

Index

ABSENCES

Moonlighting, **23:4**

ACCEPTANCE

Arbitration of employment disputes,
24:2

ACKNOWLEDGMENTS

Disclaimers, acknowledgment by
employee of, **2:8**
Telecommuting, **App. 29D**

ADA

Americans with Disabilities Act
(this index)

ADHESION CONTRACTS

Arbitration of employment disputes,
24:6

AFFIRMATIVE ACTION

Equal employment opportunity, **6:6**

AFFORDABLE CARE ACT

Whistleblower and retaliation protec-
tions, **1:39**

AGE DISCRIMINATION IN EMPLOYMENT ACT

Individual Coverage Health
Reimbursement Arrangements
(ICHRA), **App. 4I**
Posting notices, **27:3**

AGREEMENTS

Contracts and Agreements (this
index)

ALCOHOL AND DRUGS

Generally, **35:33**
Substance Abuse (this index)

ALGORITHMS

Assessment use, Americans with Dis-
abilities Act, **App. 4J**

ALIENS

Citizenship and Immigration
Status Verification (this index)

ALTERATION OF HANDBOOK

Generally, **35:39**

ALTERNATIVE DISPUTE RESOLUTION

Generally, **1:23, 25:1 to 25:3**
Arbitration of Employment
Disputes (this index)
Common techniques, **25:2**

AMBIGUITY

Arbitration of employment disputes,
24:4
No-solicitation policies, clarification
by employer, **12:11**

AMERICAN ARBITRATION ASSOCIATION

Summary of changes, rules and
mediation procedures, **App. 25B**

AMERICAN RESCUE PLAN

IRS guidance, paid leave, **App. 38G**

AMERICANS WITH DISABILITIES ACT

Generally, **1:4, 4:1 to 4:7, App. 5C**
Background, **4:1**
Cancer in the workplace, **App. 4B**
Codeine, oxycodone, opioids, use of,
EEOC guidance, **App. 4H**
Confidentiality, **4:5**
Contents of policy, generally, **4:2 to**
4:5
COVID-19, **38:3, App. 38D**
Diabetes in the workplace, **App. 4C**
Dress and appearance, **22:15**
EEOC revised publications on
employment rights, **4:7**
EEOC technical assistance document,
App. 4K

AMERICANS WITH

DISABILITIES ACT—Cont'd

Epilepsy in the workplace, **App. 4D**
Family and Medical Leave Act,
intersection with, **5:22**
Intellectual disabilities in the
workplace, **App. 4E**
Intersection with Family and Medical
Leave Act, **5:22**
Leave as reasonable accommodation,
4:6
Posting notices, **27:2**
Preemployment inquiries, testing and
medical examinations, **4:3, App. 4A**
Reasonable accommodations, **4:4, 4:6**
Sample policy on preemployment
inquiries, **App. 4A**
Software, algorithms, and artificial
Intelligence, assessment use,
App. 4J
Substance abuse, **11:3**
Telecommuting, **29:6**
Visual disabilities in the workplace,
App. 4K
Wellness programs and Title I of the
ADA, **App. 4F, App. 4G**

ANONYMITY

Sarbanes-Oxley Act, audit committee
concern reporting, **34:8**

APPEARANCE

Dress and Appearance (this index)

APPROVAL

Consent or Approval (this index)

ARBITRATION OF

EMPLOYMENT DISPUTES

Generally, **1:22, 24:1 to 24:12**
Acceptance, **24:2**
Adhesion contracts, **24:6**
Agreement to terms, **24:2**
Ambiguous provisions, **24:4**
American Arbitration Association
summary of changes, rules and
mediation procedures, **App. 25B**
Claims covered, **24:7**

ARBITRATION OF

EMPLOYMENT DISPUTES

—Cont'd

Claims that may not be arbitrated,
24:11
Consideration, **24:3**
Costs, **24:8**
EEOC Rescission of Mandatory
Binding Arbitration of Employ-
ment Discrimination Disputes as
a Condition of Employment,
App. 24A
Ending Forced Arbitration of Sexual
Assault and Sexual Harassment
Act, **24:11.1**
Estoppel, **24:9**
Fees, **24:8**
Inducement, **24:6**
Mandatory arbitration clauses, **24:10**
Notice, **24:2**
Off-duty conduct, **23:11**
Optional agreements, **24:5**
Scope of agreement, **24:7**
Supreme Court, **24:10**
Unfairness, **24:6**
Waiver, **24:9**
Wright case, **24:10**

ARMED FORCES

**Military Leave and Rehiring of
Veterans** (this index)

**ARREST AND CONVICTION
RECORDS**

Equal employment opportunity, **6:10**

ARTIFICIAL INTELLIGENCE

Assessment use, Americans with Dis-
abilities Act, **App. 4J**

ATTORNEYS

Government investigations, attorney-
client privilege, **28:5**
Sarbanes-Oxley Act, required report-
ing, **33:5**

AT-WILL EMPLOYMENT

Disclaimers, **2:1**

**AUDIT COMMITTEE CONCERN
REPORTING**

Sarbanes-Oxley Act (this index)

INDEX

BACKGROUND CHECKS

Privacy of employees, **7:4**

BAD FAITH

Employment references, qualified privilege for giving job references, **13:5**

BENEFITS

Compensation and Benefits (this index)

BEREAVEMENT LEAVE

Generally, **35:22**

BLOGS

Off-duty conduct, **23:21**

BREAK PERIODS

Grievance procedures, working mothers, **35:61**
No-solicitation policies, **12:12**
Nursing mothers, break time for, **App. 5D**

BULLETIN BOARDS

No-solicitation policies, selective enforcement, **12:19**

BURDEN OF PROOF

Employment references, qualified privilege for giving job references, **13:6**

BUSINESS USE EXCEPTION

Electronic Communications Privacy Act, **15:4**

CALIFORNIA

Department of Health, playbook, COVID-19, **App. 38E**

CANCER

Questions and answers about cancer in the workplace and the Americans with Disabilities Act, **App. 4B**

CAREGIVERS

Equal employment opportunity, **6:7, App. 6A, App. 6B**
Family and Medical Leave Act, military caretakers, **5:2**

CARRYOVER EVENTS

Off-duty conduct, **23:14**

CASH BALANCE PENSION PLANS

Department of Labor Frequently Asked Questions about compliance, **App. 14C**

CATHARSIS

Grievance procedure as arena for catharsis, **35:46**

CENTERS FOR DISEASE CONTROL AND PREVENTION

COVID-19, **App. 38A**

CITIZENSHIP AND IMMIGRATION STATUS VERIFICATION

Generally, **1:17, 19:1 to 19:17**
Coercion, antidiscrimination rules, **19:12**
“Contracting” for employment, **19:4**
Discrimination, **19:10 to 19:12**
Documentation
 abuse, **19:11, 19:15**
 employer. How to hire foreign national for short-term employment in the United States, **App. 19C**
 forged documents, **19:9**
 fraud, penalties, **19:16**
 system for employment verification, **19:8, 19:9, App. 19A**
Forged documents, system for employment verification, **19:9**
Fraud, penalties, **19:16**
Hiring or recruiting unauthorized aliens
 general discussion, **19:2 to 19:6**
 “contracting” for employment, **19:4**
 enactment of IRCA, persons on payroll prior to, **19:6**
 persons covered, **19:3**
 persons who are “unauthorized” aliens, **19:5**
Penalties
 general discussion, **19:13 to 19:16**
 document abuse, **19:15**

**CITIZENSHIP AND
IMMIGRATION STATUS
VERIFICATION—Cont'd**

- Penalties—Cont'd
 - document fraud, **19:16**
 - unlawful employment practices, **19:14**
- Racketeer Influenced and Corrupt Organization Act liability, **19:17**
- Records. Documentation, above
- Recruiting unauthorized aliens. Hiring or recruiting unauthorized aliens, above
- Retaliation, antidiscrimination rules, **19:12**
- RICO liability, **19:17**
- Sample documentation policy, **App. 19A**
- Sample eligibility and verification policy, **App. 19B**
- System for employment verification, **19:7 to 19:9**
- Unlawful employment practices, penalties, **19:14**
- Validation Instrument for Business Enterprises (VIBE), **19:18**

CIVIL RIGHTS

- Title VII of Civil Rights Act of 1964**
(this index)

CLASSIFICATION OF WORKERS

- Generally, **36:1 to 36:8, App. 36A**
- Control test, **36:2**
- Economic realities test, **36:4**
- EEOC joint employer test, **36:6**
- Entrepreneurial opportunity test, **36:5**
- Factors test, **36:3**
- Fines and penalties, misclassifying employees and independent contractors, **36:7**
- Independent contractor or employee, determination, **36:1 et seq.**
- Interns, **36:8**
- Penalties, misclassifying employees and independent contractors, **36:7**

**COBRA (CONSOLIDATED
OMNIBUS BUDGET
RECONCILIATION ACT)**

- Generally, **37:1**

**COBRA (CONSOLIDATED
OMNIBUS BUDGET
RECONCILIATION ACT)
—Cont'd**

- Health insurance continuation for reservists called to active duty, **37:3**
- Noncompliance, remedies, **37:2**

CODEINE

- Use of, EEOC guidance, **App. 4H**

COERCION

- Citizenship and immigration status verification, antidiscrimination rules, **19:12**

**COLLECTIVE BARGAINING
AGREEMENTS**

- Off-duty conduct, **23:11**

COMMON LAW

- Substance abuse, **11:8**

COMPENSATION AND BENEFITS

- Generally, **35:6 to 35:12**
- Benefit plans, **35:10 to 35:12**
- Deductions, **35:8**
- Eligibility timing, benefit plans, **35:12**
- Equal Pay Act, posting notices, **27:4**
- ERISA, benefit plans, **35:11**
- Increases in wages, **35:27**
- Military leave and rehiring of veterans, **9:6, 9:9, 9:13, 9:18**
- Overtime, **35:9**
- Payroll week, **35:7**
- Posting notices, wage and hour laws, **27:5 to 27:8**
- Review of salary, **35:27**
- Severance Pay** (this index)
- Telecommuting, **29:7**
- Vacations, **35:15, 35:16**

COMPETITION

- Moonlighting, **23:2**

COMPUTERS

- E-Mail and Other Technology** (this index)

INDEX

CONFIDENTIAL INFORMATION

- Generally, **1:15, 17:1 to 17:5**
- Americans with Disabilities Act, **4:5**
- E-mail and social media, **17:5**
- Employee invention and confidential information agreement, **App. 17A**
- Measures to take for protecting against loss of confidential information, **17:3**
- Memorandum explaining importance of company's proprietary information to its employees, **App. 17C**
- Sample confidentiality policy for company's purchasers, **App. 17D**
- Sample confidentiality provision, **App. 17B**
- Sarbanes-Oxley Act, audit committee concern reporting, **34:8**
- Telecommuting, **29:11**
- Trade secrets, generally, **17:1 to 17:5**

CONFLICTS OF INTEREST

- Moonlighting, **23:3**

CONSENT OR APPROVAL

- Electronic Communications Privacy Act, **15:5**
- Employment references, qualified privilege for giving job references, **13:7**

CONSIDERATION

- Arbitration of employment disputes, **24:3**

CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

- Generally, **37:1**
- Noncompliance, remedies, **37:2**

CONSTITUTIONAL LAW

- Dress and appearance, **22:20**
- Substance abuse, **11:2**

CONSUMER PRODUCTS

- Environmental compliance, consumer products company policy, **App. 21A**

CONSUMER PRODUCTS—Cont'd

- Equal employment opportunity, **6:4**

CONTRACTS AND AGREEMENTS

- Adhesion contracts, arbitration of employment disputes, **24:6**
- Citizenship and immigration status verification, "contracting" for employment, **19:4**
- Disclaimers, contractual items to exclude from disclaimers and handbooks, **2:10**
- Handbook as contract, **1:2**

CONTROL TEST

- Classification of workers, **36:2**

COPYRIGHTS

- Generally, **1:24, 26:1 to 26:10**
- External software audits, **26:2**
- Fines, **26:3**
- Internal software audits, **26:7**
- Internet materials, downloading of, **26:4**
- Internet piracy, **26:5**
- Online resources, **26:10**
- Penalties, **26:3**
- Records retention, **26:6 to 26:8**
- Software code of ethics, **App. 26A**
- Software policies for organization and its employees, **App. 26B**

CORONAVIRUS

- COVID-19** (this index)

COSTS

- Arbitration of employment disputes, **24:8**

COUNSEL

- Attorneys** (this index)

COVID-19

- Generally, **38:1 to 38:9**
- Americans with Disabilities Act, **38:3, App. 38D**
- Department of Health, California, playbook, **App. 38E**
- Department of Labor Protecting Workers: Guidance on Mitigating and Preventing the Spread of

COVID-19—Cont’d

COVID-19 in the Workplace,
App. 38B
Department of Labor Q&A, **38:6 to 38:8**
EEOC guidance, **App. 38D**
caregiver Discrimination, **App. 38I**
Fair Labor Standards Act, **38:6**
Families First Coronavirus Response
Act, **38:2, 38:3**
Family and Medical Leave Act, **38:3, 38:7**
Federal contractors and subcontractors, **App. 38J**
Internal Revenue Service
Guidance, American Rescue Plan,
paid leave, **App. 38G**
Tax Credits for Paid Leave
Provided by Small and
Midsize Businesses FAQs,
App. 38F
New York, workers’ compensation,
App. 38B
Off duty behavior, **38:5**
Paid leave, **App. 38F, App. 38G**
Rehabilitation Act, **App. 38D**
Service Contract Act, **38:8**
Vaccinations, **38:9, App. 38G**
Workers’ compensation, **38:4, App. 38B**
Workplace preparation, DOL and
CDC guidance, **App. 38A**

CO-WORKER EVENTS

Off-duty conduct, **23:17**

CRIMINAL SANCTIONS

Sarbanes-Oxley Act (this index)

CROSS-DRESSING

Disability discrimination, **22:19**

DATE

Time and Date (this index)

DEDUCTIONS

Compensation and benefits, **35:8**

DEFAMATION

Personnel records, **7:11**

DEPARTMENT OF HEALTH

California, playbook, COVID-19,
App. 38E

DEPARTMENT OF LABOR

Cash balance pension plan compli-
ance, Frequently Asked Ques-
tions about, **App. 14C**
COVID-19, **38:6 to 38:8, App. 38A, App. 38H**
Employer’s Guide to Advance Notice
of Closings and Layoffs, **App. 1C**
Employers obligation to exercise rea-
sonable diligence in tracking
teleworking, **App. 1E**
Fact Sheet 13: Employment Relation-
ship Under the Fair Labor Stan-
dards Act (FLSA), **App. 36B**
Genetic Information Nondiscrimina-
tion Act (“GINA”), FAQ, **App. 7E**
Protecting Workers: Guidance on
Mitigating and Preventing the
Spread of COVID-19 in the
Workplace, **App. 38H**
Retirement plans and ERISA,
Frequently Asked Questions
about, **App. 14B**

DESIGNATION OF 12-MONTH PERIOD

Family and Medical Leave Act, **5:20**

DIABETES

Questions and answers about diabetes
in the workplace and the
Americans with Disabilities Act,
App. 4C

DISABLED PERSONS

Americans with Disabilities Act
(this index)

Dress and appearance, **22:16 to 22:19**

Posting notices, employment under
special certificates, **27:7**

DISCIPLINE OF EMPLOYEES

Generally, **1:29, 31:1 to 31:3**

Basics of policy, **31:2**

INDEX

DISCIPLINE OF EMPLOYEES

—Cont'd

Extensive progressive discipline provisions, sample policy with, **App. 31B**

Health care employer policy, **App. 31C**

National Labor Relations Board developments, **31:3**

Sample policies, **App. 31A, App. 31B, App. 31C**

DISCLAIMERS

Generally, **2:1 to 2:11**

Acknowledgment by employee of disclaimer, **2:8**

At-will employment, **2:1**

Background and history, **2:2**

Contents of disclaimer, **2:6**

Contractual items to exclude from disclaimers and handbooks, **2:10**

Emphasis, sufficiency of disclaimer, **2:5**

History and background, **2:2**

Location of disclaimer, **2:4**

Means used to communicate disclaimer, **2:7**

Practices of employer vs. disclaimers, **2:9**

Sample disclaimers, **App. 2A**

Sufficiency of disclaimer
general discussion, **2:3 to 2:7**
contents of disclaimer, **2:6**
emphasis, **2:5**

location of disclaimer, **2:4**

means used to communicate
disclaimer, **2:7**

Toussaint doctrine, **2:2**

DISCLOSURES

Personnel records, **7:8, 7:9, 7:13**

Privacy of Employees (this index)

Sarbanes-Oxley Act, criminal sanctions, **33:3**

Severance pay, termination or amendment of severance plan before reduction in force, **14:7**

DISCOVERY

Government investigations, **28:11**

DISCRIMINATION

Americans with Disabilities Act
(this index)

Citizenship and immigration status verification, **19:10 to 19:12**

DEI-Related discrimination under second Trump administration
EEOC Policy, **6:13**

Dress and Appearance (this index)

Equal Employment Opportunity
(this index)

Family and Medical Leave Act, **5:19**

Genetic Information (this index)

Military leave and rehiring of veterans, **9:10**

Pregnant workers, **6:11, App. 6D, App. 6E**

Racial Harassment (this index)

Religious accommodation, **6:12**

Religious discrimination, EEOC best practices for eradicating religious discrimination in the workplace, **App. 6C**

Sexual Harassment (this index)

DISFIGUREMENT

Dress and appearance, disability discrimination, **22:18**

DISHONESTY

Moonlighting, **23:5**

DISPARATE IMPACT

Dress and appearance, Title VII, **22:4**

DISPARATE TREATMENT

Caregivers, **App. 6A, App. 6B**

Dress and appearance, Title VII, **22:3**

DOCUMENTATION

Records and Recordkeeping (this index)

DRAFTING PERSONNEL MANUALS

Generally, **35:1 to 35:27**

Compensation and Benefits (this index)

Grades of employees, dealing with different, **35:3**

Multistate employers, **35:5**

DRAFTING PERSONNEL

MANUALS—Cont'd

“No good deed goes unpunished,”
35:1

Time Off (this index)

DRESS AND APPEARANCE

Generally, **1:20, 22:1 to 22:24**

Americans with Disabilities Act,
22:15

Constitutional issues, **22:20**

Cross-dressing, disability discrimination,
22:19

Defense of Title VII claim, **22:7**

Disability discrimination, **22:16 to 22:19**

Disfigurement, disability discrimination,
22:18

Disparate impact, Title VII, **22:4**

Disparate treatment, Title VII, **22:3**

Gender-based discrimination claims,
Title VII, **22:9 to 22:13**

National Labor Relations Act, **22:22**

Obesity, disability discrimination,
22:17

Offensive stereotypes, gender-based
discrimination claims, **22:11**

Provocative dress, gender-based
discrimination claims, **22:12, 22:13**

Race discrimination claims, Title VII,
22:8

Relaxed dress codes, **22:23**

Remedies under Title VII, **22:6**

Retaliation claims, Title VII, **22:5**

Sample policies, **App. 22A**

Sex-specific requirements, Title VII,
22:10

Title VII

general discussion, **22:2 to 22:14**

defense of claim, **22:7**

disparate impact, **22:4**

disparate treatment, **22:3**

gender-based discrimination
claims, **22:9 to 22:13**

offensive stereotypes, gender-
based discrimination claims,
22:11

DRESS AND APPEARANCE

—Cont'd

Title VII—Cont'd

provocative dress, gender-based
discrimination claims, **22:12, 22:13**

race discrimination claims, **22:8**

remedies, **22:6**

retaliation claims, **22:5**

sex-specific requirements, **22:10**

Unemployment compensation, **22:21**

DRUGS AND ALCOHOL

Generally, **35:33**

Codeine, oxycodone, opioids, use of,
EEOC guidance, **App. 4H**

Post-incident drug testing, **20:4**

Substance Abuse (this index)

ECONOMIC REALITIES TEST

Classification of workers, **36:4**

EEOC

Americans with Disabilities Act, **4:7, App. 4G, App. 4K**

Frequently asked questions about the
revised “Know Your Rights”
poster, **App. 6K**

Genetic information, **App. 7B, App. 7C, App. 7D**

Joint employer test, classification of
workers, **36:6**

“Know Your Rights” poster (updates
and replaces the previous “EEO
is the Law” poster), **App. 6J**

Pregnant workers, **App. 6D, App. 6E**

Religious discrimination in the
workplace, best practices for
eradicating, **App. 6C**

Retaliation and related issues,
guidelines on, **App. 1B**

Technical assistance document, **App. 4K**

Visual disabilities in the workplace,
App. 4K

ELECTRONIC COMMUNICATIONS PRIVACY ACT

E-mail and other technology, **15:3 to 15:5**

INDEX

E-MAIL AND OTHER TECHNOLOGY

- Generally, **1:14, 15:1 to 15:11, 16:1 to 16:5**
- Business use exception, Electronic Communications Privacy Act, **15:4**
- Community norms of workplace e-mail, **16:2**
- Computer monitoring and searches, **15:7**
- Confidential information, e-mail and social media, **17:5**
- Consent of employee exception, Electronic Communications Privacy Act, **15:5**
- Copyrights, computer software, **26:2, App. 26A, App. 26B**
- Electronic Communications Privacy Act, **15:3 to 15:5**
- Ethics policy regarding e-mail, **App. 15C**
- Keeping up with technology and the law, **16:5**
- Monitoring
 - computers, **15:7**
 - e-mail, **15:2**
 - telephones, **15:8**
 - video surveillance, **15:9**
- Off-duty conduct, **23:21**
- Policy on electronic communications, **App. 15B**
- Policy on employee use and access to Internet, **App. 15A**
- Privacy policy on e-mail, **App. 15D**
- Searches of computers, **15:7**
- Sign on the dotted line, **16:4**
- State law, **15:10**
- Telephone monitoring, **15:8**
- Video surveillance, **15:9**
- Written policy on e-mail usage, **16:3**

EMPLOYEE BLOGS

- Off-duty conduct, **23:21**

EMPLOYEE POLYGRAPH PROTECTION ACT

- Posting notices, **27:11**

EMPLOYMENT REFERENCES

- Generally, **1:12, 13:1 to 13:9**
- Burden of proof, qualified privilege for giving job references, **13:6**
- Consent of employee to release of information, qualified privilege for giving job references, **13:7**
- Good faith, qualified privilege for giving job references, **13:5**
- Immunity under anti-blacklisting and service letter statute, **13:9**
- Information that may be disclosed to prospective employers, **13:3**
- Presumption of good faith, qualified privilege for giving job references, **13:5**
- Procedural provisions governing release of information, **13:8**
- Qualification for protection, **13:2**
- Qualified privilege for giving job references
 - general discussion, **13:4 to 13:7**
 - applicability, **13:4**
 - burden of proof, **13:6**
 - consent of employee to release of information, **13:7**
 - presumption of good faith, **13:5**
- Sample policy, **App. 13A**

ENDING FORCED ARBITRATION OF SEXUAL ASSAULT AND SEXUAL HARASSMENT ACT

- Arbitration of employment disputes, **24:11.1**

ENTREPRENEURIAL OPPORTUNITY TEST

- Classification of workers, **36:5**

ENVIRONMENTAL COMPLIANCE

- Generally, **1:19, 21:1 to 21:4**
- Chemical company policy, **App. 21C**
- Consumer products company policy, **App. 21A**
- Management systems, **21:1, 21:2**
- Objectives for management system, **21:2**
- Research and development company policy, **App. 21B**
- Sample compliance clauses, **21:3**

ENVIRONMENTAL COMPLIANCE
—Cont'd

U.S. EPA sample policy, **App. 21D**

EPILEPSY

Questions and answers about epilepsy in the workplace and the Americans with Disabilities Act, **App. 4D**

EQUAL EMPLOYMENT OPPORTUNITY

Generally, **1:6, 6:1 to 6:12, 35:28 to 35:31**

Affirmative action policy, **6:6**

Arrest and conviction records, **6:10**

Avoiding “reverse discrimination” claims, **6:8**

Caregivers, **6:7, App. 6A, App. 6B**
Commission. **EEOC** (this index)

Comprehensive policy, **6:3**

Consumer products company, **6:4**

Corporate policy, **6:5**

DEI-Related discrimination under second Trump administration
EEOC Policy, **6:13**

EEOC “Know Your Rights” poster (updates and replaces the previous “EEO is the Law” poster), **App. 6J**

Enforcement, unlawful disparate treatment toward caregivers, **App. 6A, App. 6B**

Frequently asked questions about the revised “Know Your Rights” poster, **App. 6K**

Gender identity as protected class, **6:9**

General antidiscrimination policy, **35:29**

Mandatory Binding Arbitration, rescission, employment condition, **App. 24A**

Muslim or Middle Eastern, responsibilities concerning the employment of individuals who are, or are perceived to be, **App. 6G**

Older Worker Benefit Protection Act, **App. 6I**

Posting notices, **27:2 to 27:4**

EQUAL EMPLOYMENT OPPORTUNITY—Cont'd

Pregnant workers, **6:11, App. 6D, App. 6E, App. 6F**

Protected classes, sexual orientation and gender identity as protected class, **6:9**

Religious accommodation, **6:12**

Retaliation, **35:31**

“Reverse discrimination” claims, avoiding, **6:8**

Severance agreements, waivers of discrimination claims in, **App. 6H**

Sexual and other harassment, **35:30**

Sexual orientation as protected class, **6:9**

Simple policies or statements, **6:2**

Waivers of discrimination claims in employee severance agreements, **App. 6H**

EQUAL PAY ACT

Posting notices, **27:4**

ERISA

Benefit plans, **35:11**

Department of Labor Frequently Asked Questions about retirement plans, **App. 14B**

Severance pay, **14:2, 14:7**

ESTOPPEL

Arbitration of employment disputes, **24:9**

ETHICS

Legal and Ethical Conduct (this index)

FAIR LABOR STANDARDS ACT

Generally, **1:35**

COVID-19, **38:6**

DOL Fact Sheet 13: Employment Relationship Under the Fair Labor Standards Act (FLSA), **App. 36B**

DOL Fact Sheet #15A: Tipped Employees under the Fair Labor Standards Act (FLSA) and Dual Jobs, **App. 1F**

INDEX

FAIR LABOR STANDARDS ACT —Cont'd

DOL field assistance bulletin no.
2023-1, **App. 29E**
Misclassification of employees vs
independent contractors, **App.**
36A
Posting notices, **27:5**

FAIRNESS

Arbitration of employment disputes,
24:6

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)

Generally, **38:2, 38:3**

FAMILY AND MEDICAL LEAVE ACT

Generally, **1:5, 5:1 to 5:27, 35:24,**
App.5I
Americans with Disabilities Act,
intersection with, **5:22**
Available leave updates, **5:23**
Benefit protection, **5:18**
Covered employers
 general discussion, **5:3 to 5:7**
 individuals, **5:7**
 joint employers, **5:5**
 single employers, **5:4**
 successor employers, **5:6**
COVID-19, **38:3, 38:7**
Definition of spouse under FMLA,
5:26
Designation
 leave as qualifying under Act, **5:15**
 12-month period, **5:20**
Discrimination, **5:19**
DOL Employers Guide to the Family,
App. 5G
DOL field assistance bulletin no.
2023-1, **App. 29E**
DOL opinion letter, **App. 5F**
Eligible employees
 general discussion, **5:8 to 5:12,**
 5:24
 fifty employees at work site within
 seventy-five mile radius, **5:11**
 other factors, **5:12**
 1,250 hours of service, **5:10**

FAMILY AND MEDICAL LEAVE ACT—Cont'd

Eligible employees—Cont'd
 twelve months of employment, **5:9**
Enforcement, **5:21**
Federal contractors, paid days off for
employees of, **5:25**
Frequently asked questions, Maine,
App. 5I
Indefinite reduced workweek, **App.**
5F
Intersection of FMLA and ADA, **5:22**
Joint employers, **5:5**
Military caretakers, **5:2**
Notice to employer, **5:14**
Nursing mothers, break time for,
App. 5D
Paid vs. unpaid leave, **5:16**
Posting notices, **27:9**
Qualifying reasons for taking leave,
5:13
Questions and Answers concerning
the use of FMLA leave to care
for a son or daughter age 18 or
older, **App. 5H**
Restoration of job, **5:17**
Sample policies, **App. 5A, App. 5B**
Successor employers, **5:6**
Telemedicine, **App. 5E**
Time-off, availability updates, **5:23**
12-month period, designating, **5:20**
Updates, used and available leave,
5:23

FDA

Food Safety Modernization Act, **1:38**

FEEDBACK

Sarbanes-Oxley Act, audit committee
concern reporting, **34:12**

FEES

Arbitration of employment disputes,
24:8

FIDUCIARY DUTY

Severance pay, termination or amend-
ment of severance plan before
reduction in force, **14:6**

FINES AND PENALTIES

- Citizenship and Immigration Status Verification** (this index)
- Copyrights, **26:3**
- Employees and independent contractors, misclassifying, **36:7**
- Independent contractors and employees, misclassifying, **36:7**
- Military leave and rehiring of veterans, **9:14**

FMLA

- Family and Medical Leave Act** (this index)

FOOD SAFETY MODERNIZATION ACT

- Generally, **1:38**

FOREIGN CORRUPT PRACTICES ACT

- Legal and ethical conduct, **18:4**

FORGED DOCUMENTS

- Citizenship and immigration status verification, **19:9**

FRAUD

- Citizenship and immigration status verification, penalties, **19:16**

FRINGE BENEFITS

- Compensation and Benefits** (this index)

GENDER IDENTITY

- Equal employment opportunity, **6:9**

GENDER-BASED DISCRIMINATION

- Dress and appearance, Title VII, **22:9 to 22:13**

GENETIC INFORMATION

- Genetic Information Nondiscrimination Act (“GINA”)
 - Department of Labor Frequently Asked Questions, **App. 7E**
 - privacy of employees, generally, **7:17**
 - wellness programs, **App. 7B, App. 7C**

GENETIC INFORMATION

—Cont’d

- Guidance from EEOC on genetic information discrimination, **App. 7D**

GOOD FAITH

- Employment references, qualified privilege for giving job references, **13:5**

GOVERNMENT CONTRACTORS

- Substance abuse, **11:6**

GOVERNMENT INVESTIGATIONS

- Generally, **1:26, 28:1 to 28:19**
- Attorney-client privilege, **28:5**
- Discovery, **28:11**
- General policy statement on compliance with serious government investigations, **App. 28A**
- Government investigators, **28:9**
- Grand jury investigation, **28:10**
- Indemnification of employees, **28:7**
- Initial steps in handling government investigation, **28:2 to 28:5**
- Insurance, **28:8**
- Negotiations, parallel civil and criminal investigations, **28:15**
- Outside criminal counsel, retention of, **28:3**
- Parallel civil and criminal investigations
 - general discussion, **28:14 to 28:18**
 - dealing with specific agencies, **28:16**
 - negotiations, **28:15**
 - persons who go to jail, **28:17**
 - press relations, **28:18**
- Press relations, parallel civil and criminal investigations, **28:18**
- Search warrants, **28:12**
- Separate counsel for employees, retention of, **28:4**
- Subpoenas, **28:11**
- White-collar crime statutes, **28:13**

GRAND JURIES

- Government investigations, **28:10**

INDEX

GRIEVANCE PROCEDURES

- Generally, **1:32, 35:41 to 35:60**
- Break periods, working mothers, **35:61**
- Catharsis, grievance procedure as arena for, **35:46**
- Communications link, grievance procedure as, **35:44, 35:45, 35:54**
- Crystallization of problems, grievance procedure as medium for, **35:47, 35:55**
- Definition, **35:42**
- Formulation of grievance steps
 - general discussion, **35:53 to 35:56**
 - communication between employee and supervisor, **35:54**
 - crystallization and catharsis and check on communication, **35:55**
 - resolution of conflict, **35:56**
- Individual vs. group grievances, **35:51**
- Integrity of system, preservation of, **35:59**
- Open-door policy, **35:49**
- Place to handle problems, **35:57**
- Purposes, generally, **35:43 to 35:48**
- Resolution of conflicts, grievance procedure as tool for, **35:48, 35:56**
- Sexual harassment, **3:12**
- Structured grievance procedure, **35:50 to 35:56**
- Structuring of grievance procedure, **35:49**
- Suggested grievance procedure, **35:60**
- Time limits, **35:58**
- Time to handle problems, **35:57**
- Types of grievances encouraged by employer, **35:52**
- Union organized operations, **35:41**

HANDICAPPED PERSONS

- Disabled Persons** (this index)

HARASSMENT

- Generally, **1:33**
- Racial Harassment** (this index)
- Sexual Harassment** (this index)

HEALTH PLANS

- Health insurance continuation for reservists called to active duty, **37:3**
- Military leave and rehiring of veterans, **9:8**

HIRING AND HIRING PROCEDURES

- Citizenship and Immigration Status Verification** (this index)
- Military Leave and Rehiring of Veterans** (this index)
- Violence in workplace, **30:10**

HOLIDAYS

- Generally, **35:17 to 35:19**

HOMOSEXUALITY

- Equal employment opportunity, **6:9**

HONESTY

- Moonlighting, **23:5**

ILLNESS

- Time off, **35:23**

IMMIGRATION

- Citizenship and Immigration Status Verification** (this index)

IMMUNITY

- Employment references, anti-blacklisting and service letter statute, **13:9**

INDEMNIFICATION

- Government investigations, **28:7**

INDEPENDENT CONTRACTORS

- Classification of Workers** (this index)

INDUCEMENT

- Arbitration of employment disputes, **24:6**

INSURANCE

- Government investigations, **28:8**
- Reservists called to active duty, health insurance continuation for, **37:3**
- Telecommuting, **29:12**

INTELLECTUAL DISABILITIES

Questions and answers about intellectual disabilities in the workplace and the Americans with Disabilities Act, **App. 4E**

INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE

Personnel records, **7:12**

INTERNAL REVENUE SERVICE

American Rescue Plan, paid leave guidance, **App. 38G**
Tax Credits for Paid Leave Provided by Small and Midsize Businesses FAQs, **App. 38F**

INTERNET

Copyrights, **26:4, 26:5**

INTERNS

Classification of workers, **36:8**

INVENTIONS

Confidential information, employee invention an confidential information agreement, **App. 17A**

JOINT EMPLOYERS

Family and Medical Leave Act, **5:5**

JURY DUTY

Generally, **1:9, 10:1 to 10:4, 35:21**
Court appearances, **10:4**
Sample policies, **10:2 to 10:4**
Witness service, **10:2**

JUST CAUSE

Off-duty conduct, **23:12**

“KNOW YOUR RIGHTS” POSTER

Frequently asked questions about the revised “Know Your Rights” poster, **App. 6K**
Updated EEOC, **App. 6J**
Updates and replaces the previous “EEO is the Law” poster, **App. 6J**

LAWYERS

Attorneys (this index)

LEAVE OF ABSENCE

Americans with Disabilities Act, reasonable accommodation, **4:6**
Eligibility, generally, **5:24**

LEGAL AND ETHICAL CONDUCT

Generally, **1:16, 18:1 to 18:4**
Checklist of issues to address in preparing code of legal and ethical conduct, **App. 18A**
Effective compliance programs, **18:3**
E-mail and other technology, **App. 15C**
Foreign Corrupt Practices Act, **18:4**
Lockheed Martin, **App. 18B**
Sarbanes-Oxley Act, **18:2**
SBS Technologies, Inc., **App. 18D**
United Technologies Corporation, **App. 18C**

LIBEL

Personnel records, **7:11**

LIE DETECTORS

Posting notices, Employee Polygraph Protection Act, **27:11**

LOCATION

Place and Location (this index)

LUNCH PERIODS

No-solicitation policies, **12:12**

MCLAREN MACOMB DECISION

NLRB memorandum GC 23-05, **App. 25C**
Response to inquiries, **App. 25C**

MEDICAL LEAVE

Family and Medical Leave Act (this index)

MEDICAL RECORDS

Personnel Records (this index)

MIDDLE EAST

Equal employment opportunity, responsibilities concerning the employment of individuals who are, or are perceived to be Middle Eastern, **App. 6G**

INDEX

MIGRANT AGRICULTURAL WORKERS

Posting notices, wage and hour laws, **27:8**

MILITARY CARETAKERS

Family and Medical Leave Act, **5:2**

MILITARY LEAVE AND REHIRING OF VETERANS

Generally, **1:8, 8:1 to 8:4, 9:1 to 9:14, 35:25**

Applicability of Act, **9:2**

Background, **8:2**

Benefits, **9:9, 9:13, 9:18**

“Called to duty: military leave and the law,” generally, **9:1 to 9:14**

Compensation during military leave, **9:6**

Compensation upon reemployment, **9:13**

Continuation of benefit plans, **9:8, 9:9**

Discrimination, **9:10**

Enforcement, **9:14**

Health plan continuation, **9:8**

Notice from departing employees, **9:4**

Notice to departing employees, **9:5**

Outline of key provisions of
Uniformed Services Employment
and Reemployment Rights
Act of 1994, **App. 8A**

Penalties, **9:14**

Reemployment, **9:11**

Retirement benefits upon reemployment, **9:12**

Sample policies, **App. 9A**

State laws, **9:3**

Uniformed Services Employment and
Reemployment Rights Act of
1994, **8:1 et seq.**

Vacation time, **9:7, 9:13**

MODIFICATION OF HANDBOOK

Generally, **35:39**

MONITORING

E-Mail and Other Technology (this
index)

Privacy of employees, **7:5**

MOONLIGHTING

Generally, **1:21, 23:1 to 23:9**

Absences, **23:4**

Competition, **23:2**

Conflicts of interest, **23:3**

Dishonesty, **23:5**

Preventative measures, **23:9**

Professionals, sample policy on
outside work, **App. 23C**

Restrictive covenants, **23:8**

Rules, **23:6**

Sample policies, **App. 23A, App.
23B, App. 23C**

Standards, **23:7**

MULTISTATE EMPLOYERS

Drafting personnel manuals, **35:5**

MUSLIM

Equal employment opportunity,
responsibilities concerning the
employment of individuals who
are, or are perceived to be
Muslim, **App. 6G**

NATIONAL LABOR RELATIONS ACT

Dress and appearance, **22:22**

Substance abuse, **11:5**

NATIONAL LABOR RELATIONS BOARD (NLRB)

Discipline of employees, **31:3**

Memorandum GC 23-05, **App. 25C**

NEGLIGENT HIRING AND RETENTION

Violence in workplace, **30:5**

NEGOTIATIONS

Government investigations, parallel
civil and criminal investigations,
28:15

NEW YORK

COVID-19, **App. 38B**

WARN Act Fact Sheet, **App. 1D**

Workers' compensation, **App. 38B**

NEXUS TEST

Off-duty conduct, **23:19**

NO-SOLICITATION POLICIES

Generally, **1:11, 12:1 to 12:21, 35:35**

Ambiguous wording, clarification by employer, **12:11**

Balancing of rights of employers and employees, **12:5**

Break periods, **12:12**

Bulletin board posting, selective enforcement, **12:19**

Distribution rules vs. solicitation rules, **12:3**

Election campaign, existence of, **12:16**

Enforcement methods of employer
general discussion, **12:17 to 12:20**
bulletin board posting, selective enforcement, **12:19**
selective enforcement, **12:17 to 12:19**

wearing union insignia as form of solicitation, **12:20**

Inactive employees, solicitation by, **12:14**

Lunch periods, **12:12**

Nature of industry involved, **12:15**

Off-duty employees, solicitation by, **12:13**

Persons doing solicitation, **12:13, 12:14**

Place

general discussion, **12:6 to 12:9**
employee organizers on company property, **12:9**

outside organizers off employer's property, **12:7**

outside organizers on employer's property, **12:8**

Sample policies, **App. 12A**

Selective enforcement, **12:17 to 12:19**

Statutory basis, **12:4**

Subcontracted employees, solicitation by, **12:14**

Time

general discussion, **12:10 to 12:12**
ambiguous wording, clarification by employer, **12:11**

lunch and break periods, **12:12**

NO-SOLICITATION POLICIES

—**Cont'd**

Time—**Cont'd**

working time vs. working hours, **12:10**

Wearing union insignia as form of solicitation, **12:20**

NOTICE

Arbitration of employment disputes, **24:2**

Family and Medical Leave Act, **5:14**

Military leave and rehiring of veterans, **9:4, 9:5**

Posting Notices (this index)

Severance pay, termination or amendment of severance plan before reduction in force, **14:7**

NURSING MOTHERS

Break time for, **App. 5D**

OBESITY

Dress and appearance, disability discrimination, **22:17**

OCCUPATIONAL SAFETY AND HEALTH ACT

Safety in Workplace (this index)

OFF-DUTY CONDUCT

Generally, **1:21, 23:1 to 23:21**

Arbitration and collective bargaining agreements, **23:11**

Blogs, **23:21**

Business-sponsored events, **23:15**

Carryover events, **23:14**

Collective bargaining agreements and arbitration, **23:11**

COVID-19, **38:5**

Co-worker events, **23:17**

Employee blogs, **23:21**

Just cause, **23:12**

Moonlighting (this index)

Nexus test, **23:19**

No-solicitation policies, **12:13**

Personal Web sites, **23:21**

Regulation of smoking, **23:20**

Relationship, generally, **23:13 to 23:19**

Retaliation events, **23:16**

INDEX

OFF-DUTY CONDUCT—Cont'd

- Sample policy, **App. 23D**
- Smoking, regulation of, **23:20**
- Unconnected events, **23:18**
- Web sites, **23:21**
- Weblogs, **23:21**

OHIO

- COVID-19, **App. 38C**
- Workers' compensation, **App. 38C**

OLDER WORKER BENEFIT PROTECTION ACT

- EEOC opinion letter, **App. 6I**

OPEN-DOOR POLICY

- Grievance procedures, **35:49**

OPINION LETTER

- DOL, **App. 5F**
- Indefinite reduced workweek, **App. 5F**

OPIOIDS

- Use of, EEOC guidance, **App. 4H**

OSHA

- Safety in Workplace** (this index)

OVERTIME

- Compensation and benefits, **35:9**

OXYCODONE

- Use of, EEOC guidance, **App. 4H**

PANDEMIC

- COVID-19** (this index)

PAYROLL WEEK

- Generally, **35:7**

PENALTIES

- Fines and Penalties** (this index)

PENSION PLANS

- Cash balance, Department of Labor
Frequently Asked Questions
about compliance, **App. 14C**

PERSONAL DAYS

- Time off, **35:20**

PERSONAL WEB SITES

- Off-duty conduct, **23:21**

PERSONNEL RECORDS

- Generally, **7:6 to 7:18**
- Defamation, **7:11**
- Disclosure of records, **7:8, 7:9, 7:13**
- Interference with prospective economic advantage, **7:12**
- Medical records
 - general discussion, **7:14 to 7:16**
 - efforts to enhance individuals' access to health information, **7:16**
 - federal laws, **7:15**
 - state laws, **7:14**
- Public disclosure of private facts, **7:13**
- Sample policy, **App. 7A**
- Third parties, disclosure to, **7:8**
- Unions, disclosure to, **7:9**

PLACE AND LOCATION

- Disclaimers, **2:4**
- No-Solicitation Policies** (this index)

PLAIN LANGUAGE

- Severance pay, **14:8**

PLANT CLOSINGS

- WARN Act, **1:37**

POLYGRAPHS

- Posting notices, Employee Polygraph Protection Act, **27:11**

POSTING NOTICES

- Generally, **1:25, 27:1 to 27:11**
- Age Discrimination in Employment Act, **27:3**
- Americans with Disabilities Act, **27:2**
- Disabled workers, employment under special certificates, **27:7**
- Employee Polygraph Protection Act, **27:11**
- Equal employment opportunity laws, **27:2 to 27:4**
- Equal Pay Act, **27:4**
- Fair Labor Standards Act, **27:5**
- Family and Medical Leave Act, **27:9**
- Federal contractors, wage and hour laws, **27:6**
- Migrant agricultural workers, wage and hour laws, **27:8**

POSTING NOTICES—Cont'd

Occupational Safety and Health Administration, **27:10**
Seasonal agricultural workers, wage and hour laws, **27:8**
Table of key posting provisions, **App. 27A**
Title VII of Civil Rights Act of 1964, **27:2**
Wage and hour laws, **27:5 to 27:8**

PREGNANCY

Generally, **6:11, App. 6D, App. 6E, App. 6F**
Enforcement guidance on harassment in the workplace, **App. 6M**
Promising practices for preventing harassment in the construction industry, **App. 6N**
Summary of Key Provisions of EEOCs Final Rule to Implemen, **App. 6L**

PRIVACY OF EMPLOYEES

Generally, **1:7, 7:1 to 7:18, 35:36, 35:37**
Background checks on employees, **7:4**
E-mail and other technology, **App. 15D**
Expectations of employees, **35:36**
Genetic Information Nondiscrimination Act, **App. 7E**
Genetic Information (this index)
Monitoring of employees, **7:5**
Personnel Records (this index)
Preemployment inquiries, **7:2**
Testing of employees and applicants, **7:3**
Wellness programs and Title II of the Genetic Information Nondiscrimination Act, **App. 7B, App. 7C**

PRIVILEGE

Employment References (this index)
Government investigations, attorney-client privilege, **28:5**

PROFESSIONALS

Exemption for professional employees, defining & delimiting, **App. 1A**
Moonlighting, **App. 23C**

PROGRESSIVE DISCIPLINE

Sample policy, **App. 31B**

PROTECTED CLASSES

Equal employment opportunity, sexual orientation and gender identity as protected class, **6:9**

PROVOCATIVE DRESS

Dress and appearance, gender-based discrimination claims, **22:12, 22:13**

PUBLIC POLICY VIOLATIONS

Generally, **1:34**

RACE DISCRIMINATION

Dress and appearance, Title VII, **22:8**

RACIAL HARASSMENT

Generally, **1:30, 32:1 to 32:12**
Basics of antiharassment policy, **32:12**
Definition, **32:5**
Employer liability, **32:9**
Framework of claim, generally, **32:6 to 32:9**
Harris approach, **32:7**
Individual liability, **32:11**
Liability of employer, **32:9**
Liability of individual, **32:11**
Multifactor approach, **32:8**
Retaliation, **32:10**
Sample policy, **App. 32:12**
Section 1981, **32:4**
Statutory bases, **32:2 to 32:4**
Title VII of Civil Rights Act of 1964, **32:3**

RACKETEER INFLUENCED AND CORRUPT ORGANIZATION ACT (RICO)

Citizenship and immigration status verification, **19:17**

INDEX

REASONABLE

ACCOMMODATIONS

Americans with Disabilities Act, **4:4, 4:6**

RECEIPT OF HANDBOOK

Generally, **35:40**

RECORDS AND

RECORDKEEPING

Citizenship and Immigration

Status Verification (this index)

Copyrights, **26:6 to 26:8**

Personnel Records (this index)

Sarbanes-Oxley Act, audit committee concern reporting, **34:10**

RECRUITING

Citizenship and Immigration

Status Verification (this index)

REEMPLOYMENT

Military leave and rehiring of veterans, **9:11**

REFERENCES

Employment References (this index)

REHABILITATION ACT

COVID-19, **App. 38D**

RELIGION

Accommodation, **6:12**

Discrimination claims, **22:14**

EEOC, best practices for eradicating religious discrimination in the workplace, **App. 6C**

REPORTS

Sarbanes-Oxley Act (this index)

Sexual harassment, **3:10**

RESTRICTIVE COVENANTS

Moonlighting, **23:8**

RETALIATION

Affordable Care Act, whistleblower and retaliation protections, **1:39**

Citizenship and immigration status verification, antidiscrimination rules, **19:12**

Dress and appearance, Title VII, **22:5**

RETALIATION—Cont'd

Equal employment opportunity, **35:31**

Guidelines on retaliation and related issues, **App. 1B**

Off-duty conduct, **23:16**

Racial harassment, **32:10**

Sarbanes-Oxley Act, audit committee concern reporting, **34:14**

RETIREMENT BENEFITS

Military leave and rehiring of veterans, **9:12**

RETIREMENT PLANS

Department of Labor Frequently Asked Questions about ERISA, **App. 14B**

“REVERSE DISCRIMINATION” CLAIMS

Equal employment opportunity, **6:8**

RICO (RACKETEER

INFLUENCED AND CORRUPT ORGANIZATION ACT)

Citizenship and immigration status verification, **19:17**

SAFETY IN WORKPLACE

Generally, **1:18, 20:1 to 20:4**

Code of safe practices, **20:3**

Post-incident drug testing, **20:4**

Posting notices, **27:10**

Sample safety policies, **20:2**

Telecommuting, **29:8**

Violence in Workplace (this index)

Workplace safety incentive programs, **20:4**

SALARIES

Compensation and Benefits (this index)

SAME-SEX SEXUAL HARASSMENT

Generally, **3:4**

SARBANES-OXLEY ACT

Generally, **1:31, 33:1 to 33:7, 34:1 to 34:14**

Anonymity, audit committee concern reporting, **34:8**

SARBANES-OXLEY ACT—Cont'd

Attorneys appearing and practicing before SEC, required reporting, **33:5**

Audit committee concern reporting
general discussion, **34:1 to 34:14**
antiretaliation provisions, **34:14**
confidentiality/anonymity, **34:8**
feedback, **34:12**
mechanics of reporting, **34:7**
objectives, **34:2**
persons who may use procedure, **34:5**
policies and procedures, **34:3**
program framework, **34:4**
recordkeeping, **34:10**
resolution of concern, **34:9**
subject matter of covered concerns, **34:6**
terminology, **34:13**
timeliness, **34:11**

Code of ethics for senior financial officers of publicly traded companies, **33:6**

Confidentiality of audit committee concern reporting, **34:8**

Criminal sanctions
disclosures by employees, **33:3**
tampering with records or impeding official proceedings, **33:4**

Disclosures by employees, criminal sanctions, **33:3**

Feedback, audit committee concern reporting, **34:12**

Preparedness and compliance advice, **33:7**

Recordkeeping, audit committee concern reporting, **34:10**

Retaliation, audit committee concern reporting, **34:14**

Tampering with records or impeding official proceedings, **33:4**

Timeliness, audit committee concern reporting, **34:11**

Whistleblower protections affecting publicly traded companies, **33:2**

SEARCHES AND SEARCH WARRANTS

E-mail and other technology, **15:7**

SEARCHES AND SEARCH WARRANTS—Cont'd

Government investigations, **28:12**

SEASONAL AGRICULTURAL WORKERS

Posting notices, wage and hour laws, **27:8**

SERVICE CONTRACT ACT

COVID-19, **38:8**

SEVERANCE AGREEMENTS

Waivers of discrimination claims in, **App. 6H**

SEVERANCE PAY

Generally, **1:13, 14:1 to 14:9**

Absence of written policy, **14:3**

Amendment of severance plan before reduction in force, **14:6, 14:7**

Disclosures under ERISA, termination or amendment of severance plan before reduction in force, **14:7**

ERISA, **14:2, 14:7**

Establishment of plan, **14:3 to 14:5**

Fiduciary duty, termination or amendment of severance plan before reduction in force, **14:6**

Internal policy statements, **14:4**

Notice under ERISA, termination or amendment of severance plan before reduction in force, **14:7**

Ongoing administrative scheme, **14:5**

Plain language, interpretation of, **14:8**

Sample policies, **App. 14A**

Termination of severance plan before reduction in force, **14:6, 14:7**

SEXUAL HARASSMENT

Generally, **1:3, 3:1 to 3:14**

Drafting policies, generally, **3:6 to 3:12**

EEOC guidelines, **3:5, App. 3A**

Effective vs. ineffective policies, **3:7, 3:8**

Elements of effective policy, **3:2**

Employer-sponsored events, **3:13**

Enforcement of policy, **3:11**

INDEX

SEXUAL HARASSMENT—Cont'd

Equal employment opportunity, **35:30**
Grievance procedure, use of, **3:12**
Investigative procedures, suggested, **App. 3B**
Posting of policy is not enough, **3:9**
Reporting of harassment, **3:10**
Role of effective policy in minimizing liability, **3:3**
Same-sex sexual harassment, **3:4**
Sample sexual harassment policies, **App. 3C, App. 3D**

SEXUAL ORIENTATION

Equal employment opportunity, **6:9**

SICKNESS

Time off, **35:23**

SLANDER

Personnel records, **7:11**

SMOKING

Generally, **35:34**
Off-duty conduct, **23:20**

SOCIAL MEDIA

Confidential information, e-mail and social media, **17:5**

SOFTWARE

Assessment use, Americans with Disabilities Act, **App. 4J**
Copyrights, **26:2, App. 26A, App. 26B**

STATE LAWS

Privacy of employees, genetic privacy, **7:17**

SUBCONTRACTED EMPLOYEES

No-solicitation policies, **12:14**

SUBPOENAS

Government investigations, **28:11**

SUBSTANCE ABUSE

Generally, **1:10, 11:1 to 11:9**
Americans with Disabilities Act, **11:3**
Common law, **11:8**
Common provisions of policies, **11:9**
Constitutional issues, **11:2**

SUBSTANCE ABUSE—Cont'd

Government contractor issues, **11:6**
Local statutes, **11:7**
National Labor Relations Act, **11:5**
Specific industries, issues that apply to, **11:6**
State statutes, **11:7**
Title VII of Civil Rights Act of 1964, **11:4**

SUPREME COURT

Arbitration of employment disputes, **24:10**

TAMPERING WITH RECORDS

Sarbanes-Oxley Act, **33:4**

TAXATION

COVID-19, IRS Related Tax Credits for Paid Leave Provided by Small and Midsize Businesses FAQs, **App. 38F**

TECHNICAL ASSISTANCE

DOCUMENT

Americans with Disabilities Act, **App. 4K**
EEOC, **App. 4K**
Visual disabilities in the workplace, **App. 4K**

TELECOMMUTING

Generally, **1:27, 29:1 to 29:17**
Acknowledgment form, **App. 29D**
Americans with Disabilities Act, **29:6**
Benefits of offering telecommuting option, **29:2**
Checklist for telecommuting program implementation, **App. 29A**
Classification of workers, **29:10**
Confidential information, protection of, **29:11**
DOL field assistance bulletin no. 2023-1, **App. 29E**
Fair Labor Standards Act, **App. 29E**
Family and Medical Leave Act, **App. 29E**
Insurance issues, **29:12**
Legal implications, generally, **29:5 et seq.**
Liability issues, **29:12, 29:13**

TELECOMMUTING—Cont'd

“Normal” exposure to liability for employee’s unlawful acts, **29:13**
 Safety issues, **29:8**
 Sample agreement, **App. 29C**
 Sample policy, **App. 29B**
 Selection criteria and procedures, **29:14**
 Statutory coverage issues, **29:15**
 Telecommuting agreement, **29:4, App. 29C**
 Telecommuting policy, **29:3, App. 29B**
 Union issues, **29:16**
 Unlawful acts of employees, **29:13**
 Wage and hour issues, **29:7**
 Workers’ compensation, **29:9**

TELEMEDICINE

Family and Medical Leave Act, **App. 5E**

TELEPHONES

Monitoring, e-mail and other technology, **15:8**

TELEWORKING

Employers obligation in tracking, **App. 1E**

TERM OF EMPLOYMENT

Generally, **35:38**

TERMINATION

Severance plan, termination before reduction in force, **14:6, 14:7**
 Vacation pay, termination of employment, **35:16**
 Violence in workplace, **30:10**

TESTING

Privacy of employees, **7:3**

TIME AND DATE

Family and Medical Leave Act, designation of 12-month period, **5:20**
 Grievance procedures, **35:57, 35:58**
No-Solicitation Policies (this index)
 Sarbanes-Oxley Act, audit committee concern reporting, **34:11**
Time Off (this index)

TIME OFF

Generally, **35:13 to 35:26**
 Antistretching, holidays, **35:19**
 Bereavement leave, **35:22**
 Family and medical leave, **35:24**
Family and Medical Leave Act (this index)
 Holidays, **35:17 to 35:19**
 Illness, **35:23**
 Jury duty, **35:21**
 Military leave, **35:25**
 Personal days, **35:20**
 Selection of holidays, **35:18**

TITLE VII OF CIVIL RIGHTS ACT OF 1964

Generally, **App. 5C**
Dress and Appearance (this index)
 Posting notices, **27:2**
 Racial harassment, **32:3**
 Substance abuse, **11:4**

TOUSSAINT DOCTRINE

Disclaimers, **2:2**

TRADE SECRETS

Confidential Information (this index)

TRANSGENDER PERSONS

Equal employment opportunity, **6:9**

**UNEMPLOYMENT
COMPENSATION**

Dress and appearance, **22:21**

**UNIFORMED SERVICES
EMPLOYMENT AND
REEMPLOYMENT RIGHTS
ACT OF 1994**

Military Leave and Rehiring of Veterans (this index)

UNIONS

Grievance procedures, **35:41**
No-Solicitation Policies (this index)
 Personnel records, disclosure of, **7:9**
 Telecommuting, **29:16**

INDEX

UNLAWFUL EMPLOYMENT PRACTICES

Citizenship and immigration status verification, penalties, **19:14**

UNLAWFUL RETALIATION

Generally, **1:36**

VACATIONS

Generally, **35:13 to 35:16**
Earning of vacations, **35:14**
Military leave and rehiring of veterans, **9:7, 9:13**
Pay for vacations, **35:15, 35:16**
Termination, pay for vacations upon, **35:16**

VALIDATION INSTRUMENT FOR BUSINESS ENTERPRISES (VIBE)

Citizenship and immigration status verification, **19:18**

VERIFICATION

Citizenship and Immigration Status Verification (this index)

VETERANS

Military Leave and Rehiring of Veterans (this index)

VIDEO SURVEILLANCE

Generally, **15:9**

VIOLENCE IN WORKPLACE

Generally, **1:28, 30:1 to 30:13**
Hiring procedures, **30:10**
Liability to perpetrator, **30:7**
Nature of problem, **30:2**
Negligent hiring and retention, **30:5**
Occupational Safety and Health Act, **30:4**
Online resources, **30:12**
Preventive measures
 general discussion, **30:830:11, App. 30A, App. 30B**
 develop prevention program, **30:9**
 hiring and termination procedures, **30:10**
 maintenance of healthy organization, **30:11**

VIOLENCE IN WORKPLACE —Cont'd

Preventive measures—Cont'd
 written policy statement, development of, **App. 30B**
Termination procedures, **30:10**
Warning signs, **30:3**
Workers' compensation, **30:6**
Written policy statement, development of, **App. 30B**

WAGES

Compensation and Benefits (this index)

WAIVER

Arbitration of employment disputes, **24:9**
Severance agreements, waivers of discrimination claims in, **App. 6H**

WARN ACT

Generally, **1:37**
New York State Fact Sheet, **App. 1D**

WARNING SIGNS

Violence in workplace, **30:3**

WARRANTS

Searches and Search Warrants (this index)

WEB SITES

Off-duty conduct, **23:21**

WEBLOGS

Off-duty conduct, **23:21**

WELLNESS PROGRAMS

Americans with Disabilities Act, **App. 4F, App. 4G**
Privacy of employees, Title II of the Genetic Information Nondiscrimination Act, **App. 7B, App. 7C**

WHISTLEBLOWERS

Affordable Care Act, **1:39**
Sarbanes-Oxley Act, protections affecting publicly traded companies, **33:2**

EMPLOYEE HANDBOOKS AND POLICIES

WHITE-COLLAR CRIMES

Government investigations, **28:13**

WORK RULES

Generally, **35:32**

**WORKER ADJUSTMENT AND
RETRAINING**

NOTIFICATION ACT

Generally, **1:37**

WORKERS' COMPENSATION

COVID-19, **38:4, App. 38B, App.
38C**

New York, **App. 38B**

Ohio, **App. 38C**

Telecommuting, **29:9**

Violence in workplace, **30:6**