

Index

ABUSE OF PROCESS AND MALICIOUS PROSECUTION

Generally, § 10:20 to 10:22
Damages, § 10:22
Differences between claims, § 10:21
Elements of proof, § 10:20

AFFIRMATIVE ACTION

Generally, § 1:15
Title VII, this index

AGE DISCRIMINATION

Generally, § 17:66 to 17:74
ADEA
 generally, § 17:67 et seq.
 mandatory retirement. Retirement,
 this index
 release of claims under, require-
 ments, § 18:3
Colorado Anti-Discrimination Act
 (CADA), § 17:74
Covered employers, § 17:69
Defenses, § 17:72
Elements of proof, § 17:71
Goals and meaning, § 17:68
Mandatory retirement. Retirement,
 this index
Older Workers Benefit Protection
 Act, § 18:3
Prima facie case, § 17:71
Protected employees, § 17:69
Remedies, § 17:73
Settlements, §§ 17:70, 18:3
Waivers, § 17:70

AIDING AND ABETTING

CADA, § 16:39
Sexual harassment, § 17:39

ALCOHOL

Drug and Alcohol Testing, this index
Lawful Off-Duty Activities Statute
 (LODAS), applicability to

ALCOHOL—Cont'd

consumption of drugs and
alcohol, § 11:4

APPEAL AND REVIEW

Fee and cost awards, § 13:14
Unemployment compensation
 appeals, standard of review,
 § 9:30

ARBITRATION OF DISPUTES

Employment Agreements, this index
Workplace policies, § 3:17

ATTORNEYS' FEES

Appeals, § 13:14
Employment agreements, § 8:19
Prejudgment interest not appropriate,
 § 13:13
Prevailing party determination,
 § 13:15
Recovery in employment litigation,
 § 13:12
Remedies for common law claims,
 § 10:37
Section 1983 claims, § 12:28
Wage claims, §§ 4:26, 11:7

AT-WILL EMPLOYMENT

Employee claims against employers,
 § 10:24
Existence of employment relation-
 ship, § 2:4
Workplace policies, § 3:13

BACKGROUND CHECKS

Hiring, this index

BENEFITS

Continuation. Retirement, this index
Disability discrimination, health ben-
 efit plans, § 17:63
Pregnancy discrimination, fringe ben-
 efit issues, § 17:27

BEREAVEMENT LEAVE

Generally, § 5:24

BFOQ DEFENSE

Disability discrimination, § 17:57

Religious discrimination, § 17:17

Title VII, § 16:14

BREACH OF CONTRACT CLAIMS

Employment contracts and implied contracts, §§ 10:25, 10:26

BREAKS AND MEALS

State and federal law, § 4:16

CHILD LABOR

Fair Labor Standards Act, § 4:29

Workplace policies, § 3:11

Youth Employment Opportunity Act, § 4:30

CHOICE OF LAW

Employment agreements, §§ 8:7, 8:8

CITIZENSHIP

Discrimination based on, § 17:13

CIVIL RIGHTS ACT OF 1964

Title VII, this index

CLASS AND COLLECTIVE ACTIONS

Generally, § 13:8 to 13:11

Employment agreements, arbitration provisions precluding collective or class actions, § 8:13

FLSA, collective actions under, § 13:11

Rule 23 class certification, §§ 13:9, 13:10

Title VII class actions, § 16:18

COLLECTIVE BARGAINING AGREEMENT

Section 301 preemption of claims dependent on interpretation of agreement, § 14:8

COLORADO ANTI-DISCRIMINATION ACT (CADA)

Generally, § 16:36 to 16:47

Aiding and abetting discrimination, § 16:39

COLORADO

ANTI-DISCRIMINATION ACT (CADA)—Cont'd

Covered employers, § 16:37

Employer and employee, statutory definitions, § 2:10

Enforcement procedures, § 16:44

Exhaustion of administrative remedies, § 16:47

Limitations period and enforcement procedures, § 16:44

Marital status discrimination, §§ 16:41, 17:75

National origin discrimination, § 17:12

Off-duty activity, protected, § 16:40

Off-duty conduct, lawful, protections for, § 6:15

Post-January 1, 2015 claims, JPCREA remedies and litigation, § 16:46

Pre-January 1, 2015 claims, CADA remedies, § 16:45

Prohibition on employment discrimination, § 16:38

Protected employees, § 16:37

Racial discrimination, § 17:4

Religious discrimination, § 17:20

Remedies

exhaustion of administrative remedies, § 16:47

post-January 1, 2015 claims, JPCREA remedies and litigation, § 16:46

pre-January 1, 2015 claims, CADA remedies, § 16:45

Retaliation, protection against, § 16:42

Sexual orientation discrimination, § 17:76

Wage transparency and related protections, § 16:43

COLORADO EMPLOYMENT OPPORTUNITY ACT (CEOA)

Background and credit information, restrictions on use in hiring, § 1:5

COLORADO GOVERNMENTAL IMMUNITY ACT (CGIA)

Public Sector Employees, this index

INDEX

COMMON LAW CLAIMS

- Contract claims. Contracts, this index
- Remedies, § 10:34 to 10:39
- Tort Claims, this index

COMPENSATION

- Generally, § 4:1 to 4:30
- Back pay under Title VII, § 16:30
- Compensable work time, defining, § 4:4
- Deductions, permitted, § 4:23
- Enforcement of wage and hour laws, § 4:3
- Equal Pay Act, § 4:17
- Evicting employees who live on work premises, § 4:24
- Fair Labor Standards Act, this index
- Meals and breaks, § 4:16
- Minimum wage (Colorado), § 4:13
- Minimum Wage Order
 - coverage limited to certain industries, § 4:14
 - exemptions for certain employees, § 4:15
 - meals and breaks, § 4:16
- Overtime, this index
- Payday policies, § 3:5
- Private lawsuits to recover unpaid wages and penalties, § 4:25
- Release of wage claims, limitations on, § 18:6
- Secrecy policies, § 3:23
- Sex discrimination, §§ 4:17, 4:18
- Taxes and required withholdings, § 4:28
- Termination, payment of wages upon, § 4:22
- Unpaid wages and penalties, private lawsuits to recover, § 4:25
- Wage and hour laws
 - Colorado laws, §§ 4:2, 17:64
 - disabled individuals, state wage law related to employment of, § 17:64
 - enforcement, § 4:3
- Wage Claim Act
 - generally, §§ 4:19 to 4:27, 11:6 to 11:8

COMPENSATION—Cont'd

- Wage Claim Act—Cont'd
 - administrative and criminal enforcement, §§ 4:27, 11:8
 - attorney fee and cost awards, §§ 4:26, 11:7
 - coverage, § 4:19
 - deductions, permitted, § 4:23
 - earnings statements, § 4:21
 - enforcement, § 4:25 to 4:27
 - evicting employees who live on work premises, § 4:24
 - legal requirements for employers, § 4:20 to 4:24
 - posting notices, § 4:21
 - private lawsuits to recover unpaid wages and penalties, §§ 4:25, 11:6
 - recordkeeping, § 4:21
 - regular wage payment requirement, § 4:20
 - release of claims, limitations on, § 18:6
 - termination, payment of wages upon, § 4:22
- Wage Equality Regardless of Sex Act, §§ 4:18, 16:48
- Wage policies, §§ 3:5, 3:23
- Wage transparency and related protections, § 16:43
- Withholdings from wages, § 4:28

COMPROMISE AND SETTLEMENT

- Settlement of Claims, this index

CONCERTED ACTIVITY

- Protected activity under NLRA, § 11:10

CONFIDENTIAL INFORMATION

- Workplace policies, § 3:15

CONFLICTS OF INTEREST

- Lawful Off-Duty Activities Statute (LODAS), exception for activities representing conflict of interest or appearance of conflict, § 11:3
- Workplace policies, § 3:14

CONSIDERATION

- Employment agreements, § 8:3
- Non-competition agreements, § 7:9

CONSPIRACY

- Civil conspiracy, elements of proof, § 10:23

CONSTITUTIONAL CLAIMS

- Public Sector Employees, this index

CONSTRUCTIVE DISCHARGE

- Generally, § 10:30

**CONSUMER CREDIT
REPORTING**

- Hiring, this index

CONTRACTS

- At-will employment, concept of, § 10:24
- Breach of contract claims, §§ 10:25, 10:26
- Covenant of good faith and fair dealing, breach of, § 10:28
- Employee claims against employer generally, § 10:24 to 10:29
 - after-acquired evidence as employer defense, § 13:4
 - at-will employment, concept of, § 10:24
 - breach of contract, §§ 10:25, 10:26
 - covenant of good faith and fair dealing, breach of, § 10:28
 - damages, § 10:35
 - implied contract, breach of, § 10:26
 - promissory estoppel claims, § 10:27
 - quantum meruit, § 10:29
 - quasi-contract, § 10:29
 - unjust enrichment, § 10:29
- Employment Agreements, this index
- Implied contract, breach of, § 10:26
- Non-Competition Agreements, this index
- Promissory estoppel claims, § 10:27
- Quantum meruit claims, § 10:29
- Quasi-contract claims, § 10:29

CONTRACTS—Cont'd

- Tortious interference with contractual relations, elements of proof, § 10:15
- Unjust enrichment claims, § 10:29

CONVERSION

- Employer claims against employees, § 10:33

COSTS AND EXPENSES

- Appeals, § 13:14
- Arbitration-related expenses, imposing on employees, § 8:16
- Attorneys' Fees, this index
- Employment agreements, cost shifting, § 8:19
- Prevailing party determination, § 13:15
- Recovery in employment litigation, § 13:12
- Wage claims, §§ 4:26, 11:7

CREDIT REPORTS

- Hiring, this index

DAMAGES

- Abuse of process and malicious prosecution, § 10:22
- Contract claims, § 10:35
- Failure to mitigate, employer defenses to employee claims, § 13:5
- Punitive damages, §§ 10:39, 16:33
- Title VII, this index
- Tort claims, § 10:34

DEFAMATION

- Generally, § 10:5 to 10:10
- Defenses, § 10:9
- Elements of proof, § 10:5
- Harm to employee, § 10:8
- Publication, § 10:6
- Remedies specific to defamation claims, § 10:10
- Statement of fact, § 10:7

DEFENSES

- Age discrimination claims, § 17:72
- BFOQ Defense, this index
- Defamation, § 10:9
- Disabilities and Disability Discrimination, this index

INDEX

DEFENSES—Cont'd

Employer Defenses to Employee
Claims, this index

DEFINITIONS

Compensable working time, § 4:4
Statutory definitions of employee and
employer, § 2:8 to 2:15
Trade secrets, § 7:14 to 7:17

DISABILITIES AND DISABILITY DISCRIMINATION

Generally, § 17:41 et seq.
Accommodation, reasonable,
§§ 17:49, 17:50
Administrative remedies, failure to
exhaust, § 17:58
BFOQ defense, § 17:57
Burden shifting, § 17:51
Childbirth-related disabilities, leave
for, § 5:16
Colorado Anti-Discrimination Act
(CADA), §§ 17:43, 17:65
Covered employees under ADA,
§ 17:42
Defenses
generally, § 17:54
administrative remedies, failure to
exhaust, § 17:58
BFOQ defense, § 17:57
failure to reasonably accom-
modate, § 17:50
health and safety, direct threat to,
§ 17:55
statute of limitations, § 17:58
Essential functions of job, § 17:48
Estoppel, application for and receipt
of disability benefits, § 17:56
Exclusions, disability litigation,
§ 17:54
Exhaustion of administrative reme-
dies, § 17:58
Health benefit plans, § 17:63
Hiring, disability-related inquiries,
§ 1:16
Leave as accommodation for disabili-
ty, § 5:15
Litigation, § 17:51 et seq.
Major life activities, substantial limits
on, §§ 17:46, 17:47

DISABILITIES AND DISABILITY DISCRIMINATION—Cont'd

Medical information on applicants
and employees, maintaining,
§ 17:62
Medical inquiries and examinations
current employees, § 17:61
pre-employment, § 17:60
Pre-employment
medical inquiries and examina-
tions, § 17:60
tests, § 17:59
Prima facie case, § 17:51
Protected employees, § 17:45
Qualifications, essential functions of
job, § 17:48
Reasonable accommodation,
§§ 17:49, 17:50
Rehabilitation Act, § 17:44
Remedies, § 17:52
State wage law related to employ-
ment of disabled individuals,
§ 17:64
Statute of limitations defense,
§ 17:58
Substantial limits on major life activi-
ties, §§ 17:46, 17:47
Summary judgment, § 17:53
Tests, pre-employment, § 17:59

DISCHARGE

Constructive discharge, § 10:30
Public Sector Employees, this index
Wrongful Discharge, this index

DISCRIMINATION

Generally, §§ 16:1 et seq., 17:1 et
seq.
Age Discrimination, this index
Applications and interviews,
discriminatory inquiries, § 1:14
Citizenship, § 17:13
Colorado Anti-Discrimination Act,
this index
Disabilities and Disability
Discrimination, this index
Disparate treatment and disparate
impact discrimination in
employee selection procedures,
§ 1:13

DISCRIMINATION—Cont'd

- Employer defenses to discrimination claims, § 13:7
- Employment agreements, mandatory arbitration of discrimination claims, EEOC position, § 8:14
- Gender Discrimination, this index
- Investigations, recommended procedures for employers, § 17:78
- Marital status discrimination, §§ 16:41, 17:75
- Military service discrimination, § 17:77
- Municipal codes prohibiting, § 16:49
- National origin discrimination, § 17:12
- Pregnancy and Childbirth, this index
- Racial Discrimination, this index
- Religion and Religious Discrimination, this index
- Sexual orientation discrimination, § 17:76
- Title VII, this index

DISPARATE TREATMENT AND DISPARATE IMPACT

- Discrimination in employee selection procedures, § 1:13
- Religious discrimination, disparate impact, § 17:19
- Title VII, this index

DOCTORS

- Non-competition agreements, § 7:6

DOCUMENT DESTRUCTION

- Potential litigation, § 3:26

DOMESTIC ABUSE OR VIOLENCE

- Leaves for victims, § 5:21

DRUG AND ALCOHOL TESTING

- Generally, § 6:8 to 6:19
- Boulder municipal code protections, § 6:17
- Drug-free workplace requirements for federal contractors, § 6:19
- Off-duty conduct, lawful, Anti-Discrimination Act protections, § 6:15

DRUG AND ALCOHOL TESTING —Cont'd

- Pre-employment, § 1:20
- Prescription medications, legal, prohibited inquiries, § 6:16
- Privacy rights not violated, § 6:14
- Private employers, § 6:9
- Public employers
 - generally, § 6:10
 - Colorado Supreme Court cases, § 6:13
 - Tenth Circuit cases, § 6:12
 - U.S. Supreme Court cases, § 6:11
- Public policy not violated, § 6:14
- Transportation workers, mandatory testing under federal law and regulations, § 6:18

DRUG USE

- Lawful Off-Duty Activities Statute (LODAS), applicability to consumption of drugs and alcohol, § 11:4

DUE PROCESS

- Public sector employees, constitutional claims, § 12:6 to 12:9

ELEVENTH AMENDMENT

- Public Sector Employees, this index

EMOTIONAL DISTRESS

- Intentional infliction, § 10:17
- Negligent infliction, § 10:18

EMPLOYEE PRIVACY

- Generally, § 6:1 to 6:4
- Drug and Alcohol Testing, this index
- Private life, unreasonable publicity, §§ 6:3, 10:13
- Protected privacy interests, § 6:1
- Searches of Employee's Personal Property, this index
- Solitude or seclusion, intruding on, §§ 6:2, 10:12
- Surveillance and monitoring, § 6:4
- Tort claim. Invasion of Privacy, this index

INDEX

EMPLOYER DEFENSES TO EMPLOYEE CLAIMS

- Generally, § 13:1 to 13:15
- Contract claims, after-acquired evidence as defense, § 13:4
- Damages, failure to mitigate, § 13:5
- Disability discrimination, failure to reasonably accommodate, § 17:50
- Discrimination claims, special defenses, § 13:7
- Grievance procedures, internal, failure to pursue, § 13:6
- Statute of frauds, § 13:3
- Statutes of limitation, § 13:1
- Workers' compensation, preemption and exclusivity, § 13:2

EMPLOYER LIABILITY TO THIRD PARTIES

- Generally, § 15:1 to 15:11
- Direct negligence of employer
 - generally, § 15:7
 - entrustment, § 15:11
 - hiring and retention, §§ 15:8, 15:9
 - supervision, § 15:10
- Employees' direct liability for own negligence, § 15:5
- Employment relationship as prerequisite, § 15:2
- Entrustment, negligence in, § 15:11
- Hiring and retention, negligence in, §§ 15:8, 15:9
- Independent contractors, liability issues, § 15:3
- Joint liability between employers and employees, § 15:6
- Respondeat superior, § 15:4
- Supervision, negligence in, § 15:10
- Vicarious liability for employee conduct, § 15:4

EMPLOYMENT AGREEMENTS

- Generally, § 8:1 to 8:20
- Arbitration provisions
 - generally, § 8:10 to 8:16
 - arbitrable and non-arbitrable claims, § 8:11
 - collective or class actions, agreements precluding, § 8:13

EMPLOYMENT AGREEMENTS —Cont'd

- Arbitration provisions—Cont'd
 - discrimination claims, mandatory arbitration, EEOC's position, § 8:14
 - expenses, arbitration-related, imposing on employees, § 8:16
 - Federal Arbitration Act, preemption of state laws limiting arbitration, § 8:15
 - handbooks, effect of arbitration policies, § 8:12
 - preemption of state laws limiting arbitration, § 8:15
- Attorney fees, § 8:19
- Breach of contract
 - generally, § 10:25
 - implied contract, § 10:26
- Cause for termination, § 8:6
- Choice of law provisions
 - generally, § 8:7
 - out-of-state provisions, Colorado statutes that void, § 8:8
- Consideration for contract, § 8:3
- Contract formation requirements, § 8:2
- Contract issues, § 8:1
- Cost shifting, § 8:19
- Duration, § 8:6
- Existence of contract, § 8:5
- Forum selection, § 8:9
- Integration clause, § 8:17
- Interpretation of contract, § 8:4
- Modifications, unwritten, prohibition on, § 8:18
- Statute of limitations, contractual waivers, § 8:20
- Termination, § 8:6
- Unwritten modifications, prohibitions, § 8:18
- Venue, § 8:9

EMPLOYMENT RELATIONSHIP

- Existence of Employment Relationship, this index

EMPLOYMENT SECURITY ACT

- Unemployment Compensation, this index

ENTRUSTMENT

Negligent entrustment, § 15:11

**EQUAL EMPLOYMENT
OPPORTUNITY**

Hiring, § 1:12

Workplace policies, § 3:3

EQUAL PROTECTION

Public sector employees,
constitutional claims, § 12:10 to
12:14

EQUITABLE RELIEF

Remedies for common law claims,
§ 10:36

ERISA

Employer and employee, statutory
definitions, § 2:14

Preemption

generally, § 14:2

state or federal jurisdiction over

ERISA claims, § 14:6

statutory exceptions, § 14:5

what claims relate to ERISA plan,
§ 14:4

what is ERISA plan, § 14:3

State or federal jurisdiction over
ERISA claims, § 14:6

What claims relate to ERISA plan,
§ 14:4

What is ERISA plan, § 14:3

ESTOPPEL

Disability benefits, application for
and receipt of, § 17:56

E-VERIFY

Eligibility to work in U.S., § 1:2

EVICITION

Employees who live on work
premises, § 4:24

EVIDENCE

Title VII, this index

**EXHAUSTION OF
ADMINISTRATIVE
REMEDIES**

Colorado Anti-Discrimination Act
(CADA), § 16:47

**EXHAUSTION OF
ADMINISTRATIVE
REMEDIES—Cont'd**

Disability discrimination, § 17:58

**EXISTENCE OF EMPLOYMENT
RELATIONSHIP**

Generally, § 2:1 to 2:15

At will employment, § 2:4

Colorado law, § 2:1

Conditions for existence, § 2:1 to 2:4

Definitions. Statutory definitions,
below

Employer liability to third parties,
employment relationship as pre-
requisite, § 15:2

Federal law, § 2:2

Independent Contractors, this index

Significance of employment status,
§ 2:3

Statutory definitions

generally, § 2:8 to 2:15

Colorado Anti-Discrimination Act
(CADA), § 2:10

consequences of meeting statutory
definitions, § 2:8

ERISA, § 2:14

FLSA, § 2:12

FMLA, § 2:13

NLRA, § 2:15

tax codes, § 2:11

unemployment and workers'
compensation, § 2:9

FAIR CREDIT REPORTING

Hiring, this index

FAIR DEALING

Breach of covenant of good faith and
fair dealing, § 10:28

**FAIR LABOR STANDARDS ACT
(FLSA)**

Generally, § 4:1

Child labor, § 4:29

Collective actions, § 13:11

Employer and employee, statutory
definitions, § 2:12

Overtime exemptions, §§ 4:9, 4:12

INDEX

FAMILY AND MEDICAL LEAVE ACT (FMLA)

- Generally, § 5:1 to 5:14
- Benefits during leave, § 5:7
- Block leaves, § 5:6
- Colorado and federal family leave, comparison, § 5:14
- Employee eligibility, § 5:4
- Employer and employee, statutory definitions, § 2:13
- Employer coverage, § 5:5
- Immunity of states from some FMLA claims, § 5:13
- Interference, FMLA prohibitions, § 5:11
- Intermittent leaves, § 5:6
- Military service-related leave, § 5:3
- Notice
 - employee notice and certification requirements, § 5:8
 - employers' notice requirements, § 5:9
- Reasons FMLA leave must be provided, § 5:2
- Reinstatement after leave, employee rights, § 5:10
- Remedies for violations, § 5:12
- Retaliation, FMLA prohibitions, § 5:11
- Workplace policies, § 3:6

FEDERAL CONTRACTORS

- Drug-free workplace requirements, § 6:19

FEDERAL PREEMPTION

- ERISA, this index
- Preemption, this index

FIREFIGHTERS

- Military and firefighter leave laws, § 5:20

FIRST AMENDMENT

- Public sector employees, constitutional claims, § 12:3 to 12:5

FRAUD

- Tort claim by employee against employer, elements of proof, § 10:14

GENDER DISCRIMINATION

- Generally, § 17:21 et seq.
- Elements of proof, § 17:24
- Pregnancy and Childbirth, this index
- Protected employees, § 17:23
- Sexual Harassment, this index
- Title VII, § 17:22
- Wage Equality, this index

GENETIC TESTING

- Hiring, § 1:19

GOOD FAITH

- Breach of covenant of good faith and fair dealing, § 10:28

GOVERNMENTAL IMMUNITY

- Colorado Governmental Immunity Act (CGIA). Public Sector Employees, this index

GRIEVANCE PROCEDURES

- Failure to pursue, employer defenses to employee claims, § 13:6

HARASSMENT

- Racial harassment, § 17:5
- Sexual Harassment, this index
- Workplace policies, § 3:4

HIRING

- Generally, § 1:1 to 1:20
- Affirmative Action, this index
- Applications, discriminatory inquiries, § 1:14
- Background and credit information, restrictions on use
 - generally, § 1:5 to 1:11
 - Colorado Employment Opportunity Act (CEOA), § 1:5
 - Credit Reports, this index
- Background checks
 - criminal background checks, § 1:11
 - potential for discrimination, § 1:9
- Colorado Employment Opportunity Act (CEOA), § 1:5
- Credit information. Background and credit information, above
- Disability-related inquiries, § 1:16

HIRING—Cont'd

- Disparate treatment and disparate impact discrimination in employee selection procedures, § 1:13
- Drug and alcohol testing, pre-employment, § 1:20
- Equal opportunity in hiring generally, § 1:12
 - disparate treatment and disparate impact discrimination in employee selection procedures, § 1:13
- E-Verify, § 1:2
- Fair Credit Reporting Act and Colorado Consumer Credit Reporting Act
 - generally, § 1:6
 - discrimination, potential for, § 1:9
 - notice and authorization required to obtain credit and investigative consumer reports, § 1:7
 - remedies for credit report violations, § 1:8
- Federal Form I-9, verifying eligibility to work in U.S., § 1:2
- Genetic testing, § 1:19
- Integrity testing, § 1:18
- Interviews, discriminatory inquiries, § 1:14
- Investigating applicants, reasons for, § 1:1
- Medical examinations, pre-employment, § 1:16
- Negligence in hiring, employer liability to third parties, § 15:8
- New hires, reporting requirements, § 1:4
- Personality testing, § 1:18
- Polygraph testing, § 1:17
- Public contractor hiring, verification of eligibility to work, § 1:3
- Reference checks, § 1:10
- Reporting requirements, new hires, § 1:4
- Screening applicants, reasons for, § 1:1
- Selection procedures, disparate treatment and disparate impact

HIRING—Cont'd

- discrimination, § 1:13
- Undocumented workers, treatment of, § 1:3
- Verifying eligibility to work in U.S.
 - federal law, § 1:2
 - state law, § 1:3

HOLIDAYS

- Generally, § 5:25

IMMUNITY

- Defend Trade Secrets Act, § 7:20
- Eleventh Amendment. Public Sector Employees, this index
- FMLA, immunity of states from some claims, § 5:13
- Governmental officials. Public Sector Employees, this index

INDEPENDENT CONTRACTORS

- Generally, § 2:5 to 2:7
- Consequences of erroneous classification, § 2:7
- Liability issues, employer liability to third parties, § 15:3
- Misclassification, § 2:6
- Tests for classification, § 2:5

INJUNCTIONS

- Title VII, § 16:29

INTELLECTUAL PROPERTY

- Trademarks, § 7:21
- Trade Secrets, this index
- Work made for hire, § 7:22

INTEREST ON MONEY

- Fee awards, prejudgment interest not appropriate, § 13:13
- Remedies for common law claims, § 10:38

INTERVIEWS

- Discriminatory inquiries, § 1:14

INVASION OF PRIVACY

- Generally, § 10:11 to 10:13
- Intrusion on solitude or seclusion, elements, § 10:12
- Protected employee privacy interests, § 10:11

INDEX

INVASION OF PRIVACY—Cont'd

Unreasonable publicity given to employee's private life, elements, § 10:13

INVESTIGATIONS

Discrimination investigations, recommended procedures for employers, § 17:78

JOINT LIABILITY

Between employers and employees, § 15:6

JURY SERVICE

Leaves of absence, § 5:23

LAWFUL OFF-DUTY ACTIVITIES STATUTE (LODAS)

Generally, § 11:1 to 11:5

Drugs and alcohol, off-duty consumption, applicability of statute, § 11:4

Enforcement, § 11:5

Prohibition against terminating employees

generally, § 11:1 to 11:3

BFOQ, exception for activities related to, § 11:2

conflict of interest or appearance of conflict, exception for activities representing, § 11:3

responsibilities of particular employee or group of employees, exception for, § 11:2

Remedies, § 11:5

LEAVES OF ABSENCE

Generally, § 5:15 to 5:25

Bereavement leave, § 5:24

Disabilities, leave as accommodation, § 5:15

Domestic abuse or violence victims, § 5:21

Family and Medical Leave Act (FMLA), this index

Holidays, § 5:25

Jury service, § 5:23

Military leave, § 5:19

Pregnancy and childbirth-related disabilities, § 5:16

LEAVES OF ABSENCE—Cont'd

Religious belief, accommodation for, § 5:18

USERRA (military leave), § 5:19

Vacations, § 5:25

Voting, § 5:22

Workplace policies, § 3:7

Work-related injuries, § 5:17

LIMITATION OF ACTIONS

Statute of Limitations, this index

LITIGATION

Potential litigation, document destruction, § 3:26

LOYALTY

Breach of duty, § 10:31

MALICIOUS PROSECUTION

Abuse of Process and Malicious Prosecution, this index

MARITAL STATUS

DISCRIMINATION

Generally, §§ 16:41, 17:75

MEALS AND BREAKS

State and federal law, § 4:16

MEDICAL INQUIRIES AND EXAMINATIONS

Current employees, § 17:61

Pre-employment, §§ 1:16, 17:60

MILITARY SERVICE

Discrimination, § 17:77

Leaves, service-related generally, § 5:19

FMLA leave, § 5:3

state law, § 5:20

USERRA, § 5:19

MINIMUM WAGE

Compensation, this index

MISREPRESENTATION

Tort claim by employee against employer, elements of proof, § 10:14

MUNICIPAL CODES

Prohibition on employment discrimination, § 16:49

**NATIONAL LABOR RELATIONS
ACT (NLRA)**

Concerted activity, protected, § 11:10
Employer and employee, statutory
definitions, § 2:15
Garmon preemption, § 14:9
Preemption, § 14:7 *et seq.*
Workplace policies discouraging
protected activity, § 3:19

**NATIONAL ORIGIN
DISCRIMINATION**

Title VII and CADA, § 17:12

NEGLIGENCE

Emotional distress, negligent inflic-
tion, § 10:18
Employees' direct liability for own
negligence, § 15:5
Employer Liability to Third Parties,
this index
Supervision, retention, discipline or
termination, §§ 10:19, 15:9 to
15:11

**NON-COMPETITION
AGREEMENTS**

Generally, § 7:1 to 7:12
Blue penciling, § 7:11
Consideration for agreement, § 7:9
Current employees, § 7:7
Doctors, agreements with, § 7:6
Enforcement
 generally, § 7:10
 blue penciling, § 7:11
 judicial modification of unenforce-
 able provisions, § 7:11
 wrongful termination, effect of,
 § 7:12
Executive and management person-
nel, § 7:2
Geographic restrictions, § 7:8
Judicial modification of unenforce-
able provisions, § 7:11
Professional staff, § 7:2
Reasonable activity restrictions, § 7:8
Sale or purchase of business, § 7:3
Statutorily allowed agreements
 generally, § 7:2 to 7:5

**NON-COMPETITION
AGREEMENTS—Cont'd**

Statutorily allowed agreements
 —Cont'd
 executive and management person-
 nel, § 7:2
 professional staff, § 7:2
 sale or purchase of business, § 7:3
 trade secrets, protection of, § 7:4
 training expenses, agreements to
 recoup, § 7:5
Time restrictions, § 7:8
Training expenses, agreements to
 recoup, § 7:5
Void agreements, § 7:1
Workplace policies, § 3:15
Wrongful termination, effect on
enforcement, § 7:12

NOTICE

Colorado Governmental Immunity
Act (CGIA), § 12:30
Family and Medical Leave Act
(FMLA), this index
Plant closings and WARN Act, § 9:6
Title VII notices, § 16:35

NURSING MOTHERS

Accommodations for, § 3:12

**OLDER WORKERS BENEFIT
PROTECTION ACT**

Settlement of claims, § 18:3

OSHA PREEMPTION

Generally, § 14:11 *et seq.*

OVERTIME

Generally, § 4:5
Calculating, § 4:6
Compensatory time off in lieu of
overtime, § 4:7
Exemptions
 generally, § 4:8
FLSA tests
 job duties test, § 4:12
 salary basis test, § 4:9
reductions in pay that do not
destroy exemption, § 4:10
safe harbor for correcting improper
deductions, § 4:11

INDEX

OVERTIME—Cont'd

- Job duties test, § 4:12
- Reductions in pay that do not destroy exemption, § 4:10
- Safe harbor for correcting improper deductions, § 4:11
- Salary basis test, § 4:9

PERSONAL PROPERTY

- Searches of Employee's Personal Property, this index

PERSONNEL FILES

- Employees' right to view and copy, § 3:27

PHYSICIANS

- Non-competition agreements, § 7:6

PLANT CLOSINGS AND WARN ACT

- Generally, § 9:1 to 9:8
- Covered employers, § 9:3
- Enforcement, § 9:8
- Excluded actions, § 9:7
- Mass layoffs, § 9:5
- Notice requirements, § 9:6
- Plant closings, § 9:5
- Protected employees, § 9:4
- WARN Act, generally, § 9:2

POLICIES

- Workplace Policies, this index

POLYGRAPH TESTING

- Hiring, § 1:17

POSTERS

- Required posters, § 3:2
- Wage Claim Act, § 4:21

PREEMPTION

- Generally, § 14:1 to 14:13
- Arbitration, state laws limiting, preemption by Federal Arbitration Act, § 8:15
- Collective bargaining agreement, section 301 preemption of claims dependent on, § 14:8
- Conduct Congress intended to remain unregulated, preemption of claims regarding, § 14:10
- ERISA, this index

PREEMPTION—Cont'd

- Garmon preemption, § 14:9
- Machinists preemption, § 14:10
- NLRA preemption, § 14:7 et seq.
- OSHA preemption, § 14:11 et seq.
- Savings clause, § 14:13
- State regulation of employment, § 14:1

PREGNANCY AND CHILDBIRTH

- Generally, § 17:25 to 17:28
- Fringe benefit issues, § 17:27
- Leave for childbirth-related disabilities, § 5:16
- Prohibited discrimination, § 17:26
- Reasonable accommodation requirement, § 17:28

PRETEXT

- Title VII, this index

PRIMA FACIE CASE

- Age discrimination, § 17:71
- Disability discrimination, § 17:51
- Title VII, this index

PRIVACY

- Employee Privacy, this index
- Invasion of Privacy, this index

PROMISSORY ESTOPPEL

- Employee claims against employers, § 10:27

PROSPECTIVE BUSINESS ADVANTAGE

- Tortious interference, elements of proof, § 10:16

PUBLICITY

- Unreasonable publicity given to employee's private life, §§ 6:3, 10:13

PUBLIC SECTOR EMPLOYEES, DISCHARGE OF

- Generally, § 12:1 to 12:33
- Colorado Governmental Immunity Act (CGIA) generally, § 12:29 to 12:33
- barred claim determination, § 12:32

**PUBLIC SECTOR EMPLOYEES,
DISCHARGE OF—Cont'd**

- Colorado Governmental Immunity Act (CGIA)—Cont'd
 - notice requirements, § 12:30
 - qualified immunity, public employees, § 12:33
 - tort claims, exception from sovereign immunity, § 12:31
- Constitutional claims
 - generally, § 12:2 to 12:15
 - burden of proof, equal protection claims, § 12:14
 - due process, § 12:6 to 12:9
 - Eleventh Amendment immunity for state employers, § 12:15
 - equal protection, § 12:10 to 12:14
 - First Amendment, § 12:3 to 12:5
 - Fourteenth Amendment, § 12:6 to 12:9
 - freedom of association, § 12:4
 - free exercise of religion, § 12:4
 - free speech, § 12:3
 - intermediate scrutiny, § 12:12
 - liberty interests, § 12:8
 - political patronage, § 12:5
 - procedural due process, § 12:9
 - property interests, § 12:7
 - rational basis review, § 12:13
 - state action requirement, § 12:2
 - strict scrutiny, § 12:11
 - union dues, § 12:4
- Eleventh Amendment immunity for state employers
 - generally, § 12:15
 - section 1983 claims, § 12:23
- Section 1983 claims
 - generally, § 12:16 to 12:28
 - attorney fees, § 12:28
 - federal actors, § 12:20
 - forum for claims, § 12:17
 - immunity of government officials
 - generally, § 12:24
 - absolute immunity, § 12:25
 - qualified immunity, § 12:26
 - immunity of state under Eleventh Amendment, § 12:23
 - local government actors, § 12:22

**PUBLIC SECTOR EMPLOYEES,
DISCHARGE OF—Cont'd**

- Section 1983 claims—Cont'd
 - persons subject to suit, § 12:19 to 12:22
 - remedies, § 12:27
 - state actors, § 12:21
 - statute of limitations, § 12:18

PUNITIVE DAMAGES

- Remedies for common law claims, § 10:39
- Title VII, § 16:33

QUANTUM MERUIT

- Employee claims, § 10:29

QUASI-CONTRACT

- Employee claims, § 10:29

RACIAL DISCRIMINATION

- Generally, § 17:2 to 17:11
- CADA, § 17:4
- Harassment, § 17:5
- Section 1981
 - generally, § 17:6
 - broad application, § 17:9
 - enforcement and remedies, § 17:11
 - no state action requirement, § 17:7
 - protected employees, § 17:8
 - statutes of limitation, § 17:10
- Title VII, § 17:3

**RECORDKEEPING AND
REPORTING**

- Title VII, § 16:35

RECORD RETENTION

- Generally, § 3:25
- Document destruction and potential litigation, § 3:26
- Personnel files, employees' right to view and copy, § 3:27

REFERENCE CHECKS

- Hiring, § 1:10

RELEASE OF CLAIM

- Settlement of Claims, this index

**RELIGION AND RELIGIOUS
DISCRIMINATION**

- Generally, § 17:14 to 17:20

INDEX

RELIGION AND RELIGIOUS DISCRIMINATION—Cont'd

Accommodation
generally, § 17:18
leave as accommodation for
religious belief, § 5:18
BFOQ, religious, § 17:17
CADA, § 17:20
Disparate impact, § 17:19
Leave as accommodation for
religious belief, § 5:18
Title VII
generally, § 17:15
exemptions, § 17:16

RESPONDEAT SUPERIOR

Employer liability to third parties,
§ 15:4

RETALIATION

CADA protections, § 16:42
FMLA prohibitions, § 5:11
Title VII, this index

RETIREMENT

Generally, § 9:9 to 9:22
ADEA. Mandatory retirement,
ADEA prohibition and excep-
tions, below
Catastrophic Health Insurance Cover-
age Act, § 9:20
COBRA, § 9:19
Continuation of benefits
generally, § 9:19 to 9:22
Catastrophic Health Insurance
Coverage Act, § 9:20
COBRA, § 9:19
HIPAA, § 9:21
Patient Protection and Affordable
Care Act, § 9:22
Early retirement programs
generally, § 9:16
procedural voluntariness, § 9:18
substantive voluntariness, § 9:17
HIPAA, § 9:21
Mandatory retirement, ADEA prohi-
bition and exceptions
generally, § 9:9 to 9:15
exceptions, § 9:10 et seq.
executives, § 9:11

RETIREMENT—Cont'd

Mandatory retirement, ADEA prohi-
bition and exceptions—Cont'd
government policymakers, § 9:12
impact of mandatory retirement
ban, § 9:15
other federal laws, exclusions
required by, § 9:13
prohibition, § 9:9
public safety officers, § 9:14
Patient Protection and Affordable
Care Act, § 9:22

SAFETY IN WORKPLACE

Workplace policies, § 3:8

SEARCHES OF EMPLOYEE'S PERSONAL PROPERTY

Generally, § 6:5
Private employers, § 6:6
Public employers, § 6:7

SECTION 1981

Racial Discrimination, this index

SECTION 1983

Public Sector Employees, this index

SETTLEMENT OF CLAIMS

Generally, § 18:1 to 18:9
ADEA, requirements for release of
claim, § 18:3
Age discrimination claims, § 17:70
Agreements, § 18:1
Knowing and voluntary requirement,
release of discrimination claims,
§ 18:2
Older Workers Benefit Protection
Act, § 18:3
Releases
generally, § 18:1
knowing and voluntary require-
ment, release of discrimina-
tion claims, § 18:2
State law limitations on releases of
claims, § 18:5
Statutory claims, additional restric-
tions, § 18:4
Tax consequences of settlement
agreements, § 18:9

SETTLEMENT OF CLAIMS

—Cont'd

Unemployment insurance compensation claim releases, limitations on, § 18:8

Wage claim releases, limitations on, § 18:6

Workers' compensation claim releases, limitations on, § 18:7

SEX DISCRIMINATION

Gender Discrimination, this index

SEXUAL HARASSMENT

Generally, § 17:30 to 17:40

Aiding and abetting liability, § 17:39

Expressly sexual conduct not required, § 17:35

Hostile environment, § 17:33

Insurance coverage, § 17:40

Personal liability, § 17:39

Quid pro quo, § 17:32

Reasonable woman standard, § 17:37

Same sex harassment, § 17:36

Types of prohibited conduct, § 17:31

Unwelcome conduct, § 17:34

Vicarious liability, § 17:38

Workers' compensation insurance, § 17:40

Workplace policies, § 3:4

SEXUAL ORIENTATION

Discrimination, § 17:76

Same sex harassment, § 17:36

SMOKING

Workplace policies, § 3:9

SOCIAL MEDIA

Workplace policies restricting, § 3:20

STATUTE OF FRAUDS

Employer defenses to employee claims, § 13:3

STATUTE OF LIMITATIONS

CADA, limitations period and enforcement procedure, § 16:44

Contractual waivers, § 8:20

Disability discrimination, § 17:58

Employer defenses to employee claims, § 13:1

STATUTE OF LIMITATIONS

—Cont'd

Section 1981, racial discrimination, § 17:10

Section 1983 claims, § 12:18

Title VII, limitations period and enforcement procedure, § 16:6

SUMMARY JUDGMENT

Disability discrimination, § 17:53

SUPERVISION

Negligent supervision, §§ 10:19, 15:10

SURVEILLANCE AND MONITORING

Employee privacy, § 6:4

TAXES

Employer and employee, statutory definitions, § 2:11

Settlement agreements, tax consequences, § 18:9

Withholdings, § 4:28

TELEWORK

Workplace policies, § 3:18

TERMINATION OF EMPLOYMENT

Constructive discharge, § 10:30

Lawful Off-Duty Activities Statute (LODAS), this index

Negligent termination, § 10:19

Other statutes limiting employers' rights, § 11:11

Plant Closings and WARN Act, this index

Public Sector Employees, this index

Retirement, this index

Unemployment Insurance, this index

Wages, payment of, § 4:22

Wrongful Discharge, this index

THEFT

Employer claims against employees, § 10:33

THIRD PARTIES

Employer Liability to Third Parties, this index

INDEX

TITLE VII

Generally, § 16:2 to 16:35
Affirmative action
 generally, § 16:19
 mandatory plans, § 16:21
 voluntary plans, § 16:20
After acquired evidence defense,
 § 16:17
Amendments under Civil Rights Act
 of 1991, § 16:7
Back pay, § 16:30
Bias, subordinate, § 16:16
Bona fide occupational qualification
 defense, § 16:14
Burden shifting framework (McDon-
 nell Douglas), § 16:9
Cat's paw theory, § 16:16
Causal connection, retaliation,
 § 16:26
Class actions, § 16:18
Compensatory damages, § 16:33
Covered employees, § 16:3
Damages
 compensatory, § 16:32
 mitigation of damages, plaintiffs'
 duty, § 16:34
 punitive, § 16:33
Defenses
 after acquired evidence, § 16:17
 BFOQ defense, § 16:14
 disparate impact, § 16:13
Disparate treatment and disparate
 impact
 generally, § 16:8
 burden shifting framework
 (McDonnell Douglas), § 16:9
 claims and defenses, § 16:13
 employee selection procedures,
 § 1:13
 mixed motive and motivating fac-
 tor, § 16:12
 pretext, employee's burden of
 showing, § 16:11
 prima facie case, employer's
 burden when employee
 establishes, § 16:10
Elements of proof, retaliation,
 § 16:23

TITLE VII—Cont'd

Employee's burden of showing
 pretext, § 16:11
Employer's burden when employee
 establishes prima facie case,
 § 16:10
Enforcement procedure, § 16:6
Evidence
 after acquired evidence defense,
 § 16:17
 other employees, evidence of
 discrimination against,
 § 16:15
Front pay, § 16:31
Gender discrimination, § 17:22
Injunctive relief, § 16:29
Limitations period and enforcement
 procedure, § 16:6
Marital status discrimination, § 17:75
Materially adverse employment
 action, § 16:25
Mitigation of damages, plaintiffs'
 duty, § 16:34
Mixed motive and motivating factor,
 § 16:12
Multiple decisionmakers and subordi-
 nate bias, § 16:16
National origin discrimination,
 § 17:12
Notices, § 16:35
Officers and supervisors of employ-
 ers, no individual liability,
 § 16:4
Other employees, evidence of
 discrimination against, § 16:15
Pretext
 employee's burden of showing,
 § 16:11
 presumption, § 16:27
Prima facie case
 employer's burden when employee
 establishes, § 16:10
 retaliation, § 16:26
Promotion, § 16:31
Protected employees, § 16:5
Punitive damages, § 16:33
Racial discrimination, § 17:3
Recordkeeping and reporting,
 § 16:35

TITLE VII—Cont'd

- Reinstatement, § 16:31
- Religious discrimination, §§ 17:15, 17:16
- Remedies
 - generally, § 16:28 to 16:34
 - back pay, § 16:30
 - compensatory damages, § 16:33
 - front pay, § 16:31
 - injunctive relief, § 16:29
 - mitigation of damages, plaintiffs' duty, § 16:34
 - promotion, § 16:31
 - punitive damages, § 16:33
 - reinstatement, § 16:31
- Retaliation
 - generally, § 16:22 to 16:27
 - causal connection, § 16:26
 - elements of proof, § 16:23
 - materially adverse employment action, § 16:25
 - pretext presumption, § 16:27
 - prima facie case, § 16:26
 - prohibition, § 16:22
 - protected opposition or participation, § 16:24
- Subordinate bias, § 16:16
- Supervisors, no individual liability, § 16:4

TORT CLAIMS

- Generally, § 10:1 et seq.
- Abuse of Process and Malicious Prosecution, this index
- Conspiracy, civil, elements of proof, § 10:23
- Constructive discharge, concept of, § 10:30
- Contractual relations, tortious interference, elements of proof, § 10:15
- Conversion, § 10:33
- Damages, § 10:34
- Defamation, this index
- Emotional distress
 - intentional infliction, § 10:17
 - negligent infliction, § 10:18
- Employer claims against employees
 - generally, § 10:30 to 10:33

TORT CLAIMS—Cont'd

- Employer claims against employees
 - Cont'd
 - constructive discharge, concept of, § 10:30
 - conversion, § 10:33
 - loyalty, breach of duty, § 10:31
 - theft, § 10:33
 - unfair competition, § 10:32
- Employer Liability to Third Parties, this index
- Fraud or misrepresentation, elements of proof, § 10:14
- Invasion of Privacy, this index
- Loyalty, breach of duty, § 10:31
- Misrepresentation or fraud, elements of proof, § 10:14
- Negligent supervision, retention, discipline or termination, § 10:19
- Privacy. Invasion of Privacy, this index
- Prospective business advantage, tortious interference, elements of proof, § 10:16
- Theft, § 10:33
- Third parties. Employer Liability to Third Parties, this index
- Unfair competition, § 10:32
- Wrongful Discharge, this index

TRADEMARKS

- Colorado Trademark Act, § 7:21

TRADE SECRETS

- Generally, § 7:13 to 7:20
- Defined
 - generally, § 7:14 to 7:17
 - independent economic value, § 7:17
 - not generally known or readily ascertainable, § 7:15
 - reasonable efforts to maintain secrecy, § 7:16
- Immunities from liability under Defend Trade Secrets Act, § 7:20
- Independent economic value, § 7:17
- Misappropriation, § 7:18
- Non-competition agreements, § 7:4

INDEX

TRADE SECRETS—Cont'd

- Not generally known or readily ascertainable, § 7:15
- Reasonable efforts to maintain secrecy, § 7:16
- Remedies
 - Defend Trade Secrets Act, § 7:20
 - Uniform Trade Secrets Act, § 7:19
- Uniform Trade Secrets Act
 - generally, § 7:13
 - remedies, § 7:19

TRANSPORTATION WORKERS

- Mandatory drug and alcohol testing under federal law and regulations, § 6:18

UNDOCUMENTED WORKERS

- Verification of eligibility to work, § 1:3

UNEMPLOYMENT COMPENSATION

- Generally, § 9:23 to 9:30
- Appeals, standard of review, § 9:30
- Benefit awards, § 9:27
- Covered employers, § 9:25
- Employer and employee, statutory definitions, § 2: 9
- Employment Security Act
 - generally, § 9:24
 - benefit awards, § 9:27
 - covered employers, § 9:25
 - protected employees, § 9:26
 - releases of claims prohibited, § 9:28
- Findings and rulings, relationship to later actions between employers and employees, § 9:29
- Protected employees, § 9:26
- Releases of claims prohibited, § 9:28
- Standard of review for appeals, § 9:30

UNEMPLOYMENT INSURANCE

- Release of claims, limitations on, § 18:8

UNFAIR COMPETITION

- Employer claims against employees, § 10:32

UNJUST ENRICHMENT

- Employee claims, § 10:29

VACATIONS

- Generally, § 5:25

VENUE

- Employment agreements, § 8:9

VICARIOUS LIABILITY

- Employer liability for employee conduct, § 15:4
- Sexual harassment, § 17:38

VIOLENCE IN WORKPLACE

- Workplace policies, § 3:8

VOTING

- Leaves of absence, § 5:22

WAGE AND HOUR LAWS

- Compensation, this index

WAGE CLAIM ACT

- Compensation, this index

WAGE EQUALITY

- Equal pay for equal work, § 17:29
- Federal Equal Pay Act, § 4:17
- Wage Equality Regardless of Sex Act, §§ 4:18, 16:48

WARN ACT

- Plant Closings and WARN Act, this index

WHISTLEBLOWERS

- Protections, § 11:9

WORKERS' COMPENSATION

- Employer and employee, statutory definitions, § 2: 9
- Exclusivity, employer defenses to employee claims, § 13:2
- Leave for work-related injuries, § 5:17
- Preemption, employer defenses to employee claims, § 13:2
- Release of claims, limitations, § 18:7
- Sexual harassment, § 17:40
- Workplace policies, § 3:10

WORK MADE FOR HIRE

- Generally, § 7:22

WORK MADE FOR HIRE—Cont'd

Workplace policies, § 3:16

WORKPLACE POLICIES

Generally, § 3:1 to 3:24

Arbitration of disputes, § 3:17

At-will employment, § 3:13

Caution, policies requiring
communications, restrictions on,
§ 3:20

courtesy and civility policies,
§ 3:21

fair treatment and progressive dis-
cipline, § 3:22

NLRA-protected activity, policies
discouraging, § 3:19

social media restrictions, § 3:20

Child labor, § 3:11

Communications, restrictions on,
§ 3:20

Confidential information, § 3:15

Conflicts of interest, § 3:14

Courtesy and civility policies, § 3:21

Equal employment opportunity, § 3:3

Fair treatment, § 3:22

Family and medical leave, § 3:6

Government agencies, restricting
cooperation, § 3:24

Harassment, § 3:4

Illegal or not recommended policies
cooperation with government
agencies, restricting, § 3:24
wage secrecy, § 3:23

WORKPLACE POLICIES—Cont'd

Leave policies, § 3:7

NLRA-protected activity, policies
discouraging, § 3:19

Noncompetition, § 3:15

Nursing mothers, accommodations
for, § 3:12

Payday policies, § 3:5

Posting requirements, § 3:2

Progressive discipline, § 3:22

Safety policies, § 3:8

Sexual harassment, § 3:4

Smoking, § 3:9

Social media restrictions, § 3:20

Telework, § 3:18

Violence in workplace, § 3:8

Wage policies, §§ 3:5, 3:23

Workers' compensation, § 3:10

Work made for hire, § 3:16

WRONGFUL DISCHARGE

Generally, § 10:1 to 10:4

Elements of proof, § 10:2

Non-competition agreement, enforce-
ment of, § 7:12

Overview, § 10:1

Protected conduct, § 10:4

Public policy, sources of, § 10:3

Public Sector Employees, this index

**YOUTH EMPLOYMENT
OPPORTUNITY ACT**

Generally, § 4:30