

Question 1

1. Melissa is employed by Conway Chemical Corporation. The company allows the employees to use the conference room for club meetings, like the knitting club and book club. Melissa has asked to use the conference room for prayer meetings on Wednesday mornings before her shift starts. Melissa's request was denied.

Answer

- ☐ Melissa does not have a claim for religious discrimination because the other activities were purely secular in nature.
- ☐ Melissa does not have a claim for religious discrimination because she failed to inform her employer of her religious belief.
- ☐ Melissa has a cause of action for religious discrimination because she is being treated differently based on religion.
- ☐ Melissa has a cause of action for religious discrimination because the RFRA states that it is religious discrimination for employers to allow employees to engage in secular activities and refuse to allow employees to engage in religious activities.

4 points

Question 2

An employer's duty to accommodate the religious practices of an employee is limited by:

Answer

- ☐ the concepts of reasonableness and undue hardship.
- ☐ the degree to which the religion involved is widely recognized.
- ☐ the First and Fourteenth Amendments to the U.S. Constitution.
- ☐ expectations and demands by the employee.

4 points

Question 3

The general duty clause in the Occupational Safety and Health Act:

Answer

- ☐ applies in addition to specific OSHA standards, and requires an employer maintain a workplace free of recognized hazards that are likely to cause death or serious physical injury to an employee.
- ☐ applies in the absence of any specific OSHA standard and requires an employer maintain a workplace free of recognized hazards that are likely to cause death or serious physical injury to an employee.
- ☐ applies only to industrial workplaces.
- ☐ eliminates the availability of the fellow servant rule and the contributory negligence defenses in cases where the employer had a statutory duty.

4 points

Question 4

Noland Tools takes all reasonable precautions to guard against known hazards in one of its facilities; however, many of the precautions are frequently circumvented by employees, who find the precautions cumbersome. Employee Teal is injured when he circumvents these precautions. Noland Tools is:

Answer

- ☐ liable for the harm, under the ruling in *Horne Plumbing and Heating v. OSHRC*.
- ☐ liable for the harm, because the legislative history of the OSHA indicates that it is intended to make employers insurers of employee safety, even in spite of employee disregard for safety precautions.
- ☐ not liable for the harm, under *Horne Plumbing and Heating v. OSHRC*.
- ☐ not liable for the harm, by operation of the special duty rule.

4 points

Question 5

Charity Hospital has 15 Muslim employees in the maintenance department. The hospital had a designated room for their Muslim employees to comply with their religious practice of praying 5 times daily located in the basement. Muhammad, a new employee, refused to use the room in the basement because he felt it degraded his religion to be relegated to the basement. Muhammad used the 3rd floor visitor waiting room 3 times per day to pray. His supervisor asked him not to pray in the visitor waiting room. Muhammad continued to use the waiting room and he was fired.

Answer

- ☐ Muhammad has a claim for religious discrimination because Charity Hospital unreasonably failed to accommodate his religious practice by allowing him to pray where he felt comfortable.
- ☐ Muhammad does not have a claim for religious discrimination because the room in the basement was not a reasonable accommodation.
- ☐ Muhammad does not have a claim for religious discrimination because he had a duty to cooperate in the accommodation.
- ☐ Muhammad does not have a claim for religious discrimination because the other employees participated in the accommodation.

4 points

Question 6

In *Varity Corp. v. Howe* the court held that:

Answer

- ☐ ERISA fiduciaries do not have any fiduciary duty to disclose truthful information on their own initiative.
- ☐ ERISA's fiduciary standards were intended to protect the integrity of the plan, not the individual beneficiaries.
- ☐ ERISA fiduciaries are required to discharge their duties with regard to the plan solely in the interest of the participants and beneficiaries.
- ☐ ERISA's remedies for breach of fiduciary duty were limited to the plan itself and participants and beneficiaries have no claim.

4 points

Question 7

The defense to negligence, which involves proof that the plaintiff is responsible for the injuries of which she complains is:

Answer

- ☐ assumption of the risk.
- ☐ the fellow servant rule.
- ☐ the greater danger defense.
- ☐ contributory negligence.

4 points

Question 8

In cases where a court is called upon to determine whether an employer has committed religion-based discrimination, the court must frequently first decide:

Answer

- ☐ the legitimacy of the religion involved.
- ☐ whether the employer is of a different religion than the employee.
- ☐ how long the religion involved has been established.
- ☐ whether even deciding the question excessively entangles the government in the practice of religion.

4 points

Question 9

A religious organization will generally be exempt from the prohibitions in Title VII:

Answer

- ☐ even in instances where the employment is in an area of purely non-sectarian activities.
- ☐ unless it is a purely secular organization.
- ☐ except in instances where the employment is in an area of purely sectarian activities.
- ☐ if it is relieved of such obligations by the EEOC.

4 points

Question 10

Patrick is employed by First Church of God as a cook in the daycare center. When Patrick was hired, he was attending the church and discussed joining the church with the pastor. After 3 months, Patrick had not joined the church, and his employment was terminated.

Answer

- ☐ Patrick has a claim for religious discrimination under Title VII and the U.S. Constitution's Establishment Clause.
- ☐ Patrick does not have a claim for religious discrimination because the church is exempt from compliance with Title VII.
- ☐ Patrick has a claim for religious discrimination because his job did not involve religious practices or activities and he was terminated anyway.
- ☐ Patrick does not have a claim for religious discrimination because he told the pastor he planned to join the church.