



# Examination Preparation Booklet

Memory For Facts And  
Information/The Ability To  
Apply Stated Laws, Rules  
And Regulations

Booklet No. 22



CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.  
LOCAL 1000, AFSCME, AFL-CIO  
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Booklet #22

# **Memory For Facts And Information/The Ability To Apply Stated Laws, Rules And Regulations**

The CSEA Examination Preparation Booklet Series is designed to help members prepare for New York State and local government civil service examinations. This booklet is designed for practice purposes only and its content may not conform to that of any particular civil service examination.

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## MEMORY FOR FACTS AND INFORMATION

This first category, Memory for Facts and Information, *tests* your ability to remember key facts and details. You will usually be given a rather long reading passage, which you will have ten minutes to read. The reading selection will then be taken from you, and you will be asked to answer fifteen multiple choice questions based on that selection. While you would most likely be given only one reading selection on the actual exam, we've included two for you to practice with. We suggest you do them several days apart.

When reading the selection, be sure to time yourself so as not to exceed the time recommended at the beginning of the selection. Then go directly to the questions, and answer them. Do not refer back to the passage, since you wouldn't have this luxury on the actual exam. While reading the selection, try to keep the key details and situations in mind -- the who, what, when, where and why of the passage. Try not to get caught up in extraneous filler. If you feel your memory could use some help, we strongly recommend practicing with "real life" details daily. Each day try to pick a few things, anything really, to memorize. Reinforce these memories throughout the day. You might even devise quizzes for yourself or use "memory games." Or, you could go to the library or bookstore and get a book on improving memory. But, as you'll see from the questions that follow, you don't have to have a fantastic memory, amazing your friends and all who love you. You just need to have or to develop a good memory. The answers and explanations are at the back of the booklet.

Good Luck!

## MEMORY FOR FACTS AND INFORMATION

You will have ten minutes to read the following selection. Upon completion, turn the last page over. Then immediately answer the fifteen questions that refer to this passage. Please do not refer back to the reading passage at any time while you are answering the questions. Answers to the questions are in the "Answer Key" and in the "Answers and Explanations" section at the back of the booklet.

### THE CASE OF THE MISSING OVERTIME WAGES

Anne Roberts is a new Labor Standards Investigator assigned to investigate a complaint of nonpayment of some overtime wages. The complaint came in the form of a telephone call from Alan Wheeler, employed by the Too Cool Audio and Video Store in Midvale. Too Cool Audio and Video Inc. is a fast-growing and very successful chain in the Northeast. Their headquarters is in Midvale.

Anne Roberts drives the eight miles to Midvale on a breezy Monday morning. She meets with Alan Wheeler, the employee who called. He is employed in the warehouse unit.

"Hello, Mr. Wheeler, my name is Anne Roberts, and I'm here to investigate whether you've been paid the proper amount of overtime wages."

"Nice to meet you, Ms. Roberts. I'm not the only one with this problem, two salesclerks in the Midvale store, Mary Robertson and Guy Martin, have also gotten less for overtime than they should have."

"Can I talk with them, too?" Anne asks.

"Well, the problem is, we're worried about getting into a lot of trouble with the company. We were hoping you could talk just to me. I'm a little worried about talking with you myself."

"This is a confidential interview, don't worry. It would be very helpful, however, if I could at least get copies of their paystubs."

Alan hesitates and then says, "Gee, I hope I can find my last paystub. Anyway, we've been working forty-six hours a week the last four weeks, but only getting paid our usual rate of \$3.25 an hour."

Anne says, "But that's below the minimum wage."

"Maybe it's \$3.35, I get confused, I'll have to check. I think it's \$3.35. Yeah, I'm pretty sure it's \$3.35. But you know what else? I was promised a raise of \$.50 per hour after eight months of working here, and that's up next week. We'll see if I get it or not."

"Have the other employees here gotten the raises they were promised?"

"Yeah, I think they have. But I know of at least one person, a truckdriver, who hasn't gotten his raise yet."

"Do you know his name?"

"Just his first name. But the next time I see him, I'll ask him if he's gotten the raise yet. I'll let you know if he hasn't." "What day would be good for you to drop off the paystubs and have a second interview?"

"Well, you have to give me some time to get them from Mary and Guy too. How about this Thursday afternoon at one?"

"Fine, here's my card. I'll see you this Thursday at one."

At the beginning of their next meeting, Alan gives Anne the paystubs for the last month's work for all three employees.

"Let's do you first, Alan. What have your hours been each week for the last four weeks?"

"I've worked the same schedule for the past month, my usual forty hours -- 8 to 5 with an hour for lunch, which I don't like, on Mondays, Tuesdays, and Thursdays. Wednesdays and Fridays I've worked from 8 am to 9 pm because those are the days we do our most shipping. They give us from 5 to 6 pm as a dinner break on those days."

"So that adds up to forty-six hours. Give me a few minutes to go over these figures with my calculator."

"That's a great calculator, it's so small. Looks like a credit card."

"Thanks, but I have to be careful how I hit the numbers, there's not much room . . . Well, according to my calculations, you're owed \$40.20 in overtime pay for the last four weeks. But there's something else wrong too, it looks like they've been taking out a little too much money for Social Security. Let me recheck this."

## QUESTIONS

Now, it's time to answer questions based on the previous passage. Please do not refer back to the passage.

For each of the following questions, please select the letter that represents the best of the four possible choices.

1. In the passage, Anne Roberts visited:
  - a. Midwood
  - b. Midvale
  - c. Midale
  - d. Midville
  
2. In the passage, Anne talked with:
  - a. Alan who works in the warehouse unit
  - b. Alan who works in the warehouse unit and in the store
  - c. Robert who works in the warehouse
  - d. Robert, Guy, and Mary who work in the warehouse and the store
  
3. The organization whose payment of overtime wages is in question:
  - a. is struggling to succeed
  - b. is the most successful of the new audio-visual store chains in the Northeast
  - c. has its headquarters in the town that Anne travels to
  - d. has successfully switched from selling just records to selling records, tapes and video equipment

4. During their initial discussion, how sure of his rate of pay was the employee to whom Anne spoke?
- a. not sure at all
  - b. very sure
  - c. pretty sure
  - d. totally unsure
5. What day of the week did Anne conduct the initial interview?
- a. Monday
  - b. Wednesday
  - c. Tuesday
  - d. Thursday
6. When did Anne conduct the second interview?
- a. Monday at 1 pm
  - b. Thursday at 1 pm
  - c. Wednesday at 1 pm
  - d. Friday at 1 pm
7. In order to calculate how much money the employee should have received, Anne used a:
- a. credit card
  - b. calculator
  - c. credit card/calculator/watch combination
  - d. desk top personal computer
8. According to the passage<sub>1</sub> what did Anne do to try to make the employee feel more at ease?
- a. she gave him time to collect his thoughts
  - b. she assured him that she believed what he said
  - c. she assured him that the interview was confidential
  - d. she asked if she could speak with the other two employees affected

9. The initial complaint from the employee:
- a. resulted in his receiving back pay
  - b. came in the form of a phone call
  - c. was anonymous
  - d. resulted in a large-scale investigation
10. The name of the establishment the employee works for is the:
- a. Too Cool To Be True Audio and Video Store
  - b. Too Cool Audio and Video Store
  - c. Cool Too Audio and Video Store
  - d. Too True To Be Cool Audio and Video Store
11. The other two employees who have questions about their overtime pay:
- a. are truck drivers
  - b. work in the warehouse
  - c. are salesclerks
  - d. work in maintenance
12. The organization told the employee:
- a. he would receive a \$.60 per hour raise after eight months
  - b. he would receive a \$.60 per hour raise after five months
  - c. he would receive a \$.50 per hour raise after six months
  - d. he would receive a \$.50 per hour raise after eight months



13. How many hours a week have the employees who are questioning their pay been working for the last month?
- a. forty-four hours per week
  - b. forty-five hours per week
  - c. forty-six hours per week
  - d. forty-eight hours per week
14. In the last month, what hours did the employee Anne interviewed work on Wednesdays?
- a. 8 am to 5 pm
  - b. 9 am to 10 pm
  - c. 9 am to 5 pm
  - d. 8 am to 9 pm
15. At the start of the second interview:
- a. the employee gives Anne the paystubs for the last month for all three workers involved
  - b. the employee gives Anne the paystubs for the last month for all three workers involved, with the exception of his last paystub
  - c. the employee gives Anne only his paystubs from the last month
  - d. it cannot be determined if the employee gives Anne any pay stubs

Again, you will have ten minutes to read the selection. Upon completion, turn the last page over. Then immediately answer the fifteen questions that refer to this passage. Please do not refer back to the reading passage at any time while you are answering the questions. Answers to the questions are in the "Answer Key" and in the "Answers and Explanations" section at the back of the booklet.

### THE CASE OF THE DELINQUENT TAXPAYER

David Owens has been a Tax Investigator for five years. His unit has received another anonymous tip about possible sales tax abuse, and David's supervisor Derwin Williams has assigned David to conduct the investigation. The organization in question is Bob's News, a 24-hour newsstand and variety store. The store is located in Hillsdell, five miles away. The anonymous caller did not provide details, but stated that she was an employee, and that there was widespread "abuse in the collection and reporting of sales tax by the store." The agency has had a series of crank calls regarding sales tax abuse in Hillsdell.

For this investigation, David has been instructed not to work undercover, but to go in, identify himself, and discuss the situation with the owner and some employees without divulging the reason for the visit. On Wednesday, David drives to the store in a government car, a 1984 Plymouth.

David arrives at the store, and buys a magazine for which he is properly not charged sales tax. He speaks to the employee whose name tag says Susan.

"Hello, Susan, my name is David Owens, and I'm from the State Tax Department. Here's my identification. We're doing a routine check-up to see if things are in order with regard to sales tax collection and reporting. Is the owner around?"

"No, Bob is out of town today. He'll be back tomorrow. You seem surprised that his name is Bob. Some people think he must not exist, sort of like a Betty Crocker or something. Can I help you with anything? I'm the Assistant Manager."

"Well, it would be helpful if you could answer a few questions for me."

"As long as it doesn't get me in trouble with my boss, I'd be glad to," Susan replied.

"Don't worry, I won't ask you anything that could get you in trouble."

"OK, then."

"Did someone tell employees how to go about collecting sales tax on items?"

"Bob has a list of items we're not allowed to collect tax on. It's right next to the cash register. Would you like to see it?"

"If you don't mind. Thanks. It says here not to collect tax on magazines, but there's no mention of newspapers."

"I guess that's because he probably assumes we know better than that. I'll ask him to add it to the list."

"This is a pretty good list, but what's this written on the bottom here about toilet paper? That's a taxable item."

"Oh, I know. Henry who works nights put that in as a joke because he says toilet paper is a necessity, not a luxury, and shouldn't be taxed. I agree. So does Bob. But don't worry, we collect sales tax on it. Nine percent, right?"

"No, the rate is eight percent."

"Just kidding, David. We know that. I guess I shouldn't joke about something like that, I don't want to end up in jail. What else do you need to know?"

"Who keeps the records and submits the sales tax money to Metro City every quarter?"

"Bob does that himself, but I'd rather you come back tomorrow to talk with him about that end of it . . . I think that would be best. I don't know much about it, except that he yells if I don't have everything -- the records and stuff -- ready for him when he wants it."

"What time do you think Bob will be in tomorrow?"

"I think the morning would be best, you'll be sure to catch him then."

"OK, I'll drop by tomorrow around nine. See you then. Thanks again."

The next day, David drives back to the store to meet with Bob at the time stated earlier. When he arrives, Susan immediately introduces him to Bob.

"It's nice to meet you, Bob. Nice store you have here. How long have you been in business?"

"We've been open for five years. Time really flies, doesn't it?"

"It sure does. As Susan probably mentioned, I'm here on a routine type check-up about sales tax collection."

"Sure thing."

"Well, I just noticed you're not displaying the Sales Tax Certificate of Authority that you need to show in order to collect sales tax."

"That's strange, it was there yesterday. Here it is. It fell under the counter. We're off to a great start. Let me tape this thing back up."

"How many employees work here, Bob?"

"We have six full-time and three part-time employees, plus myself. I understand you'd like to see our books. Come on in to my office. Stay in here as long as you need. I've got it all laid out for you."

"Thanks."

Several hours later, David finishes looking through the books. "Well, Bob, things look in order. The only question I have is why your receipts for 1984 were so much lower than in other years?"

"A chain store moved in about eight blocks away, and we initially lost a lot of business. But eventually, our customers started coming back. We do the little things, save them the Boston papers, things like that. The chain moved downtown in early 1985."

"Well, listen, thanks very much for all of your time. I really appreciate it."

"No problem. Anytime. Well, I wouldn't go that far, but it's been nice meeting you."

## QUESTIONS

Now it's time to answer questions based on the previous passage. Please do not refer back to the passage.

For each of the following questions, please select the letter that represents the best of the four possible choices.

16. What was the name of the Tax Investigator in the above passage?
- a. David Allen
  - b. Bob Williams
  - c. Derwin Williams
  - d. David Owens
17. What was the name of the city the investigator visited?
- a. Hillsville
  - b. Hillsdale
  - c. Hicksville
  - d. Hillsdell
18. The store under investigation:
- a. is a department store
  - b. is a 24-hour massage parlor
  - c. is a newsstand and variety store
  - d. is a sporting goods store
19. The phone call received by the agency:
- a. was placed by an anonymous employee of the store being accused of sales tax fraud
  - b. was received by the investigator handling the case
  - c. was placed by an anonymous caller
  - d. was received by the investigator's supervisor

20. The investigator on this case:
- a. did not work undercover
  - b. was instructed to work undercover, but refused because of the nature of the case
  - c. worked undercover
  - d. pretended to his supervisor that he worked undercover
21. According to the passage:
- a. it is not correct to charge sales tax for a magazine
  - b. it is correct to charge sales tax for pet food
  - c. it is correct to charge sales tax for a newspaper
  - d. it is correct to charge sales tax for a magazine
22. The Assistant Manager of the store is:
- a. Susan
  - b. David
  - c. Bob
  - d. Betty Crocker
23. What day was the initial investigation conducted?
- a. Monday
  - b. Wednesday
  - c. Tuesday
  - d. Thursday
24. The list the investigator was shown contained:
- a. a list of sales taxable items
  - b. a list of non-taxable items
  - c. a list of products on which sales tax was mistakenly charged
  - d. the Certificate of Authority

25. According to the passage, sales tax was to be charged on:
- a. pet food
  - b. cigarettes
  - c. gasoline
  - d. toilet paper
26. According to the passage, the sales tax was:
- a. seven percent
  - b. nine percent
  - c. eight percent
  - d. ten percent
27. According to the passage, how often was the sales tax submitted?
- a. every month
  - b. quarterly
  - c. twice a year
  - d. once every six months
28. According to the passage, where are the sales tax monies sent?
- a. River City
  - b. Metro City
  - c. Metropolis
  - d. Hillswood
29. According to the passage, which of the following is true?
- a. Bob's business, called Bob's News and Variety, has been open for five years
  - b. Bob's business, called Bob's Department Store, has been open for six years
  - c. Bob's business, called Bob's Variety, has been open for six years
  - d. Bob's business, called Bob's News, has been open for five years

30. The only question the investigator had about Bob's books was:
- a. why receipts for 1985 were so much lower than in other years
  - b. why receipts for 1984 were so much lower than in other years
  - c. why receipts for 1985 were so much higher than in other years
  - d. why receipts for 1984 were so much higher than in other years



## THE ABILITY TO APPLY STATED RULES, LAWS AND REGULATIONS

This section tests your ability to comprehend and apply various laws and regulations. You will be given a series of regulations and laws, and be asked to apply them, or be tested on how well you understand them. It is very important to use only the information given in the passage. Rules, laws, and regulations can change, and candidates sometimes make the mistake of bringing in knowledge they have from outside, knowledge from the "real world." There are some types of exam questions that require this, but the questions in this section generally do not. They usually ask you to answer using only the information you've been given. (Sometimes, however, you will be tested on "outside knowledge," so check your exam announcement to see if this is the case.) In an attempt to ensure that as few of you as possible will be tempted to answer "from life," we've used subject matter from only one department and changed it slightly. If you find that you don't do as well on this section as you would like, we recommend you review "Understanding and Interpreting Written Material II," the 13th booklet in this series.

Good luck!

THE ABILITY TO APPLY STATED  
RULES, LAWS AND REGULATIONS

For each of the questions below, select the letter that represents the best of the four choices.

Questions 1 & 2 are based on the following passage.

Effective December 1, 1984, employees who are entitled to be paid at an overtime minimum wage rate according to the terms of a New York State minimum wage order must be paid for overtime at a rate at least time and one half of the appropriate regular minimum wage rate for non-overtime work. For the purpose of this policy statement, the term "appropriate regular minimum wage rate" means \$3.35 per hour or a lower minimum wage rate established in accordance with the provisions of a New York State minimum wage order. OVERTIME MINIMUM WAGES MAY NOT BE OFFSET BY PAYMENTS IN EXCESS OF THE REGULAR MINIMUM RATE FOR NON-OVERTIME WORK.

1. A worker who ordinarily works forty hours a week at an agreed wage of \$4.00 an hour is required to work ten hours in excess of forty during a payroll week and is paid for the extra ten hours at his \$4.00 per hour rate. Using the information contained in the above passage, it is best to conclude:
  - a. this was a correct application of the regulation
  - b. this was an incorrect application of the regulation
  - c. the employee was not underpaid because he or she agreed upon the wage rate
  - d. the employee did not perform his job well
  
2. According to the information in the above passage, the employee in Question 1 was most likely underpaid at least:
  - a. \$60.00
  - b. \$10.25
  - c. \$20.00
  - d. not underpaid at all

Question 3 is based on the following passage.

The following guidelines establish a range of monetary assessments for various types of child labor violations. They are general in nature and may not cover every specific situation. In determining the appropriate monetary amount within the range shown, consideration will be given to the criteria enumerated in the statute, namely "the size of the employer's business, the good faith of the employer, the gravity of the violation, the history of previous violations and the failure to comply with record keeping or other requirements." For example, the penalty for a larger firm (25 or more employees) would tend to be in the higher range since such firms should have knowledge of the laws. The gravity of the violation would depend on such factors as the age of the minor, whether required to be in school, and the degree of exposure to the hazards of prohibited occupations. Failure to keep records of the hours of work of the minors would also have a bearing on the size of the penalty.

VIOLATION	PENALTY
1. a. No employment certificate - child of employer (Sec. 131 or 132)	1. 1st violation - \$ 0 - \$100 2nd violation - \$100- \$250 3rd violation - \$250- \$500
b. No posted hours of work (Sec. 178)	
2. a. Invalid employment certificate. e.g. "student non-factory" rather than "general" for a 16 year old in non-factory work. (Sec. 132)	2. 1st violation - \$ 0- \$100 2nd violation - \$150- \$250 3rd violation - \$250- \$500
b. Maximum or prohibited hours - less than one half hour beyond limit on any day, occasional, no pattern. (Sec. 130.2e, 131.3f, 170.1,171.1, 170.2, 172.1, 173.1; Ed.L. 3227, 3228)	
3. a. No employment certificate. (Sec. 130.2e, 131.3f, 131, 132, 138; Ed.L. 3227, 3228; AC~ 35.01, 35.05)	3. 1st violation - \$100 - \$250 2nd violation - \$250- \$500 3rd violation - \$400- \$500

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|---|--|
| <p>3. b. Maximum or prohibited hours -<br/> (1) less than one half hour beyond<br/> limit on regular basis, (2) more<br/> than one half hour beyond limit<br/> either occasional or on a regular<br/> basis. (Sec. 130.2e, 131.3f, 170.1,<br/> 171.1, 170.2, 172.1, 173.1;<br/> Ed.L. 3227, 3228)</p> | <p>1st violation - \$100- \$250<br/> 2nd violation - \$250- \$500<br/> 3rd violation - \$400- \$500</p>    |
| <p>4. Prohibited Occupations - Hazardous<br/> Employment (Sec. 130.1, 131.3f,<br/> 131.2, 133)</p>  | <p>4. 1st violation - \$300- \$500<br/> 2nd violation - \$400- \$500<br/> 3rd violation - \$400- \$500</p> |

COMPLIANCE CONFERENCE PRIOR TO ASSESSMENT OF PENALTY After a child labor violation is reported, a compliance conference will be scheduled affording the employer the opportunity to be heard on the reported violation. A determination regarding the assessment of a civil penalty will be made following the conference.

RIGHT TO APPEAL If the employer is aggrieved by the determination following such conference, the employer has the right to appeal such determination within 60 days of the date of issuance to the Industrial Board of Appeals, 194 Washington Avenue, Albany, New York 12210 as prescribed by its Rules of Procedure.

3. According to the above passage, a firm with its third violation of Child labor laws regarding no posted hours of work (Sec. 178) and prohibited occupations-hazardous employment, would be fined:
- a. \$600-si ,000
  - b. \$650
  - c. \$1 ,000
  - d. cannot be determined from the information given

Question 4 is based on the following passage.

Section 198c. Benefits or wage supplements.

1. In addition to any other penalty or punishment otherwise prescribed by law, any employer who is party to an agreement to pay or provide benefits or wage supplements to employees or to a third party or fund for the benefit of employees and who fails, neglects or

refuses to pay the amount or amounts necessary to provide such benefits or furnish such supplements within thirty days after such payments are required to be made, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in section one hundred ninety-eight-a of this article. Where such employer is a corporation, the president, secretary, treasurer or officers exercising corresponding functions shall each be guilty of a misdemeanor.

2. As used in this section, the term "benefits or wage supplements" includes, but is not limited to, reimbursement for expenses; health, welfare and retirement benefits; and vacation, separation or holiday pay.

- 4 According to the above passage, an employer who had agreed to furnish an employee with a car and then failed to provide a car:
- a. is not guilty of a misdemeanor
  - b. is most likely guilty of a misdemeanor
  - c. is not affected by the above regulation
  - d. is guilty of a felony

Question 5 is based on the following passage.

Manual workers must be paid weekly and not later than seven calendar days after the end of the week in which the wages are earned. However, a manual worker employed by a non-profit making organization must be paid in accordance with the agreed terms of employment, but not less frequently than semi-monthly. A manual worker means a mechanic, workingman or laborer. Railroad workers, other than executives, must be paid on or before Thursday of each week the wages earned during the seven-day period ending on Tuesday of the preceding week. Commission sales-personnel must be paid in accordance with the agreed terms of employment but not less frequently than once in each month and not later than the last day of the month following the month in which the money is earned. If the monthly payment of wages, salary, drawing account or commissions is substantial, then additional compensation such as incentive earnings may be paid less frequently than once in each month, but in no event later than the time provided in the employment agreement.

5. A non-executive railroad worker has not been paid for the previous week's work. it is Wednesday. According to the above passage, which of the following is true?

- a. the above regulation was not violated, since the ending period is the following Tuesday
- b. the above regulation was violated
- c. the above regulation was not violated, since the employee could be paid on Thursday
- d. the above regulation does not apply in this case

Question 6 is based on the following passage.

No deductions may be made from wages except deductions authorized by law, or which are authorized in writing by the employee and are for the employee's benefit. Authorized deductions include payments for insurance premiums, pensions, U.S. bonds, and union dues as well as similar payments for the benefit of the employee. An employer may not make any payment by separate transaction unless such charge or payment is permitted as a deduction from wages. Examples of illegal deductions or charges include payments by the employee for spoilage, breakage, cash shortages or losses, and cost and maintenance of required uniforms.

6. An employee working on a cash register is short \$40 at the end of his shift. The \$40 is deducted from his wages. According to the above passage:
- a. the deduction is legal because it is legal to deduct cash losses
  - b. the deduction is legal because the employee is at fault
  - c. the deduction is illegal because the employee was not told of the deduction in advance
  - d. the deduction is illegal

Questions 7 & 8 are based on the following passage.

No employee shall be paid a wage at a rate less than the rate at which an employee of the opposite sex in the same establishment is paid for equal work on a job, the performance of which requires equal skill, effort and responsibility, and which is performed under similar working conditions, except where payment is made pursuant to a differential based on:

1. a system which measures earnings by quantity or quality of production;
2. a merit system<sub>1</sub>
3. a seniority system; or
4. any other factor other than sex.

Any violation of the above is illegal.

7. A woman working in a factory on a piece-rate system as a Sewing Machine Operator received less pay than a male Sewing Machine Operator who finished more items. According to the above regulation:
  - a. this is legal
  - b. this is illegal
  - c. this is legal, but not ethical
  - d. no conclusion can be made from the information given
  
8. A male worker is in the same job title as a female worker. The male worker has been employed by the firm for three years, the female for two. Using the regulation stated above, if the male worker is paid more than the female worker:
  - a. the action is legal
  - b. the action is illegal
  - c. the action is legal, but not ethical
  - d. no conclusion can be made from the information given

Question 9 is based on the passage below.

Section 162. Time allowed for meals.

1. Every person employed in or in connection with a factory shall be allowed at least sixty minutes for the noon day meal.

2. Every person employed in or in connection with a mercantile or other establishment or occupation coming under the provisions of this chapter shall be allowed at least forty-five minutes for the noon day meal, except as in this chapter otherwise provided.

3. Every person employed for a period or shift starting before noon and continuing later than seven o'clock in the evening shall be allowed an additional meal period of at least twenty minutes between five and seven o'clock in the evening.

4. Every person employed for a period or shift of more than six hours starting between the hours of one o'clock in the afternoon and six o'clock in the morning, shall be allowed at least sixty minutes for a meal period when employed in or in connection with a factory, and forty-five minutes for a meal period when employed in or in connection with a mercantile or other establishment or occupation coming under the provision of this chapter, at a time midway between the beginning and end of such employment.

5. The commissioner may permit a shorter time to be fixed for meal periods than herein before provided. The permit therefore shall be in writing and shall be kept conspicuously posted in the main entrance of the establishment. Such permit may be revoked at any time.

In administering this statute, the Department applies the following interpretations and guidelines:

Employee Coverage. Section 162 applies to every "person" in any establishment or occupation covered by the Labor Law. Accordingly, all categories of workers are covered, including white collar management staff.

Shorter Meal Periods. The Department will permit a shorter meal period of not less than 30 minutes as a matter of course, without application by the employer, so long as there is no indication of hardship to employees. A meal period of not less than 20 minutes will be permitted only in special or unusual cases after investigation and issuance of a special permit.

9. An employee is given twenty minutes for lunch. According to the information given in the above passage:
- a. the employer is in violation
  - b. the employer is not in violation
  - c. the employer should be fined \$250
  - d. no conclusion can be made from the information given



Question 10 is based on the following passage.

An employee shall not be obliged to incur expenses in the arrangement whereby the employee's wages or salary are directly deposited in a bank or financial institution or in the withdrawal of such wages or salary from the bank or financial institution. Some examples of expenses are as follows:

1. a service charge, "per check" charge or administrative or processing charge
2. carfare in order to get to the bank or financial institution to withdraw wages

An employee shall not be obliged to lose a substantial amount of uncompensated time in order to withdraw wages from a bank or financial institution. Although the employer is not required to provide employees with paid time in which to withdraw such monies, the Department has held that the employer should provide for the loss of time when the employee requires more than 15 minutes to withdraw wages. Such time includes travel time to and from, as well as actual time spent at the bank or financial institution in withdrawing such monies. The loss of such time without compensation constitutes a difficulty.

The withdrawal of wages may not interfere with an employee's meal period to the extent that it decreases the meal period to less than 30 minutes. Thus, although the time required for withdrawal of wages may be 15 minutes or less, the loss of even 8 or 9 minutes from a thirty minute meal period creates a difficulty.

10. An employee is unable to withdraw wages at any time other than her lunch break. She needs twenty minutes to withdraw wages and has a forty-five minute lunch break. According to the information contained in the above passage:
- a. the employer is in violation
  - b. the employer is not in violation
  - c. the employer should be fined \$250
  - d. no conclusion can be made from the information given

## ANSWER KEYS

### MEMORY FOR FACTS AND INFORMATION

- |       |       |
|-------|-------|
| 1. b  | 16. d |
| 2. a  | 17. d |
| 3. c  | 18. c |
| 4. c  | 19. c |
| 5. a  | 20. a |
| 6. b  | 21. a |
| 7. b  | 22. a |
| 8. c  | 23. b |
| 9. b  | 24. b |
| 10. b | 25. d |
| 11. c | 26. c |
| 12. d | 27. b |
| 13. c | 28. b |
| 14. d | 29. d |
| 15. a | 30. b |

### THE ABILITY TO APPLY STATED RULES, LAWS AND REGULATIONS

- |      |       |
|------|-------|
| 1. b | 6. d  |
| 2. b | 7. a  |
| 3. d | 8. a  |
| 4. b | 9. d  |
| 5. c | 10. a |

## ANSWERS AND EXPLANATIONS

### MEMORY FOR FACTS AND INFORMATION:

Many of the answers to these questions are self-explanatory and can easily be found by rereading the passage. For this reason, we have chosen not to elaborate on all the questions.

1. The answer is choice b. Test writers often like to pick names of towns that are difficult to remember or confusing. Sometimes it can help to associate the name with something with which you are familiar. In this case, if you ever read "Supergirl" comics, or saw the movie, you might have remembered that it was the name of the town where Supergirl (Linda Lee Danvers) grew up, and remembered it by this association. Then again, you might not have.
2. The answer is choice a. Alan works only in the warehouse. Notice that choices c and d were trying to trick you by using a form of Anne's last name as one of the choices.
3. The answer is choice c. Watch out for assuming too much when answering these questions. Choice b is incorrect because the passage does not state that it is the most successful company in the Northeast. Choice d is incorrect because we are not sure what merchandise it sold in the past, or exactly what it sells now.
4. The answer is choice c. He says, "I'm pretty sure."
7. The answer is choice b, a calculator. Although it's stated that the calculator looks like a credit card, it's not a credit card. The passage doesn't state that it's a credit card/calculator/watch combination, so calculator is the only safe choice.
9. The answer is choice b. Choice a is incorrect because we don't know for sure if he received any back pay. Choice c is untrue. Choice d is incorrect because it is not stated in the passage. At the point where the passage leaves off, one employee is looking into the matter and two others are concerned. This would not constitute a large-scale investigation.

16. The answer is choice d. The passage tells us that this is David's title. Choice c is incorrect because the passage never mentions David's supervisor's title.

19. The answer is choice c. The other choices all assume too much. We don't know who took the call, so choices b and d are easily eliminated. You may have been tempted by choice a because the anonymous caller "said" that he or she was an employee. This is never verified, though, and the fact that there seems to be no sales tax abuse occurring calls into question everything the caller said. Choice c is the safest choice.

21. The answer is choice a. The passage states that it's not correct to charge sales tax for magazines or newspapers. It does not mention pet food. You may have thought this was true because it is true in real life, but it's critical to remember to use only the information you've been given in the passage. Since real life information may contradict information given in exam selections, you must learn to ignore it when answering questions like these.

#### THE ABILITY TO APPLY STATED RULES, LAWS AND REGULATIONS:

1. The answer is choice b. According to the passage, the employee should have been paid "at a rate at least time and one half of the appropriate regular minimum wage rate for non-overtime work." Remember, it's important to consider only what has been given in the reading passage. Choice c is incorrect because it is illegal in this case to agree on something other than the law. Minimum standards are set by law so that employers cannot coerce, or otherwise persuade, employees to work at less than what is deemed fair. It could be argued that this is outside knowledge, but if you think about it, it's only common sense. Why bother having a minimum wage law, or minimum rates for overtime, or child labor laws if someone can just sign away his or her rights when an employer asks him or her to? If you didn't know this, you could still have eliminated this choice because the passage says, "ordinarily works 40 hours at an agreed wage of \$4.00 per hour." The wording implies that this was agreed on for the normal work week.

2. The answer is choice b. The employee needs to be paid at a rate of time and a half. The employee has worked an extra ten hours at the hourly rate of \$4.00 an hour. The passage states that the employee must be paid "at least time and one half of the appropriate regular minimum wage rate for non-overtime work." Minimum wage is given as \$3.35 per hour. Time and a half of that would be \$3.35 times 1.5, or \$5.025 per hour. This employee is paid only \$4.00 per hour for each hour of overtime. That's \$1.025 less for each of the ten hours over forty hours, or a total of \$10.25 less than he should have been paid. ( $10 \times \$1.025 = \$10.25$ ) You may have read the passage incorrectly, and thought the employee should have been paid time and a half on the \$4.00 wage, but the passage does not state this. It states that the minimum payment is time and a

half on minimum hourly wage, not on the employee's current wage rate. If you assumed the employee should have been paid \$6.00 an hour, you probably would have picked choice c. Very tricky question. NOTE: The employee could have been paid less than half the minimum wage under special circumstances. Since there is nothing to indicate that the special circumstances apply, and since the question stem says "most likely," choice b is still considered the best choice.

3. The answer is choice d. This is another tricky question. The passage states, "The following guidelines establish a range of monetary assessments for various types of violations. They are general in nature and may not cover every specific situation. In determining the appropriate monetary amount within the range shown, consideration will be given to the criteria enumerated in the statute . . . ." The passage then goes on to list all of the various possibilities. We don't know the circumstances, so choice d is the safest choice. If the question stem had been phrased "would most likely be fined," a case might possibly have been made for a different answer. The way it stands, choice d is the best choice because we can't say what the fine definitely would be.

4. The answer is choice b. The last sentence states that "the term benefits or wage supplements includes but is not limited to . . . ." This, coupled with the wording of the first paragraph, would mean that there is a good possibility the broken agreement would be judged a misdemeanor.

5. The answer is choice c. This is directly supported by the fourth sentence.

6. The answer is choice d. The last sentence states that "examples of illegal deductions or charges include payments by the employee for spoilage, breakage, cash shortages or losses . . .".

7. The answer is choice a. The key here is the phrase piece-rate system. The passage states that one of the exceptions is "a system which measures earnings by quantity or quality of production." That's piecework, where extra pay may be given for extra production or effort. It's logical -- and not too much -- to assume that the man was paid more because he finished more items.

8. The answer is choice a. The passage states that one of the exceptions is a seniority system. The question stem says that the man had worked there for three years while the woman had only worked there for two years.

9. The answer is choice d. The last sentence of the passage states that "a meal period of not less than twenty minutes will be permitted only in special or unusual cases after investigation and issuance of the special permit." Since we don't know the circumstances, we can't definitely say the employer is or is not in violation.

10. The answer is choice a. The next to last sentence of the passage states that "the withdrawal of wages may not interfere with an employee's meal period to the extent that it decreases the meal period to less than twenty minutes." The employee can only withdraw wages during her meal period. If the employee has a forty-five minute lunch break<sub>1</sub> and needs twenty minutes to withdraw funds, then she only has twenty-five minutes for lunch, which the passage states is not sufficient.