

2011 EMPLOYMENT AND LABOR LAW**---- FINAL EXAM ----**

As we near the end of 2011, it is time to test your knowledge of the current state of employment and labor law. The beauty of this exam is that we will send you the answers next week. In the meantime, however, if you email your responses to sslaughter@nexsenpruet.com by Monday, November 14, and you score 100 percent, you will be entered to win a fabulous prize. The [Charleston Cookie Company](#) and the [Raleigh Cookie Company](#) will be providing cookie baskets for one lucky winner from South Carolina and from North Carolina. The winners will be announced when the answer key is released next week.

This is an open book, open notes examination. Good luck!

1. Which part of the following statement is *false*?

The National Labor Relations Board (NLRB) has issued regulations requiring virtually all employers to post a large notice to employees informing them of their rights under the National Labor Relations Act (NLRA), particularly their right to unionize. Covered employers must display the poster beginning November 14, 2011.

- (a) The NLRB has issued regulations.
- (b) A large notice is required.
- (c) Notice of employees' right to unionize must be included.
- (d) The poster must be displayed beginning November 14, 2011.

2. Under the ADA Amendments Act (ADAAA), which of the following statements is *true*?

- Determining whether a claimed impairment substantially limits a major activity does not require any scientific, medical or statistical analysis.
- Regardless of how many "major life activities" are affected, only one needs to be substantially limited for protection of the ADA to attach.

- (a) Only the first statement is true.
- (b) Only the second statement is true.
- (c) Both statements are true.
- (d) Neither statement is true.

3. Under Title II of the Genetic Information Nondiscrimination Act (GINA):

- (a) A covered employer could face liability for asking about an employee's family member who may be suffering from heart disease, cancer or Alzheimer's disease.
- (b) All written genetic information should be kept separately from the employee's personnel file.
- (c) All employers, regardless of size, are covered.
- (d) All of the above are true.
- (e) (a) and (b) only are true.
- (f) (b) and (c) only are true.

4. In 2011 both North Carolina and South Carolina passed state immigration laws mandating use of E-Verify and imposing penalties for failure to comply.
 - (a) True
 - (b) False

5. The Fair Labor Standards Act (FLSA) makes it illegal for an employer “to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to [the FLSA] . . .”

Employees Alice and Beth have told their supervisor that the location of the time clock is preventing them from being paid for the time spent donning and doffing required protective gear. Beth then goes to the Department of Labor and files a complaint. The supervisor fires them both for being “whiners.” Which of the following is true?

- (a) Both Alice and Beth have potential retaliation claims against the employer.
- (b) Only Beth has a potential retaliation claim because she filed a complaint with the DOL.
- (c) Neither has a claim, and they should not have been such whiners.

This Employment Law Update is published as a service to our clients and friends. It is intended to be informational and does not constitute legal advice regarding any specific situation.

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