# **Index**

#### ACCOMMODATION OF SPECIAL NEEDS

Employer knowledge, § 2:5

**Regulating Employment Relationship** (this index)

Undue hardships

Rehabilitation Act of 1973, § 2:13

#### ADVICE

Disciplining and separating employees, § 7:22; 8:8; 9:4

Electronic communications, § 6A:29

Family relationships, § 6A:14

Grooming and dress code, § 6A:19

Measuring actual performance, § 5:4; 5:9; 5:14; 5:19; 5:24

Regulating employment relationship, § 6:19; 6A:4; 6A:9; 6B:9

Selecting new hires and promotees, \$ 4:4; 4:9; 4:14; 4:19; 4:24; 4:29; 4:34; 4:39

Smoking, § 6A:24

#### AFFIRMATIVE ACTION

Policies and forms, § 3:26 to 3:29

**Selecting New Hires and Promotees** (this index)

Title VII, § 2:2

## AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967 (ADEA)

Federal statutes, § 2:3

## ALTERNATIVE DISPUTE RESOLUTION

Discrimination, § 1:2

# AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA)

Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), § 2:10

## AMERICANS WITH DISABILITIES ACT OF 1990

Arbitration, § 2:5

Damages, compensatory and punitive, § 2:5

Disability benefits applications, § 2:5

Drug and alcohol use as disability, § 2:5

EEOC enforcement under Title VII, § 2:5

Employee misconduct, § 2:5

Federal statutes, § 2:5

## AMERICANS WITH DISABILITIES ACT OF 1990—Cont'd

Genetic Information Non-Discrimination Act of 2008, § 2:18

Health insurance, § 2:5

coverage, § 2:5

Limitation of opportunity, § 2:5

Major life activities, definition, § 2:5

Reasonable accommodation duty

broad range of jobs, § 2:5

employer knowledge, § 2:5

interactive process, § 2:5

undue hardship, § 2:5

Social Security benefits, § 2:5

Weight, § 4:16

## **APPEARANCE**

Regulating employment relationship, § 6A:16 to 6A:20

## **ARBITRATION**

Generally, § 9:6 to 9:10

Controlling law, § 9:8

Draft policy and procedure, § 9:10

Employment practice, § 9:7

Practical advice, § 9:9

## AT-WILL EMPLOYMENT

Policies and forms, § 3:2

## **BAD FAITH**

Disciplining and separating employees, § 7:6

#### **BENEFITS**

Downsizing the workforce, § 8:5

# BONA FIDE OCCUPATIONAL QUALIFICATIONS

Generally, § 4:36 to 4:40

Advice, § 4:39

Controlling law, § 4:38

Draft policy and procedure, § 4:40

Employment practice, § 4:37

#### BURDEN OF PROOF

Family and Medical Leave, § 6:18

## **CERTIFICATION**

Family and Medical Leave, § 6:15

#### **CHARGES**

Regulating Employment Relationship (this index)

## **COBRA**

Downsizing the workforce, § 8:7

## **COMMUNICATION SKILLS**

Generally, § 4:26 to 4:30

Advice, § 4:29

Controlling law, § 4:28

Draft policy and procedure, § 4:30

Employment practice, § 4:27

Selecting new hires and promotees, § 4:26

#### **COMPENSATION**

Health and disability benefits

Americans with Disabilities Act of 1990, § 2:5

Measuring Actual Performance (this index)

## **CONFIDENTIALITY AGREEMENT**

Policies and forms, § 3:6

# CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985 (COBRA)

American Recovery and Reinvestment Act of 2009, § 2:10

Coverage, § 2:10

continuation during election period, § 2:10

Federal statutes, § 2:10

Notice of rights, § 2:10

Qualifying events, § 2:10

FLMA leave coverage, § 2:10

Remedies, § 2:10

## **CONSTITUTIONAL CLAIMS**

Disciplining and separating employees, § 7:12 to 7:15

## CONSTRUCTIVE DISCHARGE

Disciplining and separating employees, § 7:17

## **CONTROLLING LAW**

Arbitration, § 9:8

Disciplining and Separating Employees, this index, § 8:3; 9:2

Electronic communications, § 6A:28

Family relationships, § 6A:13

Grooming and dress code, § 6A:18

Measuring actual performance, § 5:3; 5:8; 5:13; 5:18; 5:23

Regulating employment relationship, § 6:3 to 6:12; 6A:3; 6A:8; 6B:3 to 6B:8

Selecting new hires and promotees, § 4:3; 4:8; 4:13; 4:18; 4:23; 4:28; 4:33; 4:38

Smoking, § 6A:23

## **CRIMINAL LEAVE**

Employer liability for misconduct, § 4:23

## **CRIMINAL RECORD**

**Selecting New Hires and Promotees** (this index)

## **DECLARATION OF DISABILITY**

Policies and forms, § 3:8

#### **DEFAMATION**

Disciplining and separating employees, § 7:9

#### **DEFENSES**

Discrimination, § 1:2 Remedies, § 1:2

#### **DISABILITY**

Americans with Disabilities Act of 1990 (this index)

Model affirmative action plan, § 3:28

Policies and forms, § 3:7

Regulating employment relationship, § 6:4 to 6:9

# DISCIPLINING AND SEPARATING EMPLOYEES

Generally, § 7:1 et seq. Advice, § 7:22; 8:8; 9:4

Bad faith, § 7:6

Constitutional claims, § 7:12 to 7:15

Constructive discharge, § 7:17

Controlling law

generally, § 7:2; 8:3; 9:2

bad faith, § 7:6

constitutional claims, § 7:12 to 7:15

defamation, § 7:9

emotional distress, § 7:8

fraudulent mistrepresentation, § 7:10

good faith, § 7:6

interference with contract, § 7:9

invasion of privacy, § 7:11

malicious prosecution, § 7:11

negligent entrustment, § 7:10

pretext, proving, § 7:4

quantum meruit, § 7:6

Defamation, § 7:9

Downsizing workforce

generally, § 8:1 et seq.

advice, § 8:8

benefits, § 8:5

State laws, § 2:16

# DISCIPLINING AND SEPARATING EMPLOYEES—Cont'd Downsizing workforce—Cont'd COBRA, § 8:7 controlling law, § 8:3 draft policy and procedure, § 8:9 employment practice, § 8:2 labor law, § 8:6 WARN, § 8:4 Draft policy and procedure, § 7:23; 8:9; 9:5 Emotional distress, § 7:8 Employment practice, § 7:2; 8:2; 9:2 Fraudulent mistrepresentation, § 7:10 Good cause, § 7:16 Good faith, § 7:6 Hostile environment, § 6:10; 7:19 to 7:21 Interference with contract, § 7:9 Invasion of privacy, § 7:11 Malicious prosecution, § 7:11 Negligent entrustment, § 7:10 Pretext, proving, § 7:4 Quantum meruit, § 7:6 Tort claims, § 7:7 Waiver and release generally, § 9:1 et seq. advice, § 9:4 controlling law, § 9:2 draft policy and procedure, § 9:5 employment practice, § 9:2 DISCRIMINATION Generally, § 1:2 Age Discrimination in Employment Act, § 2:3 Alternative dispute resolution, § 1:2 Americans with Disabilities Act of 1990, § 2:5 Defenses, § 1:2 Disparate impact, § 1:2 Disparate treatment, § 1:2 Equal Pay Act of 1963, § 2:4 Former employees, § 4:8 Genetic Information Non-Discrimination Act of 2008, § 2:18 Probationary employees, § 5:13 Rehabilitation Act of 1973, § 2:13 Resolving discrimination issues without court action, § 1:3

#### DISCRIMINATION—Cont'd

Title VII, § 2:2

## **DISPARATE IMPACT**

Discrimination, § 1:2

#### DISPARATE TREATMENT

Discrimination, § 1:2

#### DISPUTE RESOLUTION PLAN

Policies and forms, § 3:30

## **DOWNSIZING**

**Disciplining and Separating Employees** (this index)

Worker Adjustment and Retraining Notification Act (WARN) unforeseeable business circumstance, § 2:7

## DRAFT POLICY AND PROCEDURE

Arbitration, § 9:10

Disciplining and separating employees, § 7:23; 8:9; 9:5 Measuring actual performance, § 5:5; 5:10; 5:15; 5:20; 5:25 Regulating employment relationship, § 6:20; 6A:5; 6A:10; 6A:30; 6B:10

Selecting new hires and promotees, § 4:5; 4:10; 4:15; 4:19; 4:20; 4:25; 4:30; 4:35; 4:40

## **DRESS CODES**

Draft policy and procedure, § 6A:20

Regulating employment relationship, § 6A:16 to 6A:20

#### DRUG AND ALCOHOL TESTING

Americans with Disabilities Act of 1990, § 2:5

**Regulating Employment Relationship** (this index)

## DRUG-FREE WORKPLACE

Federal statutes, § 2:14

Policies and forms, § 3:12 to 3:14

## **ELECTRONIC COMMUNICATIONS**

Generally, § 6A:26 to 6A:30

Draft policy and procedure, § 6A:30

### **EMOTIONAL DISTRESS**

Disciplining and separating employees, § 7:8

## **EMPLOYEE COMMUNICATION SKILLS**

Professional communication, § 4:26

#### EMPLOYEE HANDBOOK RECEIPT

Policies and forms, § 3:3

## **EMPLOYEE PERFORMANCE**

Americans with Disabilities Act of 1990 misconduct, § 2:5

## EMPLOYEE POLYGRAPH PROTECTION ACT

Federal statutes, § 2:8

## EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA)

Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), § 2:10

Federal statutes, § 2:9

## **EMPLOYMENT INTERVIEW POLICY**

Policies and forms, § 3:10

# EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Policies and forms, § 3:4; 3:19 Title VII, § 2:2

## **EQUAL PAY ACT OF 1963**

Business justifications, § 2:4 Federal statutes, § 2:4 Prima facie case, § 2:4 Substantially similar jobs, § 2:4

## **EVALUATIONS**

Measuring Actual Performance (this index)

#### **EXAMINATIONS**

Regulating employment relationship, § 6:7

## **EXECUTIVE ORDER NO. 11246**

Federal statutes, § 2:15

Government contractors and subcontractors, § 2:15

# FAMILY AND MEDICAL LEAVE ACT (FMLA)

Generally

Child care, § 2:17

Damages, § 2:17

Employee release, § 2:17

Equivalent position, definition, § 2:17

False information provided by employee, § 2:17

Federal statutes, § 2:17

Health care provider, continuing treatment, § 2:17

Leave, denial, § 2:17

Litigation, § 2:17

Notice, § 2:17

Provisions, § 2:17

## FAMILY AND MEDICAL LEAVE ACT (FMLA)—Cont'd

Purpose, § 2:17

Qualification, § 2:17

Regulating employment relationship, § 6:12 to 6:18

Reinstatement, refusal, § 2:17

Relief, § 2:17

Serious health condition, § 2:17

Unlawful interference by employer, § 2:17

Wage and Hour Division

authority, § 2:17

Working at home, § 2:17

#### **FAMILY RELATIONSHIP**

Regulating employment relationship, § 6A:11 to 6A:15

## FEDERAL STATUTES

Generally, § 2:1 to 2:18

Age Discrimination in Employment Act, § 2:3

Americans with Disabilities Act, § 2:5

Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), § 2:10

Drug-Free Workplace Act of 1988, § 2:14

Employee Polygraph Protection Act, § 2:8

Employee Retirement Income Security Act (ERISA), § 2:9

Equal Pay Act of 1963, § 2:4

Executive Order No. 11246, § 2:15

Family and Medical Leave Act of 1993, § 2:17

42 USC §§ 1981 and 1983, § 2:6

Genetic Information Non-Discrimination Act of 2008, § 2:18

Rehabilitation Act of 1972, § 2:13

State Fair Employment Practices Laws, § 2:16

Title VII, § 2:2

Vietnam Era Veteran's Readjustment Assistance Act of 1972, § 2:12

Whistleblower's Protection Statutes, § 2:11

Worker Adjustment and Retraining Notification Act, § 2:7

#### **FORMS**

**Policies and Forms** (this index)

# 42 USC §§ 1981 AND 1983

Federal statutes, § 2:6

## FRAUDULENT MISTREPRESENTATION

Disciplining and separating employees, § 7:10

#### GENETIC INFORMATION NON-DISCRIMINATION ACT OF 2008

Generally, § 2:18

# GENETIC INFORMATION NON-DISCRIMINATION ACT OF 2008 —Cont'd

Americans with Disabilities Act, § 2:18
Discrimination, § 2:18
Employer access to genetic information, § 2:18
Federal statutes, § 2:18
Genetic testing, § 2:18
Title VII, § 2:18

#### GOOD FAITH

Disciplining and separating employees, § 7:6

### GOVERNMENT CONTRACTORS AND SUBCONTRACTORS

Generally, § 1:4 Executive Order No. 11246, § 2:15

#### **GROOMING**

Draft policy and procedure, § 6A:20 Regulating employment relationship, § 6A:16 to 6A:20

## HOSTILE ENVIRONMENT

Disciplining and separating employees, § 6:10; 7:19 to 7:21

#### **INTERFERENCE**

Family and Medical Leave, § 6:17

#### INTERFERENCE WITH CONTRACT

Disciplining and separating employees, § 7:9

#### INVASION OF PRIVACY

Disciplining and separating employees, § 7:11

## MALICIOUS PROSECUTION

Disciplining and separating employees, § 7:11

# MEASURING ACTUAL PERFORMANCE

Generally, § 5:1 to 5:25
Advice, § 5:4; 5:9; 5:14; 5:19; 5:24
Compensation
generally, § 5:21 to 5:25
advice, § 5:24
controlling law, § 5:23
draft policy and procedure, § 5:25
employment practice, § 5:22
Controlling law, § 5:3; 5:8; 5:13; 5:18; 5:23
Draft policy and procedure, § 5:5; 5:10; 5:15; 5:20; 5:25
Employment practice, § 5:2; 5:7; 5:12; 5:17; 5:22
Evaluations
generally, § 5:16 to 5:20

# MEASURING ACTUAL PERFORMANCE—Cont'd Evaluations—Cont'd advice, § 5:19 controlling law, § 5:18 draft policy and procedure, § 5:20 employment practice, § 5:17 New employees, orientation, training and probationary period generally, § 5:11 to 5:15 advice, § 5:14 controlling law, § 5:13 draft policy and procedure, § 5:15 employment practices, § 5:12 Orientation, new employees, orientation, training and probationary period, above Probationary period. new employees, orientation, training and probationary period, above Subjective criteria generally, § 5:6 to 5:10 advice, § 5:9 controlling practice, § 5:8 draft policy and procedure, § 5:10 employment practice, § 5:7 Testing applicants and employees generally, § 5:1 to 5:5 advice, § 5:4 controlling law, § 5:3 draft policy and procedure, § 5:5 employment practice, § 5:2 Training. new employees, orientation, training and probationary period, above MENTAL CHARACTERISTICS Generally, § 4:16 to 4:20 Advice, § 4:19 Controlling law, § 4:18 Draft policy and procedure, § 4:20 Employment practice, § 4:17 **NEGLIGENT ENTRUSTMENT** Disciplining and separating employees, § 7:10 **NEPOTISM** Draft policy and procedure, § 6A:15 Regulating employment relationship, § 6A:11 to 6A:15

## NEPOTISM AND NO-SPOUSE RULES

Draft policy and procedure, § 6A:15

# NEW EMPLOYEES, ORIENTATION, TRAINING AND PROBATIONARY PERIOD

Measuring Actual Performance (this index)

#### **NEW HIRES**

**Selecting New Hires and Promotees** (this index)

#### **NO-SPOUSE**

Draft policy and procedure, § 6A:15
Regulating employment relationship, § 6A:11 to 6A:15

## **OPENINGS BY WORD OF MOUTH**

Generally, § 4:1 to 4:5

Advice, § 4:4

Controlling law, § 4:3

Draft policy and procedure, § 4:5

Employment practice, § 4:2

#### **PERFORMANCE**

**Measuring Actual Performance** (this index)

## PERSONAL HISTORY AND BACKGROUND INVESTIGATION

**Selecting New Hires and Promotees** (this index)

## PHYSICAL CHARACTERISTICS

Generally, § 4:16 to 4:20

Advice, § 4:19

Controlling law, § 4:18

Draft policy and procedure, § 4:19

Employment practice, § 4:17

## POLICIES AND FORMS

Generally, § 3:1 to 3:30

Affirmative action plans, § 3:26 to 3:29

AIDS policy, § 3:25

At-will employment, § 3:2

Confidentiality agreement, § 3:6

Court action, settlement and release of, § 3:24

Declaration of disability form, § 3:8

Disability policy, declaration of, § 3:7

Dispute resolution plan, § 3:30

Drug Free Workplace, § 3:12 to 3:14

EEOC claim, release of, § 3:23

Employee handbook receipt, § 3:3

Employment interview policy, § 3:10

## POLICIES AND FORMS—Cont'd

Equal Employment Opportunity policy, § 3:4

General release under OWBPA, § 3:22

Notice letter to employee (OWBPA), § 3:21

Records maintenance policy, § 3:5

Records retention guidelines, § 3:9

Reduction-in-force guidelines and packet, § 3:16; 3:17

Sexual harassment policy, § 3:15

Supervisor training, § 3:11

Termination of unsatisfactory employees, § 3:18

Waiver of rights under ADEA, § 3:20

WARN letter and notice, § 3:19

#### POLYGRAPH EXAMINATIONS

**Regulating Employment Relationship** (this index)

## **PRACTICES**

Disciplining and separating employees, § 7:2; 8:2; 9:2

Measuring actual performance, § 5:2; 5:7; 5:12; 5:17; 5:22

Regulating employment relationship, § 6:2; 6A:2; 6A:7; 6B:2

Selecting new hires and promotees, § 4:2; 4:7; 4:12; 4:17; 4:22; 4:27; 4:32; 4:37

## **PREGNANCY**

Regulating employment relationship, § 6:11

#### PRETEXT, PROVING

Disciplining and separating employees, § 7:4

#### **PRIVACY**

**Electronic Communication** (this index)

## **PROMOTIONS**

**Selecting New Hires and Promotees** (this index)

## PSYCHOLOGICAL CHARACTERISTICS

Generally, § 4:16 to 4:20

Advice, § 4:19

Controlling law, § 4:18

Draft policy and procedure, § 4:20

Employment practice, § 4:17

## **OUANTUM MERUIT**

Disciplining and separating employees, § 7:6

#### RECORDS MAINTENANCE POLICY

Policies and forms, § 3:5

## RECORDS RETENTION GUIDELINES

Policies and forms, § 3:9

## REDUCTION-IN-FORCE

Policies and forms, § 3:16; 3:17

Electronic communications generally, § 6A:26 to 6A:30

#### REFERENCES

**Selecting New Hires and Promotees** (this index)

# REGULATING EMPLOYMENT RELATIONSHIP

Generally, § 6:1 et seq. Accommodating special needs generally, § 6:1 to 6:20 advice, § 6:19 controlling law, § 6:3 to 6:12 disability, **§ 6:4 to 6:9** draft policy and procedure, § 6:20 employment practice, § 6:2 Family and Medical Leave, § 6:12 to 6:18 pregnancy, § 6:11 religion, § 6:10 Advice, § 6:19; 6A:4; 6A:9; 6B:9 Appearance, § 6A:16 to 6A:20 Burden of proof, Family and Medical Leave, § 6:18 Certification, Family and Medical Leave, § 6:15 Charges generally, § 6B:1 to 6B:10 advice, § 6B:9 controlling law, § 6B:3 to 6B:8 draft policy and procedure, § 6B:10 employment practice, § 6B:2 retaliation, § 6B:4 et seq. sexual harassment, § 6B:3 Controlling law, § 6:3 to 6:12; 6A:3; 6A:8; 6B:3 to 6B:8 Disability, § 6:4 to 6:9 Draft policy and procedure, § 6:20; 6A:5; 6A:10; 6A:30; 6B:10 Dress codes, § 6A:16 to 6A:20 Drug and alcohol testing generally, § 6A:1 to 6A:5 advice, § 6A:4 controlling law, § 6A:3 draft policy and procedure, § 6A:5 employment practices, § 6A:2

## REGULATING EMPLOYMENT RELATIONSHIP—Cont'd

Electronic communications—Cont'd draft policy and procedure, § 6A:30
Employment practice, § 6:2; 6A:7; 6B:2
Employment practices, § 6A:2
Examinations, disability, § 6:7
Family and Medical Leave, § 6:12 to 6:18
Family relationship, § 6A:11 to 6A:15
Grooming, § 6A:16 to 6A:20

Interference, Family and Medical Leave, § 6:17

Nepotism, § 6A:11 to 6A:15 No-spouse, § 6A:11 to 6A:15

Notice, Family and Medical Leave, § 6:18

Polygraph examinations

generally, § 6A:6 to 6A:10

advice, § 6A:9

controlling law, § 6A:8

draft policy procedure, § 6A:10 employment practice, § 6A:7

employment practice, §

Pregnancy, § 6:11

Reinstatement, Family and Medical Leave, § 6:16

Religion, § 6:10

Retaliation, § 6B:4 et seq.

Sexual harassment, § 6B:3 Smoking, § 6A:15 to 6A:25

# **REHABILITATION ACT OF 1973**

Administrative relief, § 2:13

OFCCP, § 2:13

Federal statutes, § 2:13

Persons regarded as having impairment

essential functions of job, § 2:13

litigation, § 2:13

Reasonable accommodations, § 2:13

Relief, § 2:13

Undue hardship, § 2:13

#### REINSTATEMENT

Family and Medical Leave, § 6:16

#### RELIGION

Regulating employment relationship, § 6:10

#### **REMEDIES**

Defenses, § 1:2

```
RETALIATION
  Bad reference, § 4:8
  Former employees, § 4:8
  Probationary employees, § 5:13
  Regulating employment relationship, § 6B:4 et seq.
SELECTING NEW HIRES AND PROMOTEES
  Generally, § 4:1 to 4:40
  Advice, § 4:4; 4:9; 4:14; 4:19; 4:24; 4:29; 4:34; 4:39
  Affirmative action plans
    generally, § 4:31 to 4:35
    advice, § 4:34
    controlling law, § 4:33
    draft policy and procedure, § 4:35
    employment practice, § 4:32
  Background investigation. Personal history and background investigation,
       below
  Bona fide occupational qualifications
    generally, § 4:36 to 4:40
    advice, § 4:39
    controlling law, § 4:38
    draft policy and procedure, § 4:40
    employment practice, § 4:37
  Communication skills
    generally, § 4:26 to 4:30
    advice, § 4:29
    controlling law, § 4:28
    draft policy and procedure, § 4:30
    employment practice, § 4:27
  Controlling law, § 4:3; 4:8; 4:13; 4:18; 4:23; 4:28; 4:33; 4:38
  Criminal record
    generally, § 4:21 to 4:25
    advice, § 4:24
    controlling law, § 4:23
    draft policy and procedure, § 4:25
    employment practice, § 4:22
  Draft policy and procedure, § 4:5; 4:10; 4:15; 4:20; 4:25; 4:30; 4:35;
       4:40
  Employment practice, § 4:2; 4:7; 4:12; 4:17; 4:22; 4:27; 4:32; 4:37
  Interview policy, § 3:9
  Mental characteristics
    generally, § 4:16 to 4:20
    advice, § 4:19
    controlling law, § 4:18
```

# SELECTING NEW HIRES AND PROMOTEES—Cont'd Mental characteristics—Cont'd draft policy and procedure, § 4:20 employment practice, § 4:17 Openings by word of mouth generally, § 4:1 to 4:5 advice, § 4:4 controlling law, § 4:3 draft policy and procedure, § 4:5 employment practice, § 4:2 Personal history and background investigation generally, § 4:11 to 4:15 advice, § 4:14 controlling law, § 4:13 draft policy and procedure, § 4:15 employment practice, § 4:12 Physical characteristics generally, § 4:16 to 4:20 advice, § 4:19 controlling law, § 4:18 draft policy and procedure, § 4:19 employment practice, § 4:17 Psychological characteristics generally, § 4:16 to 4:20 advice, § 4:19 controlling law, § 4:18 draft policy and procedure, § 4:20 employment practice, § 4:17 References generally, § 4:6 to 4:10 advice, § 4:9 controlling law, § 4:8 draft policy and procedure, § 4:10 employment practices, § 4:7 SEXUAL HARASSMENT Policies and forms, § 3:15 Regulating employment relationship, § 6B:3 **SMOKING** Draft policy and procedure, § 6A:25 Regulating employment relationship, § 6A:15 to 6A:25

No-spouse rules, draft policy and procedure, § 6A:15

## SPOUSES-Cont'd

Regulating employment relationship, § 6A:11 to 6A:15

# STATE FAIR EMPLOYMENT PRACTICES LAWS

Federal statutes, § 2:16

## SUBJECTIVE CRITERIA

Measuring Actual Performance (this index)

## SUPERVISOR TRAINING

Policies and forms, § 3:11

## TERMINATION OF EMPLOYMENT

Policies and forms, § 3:18

## TESTS AND TESTING

Genetic Information Non-Discrimination Act of 2008, § 2:18

**Measuring Actual Performance** (this index)

#### **TITLE VII**

Affirmative action, § 2:2

Bad reference, § 4:8

Equal Employment Opportunity Commission, § 2:2

Federal statutes, § 2:2

Former employees, § 4:8

Genetic Information Non-Discrimination Act of 2008, § 2:18

## **TORT CLAIMS**

Disciplining and separating employees, § 7:7

# TRENDS AND FORECAST

Generally, § 1:1

## **VETERANS**

Model affirmative action plan, § 3:29

## VIETNAM ERA VETERAN'S READJUSTMENT ASSISTANCE ACT OF 1972

Federal statutes, § 2:12

## WAIVER AND RELEASE

**Disciplining and Separating Employees** (this index)

Policies and forms, § 3:20

## WARN LETTER AND NOTICE

Generally, § 8:4

Policies and forms, § 3:19

## WEIGHT REQUIREMENTS

Hiring process, § 4:16

# WHISTLEBLOWER'S PROTECTION STATUTES

Federal statutes, § 2:11

# WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT (WARN)

Affected employees defined, § 2:7
Federal statutes, § 2:7
Provisions, § 2:7
Remedies, § 2:7
Unforeseeable business circumstance, § 2:7