Index

| ACTIONS See also Causes of Action Breach of contract defense, 25:29 Defamation defenses, 2:12 Discovery, 22:1 et seq. Expert witnesses, 22:37, 24:1 et seq. examination, 22:38 Negligent retention, 3:3 Pretrial motions, 23:1 et seq. Punitive damages jury instructions, 25:36 Requests for admissions, 22:32 et seq. ALTERNATIVE DISPUTE RESOLUTION See also Arbitration Mitigation of damages, 18:13 AMERICAN ARBITRATION ASSOCIATION See Arbitration; Alternative Dispute Resolution Mechanisms AMERICANS WITH DISABILITIES ACT Generally, App. I EEOC rules, App. I Text, App. I | ARBITRATION—Cont'd Limiting damages, 18:13, 18:14 Nonjudicial dispute resolution, federal, jurisdiction compel, 7:3.50 Procedure, sample, App. D ATTORNEY-CLIENT PRIVILEGE See also Attorneys Denial, 14:3 Internal investigations confidentiality, 14:4 dominant purpose requirement, 14:3 investigative reports, 14:8 protection, 14:2 statements of witnesses, 14:5 waivers, 14:4 witnesses, 14:8 work-product doctrine protection, 14:7 ATTORNEYS Attorney-client privilege, 14:1 et seq. Closing arguments, 25:18 et seq. Confidential investigation reports, sample, App. E Discovery, 14:7 |
|--|---|
| EEOC rules, App. I | sample, App. E |

BACK PAY AT-WILL DOCTRINE See also Discharge; Termination of See also Damages Employment Fringe benefits, 18:3 Constructive discharge, 1:12 **BURDEN OF PROOF** Constructive discharge, 1:12 Breach of contract defense, 25:29 Covenant of good faith and fair deal-Jury instructions, sample, App. G ing, 9:2 Performance evaluations, 3:2 COVID-19 safety protocols, govern-Qualified privilege, 2:12 ment, discharge, public policy Request for production of documents, exceptions, 1:8 22:27 Current criticism, 1:1 Demotion, implied promises, 1:10 **CAUSES OF ACTION** Department of Energy rules, 1:7 See also Actions Discharge Jury instructions, 25:28 et seq. exercising legal right, 1:6 Liability insurance coverage, 11:1 refusal to perform illegal act, 1:6 **CHECKLISTS** retaliation, 1:9 Employment contracts, 2:19 whistleblowing, 1:9 Exit interviews, 5:5 Discharge, public policy exceptions Field audits, 12:6 COVID-19 safety protocols, Orientation programs, 2:22 government, 1:8 Personnel policies, 12:2 exercising legal rights, 1:7 CHOICE OF LAW health directives, COVID-19, 1:8 See Removal medical marijuana, 1:7 positive drug tests, 1:7 **CIVIL RIGHTS ACT OF 1991** refusing to perform illegal acts, 1:7 Damages, 6:3 Employee handbooks punitive, **25:36** generally, 2:24 Title VII disclaimers, 2:26 damages, 6:3 enforceability, 2:25 **CLOSING ARGUMENTS** Employment applications, 2:2 English law, 1:2 Generally, 25:18 Exceptions, 1:4 to 1:11, 9:2 Attacking plaintiff's argument, 25:26 Closing, 25:22 Good faith, 1:11 Credibility issues, 25:25 Health directives, COVID-19, discharge, public policy exceptions, Legal limitations, 25:27 1:8 Opening, 25:19 Historical development, 1:3 Personal considerations, 25:24 Implied promises, 1:10 Presentation of law, 25:21 Probationary employees, 2:23 Proof of facts, 25:20 Public policy exception, 1:5 Techniques, 25:23 Retaliatory discharge, 1:9 **COLLECTIVE BARGAINING** Whistleblowing, 1:9 See also Labor Unions

Agreements

qualified privilege, 2:12

Reduction in force, 10:2

BACKPAY

Good faith, 13:1

Title VII. 6:3

COMPENSATION

See Wages and Salaries

| COMPETITION | DAMAGES |
|---|--|
| See Covenants Not To Compete; | See also Back Pay |
| Nondisclosure Covenants | Awards |
| CONFIDENTIAL INFORMATION | postjudgment interest, 18:12 |
| Nondisclosure covenants, 2:18 | prejudgment interest, 18:12 |
| | Back pay, 18:3 |
| CONSTRUCTIVE DISCHARGE | Bifurcated liability, 23:5 |
| At-will doctrine, 1:12 | Breach of contract |
| CONSULTING AGREEMENTS | jury instructions, 25:34 |
| Form, App. C1 | Compensatory |
| roim, App. C1 | jury instructions, 25:34 |
| CONSUMER REPORTS | jury instructions, sample, App. G |
| Credit reports, distinguished, 2:9 | Consequential damages, 18:5 |
| Investigative, 2:10 | Consideration of wealth, punitive, |
| Reporting agency, 2:9 | 18:3 |
| CONTRACTS | Contract damages, 18:2 to 18:6 |
| See Employment Contracts; Separa- | Defamation, 2:11 |
| tion Agreements | Expert witnesses, 24:7 |
| - | Fringe benefits, 18:3 , 18:4 |
| CORONAVIRUS | Insurance coverage, 11:1 to 11:2 |
| Safety protocols, government, dis- | Interest |
| charge for, 1:8 | postjudgment, 18:12 |
| COURTS | prejudgment, 18:12 |
| Federal | Jury instructions, punitive, 18:2 |
| discovery, 22:2 | Jury instructions, sample, App. G |
| federal question jurisdiction, 20:2 | Limitation, 18:1 et seq. |
| Jury instructions, 25:28 et seq. | Mitigation, 18:13 |
| Special verdicts, 25:37 | alternative dispute resolution |
| State | mechanisms, 18:14 |
| discovery, 22:3 | arbitration, 18:14 |
| | jury instructions, 25:35 |
| COVENANTS NOT TO COMPETE | outplacement services, 18:15 |
| Antitrust laws, 2:18 | Nominal |
| Employment contracts, 2:18 | jury instructions, sample, App. G |
| Employment contracts, sample, App. | Other recoverable damages, 18:6 |
| Dublia policy 2.19 | Punitive |
| Public policy, 2:18 | generally, 18:2, 18:3 |
| COVID-19 | consideration of wealth, 18:3 |
| Safety protocols, government, dis- | jury instructions, 18:2 |
| charge for, 1:8 | Punitive, 18:11 |
| CROSS-EXAMINATION | defendant's ability to pay, 25:36 |
| Generally, 25:14 | jury instructions, 25:36 |
| Order of defense witnesses, 25:16 | respondeat superior, 25:36 |
| Plaintiffs, 25:15 | Speculative |
| Prior inconsistent statements, 25:14 | jury instructions, sample, App. G |
| 50000000000000000000000000000000 | JJ, Jampie, 1.2pp. G |
| | Index- |

CROSS-EXAMINATION—Cont'd

Questions, 25:14

| DAMAGES—Cont'd | DEPOSITIONS |
|---|---|
| Title VII, 6:3 | Generally, 22:4 |
| Tort, 9:2 | See also Discovery |
| generally, 18:7 to 18:11 | Buzz words, 22:18 |
| front pay, 18:3 | Court reporters, 22:9 |
| limiting, 18:7 to 18:11 | Examining exhibits, 22:18 |
| loss of consortium, 18:10 | Expert witnesses, 22:37, 24:1 et seq. |
| loss of professional reputation, | examination, 22:38 |
| 18:9 | Failure to appear, 22:16 |
| punitive, 18:11 | Issuance of subpoena, 22:7 |
| Tort reform, punitive, 18:3 | Jury instructions, sample, App. G |
| Valuing lost fringe benefits, 18:4 | Listening, 22:18 |
| | Mechanics, 22:13 |
| DEFAMATION | Nonparty witnesses, 22:8 |
| See also Libel and Slander | Notice, 22:6 |
| Compelled self-publication, 2:11, | Objections, 22:19 |
| 5:5.50 | Off-the-record comments, 22:18 |
| Defense | Outline sample, App. E1 |
| qualified privilege, 2:12 | Out of state, 22:8 |
| truth, 2:11 | Pace, 22:18 |
| Definition, 2:11 | Persons subject to, 22:5 |
| Discharge, 5:6 | Physical arrangements, 22:10 |
| Labor unions, 2:11 | Plaintiff's |
| Libel, compared, 2:11 | mechanics, 22:13 |
| Performance reviews, 2:11 | preparation |
| Reference checks, 2:11 | conclusion, 22:17 |
| Respondeat superior, 2:11 | establishing administrative rem- |
| Slander, compared, 2:11 | edy preemption, 22:17 |
| Third party publication, 2:11 | establishing workers' compensa |
| | tion preemption, 22:17 |
| DEFENSES | lock-in, 22:17 |
| Breach of contract actions, 25:29 | oral employment contract questions, 22:17 |
| Defamation, 25:32 | plaintiff biography, 22:17 |
| Disclaimers, 2:25 | plaintiff testimony, 22:17 plaintiff testimony, 22:17 |
| Employee Polygraph Protection Act, | written employment contract |
| preemption, 2:6 | questions, 22:17 |
| Good faith, Worker Adjustment and | Preliminaries, 22:12 |
| Retraining Notification Act, | Preparation, 22:17 |
| 10:1 Preemption, 21:7 | Response to questions, 22:18 |
| * | Role playing, 22:20 |
| Employee Polygraph Protection Act, 2:6 | Specific strategies, 22:17 et seq. |
| • | Stipulations, 22:14 |
| Privilege, jury instruction, 25:33 | Supervisors, 22:18 |
| Qualified privilege, 2:12 | Transcripts |
| Statute of frauds, 2:16 | correcting, 22:15 |
| DEFINITIONS | filing, 22:15 |
| See Words and Phrases | reading, 22:15 |
| See Stub und I muses | 15461115, ##110 |

| DEPOSITIONS—Cont'd | DISCLOSURE—Cont'd |
|---|--|
| Transcripts—Cont'd | Credit checks, 2:8, 2:10 |
| signing, 22:15 | Former employer's duty, 2:14 |
| Videographed, 22:11 | Personnel files, 8:1 |
| Witness demeanor, 22:18 | Reference checks, 2:13, 2:15 |
| Witness preparation, 22:18 | DISCOVERY |
| DISCHARGE | Generally, 22:1 |
| See also Termination of Employment; Wrongful Discharge Constructive, 1:12 | See also Depositions; Interrogatories Documents; Production of Documents; Work-Product Doc |
| Constructive, 1:12 | trine |
| COVID-19, public policy, 1:8 | Attorney-client privilege, 14:7 |
| Defamation | Automatic disclosure |
| compelled self-publication, 5:6 | federal court, 22:2 |
| Exercising legal right, 1:6, 1:7 | Confidential information, 14:4 |
| Health directives, public policy, 1:8 | Depositions, 22:4 et seq. |
| Implied promises, 1:10 | outline sample, App. E1 |
| Just cause, 1:10 | Expert witnesses, 22:37, 24:1 et seq. |
| Positive drug test, medical marijuana, | examination, 22:38 |
| public policy, 1:7 | Federal Rule of Evidence 702, |
| Probationary periods, 2:23 | impact, 22:39 Federal Rules of Civil Procedure, |
| Public policy, 1:5 | 22:2 |
| Refusal to perform illegal act, 1:6 | Interrogatories, 22:21 et seq. |
| Refusing to perform illegal act, pub- | Mandatory meeting of parties |
| lic policy, 1:7 | federal court, 22:2 |
| Retaliation, 1:9 | Medical reports, 22:35 to 22:36 |
| Whistleblowing, 1:9 | Mental examinations, 22:35 to 22:36 |
| DISCIPLINE | Motion practice, 22:25 |
| Absenteeism, 5:2 | Physical examinations, 22:35 to |
| Attendance, 5:2 | 22:36 |
| Exit interviews, 5:5 | Priority, 22:1 |
| Investigation of incidents, 5:4 | Privilege, 14:7 |
| Management personnel, 5:3 | Production of documents, 22:27 et |
| Progressive, 5:1 | seq. |
| Releases, 5:7 | Proposed plan |
| Settlement agreements, 5:7 | federal court, 22:2 |
| Severance pay, 5:7 | Request for admission, 22:32 et seq. |
| Tardiness, 5:2 | State court rules, 22:3 |
| Termination, 5:5 | DISCRIMINATION |
| Union representation, 5:4 | See also Defenses |
| DISCLOSURE | DIVERSITY |
| Attorney-client privilege, 14:2 to 14:4 | See Removal |
| Consumer reports | DOCUMENTS |
| generally, 2:9 | Accuracy, 8:3 |
| investigative, 2:10 | Demonstrative evidence, 25:17 |

| DOCUMENTS—Cont'd | EMPLOYEES—Cont'd |
|---|---|
| Motion in limine, 25:4 | Orientation |
| Production, 22:27 et seq. | generally, 2:21 |
| Prohibited records, 8:4 | checklist, 2:22 |
| Requests for admission, 22:32 et seq. | Outplacement services, 18:15 |
| Retention requirements, 8:2 | Performance evaluations, 3:1 |
| DRUG TESTS | Privileged information, release, 14:4 |
| Federal Drug-Free Workplace Act, | Probation, 2:23 |
| 2:7 | Reduction in force, 10:1 |
| Legislation, 2:7 | impact on wrongful discharge |
| Omnibus Transportation Employee | claims, 10:3 |
| Testing Act, 2:7 | Reference checks |
| Positive, discharge, public policy | defamation, 2:11 |
| exceptions, at-will doctrine, 1:7 | employment agency, 2:13 |
| Preemployment, 2:7 | qualified privilege, 2:12 |
| Sensitive position employee, 2:7 | Resignation agreements, App. C |
| * * * | Response to employee grievances, form, App. D |
| EMPLOYEE POLYGRAPH | Tardiness, 5:2 |
| PROTECTION ACT | Written work rules |
| Lie detectors, App. J | application, 4:1 |
| Notice, 2:6 | offenses, 4:3 |
| Remedies, 2:6 | subject matter, 4:1 |
| Rules, App. J | unilateral changes, 4:2 |
| EMPLOYEE RETIREMENT | • |
| | |
| INCOME SECURITY ACT | EMPLOYEE SELECTION |
| | EMPLOYEE SELECTION See Hiring |
| INCOME SECURITY ACT | |
| INCOME SECURITY ACT (ERISA) | See Hiring |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 | See Hiring EMPLOYERS |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 EMPLOYEES | See Hiring EMPLOYERS Applications, 2:2 |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 EMPLOYEES See also Hiring; Long-term Employ- | See Hiring EMPLOYERS Applications, 2:2 Credit checks generally, 2:8 consumer reports, 2:9 |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 EMPLOYEES See also Hiring; Long-term Employees | See Hiring EMPLOYERS Applications, 2:2 Credit checks generally, 2:8 consumer reports, 2:9 investigative consumer reports, |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 EMPLOYEES See also Hiring; Long-term Employees Absenteeism, 5:2 | See Hiring EMPLOYERS Applications, 2:2 Credit checks generally, 2:8 consumer reports, 2:9 investigative consumer reports, 2:10 |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 EMPLOYEES See also Hiring; Long-term Employees Absenteeism, 5:2 Attendance, 5:2 | See Hiring EMPLOYERS Applications, 2:2 Credit checks generally, 2:8 consumer reports, 2:9 investigative consumer reports, 2:10 Employee handbooks |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 EMPLOYEES See also Hiring; Long-term Employees Absenteeism, 5:2 Attendance, 5:2 Credit checks, 2:8 | See Hiring EMPLOYERS Applications, 2:2 Credit checks generally, 2:8 consumer reports, 2:9 investigative consumer reports, 2:10 Employee handbooks generally, 2:24 |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 EMPLOYEES See also Hiring; Long-term Employees Absenteeism, 5:2 Attendance, 5:2 Credit checks, 2:8 Drug tests | See Hiring EMPLOYERS Applications, 2:2 Credit checks generally, 2:8 consumer reports, 2:9 investigative consumer reports, 2:10 Employee handbooks generally, 2:24 disclaimers, 2:26 |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 EMPLOYEES See also Hiring; Long-term Employees Absenteeism, 5:2 Attendance, 5:2 Credit checks, 2:8 Drug tests sensitive position, 2:7 | See Hiring EMPLOYERS Applications, 2:2 Credit checks generally, 2:8 consumer reports, 2:9 investigative consumer reports, 2:10 Employee handbooks generally, 2:24 disclaimers, 2:26 enforceability, 2:25 |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 EMPLOYEES See also Hiring; Long-term Employees Absenteeism, 5:2 Attendance, 5:2 Credit checks, 2:8 Drug tests sensitive position, 2:7 transportation, 2:7 | See Hiring EMPLOYERS Applications, 2:2 Credit checks generally, 2:8 consumer reports, 2:9 investigative consumer reports, 2:10 Employee handbooks generally, 2:24 disclaimers, 2:26 enforceability, 2:25 Employee screening, 2:6 |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 EMPLOYEES See also Hiring; Long-term Employees Absenteeism, 5:2 Attendance, 5:2 Credit checks, 2:8 Drug tests sensitive position, 2:7 transportation, 2:7 Employment contract, form, App. B | See Hiring EMPLOYERS Applications, 2:2 Credit checks generally, 2:8 consumer reports, 2:9 investigative consumer reports, 2:10 Employee handbooks generally, 2:24 disclaimers, 2:26 enforceability, 2:25 Employee screening, 2:6 Employment contract, form, App. B |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 EMPLOYEES See also Hiring; Long-term Employees Absenteeism, 5:2 Attendance, 5:2 Credit checks, 2:8 Drug tests sensitive position, 2:7 transportation, 2:7 Employment contract, form, App. B Employment offer, sample, App. A | See Hiring EMPLOYERS Applications, 2:2 Credit checks generally, 2:8 consumer reports, 2:9 investigative consumer reports, 2:10 Employee handbooks generally, 2:24 disclaimers, 2:26 enforceability, 2:25 Employee screening, 2:6 Employment contract, form, App. B Employment offer, sample, App. A |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 EMPLOYEES See also Hiring; Long-term Employees Absenteeism, 5:2 Attendance, 5:2 Credit checks, 2:8 Drug tests sensitive position, 2:7 transportation, 2:7 Employment contract, form, App. B Employment offer, sample, App. A General release agreement, sample, | See Hiring EMPLOYERS Applications, 2:2 Credit checks generally, 2:8 consumer reports, 2:9 investigative consumer reports, 2:10 Employee handbooks generally, 2:24 disclaimers, 2:26 enforceability, 2:25 Employee screening, 2:6 Employment contract, form, App. B Employment offer, sample, App. A Evaluations, 3:1 |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 EMPLOYEES See also Hiring; Long-term Employees Absenteeism, 5:2 Attendance, 5:2 Credit checks, 2:8 Drug tests sensitive position, 2:7 transportation, 2:7 Employment contract, form, App. B Employment offer, sample, App. A General release agreement, sample, App. C | See Hiring EMPLOYERS Applications, 2:2 Credit checks generally, 2:8 consumer reports, 2:9 investigative consumer reports, 2:10 Employee handbooks generally, 2:24 disclaimers, 2:26 enforceability, 2:25 Employee screening, 2:6 Employment contract, form, App. B Employment offer, sample, App. A Evaluations, 3:1 General release agreement, sample, |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 EMPLOYEES See also Hiring; Long-term Employees Absenteeism, 5:2 Attendance, 5:2 Credit checks, 2:8 Drug tests sensitive position, 2:7 transportation, 2:7 Employment contract, form, App. B Employment offer, sample, App. A General release agreement, sample, App. C Handbooks, 2:24 to 2:26 | See Hiring EMPLOYERS Applications, 2:2 Credit checks generally, 2:8 consumer reports, 2:9 investigative consumer reports, 2:10 Employee handbooks generally, 2:24 disclaimers, 2:26 enforceability, 2:25 Employee screening, 2:6 Employment contract, form, App. B Employment offer, sample, App. A Evaluations, 3:1 General release agreement, sample, App. C |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 EMPLOYEES See also Hiring; Long-term Employees Absenteeism, 5:2 Attendance, 5:2 Credit checks, 2:8 Drug tests sensitive position, 2:7 transportation, 2:7 Employment contract, form, App. B Employment offer, sample, App. A General release agreement, sample, App. C Handbooks, 2:24 to 2:26 Internal investigations | EMPLOYERS Applications, 2:2 Credit checks generally, 2:8 consumer reports, 2:9 investigative consumer reports, 2:10 Employee handbooks generally, 2:24 disclaimers, 2:26 enforceability, 2:25 Employee screening, 2:6 Employment contract, form, App. B Employment offer, sample, App. A Evaluations, 3:1 General release agreement, sample, App. C Hiring considerations, 2:1 |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 EMPLOYEES See also Hiring; Long-term Employees Absenteeism, 5:2 Attendance, 5:2 Credit checks, 2:8 Drug tests sensitive position, 2:7 transportation, 2:7 Employment contract, form, App. B Employment offer, sample, App. A General release agreement, sample, App. C Handbooks, 2:24 to 2:26 Internal investigations ex parte interviews, 14:6 | EMPLOYERS Applications, 2:2 Credit checks generally, 2:8 consumer reports, 2:9 investigative consumer reports, 2:10 Employee handbooks generally, 2:24 disclaimers, 2:26 enforceability, 2:25 Employee screening, 2:6 Employment contract, form, App. B Employment offer, sample, App. A Evaluations, 3:1 General release agreement, sample, App. C Hiring considerations, 2:1 Internal investigations, 14:1 et seq. |
| INCOME SECURITY ACT (ERISA) Federal question jurisdiction removal, 20:2 EMPLOYEES See also Hiring; Long-term Employees Absenteeism, 5:2 Attendance, 5:2 Credit checks, 2:8 Drug tests sensitive position, 2:7 transportation, 2:7 Employment contract, form, App. B Employment offer, sample, App. A General release agreement, sample, App. C Handbooks, 2:24 to 2:26 Internal investigations | EMPLOYERS Applications, 2:2 Credit checks generally, 2:8 consumer reports, 2:9 investigative consumer reports, 2:10 Employee handbooks generally, 2:24 disclaimers, 2:26 enforceability, 2:25 Employee screening, 2:6 Employment contract, form, App. B Employment offer, sample, App. A Evaluations, 3:1 General release agreement, sample, App. C Hiring considerations, 2:1 |

| EMPLOYERS—Cont'd | EMPLOYMENT CONTRACTS |
|--|---|
| Mitigation of damages | —Cont'd |
| reemployment of discharged | Contents—Cont'd |
| employee, 18:13 | severability, 2:19 |
| Negligent retention of employee, 3:3 | term, 2:19 |
| Orientation programs | Covenants not to compete, 2:18 |
| generally, 2:21 | Damages, 18:2 to 18:6 |
| checklist, 2:22 | Demotion, 1:10 |
| Outplacement services, 18:15 | Deposition topic, 22:17 |
| Personnel files, 8:1 to 8:4 | Employee handbooks |
| Pre-employment interviews, 2:4 | generally, 2:24 |
| Reduction in force, 10:1 | disclaimers, 2:26 |
| impact on wrongful discharge | enforceability, 2:25 |
| claims, 10:3 | Employment offer, sample, App. A |
| selection process, 10:2 | Federally regulated financial institu |
| Reference checks | tions, 2:20 |
| defamation, 2:11 | Form, App. B |
| duty to conduct, 2:13 | Historical development, 2:17 |
| former employer's duty to dis- | Implied covenants, 9:2 |
| close, 2:14 | Implied in fact, 9:1 |
| inquiries from prospective employ- | Implied promises, 1:10 |
| ers, 2:15 | good faith, 1:11 |
| qualified privilege, 2:12 | Jury instructions, 25:31 |
| Resignation agreement, sample, App. | sample, App. G |
| C | Layoff policy, 10:3 |
| Response to employee grievances, | Long-term employees, 9:2 |
| form, App. D | Offer, 2:16 |
| Social media information, 2:5 | Personnel policies |
| Written work rules, 4:1 to 4:3 | checklist, 12:2 |
| EMPLOYMENT CONTRACTS | creation, 12:1 |
| See also At-Will Doctrine | disclaimers, 12:3 |
| At-will rule, 1:1 | drafting procedures, 12:3 |
| English law, 1:2 | field audits, 12:5 |
| exceptions, 1:4 to 1:11 | periodic reviews, 12:4 |
| historical development, 1:3 | revision, 12:1 |
| Banks, 2:20 | Probationary periods, 2:23 |
| Checklist, 2:19 | Severance pay, 5:7 |
| Consulting agreement, sample, App. | ERISA, 10:1 |
| C1 | Supervisors, 6:3 |
| Contents | Written, 2:17 |
| anti-solicitation, 2:19 | Written work rules, 4:1 to 4:3 |
| arbitration, 2:19 | |
| compensation, 2:19 | EMPLOYMENT PRACTICES |
| definitions, 2:19 | Discipline |
| disability, 2:19 | attendance, 5:2 |
| duties, 2:19 | exit interviews, 5:5 |
| litigation, 2:19 | investigation of incidents, 5:4 |
| noncompetition, 2:19 | management personnel, 5:3 |

| EMPLOYMENT PRACTICES | EXPERT WITNESSES—Cont'd |
|--|---|
| —Cont'd | Determining opinion, 22:38 |
| Discipline—Cont'd | Direct examination, 24:5 |
| progressive, 5:1 | Discoverability |
| releases, 5:7 | conclusions, 24:3 |
| settlement agreements, 5:7 | identities, 24:4 |
| severance pay, 5:7 | opinions, 24:3 |
| tardiness, 5:2 | Economists, 24:7 |
| termination, 5:5 | Examination, 22:38 |
| Exceptions, 1:4 | Federal Rule of Evidence 702, |
| Investigative consumer reports, 2:10 | impact, 22:39 |
| Performance evaluations, 3:1 to 3:11 | General concessions, 22:38 |
| Reviews, 3:1 to 3:11 | Jury instructions, sample, App. G |
| Supervisors | Labor arbitrator, 24:6 |
| ability to bind employer, 6:1 | Liability experts, 24:6 |
| mediator role, 6:1 | Litigation experience, 22:38 |
| personal liability, 6:3 | Preparation, 24:5 |
| selection, 6:2 | Qualifications, 22:38 |
| training, 6:2 | Shadow experts, 24:2 |
| Written work rules | Statistical experts, 24:6 |
| offenses, 4:3 | Testimony, 22:38 |
| subject matter, 4:1 | procedure, 22:37 |
| unilateral changes, 4:2 | Testing opinion, 22:38 |
| - | Use of expert testimony, 24:1 |
| EVIDENCE | Vocational rehabilitation experts, |
| After-acquired, 22:4 | 24:7 |
| Clear and convincing, 25:36 | EAMILY AND MEDICAL LEAVE |
| Cross-examination, 25:14 | FAMILY AND MEDICAL LEAVE ACT |
| Damages, 6:3 | |
| Defense witnesses, 25:16 | Discrimination, 16:6 |
| Demonstrative, 25:17 | Serious health condition, 16:6 |
| Expert witnesses, 24:1 et seq. | FEDERAL COURTS |
| Federal Rule of Evidence 702, | See Courts |
| impact, 22:39 | EEDEDAL DDIC EDEE |
| Jury instructions, sample, App. G | FEDERAL DRUG-FREE WORKPLACE ACT |
| Motion in limine, 25:4 | |
| Plaintiff, 6:3 | See Drug Tests |
| Plaintiffs, 25:15 | FEDERAL RULES OF CIVIL |
| Statistical analysis, 24:6 | PROCEDURE |
| Title VII, 6:3 | Depositions |
| EX PARTE INTERVIEWS | notice, 22:6 |
| See Attorneys; Interviews | persons subject to, 22:5 |
| · | Discovery, 22:2 |
| EXPERT WITNESSES | Electronically Stored Information |
| Background, 22:38 | (ESI) |
| Categories, 22:37 | Rule 26, specific limitations, 22:41 |
| Cross-examination, 24:5 | Rule 34, opposing party access, |
| Damages experts, 24:7 | 22:41 |

| FEDERAL RULES OF CIVIL PROCEDURE—Cont'd Expert witnesses, 22:37 Federal question jurisdiction removal, 20:5, 20:7 | FEDERAL RULES OF FEDERAL PROCEDURE Rule 26, 22:27 Rule 34, 22:27 Rule 37, 22:27 |
|---|---|
| Interrogatories, 22:21 disclosure of witnesses, 22:24 identification of documents, 22:22 names of potential witnesses, 22:22 Rule 33(d) response, 22:23 Motion practice discovery dispute, 22:25 Rule 26, 22:6, 22:22, 22:24, 22:26, 22:30, 22:37, 24:3 to 24:5 Rule 27, 22:25 Rule 30, 22:5, 22:6, 22:11, 22:12, 22:15, 22:16 Rule 32, 22:11, 22:14, 22:19 Rule 33, 22:21, 22:23, 22:25 Rule 34 opposing party access to your, | FORMS Arbitration procedure, App. D Confidential investigation report to counsel, App. E Consulting agreement, App. C1 Deposition outline for wrongful discharge case, App. E1 Employment applications, 2:3 Employment contract, App. B General release agreements, App. C Grievance procedure, App. D Juror questionnaire, App. F Jury instructions, App. G Memorandum of settlement, 19:6 Offer of employment, App. A Request for special verdict, App. H Resignation, App. C |
| Electronically Stored Information (ESI), 22:41 Rule 35, 22:35 | FRONT PAY See Damages |
| Rule 36, 22:32 Rule 37, 22:2, 22:21 sanctions and spoliation, 22:41 Rule 43, 22:12 Rule 45, 22:6, 22:7 FEDERAL RULES OF | GOOD FAITH Backpay, 13:1 Implied covenant, 1:11, 9:2 Jury instructions, App. G Long-term employees, 9:2 Probationary employees, 2:23 Supervisors, 6:3 |
| E-DISCOVERY Electronically Stored Information (ESI) | GRIEVANCE PROCEDURES Terms, 7:1 |
| Rule 26, Civil Procedure, 22:41 Rule 34, Civil Procedure, 22:41 Introduction, 22:40 Rule 26, Civil Procedure specific limitations, 22:41 Rule 34, Civil Procedure Electronically Stored Information (ESI), 22:41 | HIRING Applications, 2:2 sample language, 2:3 Considerations, 2:1 Credit checks generally, 2:8 consumer reports, 2:9 investigative consumer reports, 2:10 |
| opposing party access to your ESI, 22:41 Rule 37, Civil Procedure sanctions and spoliation, 22:41 | Employee handbooks, 2:24 to 2:26 Employment contracts checklist, 2:19 |

| HIRING—Cont'd | INSURANCE—Cont'd |
|---------------------------------------|--|
| Employment contracts—Cont'd | Employer liability policies—Cont'd |
| covenants not to compete, 2:18 | duty to defend, 11:2 |
| written, 2:17 | selection of counsel, 11:2 |
| Lie detectors, 2:6 | Employment practices liability insur- |
| Negligent, 2:13 | ance, 11:1 |
| Offer, 2:16 | Independent counsel, 11:2 |
| Orientation | Intentional conduct, 11:1 |
| generally, 2:21 | INTERNAL INVESTIGATIONS |
| checklist, 2:22 | Attorney-client privilege |
| Pre-employment interviews, 2:4 | confidentiality, 14:4 |
| Probationary employees, 2:23 | dominant purpose requirement, |
| Reference checks | 14:3 |
| defamation, 2:11 | ex parte interviews, 14:6 |
| employer's duty to conduct, 2:13 | protection, 14:2 |
| former employer's duty to dis- | statements of witnesses, 14:5 |
| close, 2:14 | waivers, 14:4 |
| qualified privilege, 2:12 | Conduct, 14:1 |
| response, 2:15 | Confidentiality, 14:1 |
| Social media information, 2:5 | Reports |
| IMPLIED COVENANTS | content, 14:8 |
| Good faith, 1:11 | preparation, 14:8 |
| Good faith and fair dealing | Work-product doctrine |
| jury instructions, 25:31 | protection, 14:7 |
| Jury instructions, sample, App. G | INTERROGATORIES |
| Personnel policies, 12:1 et seq. | Generally, 22:21 |
| IMPLIED PROMISES | Expert witnesses, 22:37 |
| Continued employment | Motion practice, 22:25 |
| promissory estoppel, 9:1 | Rule 33(d) response, 22:23 |
| Covenant of good faith and fair deal- | Sanctions, 22:21 |
| ing, 9:2 | Tactical considerations, 22:22 |
| Demotion, 1:10 | Usefulness, 22:26 |
| Employee handbooks | Work product issues, 22:24 |
| disclaimers, 2:26 | _ |
| enforceability, 2:25 | INTERVIEWS |
| Employment applications, 2:2 | Ex parte, 14:6 |
| Long-term employees, 9:1, 9:2 | Lie detectors, 2:6 |
| Long term employees, 3.1, 3.2 | Pre-employment, 2:4 |
| INSURANCE | Social media information, 2:5 |
| See also Unemployment Insurance | Witness statement, 14:4 |
| Compensation | INVESTIGATIONS |
| Conflicts of interest, 11:2 | Federal government employees, 1:9 |
| Coverage, 11:1 | Jurisdiction, 1:9 |
| Defense, 11:1 | Retaliation, 1:9 |
| Duty to defend, 11:2 | |
| Employer liability policies | JURISDICTION |
| coverage, 11:1 | See Removal |

| JURISDICTION—Cont'd | JURY INSTRUCTIONS—Cont'd |
|--|---|
| Federal | Deposition, App. G |
| compel arbitration, nonjudicial | Employee compliance, App. G |
| dispute resolution, 7:3.50 | Employee policy handbooks, App. G |
| confirm or vacate arbitral award, | Employment contracts, App. G, |
| nonjudicial dispute resolution, | 25:31 |
| 7:3.50 | Evidence, App. G |
| JURY | Expert witness, App. G |
| See also Jury Instructions | Form, App. G |
| Closing arguments, 25:18 et seq. | Good cause, App. G |
| Gender discrimination, 25:2 | Hypothetical question, App. G |
| Instructions, 25:28 et seq. | Intentional infliction of emotional |
| Juror questionnaire, sample, App. F | distress, App. G , 25:33 |
| Opening statements, 25:5 et seq. | Introduction, App. G |
| Racial discrimination, 25:2 | Legitimate business reason, App. G |
| Request for special verdict, form, | Libel, 25:32 |
| App. H | Managerial discretion, App. G |
| Selection, 25:2 | Mitigation of damages, 25:35 |
| Special verdicts, 25:37 | Mutual consent, App. G |
| Voir dire, 25:3 | Nominal damages, App. G |
| · | Offer, App. G |
| JURY AWARDS | Outrageousness of conduct, 25:33 |
| See Damages | Present cash value, App. G |
| JURY INSTRUCTIONS | Privilege, App. G |
| Generally, 25:28 | Privilege defense, 25:33 |
| Acceptance, App. G | Promise, App. G |
| Agent, App. G | Public policy, App. G |
| Bad faith, App. G | Punitive damages, 25:36 |
| Breach of contract actions | respondeat superior, 25:36 |
| express limitation, 25:29 | Slander, App. G , 25:32 |
| good cause, 25:29 | Speculative damages, App. G |
| implied limitation, 25:29 | Termination of employment, App. G |
| modified business judgment rule, | Testimony, App. G |
| 25:29 | Tort actions, 25:30 |
| statute of frauds, 25:29 | Tort liability, 25:30 |
| terms alleged by employee, 25:29 | Workers' compensation, App. G |
| Breach of implied covenant of good | JUST CAUSE |
| faith and fair dealing, 25:31 | |
| Burden of proof, App. G | Employment application, 2:2 |
| Chance, App. G | Severance pay, 5:7 |
| Comparable employment, App. G | LABOR MANAGEMENT |
| Compensatory damages, App. G | RELATIONS ACT (LMRA) |
| Contract damages, 25:34 | Federal jurisdiction question |
| Corporation, App. G | removal, 20:2 |
| Damages, App. G | , in the second |
| Defamation, App. G, 25:32 | LABOR UNIONS |
| Defendant's intent, 25:33 | Arbitration procedures |
| Defendant's recklessness, 25:33 | Defamation, 2:11 |

LABOR UNIONS—Cont'd Investigatory interviews, 5:4 LAYOFFS MOTION IN LIMINE See Reduction in Force See Motions LIBEL AND SLANDER MOTIONS

LIBEL AND SLANDER Compelled self-publication, 5:6 Defamation, 2:11

Definitions, 2:11
Jury instructions, 25:32

LIE DETECTORS

Employee Polygraph Protection Act rules, **App. J**Exemptions, **2:6**Hiring procedures, **2:6**State legislation, **2:6**

LONG-TERM EMPLOYEES

Covenant of good faith and fair dealing, 9:2
Implied promises, 9:1

MANAGEMENT

Deposition preparation, 22:18
Discovery, 22:1 et seq.
Layoff selection, 10:3
Personnel
discipline, 5:3
Supervisors
ability to bind employer, 6:1
mediator role, 6:1
personal liability, 6:3
recordkeeping, 8:1 to 8:4
selection, 6:2
training, 6:2

MEDIATION

See Arbitration

MEDICAL MARIJUANA

Discharge, public policy exceptions, at-will doctrine, 1:7

MEDICAL REPORTS

Procedure, **22:35**Use in litigation, **22:36**

MENTAL EXAMINATIONS

See Medical Reports

Generally, 23:1
Bifurcate liability from damages, 23:5
Demurrers, 23:2
In limine, 25:4
Interrogatories, 22:25
Summary judgment, 23:4
To compel interrogatories, 22:21
To dismiss, 23:2
To strike, 23:3

NONCOMPETITION

See Covenants Not To Compete; Nondisclosure Covenants

NONDISCLOSURE COVENANTS

Confidential information, 2:18

NONJUDICIAL DISPUTE RESOLUTION

Federal jurisdiction, compel arbitration, **7:3.50**

NOTICES

See Depositions; Employee Polygraph Protection Act

OPENING STATEMENTS

Generally, 25:5
Defusing bad facts, 25:10
Introduction
attorney, 25:6
case, 25:8
client, 25:7
Items to avoid, 25:12
Items to include, 25:11
Timing, 25:9

ORIENTATION

See Hiring

PARTIES

Depositions, 22:5
Interrogatories, 22:21 et seq.

Index-12

| PARTIES—Cont'd | PERSONNEL POLICIES—Cont'd |
|--|---------------------------------------|
| Medical reports, 22:35 | Covenant of good faith and fair deal- |
| use in litigation, 22:36 | ing, 9:2 |
| Production of documents, 22:27 et | Creation, 12:1 |
| seq. | Disclaimers, 12:3 |
| Requests for admission, 22:32 et seq. | Drafting procedures, 12:3 |
| Special verdicts, 25:37 | Employee handbooks |
| PENDING LITIGATION | generally, 2:24 |
| | disclaimers, 2:26 |
| Internal investigations, 14:1 attorney-client privilege, 14:2 to | enforceability, 2:25 |
| 14:5.50 | Field audit checklist, 12:6 |
| reports | Field audits, 12:5 |
| content, 14:8 | Layoffs, 10:3 |
| preparation, 14:8 | Long-term employees, 9:2 |
| work-product doctrine, 14:7 | Performance evaluations |
| Pretrial motions, 23:1 et seq. | |
| _ | legal consequences, 3:2 |
| PERFORMANCE EVALUATIONS | litigation risks, 3:4 to 3:11 |
| "Advertising" reviews, 3:2 | purpose, 3:1 |
| Duty to evaluate in fair manner, 3:2 | Periodic reviews, 12:4 |
| Frequency, 3:4 | Recordkeeping, 8:1 to 8:4 |
| Legal consequences, 3:2 | Revision, 12:1 |
| Litigation risks, 3:4 | Written work rules, 4:1 to 4:3 |
| accuracy, 3:7 | PHYSICAL EXAMINATIONS |
| compensation, 3:8 | See Medical Reports |
| consistency, 3:9 | See Medical Reports |
| employee participation, 3:10 | POLYGRAPH EXAMINATIONS |
| frequency, 3:4 | See Lie Detectors |
| supervisory training, 3:5 | DDEEMDELON |
| termination, 3:11 | PREEMPTION |
| written, 3:6 | See Defenses; Separation Agreements |
| Negligent evaluation, 3:2 | Defenses, 21:7 |
| Negligent retention of employee, 3:3 | PRODUCTION OF DOCUMENTS |
| Purpose, 3:1 | |
| Racial discrimination, 21:2 | Generally, 22:27 |
| Written, 3:1 | Actual production, 22:30 |
| PERSONNEL FILES | Medical reports, 22:35 |
| Access, 8:1 | use in litigation, 22:36 |
| Accuracy, 8:3 | Requests for admission, 22:32 |
| Disclosure, 8:1 | Response to request, 22:29 |
| Discovery, 22:1 et seq. | Tactical considerations, 22:28 |
| Production of documents, 22:27 et | Use in litigation, 22:31 |
| seq. | PUNITIVE DAMAGES |
| Prohibited records, 8:4 | |
| Retention of documents, 8:2 | Breach of contract, 18:2 |
| | Jury instructions, 25:36 |
| PERSONNEL POLICIES | Title VII, 6:3 |
| Checklist, 12:2 | Tort, 18:11 |
| | |

| RECORDS AND RECORDKEEPING | REQUESTS FOR ADMISSION —Cont'd |
|---|--|
| Accuracy, 8:3 | Objections, 22:32 |
| Inspection of personnel files, 8:1 | Stipulations, 22:34 |
| Performance evaluations, 3:1 to 3:11 | Tactical considerations, 22:33 |
| Prohibited records, 8:4 | Use in litigation, 22:34 |
| Retention requirements, 8:2 | RES JUDICATA |
| REDUCTION IN FORCE | Defenses |
| Discrimination, 10:3 | RETALIATION |
| Impact on wrongful discharge claims, | Employees, 1:9 |
| 10:3 | Investigations, 1:9 |
| Plant closings, 10:1 | Jurisdiction, 1:9 |
| Selection process, 10:2 | RULES AND REGULATIONS |
| Types, 10:1 | Americans With Disabilities Act |
| REMEDIES | EEOC rules, App. I |
| Employee Polygraph Protection Act | Credit checks |
| violation, 2:6 | generally, 2:8 |
| Grievance procedures | consumer reports, 2:9 |
| Wrongful discharge, 1:13 | investigative consumer reports, |
| REMOVAL | 2:10 |
| Generally, 20:1 | Employee Polygraph Protection Act |
| Choice of law, 20:10 | App. J |
| contract, 20:11 | Written work rules |
| federal court standard, 20:13 | offenses, 4:3 |
| hypothetical case, 20:14 | subject matter, 4:1 |
| underlying theories | unilateral changes, 4:2 |
| modified Restatement, 20:12 | SALARIES |
| Restatement, 20:12 | See Wages and Salaries |
| traditional, 20:12 Diversity jurisdiction, 20:3 | SECRETARY OF LABOR |
| avoidance, 20:4 | Department of Labor, 16:6 |
| Federal question jurisdiction, 20:2 | • |
| Judicial Improvements and Access to | SETTLEMENT See also Trial |
| Justice Act, 20:4 | Advantages, 19:1 |
| Preemption, 20:2 | Advantages, 17.1 Agreements, 5:7, 16:6 |
| Prevention, 20:4 | Authority, 19:3 |
| Procedural requirements, 20:5 | Discipline, 5:7 |
| Tactical considerations, 20:6 | Documents, 19:6 |
| federal court | Enforcement, 19:5 |
| objective benefits, 20:7 | Formal procedures, 19:5 |
| subjective benefits, 20:8 | Mandatory conferences, 19:5 |
| state court advantages, 20:9 | Memorandum sample, 19:6 |
| REQUESTS FOR ADMISSION | Necessary skills, 19:1 |
| Generally, 22:32 | Negotiations, 19:3, 19:4 |
| Document authentication, 22:34 | Preconditions, 19:3 |
| Genuineness of documents, 22:33 | Preparation, 19:2 |

SETTLEMENT—Cont'd

Statutory offers, 19:5

SEVERANCE PAY

Cause, 5:7

SPECIAL VERDICTS

Generally, 25:37

Jury instructions, sample, App. G Request, form, App. H

STATE COURTS

See Courts

STATUTE OF FRAUDS

See Defenses

STATUTE OF LIMITATIONS

See Defenses

STATUTES

Consumer reports, 2:9

Covenants not to compete, 2:18

Employee Polygraph Protection Act,

App. J

Expert testimony, 24:1 et seq.

Federal Home Loan Bank Act, 2:20

Federal Reserve Act, 2:20

Judicial Improvements and Access to Justice Act, 20:4

National Bank Act, 2:20

National Labor Relations Act, 6:1

Recordkeeping requirements, 8:1 to 8:4

State

Whistleblower Protection Act of 1989, 1:9

Worker Adjustment and Retraining Notification Act, 10:1

SUBPOENA

See Depositions; Discovery

SUMMARY JUDGMENT

Grounds, 23:4

Motion, 23:4

SUPERVISORS

See also Management

Ability to bind employer, 6:1

Damages, liability, 6:3

Deposition preparation, 22:18

Discovery, 22:1 et seq.

SUPERVISORS—Cont'd

Harassment by, 6:1

Mediation ability, 6:1

Personal liability, 6:3

Recordkeeping, 8:1 to 8:4

Selection, 6:2

Training, 6:2

TERMINATION OF EMPLOYMENT

See also Discharge

Backpay, 13:1

Cause, **5:7**

Covenant of good faith and fair dealing, 9:2

Damages, 13:1

Employment contracts, sample, App.

Exit interviews, 5:5

Fair dealing, 13:1

General release agreement, sample,

App. C

Good faith and fair dealing, 13:1

Internal investigations, 14:1 et seq.

Jury instructions, sample, App. G

Outplacement services, 18:15

Performance evaluations, 3:11

Plant closings, 10:1

Probationary periods, 2:23

Punitive damages, 13:1

Releases settlement agreements, 5:7

Resignation agreement, sample, App.

 \mathbf{C}

Settlement, 5:7

Severance pay, 5:7

Supervisors, 6:1

Unemployment insurance compensation

Written work rules, 4:1 to 4:3

TESTIMONY

Cross-examination, 25:14, 25:15

Expert witnesses, 22:38, 24:1 et seq.

Jury instructions, sample, App. G

Motion in limine, 25:4

Statistical experts, 24:6

TITLE VII

See Civil Rights Act of 1964; Civil Rights Act of 1991

TITLE VII—Cont'd

Age Discrimination in Employment

Act, 8:1

Backpay, 6:3

Damages, 6:3

Equal Employment Opportunity Commission, **6:1**

Evidence, 6:3

Hiring, 6:1

Punitive damages, 6:3

Seniority, 8:1

State laws, 8:1

Trial, **6:1**

TORT ACTIONS

See also Actions; Damages

Defamation, 2:11, 25:32

Depositions, 22:4 et seq.

Discovery, 22:1 et seq.

Insurance coverage, 11:1 to 11:2

Intentional infliction of emotional

distress

jury instructions, 25:33

Jury instructions, 25:28 et seq.

Maintenance of employment records,

8:3

Negligent evaluations, 3:2

Performance evaluations, 3:2

Punitive damages

jury instructions, 25:36

Punitive damages, tort reform, 18:3

TRANSPORTATION

Drivers, 7:1

TRIAL

Generally, 25:1

Closing arguments, 25:18 et seq.

Demonstrative evidence, 25:17

TRIAL—Cont'd

Examination of witnesses, 25:14 et

seq

Expert witnesses, 22:37, 22:38, 24:1

et seq.

Jury considerations, 25:2 et seq.

Jury instructions, 25:28 et seq.

Motion in limine, 25:4

Opening statements, 25:5 et seq.

Pretrial motions, 23:1 et seq.

Special verdicts, 25:37

UNEMPLOYMENT INSURANCE COMPENSATION

Reduction of back pay award, 18:13

Statements

privilege, 2:12

UNIFORM GUIDELINES

Written work rules, 4:1 to 4:3

UNIONS

See Labor Unions

WAGES AND SALARIES

Employment contracts, sample, **App. B**

Fringe benefits

expert testimony, 24:7

Future earnings

expert testimony, 24:7

Performance evaluations, 3:8

Record-keeping, 8:1 to 8:4

Reduction in force, 10:1

Severance pay, 5:7

ERISA, 10:1

WHISTLEBLOWING

Whistleblower Protection Act, 1:9

WORDS AND PHRASES

Tort reform, 18:3