

Please select the best possible answer to each question.

1. **Federal disability law prohibits discrimination based on an individual's disability in:**
 - A) Employment
 - B) Public services
 - C) Public accommodations
 - D) Private colleges
 - E) All of the above
2. **The ADA's purpose was to:**
 - A) Narrow the definition of disability;
 - B) Add a prohibition against discrimination by public accommodations;
 - C) Clarify that in determining whether an individual has a disability, the court should not take the ameliorative effects of mitigating measures such as wheelchairs or medications into account;
 - D) Express Congress's agreement with the Supreme Court's decisions regarding the definition of "disability;"
 - E) None of the above.
3. **For an employee to be protected by the ADA, he must:**
 - A) Not pose a direct threat to the health or safety of himself or others;
 - B) Be able to perform the essential functions of his job or a job he seeks;
 - C) Engage in an interactive dialogue with his employer about what accommodation would be reasonable for him to do the job;
 - D) Prove that he fits within the definition of a disability;
 - E) All of the above.
4. **An employer who fires an employee because he believes that the employee has a mental impairment will be liable:**
 - A) Only if the employer believes that the employee's mental impairment substantially limits an employee's major life activity such as thinking;
 - B) Only if the employee actually does have a mental impairment;
 - C) Only if the employee's mental impairment actually does substantially limit a major life activity;
 - D) Without any additional proof;
 - E) None of the above.
5. **In order to prove that she has a disability under the ADA, a plaintiff must prove that:**
 - A) She has a mental impairment;
 - B) She has a physical impairment;
 - C) She has a physical or mental impairment that substantially limits a major life activity and a major bodily function;
 - D) She has a physical or mental impairment that substantially limits a major life activity;
 - E) None of the above.
6. **Because of the Supreme Court's interpretation of the ADA, an employee must prove today that she has a disability:**
 - A) Without regard to ameliorative measures such as medications, wheelchairs, etc.;
 - B) With regard to ameliorative measures such as medications, wheelchairs, etc.;
 - C) By demonstrating that she has a mental or physical impairment and nothing more;
 - D) By showing that it is impossible for the employee to perform the essential functions of the job;
 - E) None of the above.
7. **Under the ADA, an employer has a duty to engage in an interactive process with the employee. This means:**
 - A) The employer must accept the first reasonable accommodation requested by the employee;
 - B) The employer must meet with the employee to see if the employer and employee can agree upon a reasonable accommodation for the employee;
 - C) The employer will be liable for damages if the court finds that it did not meet its burden of proving that the accommodation requested imposed an undue burden on the employer;
 - D) The employee is under a duty to accept the first reasonable accommodation suggested by the employer;
 - E) None of the above.

continued on page 14

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{ Test 43 }
**DISABILITY
DISCRIMINATION
LAW IN EMPLOYMENT
1 HOUR CLE CREDIT**

Please select either "True" or "False" as the best way to describe the following statements.

8. The ADA does not protect federal employees with disabilities from employment discrimination.
True False
9. A Nevada state employee who is discriminated against by the state in violation of Title I of the ADA may collect monetary damages from her employer.
True False
10. Under Title I, an employer may not require its employees to submit to medical examinations.
True False
11. Under the ADA, an employer is required to accommodate a male employee by changing his work schedule because he needs to care for his wife who is dying of cancer.
True False
12. Even if an accommodation requested by an employee with a disability would be reasonable for most employers, an employer may escape liability for failing to accommodate the employee by demonstrating that the requested accommodation would impose an undue hardship on the employer's business.
True False
13. A plaintiff who brings a lawsuit against his employer can collect compensatory and punitive damages, but those damages are capped depending on the size of the plaintiff's employer.
True False
14. A disease that is in remission is not a disability for purposes of the ADA.
True False
15. The ADA has made it easier for employees and applicants to prove that they are covered by the ADA.
True False

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- 2) Answer the quiz questions on page 13-14. Each question has only one correct answer.
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