

## Employment Law – Privacy Self-Assessment Questions

1. In the workplace, employees can expect privacy in desks, offices and storage lockers if:
- A. These areas are locked
  - B. The employer did not gain prior consent to search
  - C. A and B
  - D. None of the above

Use for questions 2-5:

Mercer Pharmacy is a small chain pharmacy in a large metropolitan area with approximately 35 employees. A position opens titled, "Director of Expanded Services" with minimal dispensing functions. Licensed pharmacist, Kate Cooper, applies.

2. Can this job applicant legally be required to take a polygraph test?
- A. Yes
  - B. No
3. Under most state laws, can this applicant be required to submit to a drug test prior to a hiring decision being made?
- A. Yes
  - B. No
4. The applicant is hired. Shortly after her employment begins, controlled substances begin disappearing from the pharmacies. The employer searches Dr. Cooper's unlocked office and desk located at one of the pharmacies. According to federal and most state laws, does the employee have the right to privacy of these areas?
- A. Yes
  - B. No
5. The pharmacy owner places Dr. Cooper on suspension while a detailed investigation is conducted. Later, at the company Christmas party, the owner tells several employees and their invited guests that Dr. Cooper has been "caught stealing." At the conclusion of the investigation, Dr. Cooper is cleared and reinstated in her position. She sues for defamation. To which of the following defenses can the owner legitimately claim he adhered?
- A. Conditional privilege
  - B. Lack of publicity
  - C. A and B
  - D. None of the above

Use for questions 6-7:

XYZ Pharmacy is a large chain pharmacy seeking to fill a position titled "Director of Professional Affairs." The interviewing process narrows the final candidates down to two. One of the candidates, Jean Kelb, reveals in the final interview that she is HIV+. The interviewer determines that Jean is the more qualified of the two candidates.

6. Is there a legally justifiable reason to request Ms. Kelb be tested for HIV?

- A. Yes
- B. No

7. Legally, can HIV status be used as a basis for not hiring Jean? On what law do you base your answer?

- A. No – Americans with Disabilities Act
- B. No – Family Medical Leave Act
- C. No – Title VII
- D. Yes – Title VII
- E. Yes – Americans with Disabilities Act