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HRCI The Professional in Human Resources (SPHR) Sample Questions (Q40-Q45):

NEW QUESTION # 40

Federal legislation does not specifically prohibit disparate treatment of caregivers, but claims of disparate treatment for employees caring for elders, children, or disabled family members increased 450 percent between 1990 and 2005. On what basis are these claims filed?

Each correct answer represents a complete solution. Choose all that apply.

- A. Americans with Disabilities Act
- B. Title VII
- C. Davis-Bacon Act
- D. Family Medical Leave Act

Answer: A,B,D

Explanation:

Explanation/Reference:

Answer options D, A, and B are correct.

According to guidance published by the EEOC, caregivers are not a protected class, but there are circumstances in which disparate treatment becomes unlawful based on stereotyping prohibited by Title VII, association with disabled individuals prohibited by the ADA, or violations of FMLA caregiving requirements. See Chapter 4 for more information.

Chapter: Workforce Planning and Employment

Objective: Federal Employment Legislation

NEW QUESTION # 41

Mark is an HR Professional for his organization and he has been given the assignment to create an Affirmative Action Plan for his company. Mark will also be considered to be designated the responsibility for this Affirmative Action Plan. What does the designation of responsibility mean?

- A. It means that Mark will be the manager for all Affirmative Action scenarios and issues within his company
- B. It means that Mark will be the person that reports on the plan's implementation to the Department of Labor
- C. It means that Mark will be the person responsible for actually implementing the plan
- D. It means that Mark will be the person that reports on the plan's implementation to management

Answer: C

Explanation:

Section: Volume A

Explanation/Reference:

Answer option B is correct.

The person who is designated the responsibility will be the individual responsible for implementing the plan in the organization.

Answer option A is incorrect. Mark may report on the plan to management, but this isn't the complete and primary definition of the designation of responsibility.

Answer option C is incorrect. Mark may be the person to report to the Department of Labor about the plan, but this isn't the complete definition.

Answer option D is incorrect. Mark isn't necessarily the manager of affirmative action scenarios, but the implementation person for the plan.

Reference: PHR Exam Prep, Pearson Education, ISBN: 978-0-7897-3677-2. Chapter Four: Workforce Planning and Employment. Official PHR and SPHR Certification Guide, HR Certification Institute, ISBN: 978-1-586-44149, Section III, The US HR Body of Knowledge.

Chapter: Workforce Planning and Employment

Objective: Federal Employment Legislation

NEW QUESTION # 42

Which of the following are self-employed individuals who work on a project or fee basis with multiple customers or clients?

- A. Apprentice workers
- B. On-call workers
- C. Independent contractors
- D. Trainees

Answer: C

Explanation:

Explanation/Reference:

Answer option C is correct.

Chapter: Workforce Planning and Employment

Objective: Strategic Workforce Planning

NEW QUESTION # 43

An HR director decided not to interview a qualified applicant because of personal knowledge that the applicant's family has a history of cancer. If the qualified applicant files a lawsuit against the organization, the best defense is to provide:

- A. Evidence that the work duties could pose an increased cancer risk to the employee

- B. A waiver authorizing disclosure and consideration of family history information for the candidate to sign
- C. Documentation of excessive healthcare costs exceeding industry benchmarks
- D. Alternate legal reasons for eliminating the candidate from consideration

Answer: D

Explanation:

If discriminatory intent is claimed, the organization must show legitimate, non-discriminatory reasons for not selecting the candidate. Option A aligns with affirmative defense strategies in employment law and is consistent with the Equal Employment Opportunity Commission (EEOC) guidelines.

Extract from HRCI-aligned HR knowledge: In the Employee Relations and Engagement domain, HR must "minimize legal risk by ensuring hiring decisions are based solely on job-related criteria." Presenting objective, documented business reasons is the only appropriate defense.

NEW QUESTION # 44

As a Senior HR Professional you should be familiar with the rights of employees and how it relates to the performance and relationship with management and the organization. In this light, what are Weingarten Rights?

- A. It is the right of the employee to refuse to work overtime hours that may have been requested by management.
- B. It is the right of an exempt employee to refuse to work more than 40 hours per week in seven-day time period.
- C. It is the right of the employee to leave the organization's employment at anytime without retribution by withholding or delaying payments due for work.
- D. It is the right of an employee to have a union representative present at any investigatory interview that the employee believes may lead to a disciplinary action.

Answer: D

Explanation:

Explanation/Reference:

Answer option B is correct.

Weingarten rights describe the rights of a union-employee to request and be granted the presence of a union representative at any meeting that the employee believes may lead to disciplinary action.

Answer options D, A, C are incorrect. This isn't a valid definition of the Weingarten rights.

Reference: Professional in Human Resources Certification Guide, Sybex, ISBN: 978-0-470-43096-5.

Chapter 7: Employee and Labor Relations. Official PHR and SPHR Certification Guide, HR Certification Institute, ISBN: 978-1-586-44149-4, Section III, The US Body of Knowledge.

Chapter: Employee and Labor Relations

Objective: Employee Relations

NEW QUESTION # 45

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