No explanation is required

105. Criterion related validity indicates a test can be validated by correlating success on the test with success on:
   a. The job
   b. The application
   c. Other criterion related tests
   d. None of the above

106. Those sexual harassment cases in which no job detriment occurs, but sexual harassment creates an offensive environment are called:
   a. Quid quo pro
   b. Hostile environment
   c. Quid quo
   d. Quo vadis

107. To be eligible for the Family Medical Leave employee must have worked at the company for how long?
   a. Six months
   b. Nine months
   c. Twelve months
   d. Eighteen months

108. A personnel agency administering pre-employment drug testing:
   a. Should ascertain that privacy rights of candidates are not violated
   b. Must provide prospective employers with results of a drug test within 24 hours
   c. May discriminate against a particular race or national origin group
   d. Is governed by the Americans with Disabilities Act
109. The Employee Polygraph Protection Act of 1988 has virtually eliminated:
   a. The use of the polygraph as an investigatory tool with respect to the conduct of existing employees
   b. The use of the polygraph as a pre-employment screening device
   c. Both A & B
   d. Neither A & B

110. A hiring company may use a polygraph test when:
   a. Hiring all new employees
   b. Hiring employees that previously have worked for the company
   c. Hiring employees that provide security for currency negotiable securities or precious commodities
   d. None of the above

111. An employer:
   a. May require an employee to take a polygraph test in connection with an ongoing investigation of economic loss
   b. May request an employee to take a polygraph test in connection with the annual review process
   c. May request an employee to take a polygraph test in connection with an ongoing investigation of injury to the employer’s business
   d. May never request an employee to take a polygraph test

112. In conducting a polygraph test, an employer:
   a. Cannot ask questions about an employee’s religious beliefs
   b. Must have had “reasonable suspicion” for conducting the test
   c. Must have given the employee at least 48 hours notice of the date, time and location of the test
   d. All of the above
   e. None of the above

113. In Gutzan vs. Altair airlines and Romac and Associates, it was ruled that:
   a. A personnel agency can be liable to co-workers of a placed candidate
   b. A personnel agency’s liability is limited to those with whom they willingly enter into some type of relationship – candidates or employer clients
   c. Errors and omissions insurance cannot afford protection against sexual discrimination in the workplace
   d. A personnel agency cannot be liable to coworkers of a placed candidate
114. A polygraph examination cannot ask questions about:
   a. Political beliefs
   b. Opinions concerning labor unions
   c. Questions relating to sexual behaviors
   d. All of the above

115. As a result of this court case, the U.S. Supreme Court ruled that an employer did not violate the civil rights acts by excluding pregnancy from its disability plan:
   a. TWA. vs. Hardison
   b. Wilson vs. General Employment Company
   c. Brennan vs. Paragon Employment Agency
   d. General Electric Company vs. Gilbert

116. The Fair Credit Reporting Act:
   a. Only applies if the candidate pays the fee
   b. Applies to agencies applying for credit
   c. Applies to candidate reference checks
   d. Allows personnel exclusive rights to all candidate reference information

117. The Equal Pay Act of 1963 established:
   a. Wage requirements
   b. Overtime requirements
   c. Both A and B
   d. None of the above

118. When initially considering the use of a test or any other measuring instrument, one should determine whether the instrument really measures what it is intended to measure. This statement defines:
   a. Validity
   b. Reliability
   c. Objectivity
   d. Standardization

119. When a value can be placed on services rendered in situations in which no contract exists, such a situation is referred to as:
   a. Prima Facie
   b. Quantum Meruit
   c. Parol Evidence
   d. Modus Operandi
120. Information about the applicant should be:
   a. Used only for the purpose of finding employment
   b. Treated confidentially
   c. Referred only on bona fide job orders
   d. All of the above

121. Confidential information relating to the business policy of an employer:
   a. Can be related only to qualified candidates
   b. Can be related only to candidates who are interviewing with the employer
   c. Is an effective tool in closing an applicant
   d. Shall be treated as confidential at all times

122. During the process of de-certification, what happens when the state association chooses not to process the complaint?
   a. The complaint is referred back to the President of NAPS
   b. The complaint is referred to the NAPS executive committee
   c. The complaint is referred to the national certification committee
   d. The complaint is referred back to the state association

123. In dealing with de-certification matters, it is the responsibility of the NAPS certification committee to forward a copies of the charge and related documents to:
   a. The accused
   b. The state association
   c. The accused’s attorney
   d. The accused’s employers

124. NAPS policy requires that all certificants:
   a. Engage in continuing education following certification
   b. Volunteer as state association leaders
   c. Provide “pro bono” services for disadvantaged
   d. None of the above

125. In order to make formal application for NAPS CPC certification, the applicant must have served how long in the industry?
   a. One year
   b. Two years
   c. Three years
   d. Four years
126. The designation of Certified Personnel Consultant (CPC) is a designation that may be used:
   a. Following the professional name of the certified firm only
   b. Following the professional name of the certified individual only
   c. Following the professional name of the certified individual and firm
   d. Should not be used with any name

127. Regarding Griggs vs. Duke Power:
   a. Controversy is brewing over maximum experience restrictions
   b. Some courts hold that the Griggs ruling only applies to Title VII
   c. The Supreme Court will likely determine the permissibility of imposing maximum experience restrictions
   d. All of the above

128. The EEOC has now taken a position that under the Age Discrimination in Employment Act:
   a. A person over 40 can be protected because of his or her youth
   b. A person can be discriminated against if he/she is under 40
   c. Advertisements targeting pensioners wishing to supplement their incomes are encouraged
   d. None of the above

129. The Americans with Disabilities Act covers:
   a. All employers and agencies
   b. Employers with fifteen or more employees
   c. All employment agencies
   d. Employers with fifteen or more employees and all employment agencies

130. The ADA approach to compliance:
   a. Is identical to that of Title VII of the Civil Rights Act of 1964
   b. Differs in that employers are NOT free to treat all employees the same
   c. May require an employer to consider modifications that make it possible for a disabled employee to function in the work environment
   d. B & C

131. The EEOC still maintains that Hodgson vs. Approved Personnel Service is not a correct statement of the law. Why?
   a. The advertising imposed maximum experience restrictions
   b. No decision was reached regarding testing and adverse impact
   c. The advertising should have stated that older individuals are also eligible to use the services of the recruiting firm
   d. None of the above
132. The keys to determining “disability” are:
   a. Physical impairment, temporary situation, no limitation of activity
   b. Physical or mental impairment that substantially limits life activities, record of impairment, perception or impairment
   c. Alcoholism, drug abuse, mental incapacity
   d. None of the above

133. According to the EEOC, a temporary non-chronic impairment is
   a. Covered by the ADA
   b. Never covered by the ADA
   c. Not covered unless the healing period is significantly longer than normal
   d. None of the above

134. The two factors that must be present to have a disability are:
   a. Physical or mental impairment and substantial limitation on a major life activity
   b. Physical impairment and mental impairment
   c. Perception of disability by employer and employee
   d. None of the above

135. The key to a person’s being substantially limited in working is:
   a. Limitation in performing a particular job for one employer
   b. Limitation in performing a specialized job in a particular field
   c. Impairment affects the employee’s ability to perform a class of jobs or a broad range of jobs in various classes
   d. There is no one key

136. Which of these are not entitled to the benefits of the ADA?
   a. Employees or applicants currently engaging in the use of illegal drugs
   b. Rehabilitated drug addicts not currently using illegal drugs
   c. People erroneously regarded as engaging in drug use
   d. People in supervised rehabilitation programs and not using illegal drugs

137. The ADA prohibits testing for illegal drugs:
   a. When the person is taking no medication
   b. Only when the person is taking medication
   c. When the person is in a rehab program
   d. There is no prohibition
138. Alcoholics currently using alcohol are:
a. Considered disabled
b. Cannot be disqualified from employment solely because they are alcoholics
c. May be denied employment or discharged if the alcohol use interferes with job performance
d. All of the above

139. Factors considered to determine “essential functions” of job include:
a. Frequency of the activity, time spent on function, degree required and job description
b. Whether the employee is comfortable performing the function
c. Job description, collective bargaining agreement, work experience, and employer’s judgment
d. A & D

140. “Reasonable accommodation” is:
a. One of the most clearly-defined aspects of the ADA
b. Required regardless of other circumstances
c. Not really required by the ADA
d. A modification or adjustment to a job, the work environment, or the way things are usually done that enables a qualified individual with a disability to enjoy an equal employment opportunity

141. Which of the following would not be considered reasonable accommodation?
a. Making facilities accessible to the disabled
b. Modifying work schedules
c. Modifying or obtaining equipment devices
d. Reallocating and redistributing essential job functions

142. What may a personnel consultant be required to do for disabled candidates?
a. Assist with completing job applications
b. Design accommodations to facilitate the application and testing process
c. Assure access to interviewing/testing facilities to those with limited mobility
d. All of the above

143. Regarding accommodations:
a. Employers must provide the best available
b. None are required of the personnel consultant
c. Determination must be made on a case-by-case basis
d. They must be made for all disabilities
144. If a disability is not obvious:
   a. The disabled person is not entitled protection
   b. The person must notify the employer of the nature of the disability and the need for accommodation
   c. The employer may ask for verification from people with knowledge of the person’s limitations
   d. B & C

145. The four factors to be considered in determining whether an accommodation causes undue hardship are:
   a. Verification, cost, time required to provide, and resources of the employer
   b. Nature/cost of the accommodation, financial resources of the facility, financial resources of the employer and type of operation of the employer
   c. Location, salary of the employee, cost, and time frame
   d. Number of disabled workers at the facility, their salaries, their tenure, and resources available to the employer.

146. Regarding pre-employment inquiries:
   a. They may be about applicant’s ability to perform the job functions
   b. They may not be about disabilities
   c. They may not include medical examinations
   d. All of the above

147. The ADA regulates inquiries and medical examinations at three stages:
   a. Prior to interviewing, after interviewing and before offer, and after an offer is made
   b. After interview after offer, and after the employee has begun work
   c. Prior to offer of employment subsequent to or prior to starting work, and after the employee has begun work
   d. Start date, at ninety days, and at termination

148. Which of the following questions may be asked:
   a. Have you ever been hospitalized?
   b. Have you ever filed a Worker’s Compensation claim?
   c. How many days were you absent from work because of illness last year?
   d. Are there any reasons you cannot meet these requirements (including attendance requirements)
149. If an applicant has an obvious disability:
   a. The applicant may be asked to describe or demonstrate how he or she would perform a particular function
   b. The applicant may not be asked how he or she would perform a particular function
   c. The applicant may be asked to describe or demonstrate how he or she would perform a particular function even if the disability does not appear to hinder the performance of the function
   d. None of the above

150. When may a job offer be conditioned on the satisfactory result of a post-offer medical examination?
   a. When the applicant has made the employer aware of his or her disabilities
   b. When the employer pays for the examination
   c. When the applicant pays for the examination
   d. When the condition is imposed upon all candidates in the same job category

151. If the employer decides not to hire a candidate based on a disability, who must prove that the decision is job-related and necessary to the business?
   a. The personnel consultant
   b. The employer
   c. The Department of Labor
   d. The EEOC

152. Under what conditions can existing employees be required to submit to physical examinations?
   a. If there is evidence that a medical problem is interfering with the employee’s ability to do the job
   b. If there is evidence that a medical problem is causing the employee to pose a danger to the health and safety of others
   c. If the employer can demonstrate a business necessity
   d. All of the above

153. Regarding results of employee medical examinations:
   a. They are a matter of public record
   b. They are confidential and must be maintained in a separate medical file in a locked cabinet
   c. They should be kept in the employee’s personnel file
   d. Anyone in personnel/human resources should have access to them.
154. A candidate, employee, personnel service or employer who has a complaint about a personnel service should be directed to file the complaint with:
   a. The offending firm
   b. NAPS headquarters in Alexandria, VA
   c. Both A & B
   d. None of the above

155. The National Association of Personnel Services Standards of Ethical Practice:
   a. Supersede federal laws
   b. Supersede state laws
   c. Both A & B
   d. Neither A or B

156. Which is not a reason for eligible employees to have leave under FMLA?
   a. The employee’s request for extended time off without pay
   b. Birth of a child to an employee
   c. Placement of a child with the employee for foster care adoption
   d. Serious health condition of the employee or the employee’s spouse, child, or parent

157. Eligible employees are entitled to:
   a. Six work weeks of qualified leave during a twelve month period
   b. Twelve work weeks of qualified leave during a twelve month period
   c. Fifteen work weeks of qualified leave during a twelve month period
   d. None of the above.

158. Under the Department of Labor’s regulation, to determine whether an employee’s leave is used up, employers with proper policies may “look back”:
   a. Six months from the appropriate leave date
   b. Nine months from the appropriate leave date
   c. One year from the appropriate leave date
   d. Eighteen months from the appropriate leave date

159. Under what condition may an employee take intermittent leaves?
   a. Birth of a child
   b. Adoption of a child
   c. Marriage of the employee or a close relative
   d. A serious health condition of the employee or to the employee’s spouse, child, or parent
160. A reduced leave schedule:
   a. May be an alternative to intermittent leaves
   b. May reduce the usual number of work hours per work week
   c. May reduce the usual number of work hours per work day
   d. All of the above

161. If an employee requests intermittent leave or leave on a reduced leave schedule:
   a. Termination is mandatory
   b. The employer may require the employee to transfer to an alternative position that will
      accommodate recurring periods of leave
   c. The employer may lower pay and benefits
   d. The employer may not require a transfer under any circumstances

162. Spouses employed by the same employer:
   a. May not take leave at the same time
   b. May be limited to twelve weeks annual leave in the aggregate for the birth or adoption of a
      child or to care for a sick parent
   c. Must take their leave at the same time
   d. None of the above

163. What may an employer be required to pay for employees taking family leave?
   a. Full salary for the entire leave
   b. A percentage of the employee’s salary for the entire leave
   c. Premiums for medical insurance coverage during the leave
   d. No salary, no insurance premiums or any other monies

164. At the conclusion of the employee’s leave, he or she is entitled to be returned to what
   position?
   a. The one held prior to commencement of the leave
   b. Any position available in the company
   c. A lower-paid position only
   d. The assistant to the person who replaced him or her during the leave

165. Under what circumstance(s) would the employee not be entitled to
   reinstatement?
   a. None – the employee must be reinstated regardless
   b. If the employee is salaried and not among the highest-paid ten percent of employees
   c. If the employer can demonstrate that the employee would have been laid off as part of a
      layoff that occurred during the leave period
   d. If the employee refused to take a pay cut
166. Which of these conditions need not be met for an employer to invoke the “highly compensated” exemption?
   a. The employee must be among the highest-paid ten percent of salaried employees within seventy five miles of the facility at which they are employed
   b. The employee must hold a vice president or higher level position
   c. Restoration would cause “substantial and grievous economic injury to the operations of the employer”
   d. The employee must be notified of the employer’s intent to deny restoration and must elect not to return immediately to work

167. How much advance notice must the employee provide for “foreseeable” leave?
   a. Ninety days
   b. Sixty days
   c. Thirty days
   d. Ten days

168. What proof may an employer require from the employee requesting a medical leave?
   a. Undeniable symptoms of illness or injury
   b. A previous history of illness or disease
   c. A statement from the employee’s supervisor that he or she is unable to work
   d. A certificate from a healthcare provider attesting to the need for leave

169. Under what circumstance(s) may the employer recover medical insurance premiums from the employee?
   a. If the employee files a medical claim
   b. If the employee files a Worker’s Compensation claim
   c. If the employee fails to return from leave
   d. None of the above

170. For what may an employer who violates the FMLA be liable?
   a. Monetary losses to a maximum of twelve weeks’ wages or salary
   b. Liquidated damages, attorney fees, and equitable relief
   c. Reinstatement and/or promotion
   d. All of the above

171. What is the time period that a candidate who fails the CPC exam has to apply to retake the exam?
   a. Within the next three test dates
   b. Within three years of original test
   c. Within twelve months of original test
   d. Within the next two test dates
172. How often is a CPC required to receive continuing education credits?
a. Every five years dating from certificate issuance date
b. Every three years dating from certificate issuance date
c. Every year following certificate issuance date
d. Continuing education is not required

Correct Answers to Practice Examination Questions
1. B
2. C
3. E
4. B
5. D
6. B
7. D
8. D
9. A
10. B
11. D
12. D
13. D
14. C
15. D
16. A
17. C
18. B
19. A
20. D
21. B
22. C
23. D
24. C
25. A
26. D
27. A
28. A
29. D
30. C
31. B
32. B
33. D
34. D
35. A
36. A
37. C
38. B
39. A
40. C
41. B
42. D
43. D
44. A
45. C
46. A
47. D
48. D
49. B
50. A
51. B
52. B
53. D
54. B
55. C
56. D
57. A
58. D
59. A
60. D
61. B
62. C
63. B
64. E
65. D
66. C
67. E
68. B
69. B
70. C
71. B
72. D
73. D
74. B
75. C
76. C
77. C
78. A
79. A
80. D
81. D
82. C
83. C
84. B
85. E
86. B
87. A
88. A
89. C
90. C
91. E
92. B
93. D
94. C
95. B
96. A
97. A
98. C
99. C
100. B
101. D
102. D
103. A
104. A
105. A
106. B
107. C
108. A
109. C
110. C
111. C
112. D
113. A
114. D
115. D
116. C
117. D
118. A
119. B
120. D
121. D
122. C
123. A
124. A
125. B
126. B
127. B
128. A
129. D
130. D
131. C
132. B
133. C
134. A
135. C
136. A
137. D
138. D
139. C
140. D
141. D
142. D
143. C
144. D
145. B
146. D
147. C
148. D
149. A
150. D
151. B
152. D
153. B
154. B
155. D
156. A
157. B
158. C
159. D
160. D
161. B
162. B
163. C
164. A
165. C
166. B
167. C
168. D
169. C
170. D
171. A
172. B