

# Index

## ACQUISITION

- Amendments, 7:50
- Disability, 7:50
- Disabled employees, 7:50
- Modification, 7:50
- Options, 7:50
- Transfers, 7:50

## ACTIVE DUTY

- Family and Medical Leave Act, 5:1, 5:7 to 5:9

## ADA AMENDMENTS ACT OF 2008

- Americans with Disabilities Act, 7:1, 7:27, 7:28, 7:36, 7:38, 7:42, 7:45, 7:59

## ADMINISTRATIVE PROCEEDINGS

- Labor relations, 9:19

## ADMISSIONS

- Executive Order 11246, 12:2

## ADVERSE EMPLOYMENT ACTION

- Americans with Disabilities Act, 3:41, 5:21, 6:14, 7:17, 7:31, 7:35, 7:59, 7:61, 13:7

## AFFIRMATIVE ACTION

- Availability analysis, 12:3
- Classifications, 4:76, 9:15
- Compliance, 4:55, 4:57 to 4:59, 4:61 to 4:64, 4:69, 4:70, 4:75, 4:76, 7:3, 7:9, 7:10, 7:13 to 7:15, 8:26, 8:30, 8:31, 8:33, 8:35, 8:42 to 8:44, 8:47, 8:48, 8:50, 9:15, 10:2, 10:12, 12:1 to 12:4, 12:9, 12:11, 12:12, 12:14, 12:17, 14:19
- Consent decrees, 3A:18, 14:19
- Coverage, 4:56, 4:57, 7:3, 7:50, 8:30, 10:2, 12:2

## AFFIRMATIVE ACTION

### —Cont'd

- Discovery, 3:63, 3A:3, 12:9, 12:11, 13:7, 14:19, 16:19, 16:22, 18:10
- Enforcement, 3:63, 4:23, 4:55, 4:57, 4:66, 7:9, 7:33, 8:30, 8:33, 10:12, 12:1, 12:3, 12:4, 12:9, 12:11, 12:14, 12:17
- Establishment, 4:65, 7:15, 8:46, 8:47, 8:50, 12:11
- Ethnicity, 4:23
- Evidence, 3:63, 4:23, 7:33, 7:50, 10:27, 13:7, 16:22, 18:10, 20:7
- Executive Order 11246, 12:2
- Flexibility, 12:3, 12:14
- Goals and timetables, 4:61, 4:63 to 4:65, 4:68, 4:70, 12:9, 12:11, 12:14, 12:17, 14:19
- Good faith, 4:35, 4:64, 7:50, 12:11, 12:14, 18:10
- Government contractors, 12:2, 12:12
- Government employers, 4:23, 7:25
- Job openings, 8:35, 8:37, 8:46, 8:49, 8:50
- Labor unions, 4:60
- Manifest racial imbalance, 3A:18
- Minorities and women, 4:61, 4:63, 4:64, 4:69, 12:3
- Nonconstruction contractors, 4:55, 4:62
- Notice, 3A:18, 12:3, 12:9, 12:12, 12:14
- Proof, 3:63, 13:7
- Racial discrimination, 3A:32, 4:23, 4:35
- Recruitment, 3A:32, 4:63, 7:12, 8:26, 8:46, 8:47, 8:50, 12:3, 14:19
- Reverse discrimination, 3:63, 3A:18, 4:23, 10:2

## DEFENSE OF EQUAL EMPLOYMENT CLAIMS

### AFFIRMATIVE ACTION

#### —Cont'd

Salaries of employees, 12:17  
Sex discrimination, 4:55, 4:69  
Timetables, 4:61, 4:63 to 4:65,  
4:68, 4:70, 12:2, 12:3, 12:9,  
12:11, 12:14, 12:17, 14:19  
Utilization analysis requirement,  
4:63  
Voluntary affirmative action plan,  
3A:18, 4:23, 4:35  
Waivers, 7:7, 8:30  
Women, 3:63, 3A:18, 4:55, 4:61,  
4:63, 4:64, 4:66, 4:69, 4:76,  
7:9, 9:15, 10:2, 12:2, 12:3,  
12:11, 14:19

### AGE DISCRIMINATION

ADEA, 2:2, 3:10, 3:12, 3:76,  
4:18, 4:40, 6:1 to 6:9, 6:12  
to 6:25, 6:27 to 6:43, 6:45 to  
6:52, 7:67, 8A:1, 8A:4,  
8A:9, 8A:10, 10:1, 10:12,  
10:27, 10:28, 13:7, 13:9,  
14:20, 14:21, 15:7, 15:13,  
15:28, 15:34, 18:3, 18:19,  
18:23, 18:27, 18:28, 19:2  
Agencies, 6:5, 6:25, 6:28, 9:19,  
10:1, 15:40  
Attorney fee awards, 6:51  
Backpay, 7:67  
Benefits, 6:3, 6:4, 6:6, 6:14, 6:31  
to 6:33, 6:36, 6:37, 6:39,  
6:42, 6:44, 6:49, 6:50, 6:52,  
7:67, 13:7  
Business necessity, 6:27, 6:30,  
13:9  
Causation, 6:12, 8A:9, 8A:10,  
13:7  
Circumstantial case, 1:3  
Class actions, 6:42, 6:45, 15:7,  
15:28  
Compensation, 6:1, 6:14, 6:28,  
6:47, 6:49, 6:50, 6:52, 10:27  
Complaint, 3:76, 3A:39, 6:6, 6:40  
to 6:42, 8A:4, 8A:10, 13:7,  
13:9, 15:24  
Constructive discharge, 6:32, 13:9  
Continuing violations, 15:24

### AGE DISCRIMINATION

#### —Cont'd

Damages, 3:10, 3A:39, 6:40,  
6:42, 6:44, 6:47 to 6:52,  
7:67, 10:1, 15:22, 15:24,  
18:3, 18:19, 18:23, 18:28  
Decisionmakers, 3:30  
Defenses, 6:26, 6:27, 6:29, 6:30,  
10:12, 13:7, 13:9  
Determinative factor, 6:48  
Direct evidence case, 6:12  
Discipline, 6:25, 8A:1, 10:28,  
19:2  
Disparate impact, 3A:39, 6:2,  
6:10, 6:27 to 6:30, 6:41,  
10:12, 13:7, 13:9, 15:7, 18:3  
Disparate treatment, 3:10, 3:12,  
3:30, 3:76, 6:10, 6:15, 6:17,  
6:23, 6:24, 6:28, 6:39, 6:41,  
6:48, 13:7, 13:9, 18:3  
Employees, 2:2, 3:10, 3:76, 6:1 to  
6:5, 6:7, 6:8, 6:14 to 6:16,  
6:23 to 6:37, 6:39 to 6:42,  
6:45, 6:49, 6:52, 8A:1, 8A:4,  
8A:9, 10:27, 10:28, 13:7,  
13:9, 14:21, 15:7, 15:13,  
15:38, 18:3, 18:23, 19:1,  
19:2  
Employers, 2:2, 3:10, 3:12, 3:76,  
4:18, 4:40, 6:5, 6:8, 6:13,  
6:15, 6:21, 6:25, 6:26, 6:28  
to 6:32, 6:35, 6:39, 6:46,  
6:47, 6:49, 8A:1, 8A:9, 10:1,  
10:12, 10:27, 10:28, 13:7,  
13:9, 15:13, 15:38, 18:3,  
18:19, 18:20, 18:28, 19:1,  
19:2  
Equal Employment Opportunity  
Commission, 3:76, 6:3, 6:25,  
6:33, 6:38, 6:40, 6:45, 7:67,  
10:12, 10:27, 13:9, 15:7,  
18:28, 19:2  
Exhaustion of remedies, 15:28  
Federal law, 6:30, 19:2  
Firefighters, 6:26, 6:33  
Front pay, 3A:39, 6:44, 6:49,  
6:50, 18:3, 18:19, 18:23  
Generally, 6:42, 7:67  
Government employers, 6:5  
Harassment, 3:10, 3:76, 6:34,  
6:41, 8A:4, 8A:10, 10:12,



## INDEX

### AGE DISCRIMINATION

#### —Cont'd

10:27, 13:7, 13:9, 18:3,  
18:23, 19:2  
Hostile environment, 3:10, 3:30,  
6:41, 15:24, 18:19  
Injunctions, 19:2  
Jurisdiction, 6:5, 15:28  
Jury trials, 6:43, 6:44, 10:28, 18:3  
Knowing and voluntary, 6:31,  
14:21  
Law enforcement officers, 6:33  
Liquidated damages, 6:44, 6:48,  
6:50, 6:52  
Local government employers, 6:5  
Membership, 2:2, 6:18, 6:26, 6:35  
Notice, 6:34, 6:38, 6:45, 8A:10,  
15:22, 15:28, 15:34  
Notices, 10:27  
Officials, 6:6, 6:34  
Parties, 6:16, 6:34, 6:44, 10:28,  
14:7, 15:38, 15:40, 18:28,  
19:2  
Pensions, 6:39  
Pretext, 3:30, 6:13, 6:19, 6:21,  
6:24, 6:34, 6:36, 6:38, 8A:9,  
18:19  
Prima facie case, 6:2, 6:4, 6:11,  
6:13 to 6:15, 6:21, 6:24,  
6:27, 6:34 to 6:36, 6:38,  
6:41, 8A:4, 13:9, 18:19,  
18:28  
Qualifications, 6:13, 6:26, 6:35,  
6:38  
Rebuttal, 3:30  
Reduction in force, 3A:39, 6:16,  
6:27, 6:36  
Reinstatement, 3A:39, 6:44, 6:49,  
6:50, 7:67, 18:19, 18:23  
Remedies, 3A:39, 6:1, 6:42 to  
6:52, 9:19, 13:7, 15:7, 15:13,  
15:28, 18:19, 18:23  
Retaliation, 3:76, 6:38, 6:40, 6:42,  
8A:1, 8A:4, 8A:9, 8A:10,  
13:7, 13:9, 18:19, 19:2  
Tenure, 6:28, 6:34  
Waivers, 6:31, 6:42, 14:21, 19:2  
Willfulness, 6:48

### AGE DISCRIMINATION IN EMPLOYMENT ACT

Alternative dispute resolution,  
10:28, 19:2  
Arbitration agreements, 7:67,  
10:28, 15:38, 19:2  
Attorneys, 6:44, 6:51, 10:28,  
13:9, 18:27, 18:28, 19:2  
Benefit plan exception, 6:32  
Bonuses, 6:12  
Business judgment, 6:37  
Class actions, 6:42, 6:45, 15:7,  
15:28  
Complaints, 6:37, 6:40, 10:12,  
13:7  
Continuing violations, 15:24  
Counsel, 10:1, 13:9, 18:3, 18:28  
Date, 3A:39, 6:3, 6:31, 6:32,  
6:38, 6:52, 10:28, 15:22,  
15:24, 15:34, 18:28  
Defenses, 6:26, 6:27, 6:29, 6:30,  
10:12, 13:7, 13:9  
Equal Employment Opportunity  
Commission, 6:3, 6:25, 6:33,  
6:38, 6:40, 6:45, 7:67, 10:12,  
10:27, 13:9, 15:7, 18:28,  
19:2  
Estoppel, 9:19, 18:23  
Evidence, 2:2, 3A:39, 6:5, 6:6,  
6:10 to 6:13, 6:15 to 6:26,  
6:28, 6:32 to 6:39, 6:48,  
6:49, 9:19, 10:27, 10:28,  
13:7, 13:9, 15:22, 15:24,  
18:19  
Firefighters, 6:26, 6:33  
Intent, 6:1, 6:7, 6:11, 6:15, 6:19,  
6:23, 6:28, 6:32, 6:33, 6:35,  
6:39, 6:42, 9:19, 13:7  
Investigations, 13:7  
Jurisdiction, 6:5, 15:28  
Labor organizations, 2:2  
Law enforcement officers, 6:33  
Notice, 6:34, 6:38, 6:45, 15:22,  
15:28, 15:34  
Older Workers Benefit Protection  
Act, 6:32  
Parties, 6:16, 6:34, 6:44, 10:28,  
15:38, 15:40, 18:28, 19:2  
Pretext, 6:13, 6:19, 6:21, 6:24,  
6:34, 6:36, 6:38, 18:19

## DEFENSE OF EQUAL EMPLOYMENT CLAIMS

### AGE DISCRIMINATION IN EMPLOYMENT ACT

#### —Cont'd

Private employers, 6:5, 8A:1,  
15:13  
Profit-sharing, 6:39  
Public employers, 6:5, 15:13  
Reports, 6:24, 13:9, 15:40  
Retaliation, 6:38, 6:40, 6:42,  
8A:1, 13:7, 13:9, 18:19, 19:2  
Seniority systems, 6:29, 6:39  
Service, 2:2, 6:18, 6:20, 6:29,  
6:30, 6:39, 6:49, 10:28, 13:7  
Statistical evidence, 6:15, 6:23,  
6:35  
Terms, 6:1, 6:3, 6:14, 6:17, 6:29,  
6:32, 6:38, 6:39, 10:28,  
15:38, 18:27, 19:2  
Tolling, 15:28  
Training, 6:21, 6:38, 6:41, 10:12,  
13:9  
Willfulness, 6:48

### AGENCIES

Labor relations, 5:3, 9:1, 9:12,  
9:19

### AGGRIEVED INDIVIDUALS

Parties, 11:19

### AIDS

Alcohol, 7:57, 7:65  
Amendment, 7:31  
Americans with Disabilities Act,  
7:27, 7:31, 7:32, 7:36, 7:49,  
7:50, 7:57 to 7:59, 7:65  
Analysis, 7:27, 7:36, 7:59  
Appeals, 7:50, 7:58, 7:59  
Assessment, 7:49, 7:59  
Assignments, 7:50, 7:59  
Attendance, 7:32, 7:57  
Availability, 7:59  
Bargaining, 7:50  
Behavior, 7:57  
Benefits, 7:31, 7:50, 7:58  
Building, 7:50  
Business, 5:6, 7:57, 7:59  
Care, 5:6, 7:32, 7:50, 7:58, 7:59  
Carpal tunnel syndrome, 5:6  
Certification, 5:6

### AIDS—Cont'd

Change, 7:31, 7:50, 7:58  
Claims, 7:31, 7:49, 7:58, 7:59,  
7:65  
Clearance, 7:59  
COBRA, 7:58  
Collective bargaining, 7:50  
Compensation, 7:31, 7:32  
Compliance, 7:58  
Components, 7:32  
Concerns, 7:49, 7:59  
Conditions, 5:6, 7:31, 7:32, 7:40,  
7:58, 7:59, 7:65  
Costs, 7:31  
Counsel, 7:59  
Coverage, 5:6, 7:27, 7:36, 7:50,  
7:58  
Creating, 7:31  
Current employees, 7:59  
Data, 7:58  
Dealing with, 7:59  
Definitions, 5:6  
Degrees, 7:59  
Denial, 7:59  
Discharge of employees, 7:31  
Discipline, 7:57  
Discrimination, 7:27, 7:31, 7:32,  
7:36, 7:40, 7:49, 7:50, 7:57  
to 7:59, 7:65  
Diseases, 5:6, 7:49, 7:59  
Drugs, 7:32, 7:57  
Duration, 5:6, 7:36, 7:49, 7:50,  
7:59  
Emergency, 5:6  
Enforcement, 7:32, 7:57  
Equal Employment Opportunity  
Commission, 5:6, 7:27, 7:31,  
7:32, 7:36, 7:40, 7:50, 7:57,  
7:58  
Equal employment opportunity,  
5:6, 7:27, 7:31, 7:32, 7:36,  
7:40, 7:50, 7:57, 7:58  
Essential functions, 7:40, 7:50,  
7:57, 7:59  
Establishing, 5:6, 7:27  
Evidence, 5:6, 7:36, 7:49, 7:50,  
7:59  
Examination, 5:6, 7:32, 7:59  
Exercise, 7:31

## INDEX

### AIDS—Cont'd

- Experience, 7:59
- Exposure, 7:59
- Facilities, 7:50
- Factors, 5:6, 7:32, 7:59
- Facts, 5:6
- Fair, 7:59, 7:65
- Family, 5:6, 7:59
- Family and Medical Leave Act, 5:6
- Family and medical leave, 5:6
- Files, 7:32
- Fmla, 5:6
- Follow-up, 5:6
- Food, 7:59
- Forms, 7:32, 7:50
- Guidelines, 7:32, 7:50
- Harassment, 7:31
- Health, 5:6, 7:31, 7:32, 7:49, 7:50, 7:58, 7:59
- Health care, 5:6, 7:32, 7:50, 7:58, 7:59
- Heart disease, 7:32, 7:40
- Hours, 5:6, 7:59
- Illnesses, 5:6
- Information, 5:6, 7:32, 7:50, 7:57, 7:59
- Injuries, 7:50
- Insurance, 7:58
- Inventory, 7:32
- Job performance, 7:32
- Keeping, 7:27, 7:36
- Laws, 7:58, 7:65
- Liability, 7:58
- Lists, 7:36
- Making, 7:50, 7:65
- Management, 7:32
- Manufacturing, 7:36
- Merit, 5:6
- Minimum, 7:59
- Misconduct, 7:57
- Modification, 7:50
- Needs, 7:50
- Notice, 5:6
- Number, 7:32, 7:40, 7:58, 7:59, 7:65
- Options, 7:50
- Part-time, 7:50

### AIDS—Cont'd

- Parties, 7:59
- Pay, 7:50, 7:58
- Payment, 7:58
- Performance, 5:6, 7:32, 7:50, 7:57
- Personal leave, 7:59
- Place, 5:6
- Plans, 7:58
- Policies, 7:50
- Power, 7:50
- Practices, 7:31, 7:65
- Protection, 7:59
- Questions, 7:32, 7:59
- Rationale, 7:32, 7:57
- Records, 7:50
- Refusal, 7:59
- Regulation, 5:6, 7:40
- Rehabilitation, 7:36, 7:49, 7:50, 7:57 to 7:59
- Reimbursement, 7:58
- Requests, 7:50
- Response, 7:59
- Responsibilities, 7:31
- Restrictions, 5:6
- Retirement, 7:58
- Rights, 5:6, 7:31, 7:50, 7:59
- Rules, 7:27, 7:36, 7:50
- Safety, 7:49, 7:59
- Schedules, 7:50
- Selection, 7:50
- Services, 5:6, 7:40
- Setting, 7:32
- Short, 5:6
- Significance, 7:31
- Sleeping, 7:36, 7:50
- Standards, 7:31
- State, 7:31, 7:32, 7:50, 7:59, 7:65
- Statutes, 7:59, 7:65
- Stress, 7:57
- Substance abuse, 7:57
- Supervisors, 7:50, 7:57
- Support, 7:31, 7:59
- Tardiness, 7:50
- Termination, 5:6, 7:27, 7:57, 7:59
- Time, 5:6, 7:27, 7:32, 7:40, 7:49, 7:50, 7:58, 7:59
- Time off, 7:50, 7:59
- Training, 7:31, 7:50, 7:59

**AIDS—Cont'd**

Transportation, 5:6  
Types, 5:6, 7:36, 7:59  
Use, 5:6, 7:32, 7:36, 7:40, 7:49,  
7:50, 7:57, 7:59  
Verification, 7:59  
Voluntary, 7:50, 7:59  
Work rules, 7:50  
Wrongful discharge, 7:65

**ALABAMA**

Employment practices, 7:30

**ALASKA**

Employment practices, 4:3  
Remedies, 4:3

**ALIENS**

Answers, 16:8  
Appeals, 4:7  
Discovery, 16:8  
Discrimination, 4:7, 16:8  
Evidence, 16:8  
Investigations, 16:8  
Resident aliens, 4:7  
Review, 16:8

**AMERICANS WITH  
DISABILITIES ACT**

Accommodations, 3:40, 3:41,  
3A:33, 5:34, 7:29, 7:35,  
7:39, 7:42, 7:47, 7:50 to  
7:52, 7:59, 7:63, 7:64, 7:66,  
14:22, 15:15  
Actuarial data, 7:58  
ADD, 7:45, 16:12  
ADHD, 7:45  
Adverse employment action, 3:41,  
5:21, 6:14, 7:17, 7:31, 7:35,  
7:59, 7:61, 13:7  
AIDS, 7:27, 7:31, 7:32, 7:36,  
7:49, 7:50, 7:57 to 7:59, 7:65  
Alcoholism, 7:44, 7:57  
Anxiety disorders, 7:45  
Arthritis, 7:46  
Attendance, 5:21, 7:32, 7:46,  
7:51, 7:52, 7:57  
Attention Deficit Disorder, 7:45  
Attention Deficit Hyperactivity  
Disorder, 7:45  
Attorneys, 3A:33, 7:66, 18:28

**AMERICANS WITH  
DISABILITIES ACT**

**—Cont'd**

Backpay, 7:66  
Cancer, 7:32, 7:33, 7:36, 7:38,  
7:57, 7:59  
Compensatory damages, 7:66,  
18:24  
Complaints, 10:12, 13:7, 18:24  
Confidentiality requirements, 5:37  
Damages, 3A:33, 7:30, 7:66,  
10:1, 16:12, 18:24, 18:28,  
20:2  
Defenses, 5:19, 5:21, 5:22, 10:12,  
13:7, 16:12  
Depression, 5:21, 5:22, 7:32, 7:50  
Determination, 3:43, 3A:33, 5:19,  
7:27, 7:34, 7:36, 7:48  
Diabetes, 7:38, 7:47, 7:48  
Direct threat, 7:45, 7:48, 7:49,  
7:59  
Disability, 3:31, 3:40, 3:41, 3:43,  
5:10, 5:21, 5:34, 6:4, 7:1,  
7:8, 7:17, 7:26, 7:27, 7:31 to  
7:33, 7:35 to 7:39, 7:41 to  
7:53, 7:56 to 7:61, 7:63 to  
7:66, 9:11, 14:22  
Disability benefits, 3:31, 5:34,  
6:4, 7:64  
Discovery, 13:7, 16:12, 20:2  
Discrimination, 2:2, 3:12, 3:40,  
3:41, 3:43, 5:34, 6:4, 6:14,  
7:1, 7:8, 7:17, 7:26, 7:27,  
7:30 to 7:32, 7:34 to 7:39,  
7:41 to 7:53, 7:56 to 7:61,  
7:63 to 7:66, 8A:1, 9:11,  
10:1, 10:9, 10:12, 10:27,  
13:7, 14:22, 15:8, 15:14,  
15:15, 15:17, 15:29, 15:35,  
15:36, 16:12, 18:24, 18:28,  
20:2  
Disparate impact, 3:41, 3:43,  
3A:33, 7:34, 10:12, 13:7,  
20:2  
Documentation, 5:10, 7:33, 7:50,  
10:27  
Drug addiction, 7:32, 7:44, 7:51,  
7:57  
Drug testing, 7:43

## INDEX

### AMERICANS WITH DISABILITIES ACT

#### —Cont'd

Employers, 2:2, 3:12, 3:40, 3:41,  
3:43, 5:19, 5:21, 5:33, 5:34,  
5:37, 7:1, 7:25, 7:26, 7:29 to  
7:34, 7:39, 7:44 to 7:47, 7:50  
to 7:52, 7:57 to 7:59, 7:63,  
7:64, 8A:1, 9:11, 10:1, 10:9,  
10:12, 10:27, 13:7, 15:14,  
15:15, 15:29, 16:12, 18:24,  
18:28

Employment agencies, 7:30

Employment discrimination, 7:8,  
7:17, 7:30, 7:34, 7:35, 7:61,  
8A:1, 10:1, 10:9, 10:12,  
10:27, 13:7, 15:8, 15:14,  
15:15, 15:17, 15:29, 15:35,  
15:36, 16:12, 18:24, 20:2

Enforcement, 7:17, 7:32 to 7:34,  
7:39, 7:45, 7:48, 7:57, 7:60,  
8A:1, 9:7, 10:12, 14:22,  
15:8, 15:14, 15:17, 15:29,  
15:35, 15:36

Epilepsy, 7:38

Equal Employment Opportunity  
Commission, 7:1, 7:21, 7:27,  
7:30 to 7:34, 7:36, 7:38,  
7:41, 7:43, 7:45 to 7:48,  
7:50, 7:53, 7:57, 7:58, 7:61,  
7:63, 7:64, 7:66, 9:7, 10:12,  
10:27, 18:28

Essential job functions, 7:52, 7:63

Estoppel, 7:64

Evidence, 2:2, 3:41, 3:43, 5:21,  
5:22, 7:30, 7:33, 7:35 to  
7:37, 7:39, 7:44, 7:46 to  
7:53, 7:56, 7:59 to 7:61,  
7:63, 10:27, 13:7, 16:12,  
18:24, 20:2

Failure to accommodate, 7:50

Federal contractors, 7:8, 7:25,  
10:12, 10:27

Government contractors, 7:1

Guidelines, 3:41, 7:32, 7:50, 7:53,  
10:12, 18:24, 18:28

Hepatitis, 7:59

HIV, 7:41, 7:58 to 7:60, 7:65

Homosexuality, 7:43

Hostile work environment, 7:31,  
7:60

### AMERICANS WITH DISABILITIES ACT

#### —Cont'd

Human Immunodeficiency Virus,  
7:41, 7:59

Illegal drugs, 7:32, 7:44

Infectious diseases, 7:59

Insurance, 3:43, 5:34, 6:4, 7:41,  
7:58, 7:64

Job applicants, 7:32, 7:42

Job restructuring, 7:50, 7:63

Job-related requirements, 7:46

Major life activities, 5:10, 7:1,  
7:8, 7:36, 7:41, 7:42, 7:45,  
7:59, 7:63

Medical examinations, 7:21, 7:32,  
7:33, 16:12

Mental illness, 7:32, 7:45, 7:63

Mental impairment, 5:10, 7:1, 7:8,  
7:32, 7:36, 7:37, 7:42, 7:45,  
7:63, 7:64

Misconduct, 7:45, 7:51, 7:57,  
10:27, 13:7, 18:28

Modified work schedules, 7:50,  
7:63

National Labor Relations Board,  
9:7, 9:11

Notice, 5:19, 5:37, 7:35

Obesity, 7:32, 7:42, 7:65

Parties, 7:30, 7:34, 7:59, 14:22,  
18:28, 20:2

Physical impairment, 7:36, 7:41,  
7:42

Preemployment inquiries, 7:21,  
7:32

Pregnancy, 3:40, 3:41, 3:43, 5:10,  
7:29, 7:35, 7:39, 7:52, 15:15

Private employers, 7:26, 7:58,  
8A:1, 15:14, 15:29

Proceedings, 3A:33, 20:2

Psychiatric disabilities, 7:45, 7:48,  
7:57

Public transportation, 5:10

Punitive damages, 7:66, 10:1,  
18:24, 20:2

Qualification standards, 7:48

Qualified individuals, 3:31, 5:34,  
7:46

**AMERICANS WITH  
DISABILITIES ACT**

**—Cont'd**

Reasonable accommodation, 3:40,  
5:34, 7:25, 7:27, 7:29, 7:32,  
7:35, 7:39, 7:44 to 7:48,  
7:50, 7:52, 7:53, 7:56, 7:57,  
7:59, 7:63, 7:64, 7:66, 15:15  
Reassignment, 6:14, 7:45, 7:50,  
7:53, 7:56, 7:59, 7:63  
Rehabilitation act, 5:21, 7:1, 7:8,  
7:17, 7:21, 7:25, 7:26, 7:35,  
7:36, 7:38, 7:42 to 7:45, 7:47  
to 7:50, 7:57 to 7:59, 7:63,  
7:66, 8A:1  
Religion, 2:2, 4:38, 5:34, 7:26,  
7:30  
Remedies, 3A:33, 7:39, 7:63,  
7:66, 13:7, 15:17  
Request, 5:10, 5:19, 7:35, 7:46,  
7:50, 7:52, 7:63, 10:27, 13:7,  
16:12  
Retaliation, 3:31, 5:21, 7:31, 7:34,  
7:61, 8A:1, 13:7, 15:14  
Risk, 7:41, 7:42, 7:48, 7:49, 7:59,  
10:1, 16:12  
Stress, 7:43, 7:45, 7:57  
Stroke, 7:64  
Substance abuse, 7:57  
Substantially limits, 5:10, 7:1, 7:8,  
7:27, 7:36 to 7:38, 7:41 to  
7:43, 7:45, 7:50, 7:59, 7:63  
Subterfuge, 7:58  
Summary judgment, 3:41, 5:10,  
5:21, 7:33, 7:37, 7:39, 7:46,  
7:50 to 7:53, 7:56, 7:57,  
7:59, 7:64, 16:12, 18:28  
Transportation, 3:41, 5:10, 7:39  
Treatment, 3:12, 3:31, 3:40, 3:41,  
3:43, 5:10, 5:22, 7:35, 7:39,  
7:44, 7:48 to 7:50, 7:53,  
7:58, 7:59, 13:7  
Undue hardship, 3:40, 5:19, 5:34,  
7:29, 7:39, 7:53, 7:56, 7:63,  
15:15  
Venue, 15:36

**ANNUITIES**

Distributions, 3:35

**ANSWERS**

Aliens, 16:8

**ANSWERS—Cont'd**

Federal employment, 16:8

Retaliation, 16:11, 17:23

**APPRAISAL**

Performance appraisal, 10:23

**ARBITRATION**

Age Discrimination in Employ-  
ment Act, 6:31, 7:67, 9:19,  
10:28, 15:38, 19:2

Age discrimination claims, 14:21

Agreements, 2:32, 3:59, 7:67,  
9:15, 10:28, 10:29, 11:22,  
14:19, 14:21, 15:38, 19:1 to  
19:3, 19:5, 19:6

Alternative dispute resolution,  
10:28, 10:29, 11:22, 19:1 to  
19:13

Appeal, 19:2, 19:9, 19:12

Arbitration provisions, 3:59,  
10:28, 19:1, 19:3

Awards, 19:8, 19:9

Backpay, 7:67

Binding arbitration, 9:20, 10:29,  
11:22, 19:1, 19:3, 19:10,  
19:11

Civil rights acts, 4:54

Class actions, 11:26, 13:5, 14:19

Collateral estoppel, 9:19

Collective bargaining agreements,  
9:15, 10:28, 15:38

Consideration, 6:31, 9:15, 9:19,  
9:20, 10:28, 11:26, 13:5,  
14:19, 14:21

Contracts, 7:67, 10:28, 15:38,  
19:2

Costs, 7:67, 10:28, 13:5, 14:19,  
15:38, 19:1, 19:3, 19:4,  
19:12

Disclosure, 9:15, 14:21, 19:12

Discovery, 10:28, 13:5, 14:19,  
19:2 to 19:6, 19:12, 19:13

Evidence, 2:32, 9:19, 10:28, 13:5,  
19:3, 19:5 to 19:8

Federal Arbitration Act, 3:59,  
10:28, 10:29, 15:38, 19:1 to  
19:3, 19:9

Handbooks, 10:28, 19:3, 19:11

Hearings, 19:4, 19:6, 19:8

## INDEX

### **ARBITRATION—Cont'd**

Judicial review, **11:26**  
Jurisdiction, **9:12, 14:19, 19:3**  
Labor laws, **9:19**  
Liquidated damages, **2:32**  
Litigation, **7:67, 9:15, 9:20, 10:28, 10:29, 11:22, 11:26, 13:5, 14:19, 15:37, 15:38, 19:1, 19:4 to 19:7, 19:11 to 19:13**  
Motion to compel, **9:20, 19:2**  
Process, **11:22, 13:5, 14:19, 19:2, 19:3, 19:5, 19:6, 19:8 to 19:10, 19:12, 19:13**  
Reasonableness, **14:19**  
Remedies, **2:32, 3:59, 4:54, 9:19, 9:20, 11:22, 11:26, 13:5, 19:3, 19:7, 19:10, 19:11**  
Res judicata, **9:19**  
Res judicata and collateral estoppel, **9:19**  
Standard of review, **19:9**  
Title VII, **2:32, 3:59, 4:54, 7:67, 9:16, 9:19, 9:20, 10:28, 14:21, 19:2**  
Waiver, **6:31, 9:20, 14:21**

### **ARIZONA**

Compensation, **3:35**  
Pregnancy discrimination, **3:35**  
Sex discrimination, **3:35**  
Terms, **3:35**

### **ASSISTANCE**

National Labor Relations Board, **8:5, 9:17**

### **ASSOCIATIONS**

Unions, **3:4**

### **AT-WILL EMPLOYMENT**

Interference with contractual relations, **4:37**  
Subpoena, **4:37**  
Torts, **4:37**

### **ATTENDANCE**

Absenteeism, **5:21, 7:57**  
Discipline, **3:72, 4:22, 7:57**  
National Labor Relations Board, **3:64**

### **ATTENDANCE—Cont'd**

Termination of employment, **5:27**

### **ATTENTION DEFICIT DISORDER**

Americans with Disabilities Act, **7:45**

### **ATTENTION DEFICIT HYPERACTIVITY DISORDER**

Americans with Disabilities Act, **7:45**

### **ATTITUDE**

Discipline, **10:19**

### **ATTORNEYS**

Discovery, **1:1, 3A:35, 10:28, 11:2, 13:2 to 13:5, 13:8, 13:9, 14:16, 14:19, 16:2, 16:6, 16:10, 16:11, 17:2, 17:7, 19:2**

### **BACKPAY**

Americans with Disabilities Act, **7:66**  
Collective bargaining agreements, **9:13**  
Front pay, **7:66**  
Good faith, **7:66**  
Interest, **4:76**  
Title VII, **3:64, 4:76, 7:67, 11:25**

### **BANKRUPTCY**

Back pay, **18:23**  
Resources, **18:23**  
Severance pay, **6:39**  
Wages, **15:4**

### **BAR**

National Labor Relations Board, **9:11 to 9:13, 9:19**

### **BEHAVIOR**

Unfair labor practices, **9:13**

### **BENEFITS**

Transportation, **3:63, 4:51, 8:12**

### **BINOMIAL**

Statistics, **3A:3, 20:13, 20:14**

**BONA FIDE EMPLOYEE  
BENEFIT PLANS**

Seniority systems, 6:39

**BONA FIDE OCCUPATIONAL  
QUALIFICATIONS**

Business Necessity, 17:28

**BUSINESS JUDGMENT**

Age Discrimination in Employment Act, 6:37

**BUSINESS NECESSITY**

Evidence, 3:63, 3:69, 3A:4,  
3A:14, 3A:21, 3A:23, 7:33,  
7:59, 13:2, 13:9, 16:11,  
18:14, 20:2  
Summary judgment, 3:63, 3A:4,  
7:33, 7:57, 7:59, 13:9, 17:28

**CALIFORNIA**

Age Discrimination in Employment Act, 6:28, 19:2  
Age discrimination, 6:28, 19:2  
Assignments, 2:8, 5:27, 7:59  
Compensation, 5:17, 6:28, 7:44  
Complaints, 5:27  
Conditions, 2:7 to 2:9, 5:6, 5:14,  
5:17, 5:27, 7:44, 7:59  
Court proceedings, 19:2  
Dispute, 3:29, 7:59, 19:2  
Employment practices, 3:29, 6:28  
Equal pay, 2:7 to 2:9  
Evidence, 2:9, 3:29, 3:57, 3A:41,  
5:6, 5:14, 5:17, 5:27, 6:28,  
7:44, 7:59, 20:2  
Exemptions, 2:7  
Family leave, 5:17, 5:35  
Harassment, 3:57, 5:27, 19:2  
Health, 5:6, 5:10, 5:14, 5:17,  
5:27, 5:35, 7:59  
Life insurance, 5:17  
Marital status, 5:10  
Notice, 5:6, 5:14  
Overtime pay, 5:17  
Parental leave, 5:35  
Permits, 2:8, 5:10  
Pregnancy, 5:10, 5:35  
Race discrimination, 4:7  
Remedies, 3A:3, 3A:41  
Sex discrimination, 3:29, 3A:41

**CALIFORNIA—Cont'd**

Sick leave, 5:17, 5:35  
Temporary disability, 5:35  
Termination of employment, 5:27  
Terms, 2:9, 5:17, 5:27, 7:44, 19:2

**CAPACITY**

National Labor Relations Board,  
9:19

**CAUSATION**

Generally, 7:35, 7:57, 7:61  
Rehabilitation Act, 7:17, 7:35,  
7:57  
Retaliation, 3:78, 5:27, 7:61, 8:5,  
8A:9, 8A:10, 13:7, 15:4  
Section 1981, 4:13  
Statistics, 4:13, 5:27, 7:61  
Title VII cases, 6:12, 7:61, 8:5,  
8A:9

**CHARGES**

Collective bargaining agreements,  
9:15

**CHURCHES**

National Labor Relations Act,  
3:64

**CIRCUMSTANTIAL EVIDENCE**

Discipline, 3:24, 3:28  
Evidence, 3:20, 3:21, 3:23, 3:24,  
3:26, 3:28, 3:29, 4:12, 4:13,  
4:26, 5:27, 6:10, 6:13, 6:21,  
6:34, 6:38, 8:5, 8A:2, 8A:9,  
8A:10, 18:19, 20:15  
National Labor Relations Board,  
8:5  
Termination of employment, 5:27

**CIVIL RIGHTS**

National Labor Relations Board,  
3:64, 3A:24, 9:1, 9:19  
Railway Labor Act, 9:1, 9:19  
Unions, 3:4, 3:11, 3A:30, 4:60,  
4:65, 4:73, 9:1, 10:28, 15:4,  
19:2

**CIVIL RIGHTS ACT**

Arbitration agreements, 3:59  
Employment agencies, 3:6, 3A:30  
Employment practices, 1:1, 3:14,  
3:27, 3:29, 3:36, 3:52,



## INDEX

### **CIVIL RIGHTS ACT—Cont'd** 3A:18, 3A:33, 4:2, 4:67

### **CLAIMS**

National Labor Relations Act,  
3:64, 9:7, 9:11, 9:16, 9:20

### **CLASS ACTIONS**

ADEA actions, 6:45  
Adequacy of representation, 13:10  
Administrative charge, 6:45  
Age Discrimination in Employment Act, 6:42, 6:45, 15:7, 15:28  
Age discrimination, 6:42, 6:45, 15:7, 15:28  
Appeal, 3A:41, 20:2  
Arbitration, 11:26, 13:5, 14:19  
Attorneys, 13:5, 14:13, 14:15, 14:19, 16:2  
Certification, 3A:41, 6:45, 13:10, 13:12, 13:14, 14:15, 15:31, 16:8, 17:32, 17:35  
Certification requirements, 13:10, 13:12, 17:35  
Commonality, 3A:41, 13:10, 13:12, 17:35  
Commonality and typicality, 13:12, 17:35  
Discovery, 13:5, 13:14, 14:19, 16:2, 16:8, 17:32, 20:2  
Disparate treatment, 13:10  
Equal Pay Act, 2:33, 15:5  
Evidence, 3A:41, 13:5, 16:8, 17:32, 20:2  
Intervention, 2:33, 11:26  
Jurisdiction, 14:19, 15:28  
Notice, 2:33, 6:45, 14:15, 15:28, 15:31  
Numerosity, 13:10  
Representation, 6:45, 13:10  
Requirements, 6:42, 6:45, 11:26, 13:5, 13:10, 13:12, 13:14, 14:15, 15:5, 15:7, 15:28, 15:31, 17:35  
Review, 11:26, 13:5, 13:10, 16:8  
Settlement, 13:5, 14:9, 14:13, 14:15, 14:19  
Structure, 14:19

### **CLASS ACTIONS—Cont'd**

Title VII, 3A:41, 6:42, 6:45, 13:10, 13:12, 15:7, 15:28, 15:31, 16:8, 17:35, 20:2  
Typicality, 13:10, 13:12, 16:8, 17:35

### **COACHES**

Compensation, 2:3, 2:22

### **COERCION**

Discrimination, 7:31, 8:43, 9:1, 9:8, 9:9, 9:17, 15:23

### **COINSURANCE**

Health insurance plans, 3:43

### **COLLECTIVE BARGAINING**

Agreement, 2:23, 3:74, 4:73, 5:29, 6:3, 6:31, 7:44, 7:47, 7:50, 7:56, 8:47, 9:6, 9:12, 9:14 to 9:16, 9:18 to 9:21, 10:28, 12:15, 15:38, 16:3, 19:2  
Americans with Disabilities Act, 7:44, 7:47, 7:50, 7:56  
Bargaining unit, 9:15  
Disabilities, 7:44, 7:47, 7:50, 7:56  
Fair representation, 9:1, 9:12 to 9:15, 9:17, 9:18  
Good faith, 7:50, 9:14  
Impasse, 9:14  
Mandatory subjects, 9:14  
Negotiations, 4:73, 9:14, 9:15  
Per se violations, 9:14  
Remedies, 4:73, 9:1, 9:18 to 9:20  
Unilateral changes, 9:14  
Waiver, 3:74, 5:29, 6:31, 9:20

### **COLLECTIVE BARGAINING AGREEMENTS**

American Arbitration Association, 10:28  
Arbitration, 9:15, 10:28, 15:38  
Backpay, 9:13  
Bargaining unit, 9:15  
Business, 3:73  
Changes, 9:14  
Conditions, 3:73, 9:21  
Confidentiality, 9:15, 10:28  
Date, 10:28

**COLLECTIVE BARGAINING  
AGREEMENTS—Cont'd**

Discipline, 3:73, 9:14, 10:28  
Duties, 9:15, 9:17  
Evidence, 3:73, 9:13, 10:28

**COLORADO**

Appeals, 4:20  
Employment practices, 4:20  
Evidence, 4:20  
Family leave, 5:35  
Harassment, 4:20  
Health, 5:35  
Insurance, 5:35  
Parental leave, 5:35  
Retaliation, 5:35  
Sex discrimination, 4:20

**COMMENCEMENT**

National Labor Relations Board,  
9:20

**COMPENSATION**

ADEA, 2:6, 6:1, 6:14, 6:28, 6:47,  
6:49, 6:50, 6:52, 10:27  
Americans With Disabilities Act,  
5:33, 6:14, 7:31 to 7:33,  
7:44, 7:63, 7:66, 10:27  
Classification system, 2:23  
Defenses, 2:1, 2:3, 2:6, 2:22, 3:1,  
3:53, 5:17, 16:11, 16:14  
Discrimination, 2:1, 2:3, 2:6,  
2:22, 2:23, 3:1, 3:17, 3:24,  
3:25, 3:34, 3:35, 3:65, 3:71,  
3A:25, 3A:29, 4:15, 4:17,  
4:29, 4:35, 4:70, 4:76, 5:17,  
5:29, 5:30, 6:1, 6:14, 6:28,  
6:47, 6:49, 6:50, 6:52, 7:31,  
7:32, 7:44, 7:63, 7:66, 8A:3,  
10:15, 10:18, 10:22, 10:23,  
10:27, 12:18, 14:12, 14:19,  
15:33, 16:3, 16:10, 16:11,  
16:14  
Equal skill, 2:1, 2:3  
Establishment, 2:1, 2:3, 16:11  
Family and Medical Leave Act,  
5:4, 5:17, 5:29, 5:30, 5:33,  
5:38, 7:63  
FMLA, 5:4, 5:17, 5:29, 5:30,  
5:33, 5:38, 7:63, 8A:3  
Intent to discriminate, 6:28

**COMPENSATION—Cont'd**

Longevity, 8:15  
Managers, 2:22, 4:76, 8A:3, 10:18  
Merit system, 2:1, 2:22, 4:15  
Seniority system, 2:1, 2:22, 4:15  
Service, 3:17, 5:4, 5:17, 6:49,  
8:15, 8:16, 8:32, 8:36, 16:3  
Sex discrimination, 2:23, 3:1,  
3:34, 3:35  
Similar working conditions, 2:1,  
2:3  
State laws, 7:66  
Supervisors, 2:35, 3:53, 4:35,  
5:17, 6:49, 8A:3, 10:18,  
16:3, 16:11  
Teachers, 3:71  
Title VII, 2:1, 2:3, 2:6, 2:22, 3:1,  
3:17, 3:24, 3:25, 3:34, 3:35,  
3:45, 3:53, 3:65, 3:71,  
3A:25, 3A:27, 3A:29, 3A:34,  
4:15, 4:17, 4:29, 4:76, 6:14,  
6:28, 6:47, 6:49, 7:31, 8A:3,  
10:27, 14:12  
Trainees, 7:13

**COMPLAINTS**

Americans with Disabilities Act,  
10:12, 13:7, 18:24  
Federal employment, 16:8  
Parties, 9:15, 16:3, 16:8, 16:11,  
17:12  
Relief, 3:69, 4:17, 4:25, 5:27,  
5:36, 13:8, 16:8, 16:11  
Retaliation, 2:5, 3:47, 3:53, 3:54,  
3:76, 4:24, 5:27, 6:40, 7:62,  
8:4, 8A:3, 8A:5, 9:6, 10:4,  
10:10, 13:7, 13:8, 13:17,  
16:11  
Right-to-sue letter, 13:7  
Section 1983, 4:17, 4:24, 4:25,  
4:33 to 4:35  
Title VII cases, 8A:3, 8A:5, 18:24

**COMPLIANCE**

Generally, 7:58  
Unions, 4:73, 9:15

**CONCERTED ACTIVITY**

Collective bargaining agreements,  
9:17

## INDEX

### CONCILIATION

Enforcement, 3A:34, 3A:42, 4:73,  
8:34, 11:2, 11:26, 12:1, 12:3,  
12:11, 12:13 to 12:17, 16:8  
Equal Employment Opportunity  
Commission, 3A:34, 11:2,  
11:7, 11:18 to 11:20, 11:22  
to 11:24, 11:26, 12:1, 16:8  
Rehabilitation Act, 12:12

### CONCLUSIONS

Labor Management Relations Act,  
9:19

### CONFIDENTIALITY

Age Discrimination in Employ-  
ment Act, 10:28  
Collective bargaining agreements,  
9:15, 10:28  
Equal Employment Opportunity  
Commission, 10:10, 11:2,  
11:6, 14:8

### CONGRESS

Fair Labor Standards Act, 2:1, 2:3,  
5:30, 6:9, 6:42, 15:7

### CONNECTICUT

Evidence, 5:26  
Family leave, 5:35  
Health, 5:26, 5:35  
Notice, 5:26  
Parental leave, 5:35  
Remedies, 3A:20  
Sick leave, 5:35

### CONSIDERATION

Settlements, 11:2, 13:17, 14:13,  
14:19

### CONSPIRACY

Section 1985, 4:36, 4:37, 4:39,  
4:41 to 4:45

### CONSTRUCTIVE DISCHARGE

Resignation, 3:17, 10:4, 13:9,  
17:31

### CONTINUING VIOLATIONS

Age Discrimination in Employ-  
ment Act, 15:24

### COPIES

Unions, 9:15

### COURTS

Collective bargaining agreements,  
3:73, 9:14, 9:17, 10:28,  
15:38  
Labor relations, 3:64, 5:3, 8:5,  
9:1, 9:2, 9:6, 9:9, 9:14, 9:17,  
9:20

### COWORKERS

Retaliation, 3:47, 3:53, 5:27,  
8A:3, 8A:4, 8A:7, 8A:10

### DAMAGES

Accommodation, 3:72, 5:17, 7:66  
Age discrimination, 3:10, 3A:39,  
6:40, 6:42, 6:44, 6:47 to  
6:52, 7:67, 10:1, 15:22,  
15:24, 18:3, 18:19, 18:23,  
18:28  
Americans with Disabilities Act,  
3A:33, 7:30, 7:66, 10:1,  
16:12, 18:24, 18:28, 20:2  
Attorney fee awards, 6:51, 8:23  
Backpay, 7:66, 7:67, 11:25  
Benefits, 3:53, 3A:26, 3A:27, 4:2,  
4:51, 5:17, 5:38, 6:42, 6:44,  
6:49, 6:50, 6:52, 7:67, 8:2,  
8:17, 8:22, 8:23, 16:11  
Compensation, 2:35, 3:53, 3A:25,  
3A:27, 3A:29, 3A:34, 4:17,  
4:35, 5:17, 5:30, 5:38, 6:47,  
6:49, 6:50, 6:52, 7:66, 16:10,  
16:11  
Defined, 3:72, 3A:35, 4:52, 5:17,  
5:30, 17:35  
Disability discrimination, 7:66,  
7:67  
Emotional distress, 3A:29, 3A:31,  
4:48, 5:38, 11:19, 11:26,  
13:2, 14:11, 16:2, 16:8,  
16:12, 17:2, 17:35, 18:12,  
18:23, 19:8, 20:2  
Employment discrimination, 3:6,  
3:10, 3:23, 3:77, 3A:39,  
4:17, 4:20, 4:25, 4:27, 4:28,  
4:35, 4:36, 4:54, 6:40, 6:49,  
7:30, 10:1, 10:4, 10:10,  
10:13, 10:19, 10:21, 10:24,  
13:2, 14:11, 15:22, 15:24,  
16:2, 16:8, 16:10 to 16:12,  
17:2, 17:35, 18:3, 18:4,

**DAMAGES—Cont'd**

18:19, 18:24, 19:3, 19:8,  
20:2  
Expert witnesses, 6:51, 16:12  
Family and Medical Leave Act,  
5:3, 5:17, 5:30, 5:38  
Federal government, 3:72, 8:17  
Fringe benefits, 3A:26  
Front pay, 3:6, 3A:25, 3A:30,  
3A:39, 6:44, 6:49, 6:50,  
7:66, 18:3, 18:19, 18:23  
Good faith efforts, 18:24  
Government employers, 7:30  
Intentional discrimination, 3:69,  
3A:25, 3A:29, 11:26, 14:11,  
16:8, 18:19, 18:23 to 18:25  
Liquidated damages, 2:31 to 2:35,  
5:38, 6:44, 6:48, 6:50, 6:52,  
8:17, 8:23  
National origin discrimination,  
3:22, 3:69, 4:17  
Pensions, 5:17  
Period, 2:32, 3:6, 3A:27, 4:27,  
4:46, 5:17, 7:30, 7:66, 8:17,  
8:22, 11:25, 15:22, 15:24,  
16:11, 17:35, 18:23, 19:8  
Prejudgment interest, 3A:26,  
3A:34  
Punitive damages, 3:6, 3:10, 3:72,  
3A:25, 3A:29, 3A:30, 3A:40,  
4:27, 4:28, 4:47, 4:49, 4:54,  
6:50, 7:66, 10:1, 10:4, 10:10,  
10:13, 10:19, 10:21, 10:24,  
11:19, 11:26, 13:2, 14:11,  
16:2, 17:2, 17:35, 18:3,  
18:24, 18:25, 20:2  
Railway Labor Act, 9:18  
Rehabilitation Act, 4:27, 7:66  
Reinstatement, 3A:31, 3A:39,  
4:46, 4:54, 5:3, 5:17, 5:38,  
6:44, 6:49, 6:50, 7:66, 7:67,  
17:2, 18:19, 18:23  
Remedies, 2:32 to 2:35, 3:6, 3:22,  
3:77, 3A:25 to 3A:27, 3A:29  
to 3A:31, 3A:33 to 3A:35,  
3A:38 to 3A:40, 4:2, 4:17,  
4:27, 4:46 to 4:49, 4:51,  
4:52, 4:54, 5:38, 6:42, 6:44,  
6:47 to 6:52, 7:66, 8:2, 8:23,  
9:18, 11:19, 11:26, 16:2,

**DAMAGES—Cont'd**

17:35, 18:19, 18:23, 19:3,  
19:11  
Restrictions, 3:69, 5:17, 19:3,  
20:2  
Statutory caps, 3A:29, 3A:30,  
4:47, 7:66, 18:24  
Tax, 14:11  
Title VII, 2:32, 3:6, 3:10, 3:22,  
3:23, 3:46, 3:53, 3:54, 3:69,  
3:72, 3:77, 3A:25 to 3A:27,  
3A:29 to 3A:31, 3A:33 to  
3A:35, 3A:38 to 3A:40, 4:2,  
4:17, 4:20, 4:25, 4:27, 4:28,  
4:46, 4:47, 4:49, 4:51, 4:54,  
6:40, 6:42, 6:47, 6:49, 6:51,  
7:30, 7:67, 10:1, 11:2, 11:25,  
14:11, 15:22, 15:24, 16:8,  
16:12, 17:35, 18:3, 18:23,  
18:24, 18:28, 20:2  
Total, 3A:30, 7:66, 18:24  
Willfulness, 2:35, 6:48

**DEDUCTIBLES**

Health insurance plans, 3:43

**DEFENSES**

Age Discrimination in Employ-  
ment Act, 6:26, 6:27, 6:29,  
6:30, 10:12, 13:7, 13:9  
Age discrimination, 6:26, 6:27,  
6:29, 6:30, 10:12, 13:7, 13:9  
Bona Fide Occupational  
Qualifications, 17:28  
Bona fide occupational qualifica-  
tions, 17:28  
Business Necessity, 3A:21, 3A:23,  
6:27, 6:30, 13:9, 16:11,  
17:28, 18:21  
Compensation, 2:1, 2:3, 2:6, 2:22,  
3:1, 3:53, 5:17, 16:11, 16:14  
Disparate treatment, 2:6, 3:1,  
3:53, 13:7, 13:9, 16:7, 16:11,  
18:21  
Equal Pay Act, 2:1, 2:3, 2:4, 2:6,  
2:22, 2:31  
Harassment, 3:53, 8:4, 10:3,  
10:12, 13:7, 13:9, 16:7,  
16:11, 16:18, 17:3, 17:31,  
18:18, 18:22  
Hostile environment, 3:53

## INDEX

### DEFENSES—Cont'd

Legitimate nondiscriminatory reason, **18:18**  
National origin discrimination, **13:9**  
Qualifications, **6:26, 8:4, 16:7, 16:11, 16:12, 16:18, 17:28**  
Reduction in force, **5:18, 6:27**  
Reinstatement, **5:17 to 5:26**  
Retaliation, **3:53, 5:17, 5:18, 5:20, 5:21, 5:25, 8:4, 13:7, 13:9, 16:11, 17:31, 18:22**  
Spoliation of evidence, **16:14**  
Undue hardship, **5:19**

### DEGREE

Violation, **2:10, 2:18, 2:23, 3:14, 3:47, 3:63, 3:72, 3A:4, 11:2**

### DELAWARE

Remedies, **3A:36**

### DELIVERY

National Labor Relations Act, **9:2**

### DEPARTMENT OF LABOR

Exemptions, **4:58**  
Organizational chart, **5:27**  
Secretary of Labor, **4:55, 5:1, 5:8, 8:33, 12:15**  
Solicitor of Labor, **12:15**

### DESIGNATION

Unions, **9:1**

### DISABILITIES

Accessibility, **3:41**  
Accommodations, **3:40, 3:41, 3A:33, 5:34, 7:11, 7:29, 7:35, 7:39, 7:40, 7:42, 7:47, 7:50 to 7:52, 7:55, 7:59, 7:63, 7:64, 7:66, 8A:3, 12:4, 14:22, 15:15**  
Age, **2:2, 3:12, 5:10, 5:34, 6:4, 6:14, 7:26, 7:64, 7:67, 8A:1, 10:1, 10:12, 10:27, 13:7, 18:19, 18:28**  
Alcohol use, **7:33, 7:43**  
Americans with Disabilities Act, **2:2, 3:12, 3:31, 3:40, 3:41, 3:43, 3A:33, 4:38, 5:10, 5:19, 5:21, 5:22, 5:33, 5:34,**

### DISABILITIES—Cont'd

**5:37, 6:4, 6:14, 7:1, 7:8, 7:17, 7:21, 7:25 to 7:39, 7:41 to 7:53, 7:56 to 7:61, 7:63 to 7:66, 8A:1, 9:7, 9:11, 10:1, 10:9, 10:12, 10:27, 13:7, 14:22, 15:8, 15:14, 15:15, 15:17, 15:29, 15:35, 15:36, 16:12, 18:24, 18:28, 20:2**  
Arbitration, **7:67**  
Assessment, **7:9, 7:48, 7:49, 7:59, 7:63**  
Associational discrimination, **7:31**  
Attendance, **5:21, 7:32, 7:46, 7:51, 7:52, 7:57**  
Awards, **7:16, 18:24**  
Back pay, **2:2, 7:66**  
Benefits, **3:31, 3:40, 3:43, 5:19, 5:33, 5:34, 5:37, 6:4, 6:14, 7:17, 7:31, 7:46, 7:50, 7:56, 7:58, 7:61, 7:63, 7:64, 7:67, 13:7, 14:22**  
Burden of proof, **18:19**  
Business necessity, **5:34, 7:11, 7:12, 7:33, 7:57, 7:59, 20:2**  
Causation, **7:17, 7:35, 7:57, 7:61, 13:7**  
Class actions, **20:2**  
Compensatory damages, **7:66, 18:24**  
Confidentiality, **5:37, 9:11**  
Costs, **3:43, 7:18, 7:31, 7:56, 7:67, 14:22, 16:12, 18:19, 18:28**  
Declaratory relief, **18:28**  
Defenses, **5:19, 5:21, 5:22, 10:12, 13:7, 16:12**  
Direct threat, **7:40, 7:45, 7:48, 7:49, 7:59**  
Drug use, **7:32, 7:44, 7:51**  
Eleventh amendment, **7:30, 7:31**  
Estoppel, **7:64**  
Evidence, **2:2, 3:41, 3:43, 5:21, 5:22, 7:30, 7:33, 7:35 to 7:37, 7:39, 7:44, 7:46 to 7:53, 7:56, 7:59 to 7:63, 8A:3, 10:27, 13:7, 16:12, 18:19, 18:24, 20:2**  
Examinations, **7:21, 7:32, 7:33, 7:50, 16:12**

## DEFENSE OF EQUAL EMPLOYMENT CLAIMS

### DISABILITIES—Cont'd

Family and Medical Leave Act,  
3:41, 5:10, 5:19, 5:21, 5:22,  
5:33, 5:34, 5:37, 7:34, 7:62,  
7:63, 8A:1

Front pay, 7:66, 18:19

Harassment, 3:31, 7:31, 7:60,  
9:11, 10:12, 10:27, 13:7,  
18:24

Health insurance, 3:43, 5:34, 7:58

HIV status, 7:41, 7:59, 7:60

Immunity, 7:30, 7:31

Impairment, 5:10, 7:1, 7:2, 7:8,  
7:27, 7:32, 7:33, 7:36 to  
7:38, 7:40 to 7:43, 7:45,  
7:50, 7:52, 7:63 to 7:65

Injunctive relief, 3A:33, 18:19

Inquiries, 7:21, 7:32, 7:33, 7:45,  
7:51

Insurance, 3:43, 5:34, 6:4, 7:5,  
7:41, 7:58, 7:64

Interactive process, 3:40, 7:29,  
7:39, 7:50, 7:55, 7:62, 15:15

Interest, 7:3, 7:7, 7:24, 7:59, 7:63

Interference, 2:2, 5:10, 7:30, 7:31,  
7:62

Investigations, 7:47, 13:7, 16:12

Job restructuring, 7:50, 7:63

Jury trials, 7:66

Learning disabilities, 7:45

Leave of absence, 3:41, 3:43

Major life activity, 7:27, 7:36 to  
7:38, 7:40 to 7:43, 7:45,  
7:50, 7:59

Mental disabilities, 7:40, 7:45,  
7:63

National Labor Relations Act, 9:7,  
9:11

Notices, 5:37, 10:27

Preemployment inquiries, 7:21,  
7:32

Procedure, 7:3, 7:22, 7:33, 7:50,  
7:59, 18:28

Production standards, 7:47

Prohibited practices, 7:31

Punitive damages, 7:66, 10:1,  
18:24, 20:2

Qualification standards, 7:48

### DISABILITIES—Cont'd

Reasonable accommodation, 3:40,  
5:34, 7:9, 7:11, 7:12, 7:19,  
7:25, 7:27, 7:29, 7:32, 7:35,  
7:39, 7:44 to 7:48, 7:50, 7:52  
to 7:57, 7:59, 7:63, 7:64,  
7:66, 8A:3, 15:15

Reassignment, 6:14, 7:45, 7:50,  
7:53, 7:54, 7:56, 7:59, 7:63

Record of disability, 7:27

Rehabilitation Act, 5:21, 7:1 to  
7:26, 7:35, 7:36, 7:38, 7:42  
to 7:45, 7:47 to 7:50, 7:57 to  
7:59, 7:63, 7:66, 8A:1, 8A:3

Reinstatement, 3:43, 5:19, 5:21,  
5:22, 7:66, 7:67, 18:19

Remedies, 3A:33, 7:24, 7:39,  
7:63, 7:66, 13:7, 15:17,  
18:19

Remission, 7:27, 7:36, 7:38, 7:50

Request for accommodation, 7:55

Retaliation, 3:31, 4:59, 5:21, 7:31,  
7:34, 7:55, 7:61, 7:62, 8A:1,  
8A:3, 13:7, 15:14, 18:19

Rotating shifts, 7:47

Seniority, 3:40, 3:43, 7:56

Serious health condition, 5:10,  
5:21, 5:33, 5:34, 7:63

Substantially limits, 5:10, 7:1, 7:2,  
7:8, 7:27, 7:36 to 7:38, 7:40  
to 7:43, 7:45, 7:50, 7:59,  
7:63

Undue hardship, 3:40, 5:19, 5:34,  
7:11, 7:29, 7:39, 7:53, 7:56,  
7:63, 15:15

Waiver, 7:3

### DISABILITY BENEFITS

Americans with Disabilities Act,  
3:31, 5:34, 6:4, 7:64

Compensation, 5:17

Employee Retirement Income  
Security Act, 5:17

Life insurance, 5:17

Retirement plans, 5:17

### DISCIPLINE

Burden of proof, 3:24, 5:28, 6:25

Compensation, 3:17, 3:24, 4:35,  
8A:3

Customers, 3:60

## INDEX

### DISCIPLINE—Cont'd

Evidence, 3:24, 3:28, 3:56, 3:63, 3:73, 3:78, 3A:4, 5:20, 5:28, 6:25, 8A:3, 10:28, 16:8  
Forum, 10:28, 19:2, 19:11  
Harassment, 3:5, 3:11, 3:24, 3:56, 3:63, 3:72, 3:77, 3:78, 4:22, 4:34, 4:35, 9:6, 9:11, 10:4, 16:8, 19:2, 19:11  
Insubordination, 3:72  
National Labor Relations Board, 9:8, 9:11  
Prima facie case, 3:17, 3:24, 3:63, 3:78, 3A:4, 5:20, 16:8  
Remedies, 3:11, 3:77, 3:78, 3A:4, 19:11  
Retaliation, 3:5, 3:77, 3:78, 5:20, 5:28, 8A:1, 8A:3, 9:6, 10:4, 19:2  
State law, 3:77, 19:2  
Uniformed Services Employment and Reemployment Rights Act, 8:12  
Unworthy of belief, 3:28, 3:78

### DISCLOSURES

Title VII, 14:21

### DISCOVERY

Admissibility, 13:5, 16:18, 18:10, 20:2  
Affirmative action plans, 16:22  
Aliens, 16:8  
Attorney-client privilege, 11:2, 12:9  
Burdensome, 1:1, 10:28, 11:6, 12:9, 16:2, 19:3  
Class action, 10:28, 13:3, 13:14, 14:19, 16:8, 16:13, 17:6, 17:32, 19:2  
Class actions, 13:5, 13:14, 14:19, 16:2, 16:8, 17:32, 20:2  
Defenses, 11:15, 13:7, 13:9, 14:3, 16:6, 16:7, 16:11, 16:12, 16:14, 16:18, 16:22, 17:3, 17:4, 17:6, 17:27  
Depositions, 12:15, 13:2, 13:5, 14:3, 16:2, 16:5, 16:8, 16:11 to 16:13, 16:18, 17:4, 19:6  
Discharge cases, 13:9  
Expert testimony, 16:8, 19:5, 20:2

### DISCOVERY—Cont'd

Expert witnesses, 13:5, 16:12, 17:32, 19:6  
Harassment, 1:2, 3:63, 10:24, 13:2, 13:5, 13:7, 13:9, 16:3, 16:5, 16:7, 16:8, 16:11, 16:18, 17:3, 17:30, 19:2, 19:12  
Interrogatories, 12:15, 13:5, 16:2, 16:5, 16:6, 16:8, 16:10, 16:12, 16:13, 16:16, 16:17, 17:4, 19:6  
Motion practice, 17:3  
Names, 16:8, 16:10, 16:14, 16:16, 19:5  
National origin discrimination, 13:9  
Privacy, 16:8, 16:21  
Privilege, 11:2, 12:9, 16:12, 16:17, 16:19, 16:22  
Production of documents, 12:15, 16:10, 16:21  
Protective orders, 16:6  
Racial harassment, 13:5  
Relevance, 16:17, 18:10  
Relief, 1:2, 3A:35, 3A:39, 10:28, 13:3, 13:5, 13:8, 14:16, 14:19, 16:8, 16:11, 17:2, 19:3  
Request for admission, 16:12  
Sanctions, 4:71, 12:15  
Scope of discovery, 17:10, 17:11, 19:4  
Spoliation, 16:14  
Statistical information, 12:11, 16:8, 16:13  
Summary judgment, 3:63, 3A:4, 3A:39, 12:15, 13:3, 13:5, 13:8, 13:9, 14:3, 16:4, 16:6, 16:12, 17:2, 17:3, 17:6, 17:7, 17:10, 17:11, 17:15, 17:22, 17:25 to 17:27, 17:30, 17:32, 19:4  
Time limitations, 16:14  
Unemployment insurance, 16:11  
Written discovery, 13:5, 16:3, 16:6, 19:6

### DISCRIMINATION

Alabama, 7:30

**DISCRIMINATION—Cont'd**

Alaska, 4:3  
 Arizona, 3:35  
 California, 2:7, 3:29, 3A:41, 4:7,  
 5:17, 5:27, 6:28, 7:44, 7:59,  
 19:2, 20:2  
 Colorado, 4:20  
 Connecticut, 3A:20  
 District of Columbia, 3:15, 3A:18,  
 4:25, 5:28, 7:52  
 Florida, 3A:30, 4:35, 6:5  
 Georgia, 8A:5  
 Hawaii, 3:30  
 Illinois, 3A:30, 6:45, 8:2  
 Kentucky, 4:20, 6:39, 7:36  
 Louisiana, 6:5, 8:2  
 Maine, 4:18  
 Maryland, 3:30, 5:3, 5:30, 8:2,  
 9:21  
 Massachusetts, 2:10, 3:52, 6:34  
 Michigan, 3:47, 3:49, 4:11, 4:20  
 Minnesota, 2:5, 3:52, 3:72, 4:21,  
 4:22, 5:17, 7:32  
 Mississippi, 3:72, 3:78, 4:22, 6:28  
 Missouri, 6:34  
 New Jersey, 3:49, 3A:18, 5:18,  
 7:59  
 New Mexico, 3:29  
 New York, 3:10, 10:28, 19:1, 19:2  
 North Carolina, 4:9, 7:59  
 North Dakota, 3:29  
 Ohio, 3:29, 3:36, 3:51, 3:63, 4:20,  
 5:20, 15:41  
 Oklahoma, 2:2, 3:29  
 Pennsylvania, 2:5, 3:72, 4:12,  
 4:22, 4:29, 4:44, 5:29, 10:4,  
 13:9, 17:31, 18:28  
 Tennessee, 4:20, 4:23, 7:24, 15:41  
 Texas, 3:27, 3:78, 4:21, 4:23,  
 6:13, 6:24, 7:55, 7:59, 8:2,  
 8A:9, 13:7, 15:4, 15:17  
 Vermont, 7:65  
 Virginia, 4:20, 4:76, 7:59, 14:21  
 Washington, 2:6, 2:7, 3:29, 3:39,  
 3A:39, 4:12, 4:19, 4:25,  
 4:26, 4:76  
 West Virginia, 7:59, 14:21  
 Wisconsin, 3:23, 4:27  
 Wyoming, 6:26

**DISCRIMINATORY  
DISCHARGE**

Remedies, 3A:39

**DISCUSSIONS**

National Labor Relations Board,  
 9:11

**DISPARATE IMPACT**

Adverse employment action, 3:18,  
 3:41, 3:63, 3A:11, 13:7, 13:9  
 Affirmative action, 3:63, 3A:3,  
 3A:5, 3A:18, 3A:32, 10:12,  
 13:7  
 Age discrimination claims, 6:41  
 Civil Rights Act, 3:1, 3:13, 3:18,  
 3:26, 3:35, 3:38, 3:41 to  
 3:43, 3:63, 3:64, 3:69, 3:79,  
 3A:1 to 3A:42, 4:2, 4:8,  
 4:11, 10:12, 13:7 to 13:9,  
 18:3, 18:21, 20:2, 20:8  
 Four-fifths rule, 3A:3  
 Harassment, 3:13, 3:63, 3A:14,  
 3A:19, 3A:27, 3A:29 to  
 3A:31, 3A:34, 4:2, 4:8, 4:11,  
 4:26, 6:41, 10:12, 13:7, 13:9,  
 16:8, 18:3, 18:18  
 Insurance, 2:26, 3:43, 3A:31,  
 3A:39, 6:30  
 National origin discrimination,  
 3:13, 3:64, 3:69, 3A:14, 13:9  
 Neutral employment practices,  
 6:28  
 Performance, 2:26, 3A:4, 3A:6,  
 3A:22, 3A:41, 4:2, 4:8, 4:11,  
 6:28, 6:30, 6:41, 10:18  
 Pretext, 3:41, 3:63, 3A:23, 13:8  
 Recruiting, 3A:1, 3A:11, 3A:21  
 Remedies, 3:64, 3A:1 to 3A:42,  
 4:2, 13:7, 15:7  
 Retaliation, 3:79, 3A:19, 7:34,  
 13:7 to 13:9  
 Sexual orientation, 3:13  
 Statistical evidence, 3:26, 3:43,  
 4:26, 13:8, 17:32, 18:14,  
 20:2, 20:5  
 Subjective criteria, 3A:9, 3A:17  
 Tenure, 3:63, 6:28  
 Tests, 3:38, 3:63, 3A:3 to 3A:5,  
 3A:10, 3A:22, 3A:23, 6:30,  
 7:34



## INDEX

### DISPARATE TREATMENT

Age discrimination, 3:10, 3:12, 3:30, 3:76, 6:10, 6:15, 6:17, 6:23, 6:24, 6:28, 6:39, 6:41, 6:48, 13:7, 13:9, 18:3  
Civil Rights Act, 2:6, 3:1 to 3:79, 3A:1, 3A:4, 3A:10, 3A:14, 3A:29, 13:7 to 13:9, 18:3, 18:21  
Class actions, 13:10  
Comparative evidence, 3:50  
Comparators, 4:13, 7:39  
Congressional intent, 7:48  
Damages, 3:6, 3:10, 3:22, 3:23, 3:46, 3:53, 3:54, 3:69, 3:72, 3:77, 3A:29, 4:20, 6:48, 10:19, 10:24, 16:11, 18:3  
Decisionmakers, 3:24, 3:30, 3:65, 7:35  
Defenses, 2:6, 3:1, 3:53, 13:7, 13:9, 16:7, 16:11, 18:21  
Direct evidence of discrimination, 3:21, 3:23, 3:24, 13:8  
Disability discrimination, 7:35, 7:39, 7:48  
Discriminatory animus, 3:21 to 3:23, 3:30, 3:33, 3:65, 3:68, 4:13, 6:10, 6:17, 13:9  
Exclusionary effect, 3:75  
Griggs case, 3A:4  
Harassment, 3:5, 3:8, 3:10, 3:11, 3:13, 3:24, 3:31, 3:34, 3:36, 3:44 to 3:59, 3:62, 3:63, 3:66, 3:70 to 3:72, 3:76 to 3:78, 3A:14, 3A:29, 4:19, 4:20, 4:26, 6:41, 10:24, 13:7, 13:9, 16:7, 16:11, 18:3  
Hiring, 3:8, 3:18, 3:23, 3:24, 3:26 to 3:28, 3:30, 3:45, 3:53, 3:63, 3:64, 3:66, 3:76, 3A:4, 10:19, 13:8, 13:9, 16:11  
Intentional discrimination, 3:18, 3:20, 3:24, 3:28, 3:29, 3:39, 3:41, 3:43, 3:51, 3:63, 3:69, 3A:4, 3A:29, 4:13, 4:26, 6:10, 6:24, 6:28  
Mixed motives, 3:23  
National origin discrimination, 3:13, 3:22, 3:24, 3:60, 3:64 to 3:66, 3:69, 3A:14, 13:9

### DISPARATE TREATMENT

#### —Cont'd

Older employees, 6:15, 6:23, 6:28, 6:39  
Presumptions, 3:29, 6:15  
Pretext, 3:19, 3:21, 3:24, 3:28 to 3:31, 3:41, 3:51, 3:63, 3:78, 4:13, 6:24, 13:8, 16:11  
Prima facie case, 2:6, 3:17 to 3:19, 3:21, 3:24 to 3:27, 3:29, 3:36, 3:41, 3:47, 3:48, 3:63 to 3:66, 3:70, 3:71, 3:74, 3:78, 3A:4, 4:13, 4:20, 6:15, 6:24, 6:41, 7:35, 13:8, 13:9  
Protected class, 3:17, 3:18, 3:24, 3:26 to 3:28, 3:41, 3:63, 3:70, 3:73, 3A:10, 3A:14, 6:15, 6:24, 6:28, 16:11  
Public policy, 3:59  
Punitive damages, 3:6, 3:10, 3:72, 3A:29, 10:19, 10:24, 18:3  
Recruiting, 3:71, 3A:1, 16:11  
Rehabilitation Act, 2:6, 7:35, 7:48  
Religious discrimination, 3:1, 3:8, 3:13, 3:28, 3:70 to 3:74  
Remedies, 3:3, 3:6, 3:11, 3:22, 3:59, 3:64, 3:77, 3:78, 3A:1, 3A:4, 3A:10, 3A:14, 3A:29, 6:48, 7:39, 13:7  
Retaliation, 3:5, 3:8, 3:23, 3:31, 3:37, 3:47, 3:50, 3:53, 3:54, 3:70, 3:76 to 3:79, 4:19, 8:5, 13:7 to 13:9, 16:11  
Same actor inference, 3:30  
Sexual orientation, 3:13, 3:36, 3:50 to 3:52, 3:72, 4:20  
Statistical evidence, 3:26, 3:36, 3:43, 4:26, 6:15, 6:23, 13:8  
Strength, 3:30, 3:70, 4:19, 6:24  
Willfulness, 6:48

### DISTRICT OF COLUMBIA

Affirmative action plans, 3A:18  
Compensation, 4:57  
Employment practices, 3A:18  
Evidence, 3A:17, 4:25, 5:28, 7:52  
Family leave, 5:35  
Health, 5:28, 5:35  
Health insurance, 5:28

**DISTRICT OF COLUMBIA**

**—Cont'd**

Hiring practices, **3A:18**  
 Notice, **3A:1, 3A:18, 4:25, 5:28**  
 Parental leave, **5:35**  
 Permits, **3A:18**  
 Race discrimination, **4:25**  
 Remedies, **3A:1, 3A:11, 3A:17, 3A:18, 3A:36**  
 Retaliation, **5:28, 5:35**  
 Sick leave, **5:35**  
 Terms, **3A:18, 4:57**  
 Travel, **3A:1, 7:52**

**DRUGS**

Testing, **7:33, 7:43**

**DURESS**

Settlements, **14:7**

**EARLY RETIREMENT**

Age discrimination, **6:31, 6:32, 6:39**  
 Benefits, **3:43, 6:31, 6:32, 6:39**  
 Discrimination, **3:43, 6:31, 6:32, 6:39**  
 Older Workers Benefit Protection Act, **6:32**  
 Policies, **3:43**  
 Qualification, **6:32**  
 Release, **6:32**  
 Requirements, **6:31**  
 Separation, **6:31**  
 Waiver, **6:31, 6:32, 6:39**

**ELECTIONS**

Constitution, **9:1**  
 Litigation, **13:16**  
 Procedures, **9:1**  
 Remedies, **9:1**  
 Settlement, **13:16**

**EMPLOYEE BENEFITS**

Income, **6:39**

**EMPLOYEE RETIREMENT  
INCOME SECURITY ACT**

Damages under, **5:17**  
 Discrimination, **5:17**  
 Employee benefit plan, **5:17**

**EMPLOYEE RETIREMENT  
INCOME SECURITY ACT**

**—Cont'd**

Employee welfare benefit plans, **5:35**  
 Employees, **5:17, 5:35**  
 Employer retaliation, **5:35**  
 Plan, **5:17**  
 Requirements, **5:17, 5:35**  
 Retaliation, **5:17, 5:35**  
 Termination, **5:17**  
 Welfare benefit, **5:35**  
 Welfare benefit plans, **5:35**

**EMPLOYMENT AGENCIES**

Americans with Disabilities Act, **7:30**  
 Employer, **3:6, 3A:30, 7:30**  
 Equal Employment Opportunity Commission, **3:6, 7:30**  
 Title VII, **3:6, 3A:30, 7:30**

**EMPLOYMENT**

**DISCRIMINATION**

Affirmative defense, **3:9, 3A:39, 8:4, 10:4, 10:5, 13:9, 15:10, 17:5, 17:31, 18:19, 18:22**  
 Age, **3:10, 3:29, 3:76, 3A:39, 4:19, 4:40, 6:1, 6:7, 6:13, 6:16, 6:18, 6:31, 6:40, 6:49, 8A:1, 8A:4, 8A:9, 8A:10, 9:19, 10:1, 10:12, 10:27, 10:28, 13:7 to 13:9, 14:7, 15:7, 15:13, 15:22, 15:24, 15:28, 15:34, 15:38, 15:40, 18:3, 18:19, 19:1, 19:2**  
 Age discrimination in Employment Act, **3:10, 3A:39, 6:1, 6:7, 6:13, 6:16, 6:18, 6:31, 6:40, 6:49, 8A:1, 9:19, 10:1, 10:12, 10:27, 10:28, 13:7, 13:9, 15:7, 15:13, 15:22, 15:24, 15:28, 15:34, 15:38, 15:40, 18:3, 18:19, 19:2**  
 Americans with Disabilities Act, **7:8, 7:17, 7:30, 7:34, 7:35, 7:61, 8A:1, 10:1, 10:9, 10:12, 10:27, 13:7, 15:8, 15:14, 15:15, 15:17, 15:29, 15:35, 15:36, 16:12, 18:24, 20:2**

## INDEX

### EMPLOYMENT

#### DISCRIMINATION—Cont'd

Arbitration, 3:59, 4:54, 6:31,  
9:15, 9:19, 9:20, 10:14,  
10:28, 10:29, 11:22, 13:5,  
14:19, 15:37, 15:38, 19:1 to  
19:3, 19:8, 19:12  
Back pay, 3:6, 3A:39, 4:54, 6:49,  
8A:7, 13:3, 14:19  
Burden of proof, 3:23, 3:24, 3:29,  
4:25, 5:28, 6:13, 8:4, 13:8,  
17:30, 18:18, 18:19, 18:29  
Causation, 5:27, 7:17, 7:35, 7:61,  
8A:9, 8A:10, 13:7, 15:4  
Citizenship, 3:64, 3:67  
Civil Rights Act, 2:1, 3:1, 3:6,  
3:9, 3:10, 3:14, 3:17, 3:23,  
3:24, 3:29, 3:36, 3:59, 3:60,  
3:63, 3:64, 3:67, 3:76, 3:77,  
3A:2, 3A:4, 3A:39, 3A:42,  
4:10, 4:27, 4:36, 8:4, 8A:1,  
8A:9, 9:14, 9:19, 10:1,  
10:12, 12:3, 13:7 to 13:9,  
14:11, 15:4, 15:10, 15:17,  
15:28, 15:31, 15:32, 15:34,  
18:3, 18:19, 18:24, 20:2  
Collective bargaining agreement,  
6:31, 9:15, 9:19, 9:20, 10:28,  
15:38, 16:3, 19:2  
Compensatory damages, 3:6, 4:54,  
6:40, 17:35, 18:24  
Contract claims, 10:28, 15:38,  
19:2  
Current employees, 10:9, 10:28,  
15:7, 18:10, 19:8  
Direct evidence, 3:23, 3:24, 5:27,  
6:13, 7:35, 7:61, 8A:2, 8A:9,  
10:24, 13:8, 18:19  
Disability, 3A:42, 4:20, 5:1, 5:20,  
7:8, 7:17, 7:35, 7:61, 8A:3,  
17:29  
Disparate impact, 3:1, 3:63, 3:64,  
3A:2, 3A:4, 3A:39, 3A:42,  
7:34, 10:12, 10:18, 10:19,  
13:7 to 13:10, 13:12, 15:7,  
16:8, 16:13, 17:32, 18:3,  
18:14, 18:18, 20:2, 20:5  
Disparate treatment, 3:1, 3:6, 3:9,  
3:10, 3:14, 3:17, 3:23, 3:24,  
3:29, 3:36, 3:59, 3:60, 3:63,  
3:64, 3:67, 3:76, 3:77, 3A:4,

### EMPLOYMENT

#### DISCRIMINATION—Cont'd

4:19, 4:20, 7:35, 10:19,  
10:24, 13:7 to 13:10, 16:7,  
16:11, 18:3  
Equal Pay Act, 2:1, 3:63, 4:40,  
8A:1, 15:5, 15:11, 15:30,  
15:33, 15:34, 15:36  
Equitable estoppel, 5:28  
Equitable tolling, 15:25  
Evidence, 3:6, 3:23, 3:24, 3:29,  
3:36, 3:63, 3:76, 3A:4,  
3A:39, 3A:42, 4:20, 4:25,  
5:20, 5:27, 5:28, 6:13, 6:16,  
6:18, 6:49, 7:30, 7:35, 7:61,  
8:19, 8A:2 to 8A:4, 8A:7,  
8A:9, 8A:10, 9:19, 10:3,  
10:8, 10:10, 10:13, 10:15,  
10:17, 10:24, 10:26 to 10:28,  
13:2, 13:3, 13:5, 13:7 to  
13:9, 15:22, 15:24, 16:4 to  
16:8, 16:11 to 16:15, 16:17,  
16:18, 16:22, 17:4, 17:23,  
17:30 to 17:32, 18:2, 18:4,  
18:10, 18:13, 18:14, 18:19,  
18:22, 18:24, 18:29, 19:3,  
19:8, 20:2, 20:5  
Executive, 2:1, 3:63, 4:3 to 4:5,  
4:10, 4:17, 4:19, 4:20, 4:24,  
4:25, 4:27 to 4:29, 4:31, 4:34  
to 4:36, 4:40, 4:54, 7:17,  
7:34, 8A:7, 10:2, 10:12  
Exhaustion of administrative rem-  
edies, 15:16 to 17:16  
Former employees, 3:14, 3:60,  
3:76, 6:16, 10:28, 14:10,  
15:4, 16:12, 16:18, 18:9,  
18:10  
Forum, 3:59, 4:28, 9:19, 9:20,  
10:28, 15:30, 15:36, 15:38,  
15:41, 16:11, 19:1 to 19:3  
Front pay, 3:6, 3A:39, 6:49, 18:3,  
18:19  
Gender identity, 2:1, 3:36, 4:20  
Grievance procedures, 10:10,  
16:11  
Harassment, 3:10, 3:24, 3:36,  
3:59, 3:63, 3:76, 3:77, 4:19,  
4:20, 4:24, 4:34, 4:35, 5:27,  
8:4, 8A:4, 8A:7, 8A:10, 10:2  
to 10:6, 10:10 to 10:13,

## DEFENSE OF EQUAL EMPLOYMENT CLAIMS

### EMPLOYMENT

#### DISCRIMINATION—Cont'd

10:24, 10:26, 10:27, 13:2,  
13:5, 13:7, 13:9, 16:3, 16:5,  
16:7, 16:8, 16:11, 16:18,  
17:3, 17:23, 17:30, 17:31,  
18:1, 18:3, 18:18, 18:22,  
18:24, 19:2, 19:12  
Hostile work environment, 3:14,  
4:19, 4:20, 8:4, 8A:4, 8A:7,  
15:24, 18:19  
Immigration Reform and Control  
Act, 3:14, 3:64, 3:67  
Immigration status, 16:8  
Injunctive relief, 4:28, 4:54, 13:8,  
14:19, 17:2, 18:19, 19:3  
Labor Management Relations Act,  
9:19  
Liability, 3:6, 3:9, 3:10, 3:29,  
3:60, 3:63, 3A:2, 3A:4,  
3A:39, 4:17, 4:25, 4:34,  
4:35, 4:54, 5:27, 6:7, 6:13,  
6:18, 6:49, 7:17, 7:30, 7:35,  
8:4, 8A:3, 10:1, 10:2, 10:4,  
10:5, 10:10, 10:19, 10:24,  
10:28, 13:3, 13:5, 13:7 to  
13:9, 14:8, 15:5, 15:24,  
15:33, 15:41, 16:8, 16:18,  
17:30, 18:8, 18:19  
Mixed motive, 8A:9, 18:18, 18:19  
National origin, 3:1, 3:9, 3:17,  
3:23, 3:24, 3:60, 3:64, 3:67,  
4:4, 4:5, 4:17, 4:19, 4:25,  
6:18, 13:9  
Pattern or practice, 15:4  
Preemption, 4:27  
Pregnancy, 2:1, 5:1, 7:35, 8A:5,  
15:15, 15:22, 15:24  
Pretext, 3:24, 3:29, 3:63, 4:25,  
5:20, 5:27, 6:13, 8A:9, 13:8,  
16:11, 17:30, 18:19  
Procedure, 3:77, 4:25, 4:34, 10:8,  
10:10, 10:13, 10:19, 11:16,  
13:10, 13:12, 14:19, 15:5,  
15:7, 15:20, 15:28, 16:1,  
16:2, 16:4 to 16:6, 16:8,  
16:10, 16:13, 16:14, 16:17,  
17:22, 17:35, 19:2  
Protected activity, 5:27, 6:40,  
7:61, 8:19, 8A:1 to 8A:10  
Protected categories, 19:12

### EMPLOYMENT

#### DISCRIMINATION—Cont'd

Punitive damages, 3:6, 3:10, 4:27,  
4:28, 4:54, 10:1, 10:4, 10:10,  
10:13, 10:19, 10:21, 10:24,  
13:2, 14:11, 16:2, 17:2,  
17:35, 18:3, 18:24, 20:2  
Race, 3:1, 3:9, 3:17, 3:23, 3:24,  
3:60, 3:63, 3:64, 3:76, 3A:4,  
3A:39, 4:3 to 4:5, 4:10, 4:17,  
4:19, 4:20, 4:24, 4:25, 4:35,  
6:18, 8A:3, 8A:4, 10:8,  
10:16, 10:17, 13:8, 13:9,  
14:19, 15:4, 15:6, 20:5  
Reasonable accommodation, 7:35,  
8A:3, 15:15  
Reasonable belief, 3:77, 8A:4,  
15:40  
Rehabilitation Act, 4:27, 7:8,  
7:17, 7:35, 8A:1, 8A:3  
Relief, 3:17, 3:64, 3A:39, 4:3,  
4:17, 4:25, 4:28, 4:54, 5:27,  
6:31, 9:20, 10:28, 11:16,  
11:22, 13:3, 13:5, 13:8,  
14:10, 14:19, 15:4, 15:18,  
15:19, 15:28, 15:39, 15:41,  
16:8, 16:11, 17:2, 17:35,  
18:19, 19:3  
Religion, 3:1, 3:9, 3:17, 3:24, 4:4,  
4:17, 4:19, 4:25, 6:7, 6:18,  
7:30, 13:9  
Retaliation, 3:23, 3:76, 3:77, 4:4,  
4:10, 4:19, 4:24, 5:20, 5:27,  
5:28, 6:40, 7:34, 7:61, 8:4,  
8:19, 8A:1 to 8A:10, 10:4,  
10:10, 13:7 to 13:9, 13:17,  
15:4, 15:6, 15:14, 16:11,  
17:23, 17:31, 18:19, 18:22,  
19:2, 19:12  
Retirement, 6:31, 6:49, 13:9  
Seniority systems, 2:1  
Sex, 2:1, 3:1, 3:9, 3:14, 3:17,  
3:24, 3:29, 3:36, 3:59, 3:63,  
4:4, 4:17, 4:19, 4:20, 4:24,  
5:1, 6:18, 8A:4, 8A:7, 9:15,  
10:8, 10:16, 10:17, 10:26,  
13:8, 13:9, 14:19, 16:5, 16:8  
Sexual orientation, 2:1, 3:36, 4:20  
Statistics, 3:76, 4:10, 4:24, 5:27,  
6:40, 7:61, 8:19, 8:26, 12:3,  
13:8, 13:9, 16:12, 16:17,

## INDEX

### EMPLOYMENT

#### DISCRIMINATION—Cont'd

- 18:6, 18:13, 18:14, 20:2, 20:5, 20:6
- Statute of limitations, 15:22 to 15:24, 15:28, 15:32 to 15:34, 17:16, 19:3
- Stereotyping, 3:36, 4:20, 18:19
- Tangible employment action, 10:5
- Tax, 14:11
- Temporal proximity, 5:20, 5:27, 8A:4, 8A:10, 13:9, 17:23
- Wage discrimination, 2:1
- Waiver, 5:27, 5:28, 6:31, 9:20, 14:7, 14:8, 15:10, 16:19

### EMPLOYMENT PRACTICES

- Business necessity, 11:16, 16:11
- Federal contractors, 4:77, 7:13
- Federal employment, 4:3, 7:30
- Firefighters, 4:23
- First Amendment, 4:19, 4:21, 4:22, 7:30
- Foreign countries, 7:30
- Former employees, 3:14
- Intentional discrimination, 3:29, 4:24, 6:28
- Interest, 3A:18, 4:19, 4:23, 11:16, 16:11
- Number of employees, 4:3, 4:21, 7:30
- Person, 3:14, 3:36, 3A:18, 4:3, 4:20, 4:22, 4:24, 6:38, 7:30, 11:6, 12:2, 16:11
- Remedies, 2:35, 3A:18, 3A:33, 4:2, 4:3
- Settlement agreement, 3:27
- Supervisors, 2:35, 4:3, 4:21, 6:38, 16:11
- Whole, 3A:18

### EMPLOYMENT

#### RELATIONSHIP

- Retaliation, 3:5, 3:76, 5:4, 8:4, 15:4, 16:11

### ENFORCEMENT

- Arbitration, 2:32, 3:59, 7:67, 9:20, 10:28, 11:26, 14:21, 19:1 to 19:3, 19:6

### ENFORCEMENT—Cont'd

- Attorney-client privilege, 11:2, 12:9
- Cause of action, 2:5, 2:32, 3:62, 3:63, 6:5, 6:41, 7:32, 7:34, 7:60
- Exhaustion of administrative remedies, 2:32, 15:17
- Injunction, 2:33, 4:73, 14:21, 19:2
- Maryland, 5:30, 8:2
- Settlement, 11:2, 11:6, 12:16, 14:6, 14:8, 14:14, 14:21, 14:22, 19:3
- Statute of limitations, 11:3, 19:3
- Venue, 15:36

### EQUAL EMPLOYMENT

#### OPPORTUNITY

- Unfair labor practices, 9:13, 9:17

### EQUAL EMPLOYMENT

#### OPPORTUNITY

#### COMMISSION

- Administrative processes, 11:2
- Admissibility, 18:5
- Adverse employment action, 1:2, 2:5, 3:6, 3:68, 3:70, 3:76, 4:24, 5:27, 6:38, 7:31, 7:40, 7:61, 13:9
- Adverse impact, 11:16
- Age discrimination claims, 6:33, 6:38, 6:40
- Americans with Disabilities Act, 7:1, 7:21, 7:27, 7:30 to 7:34, 7:36, 7:38, 7:41, 7:43, 7:45 to 7:48, 7:50, 7:53, 7:57, 7:58, 7:61, 7:63, 7:64, 7:66, 9:7, 10:12, 10:27, 18:28
- Appeals, 3:14, 3:15, 3:55, 3A:34, 4:10, 6:38, 6:45, 7:30, 7:33, 7:50, 7:58, 7:63, 7:66, 11:4, 13:9, 18:1, 18:28, 19:2, 20:9
- Backlogs, 11:3
- Burdensome, 10:10, 10:15, 11:6
- Causation, 5:27, 7:57, 7:61, 15:4
- Charges of discrimination, 1:2
- Class actions, 2:33, 6:45, 11:26, 15:5, 15:7, 16:8
- Commencement, 9:20
- Commissioners, 11:2, 15:4

## DEFENSE OF EQUAL EMPLOYMENT CLAIMS

### EQUAL EMPLOYMENT OPPORTUNITY

#### COMMISSION—Cont'd

Complaints, 2:5, 3:44, 3:76, 4:24,  
5:27, 6:40, 10:10, 10:12,  
16:8

Compliance Manual, 2:5, 3:70,  
7:58, 11:4, 11:17

Conciliation, 3A:34, 11:2, 11:7,  
11:18 to 11:20, 11:22 to  
11:24, 11:26, 12:1, 16:8

Conciliation efforts, 3A:34, 11:18,  
11:24, 12:1

Confidentiality, 10:10, 11:2, 11:6,  
14:8

Coverage, 2:1, 3:6, 3:14, 3A:12,  
5:6, 6:33, 7:1, 7:27, 7:30,  
7:36, 7:38, 7:41, 7:45, 7:50,  
7:58, 15:4, 15:5, 19:2

Deferral Agencies, 11:5

Delays, 11:25

Disability discrimination, 7:27,  
7:36, 7:38, 7:40, 7:41, 7:43,  
7:45 to 7:48, 7:50, 7:53,  
7:57, 7:58, 7:61, 7:63, 7:64,  
7:66, 7:67

Discovery, 1:2, 11:2, 11:6, 11:15,  
13:9, 14:3, 16:8, 18:2, 19:2

District, 2:5, 3:6, 3:15, 3:36, 3:70,  
3A:12, 3A:34, 4:10, 5:27,  
6:3, 6:45, 7:33, 7:38, 7:46,  
7:50, 7:53, 7:57, 7:63, 7:66,  
9:20, 11:2, 11:14, 11:15,  
11:22, 13:9, 16:8, 18:28,  
19:2, 20:9

Employers, 1:2, 2:1, 2:5, 3:6,  
3:13, 3:36, 3:55, 3:76,  
3A:12, 5:27, 6:25, 7:1, 7:30  
to 7:34, 7:40, 7:45 to 7:47,  
7:50, 7:57, 7:58, 7:63, 7:64,  
10:10, 10:12, 10:15, 10:17,  
10:27, 11:2, 11:5, 11:13,  
11:16, 11:22, 12:1, 13:9,  
14:8, 16:8, 18:2, 18:5, 18:28,  
19:2, 20:9

Employment agencies, 3:6, 7:30

Enforcement guidance, 3:6, 3:44,  
3:55, 7:32, 7:33, 7:45, 7:48,  
7:57

Equal Pay Act, 1:2, 2:1, 2:5, 2:33,  
3A:12, 15:5, 15:30, 18:28

### EQUAL EMPLOYMENT OPPORTUNITY

#### COMMISSION—Cont'd

Evidence, 2:5, 3:6, 3:36, 3:70,  
3:76, 3A:34, 5:6, 5:27, 6:25,  
6:33, 6:38, 7:30, 7:33, 7:36,  
7:46 to 7:48, 7:50, 7:53,  
7:61, 7:63, 10:10, 10:15,  
10:17, 10:27, 11:6, 11:13,  
11:14, 11:17 to 11:19, 13:9,  
16:8, 18:2, 18:5

Exemptions, 2:1, 6:33

Filing charges, 4:10

Freedom of Information Act,  
11:20, 16:8

General counsel, 11:15, 11:22

Investigation, 2:33, 3:76, 3A:34,  
7:47, 7:61, 10:10, 10:12,  
11:1 to 11:3, 11:5 to 11:12,  
11:14, 11:17 to 11:21, 11:24,  
11:26, 13:9, 15:4, 15:27,  
16:8, 18:2

Jurisdiction, 11:4, 11:5, 11:15,  
11:19

Jury trials, 7:66

Laches, 11:25

Medical examinations, 7:21, 7:32,  
7:33

Motion to dismiss, 4:24

National Labor Relations Board,  
9:7, 9:20, 11:6, 11:15

Office of Federal Contract  
Compliance Programs, 10:12,  
12:1

Parties, 3:6, 3A:34, 7:30, 7:34,  
11:2, 11:4 to 11:6, 11:10,  
11:15, 11:19, 11:21, 11:22,  
11:26, 14:3, 15:4, 16:8, 18:1,  
18:28, 19:2

Psychiatric disabilities, 7:45, 7:48,  
7:57

Questioning, 2:5

Reasonable accommodation, 7:27,  
7:32, 7:45 to 7:48, 7:50,  
7:53, 7:57, 7:63, 7:64, 7:66

Records, 3:6, 7:30, 7:50, 10:15 to  
10:17, 11:25, 13:9, 20:9

Remedies, 2:33, 3:6, 3A:12,  
3A:34, 4:46, 6:45, 7:63,  
7:66, 9:20, 11:3, 11:4, 11:15,

## INDEX

### **EQUAL EMPLOYMENT OPPORTUNITY**

#### **COMMISSION—Cont'd**

11:19, 11:22, 11:26, 15:7

Retaliation, 1:2, 2:5, 3:70, 3:76,  
4:10, 4:24, 5:27, 6:38, 6:40,  
7:31, 7:34, 7:61, 10:10, 11:3,  
11:6, 13:9, 15:4, 19:2

Settlement procedures, 14:3

Settlements, 2:33, 11:2, 14:3

Sexual harassment, 1:2, 3:13,  
3:34, 3:36, 3:44, 3:55,  
3A:34, 4:24, 10:12, 11:3,  
13:9, 16:8, 19:2

Strike, 3:36

Subpoenas, 11:6, 11:12, 11:15

Tolling, 11:5

Undue hardship, 3:70, 7:53, 7:63

Unions, 15:4, 15:5, 19:2

Vicarious liability, 3:55

### **EQUAL PAY ACT**

Affirmative defenses, 2:4, 2:6,  
2:22

Bennett Amendment, 2:6

Class actions, 2:33, 15:5

Comparable worth, 2:7, 3:39

Compensation, 2:1, 2:3, 2:6, 2:22,  
2:23, 2:28, 2:35, 15:33

Coverage, 2:1, 2:6, 2:26, 3A:12,  
15:5

Defenses, 2:1, 2:3, 2:4, 2:6, 2:22,  
2:31

Differentials, 2:3, 2:17

Enforcement, 2:1, 2:3, 2:5, 2:32  
to 2:36, 3:63, 8A:1, 15:30,  
15:36

Evidence, 2:2 to 2:6, 2:9, 2:14,  
2:15, 2:18, 2:22, 2:27, 2:32,  
3:63

Experience, 2:5, 2:10, 2:18, 2:22,  
2:27

Head of household, 2:26

Intervention, 2:33

Parties, 2:34, 18:28

Prima facie case, 2:3, 2:5, 2:6,  
2:9, 2:10, 2:18, 2:20, 2:23,  
3:63, 3A:12, 18:28

Proceedings, 3:63, 15:34

Prohibition, 2:1, 2:6 to 2:9, 2:27

### **EQUAL PAY ACT—Cont'd**

Red circle rates, 2:24

Remedies, 2:32 to 2:36, 3A:12

Retaliation, 1:2, 2:5, 8A:1

Statistical evidence, 2:3

Venue, 15:36

### **ESSENTIAL FUNCTIONS**

Job descriptions, 7:47, 10:9

### **EVIDENCE**

Admissibility, 6:16, 13:5, 16:18,  
18:5, 18:10, 18:12, 20:2,  
20:3

Affidavits, 11:13, 16:8, 17:23,  
18:29

Affirmative action plans, 4:23,  
16:22

Aliens, 16:8

Attorney client privilege, 10:26,  
16:17

Authentication, 5:12

Burden of establishing, 3A:23,  
5:18

Burden of Proof, 2:3, 2:27, 3:23,  
3:24, 3:27, 3:29, 3:30, 3:53,  
4:25, 5:18, 5:28, 6:13, 6:25,  
8:5, 13:8, 17:30, 18:19,  
18:29

Business necessity, 3:63, 3:69,  
3A:4, 3A:14, 3A:21, 3A:23,  
7:33, 7:59, 13:2, 13:9, 16:11,  
18:14, 20:2

Class actions, 3A:41, 13:5, 16:8,  
17:32, 20:2

Comparative evidence, 3:50,  
8A:10

Comparators, 2:3, 2:9, 4:13, 7:39

Compromise, 4:21, 13:2, 18:5

Cross-examination, 16:11, 16:12,  
18:7, 18:10, 18:14, 18:17,  
19:6, 20:7

Damages, 2:32, 3:6, 3:23, 3:53,  
3:54, 3:69, 3A:26, 3A:29,  
3A:34, 3A:39, 4:2, 4:20,  
4:25, 4:48, 5:3, 5:17, 6:48,  
6:49, 7:30, 10:10, 10:13,  
10:24, 11:19, 13:2, 15:22,  
15:24, 16:8, 16:11, 16:12,  
18:4, 18:12, 18:19, 18:24,  
19:3, 19:8, 20:2

## DEFENSE OF EQUAL EMPLOYMENT CLAIMS

### EVIDENCE—Cont'd

Defenses, 2:3, 2:4, 2:6, 2:22, 3:53, 3A:21, 3A:23, 5:17, 5:18, 5:20 to 5:22, 5:26, 6:26, 10:3, 13:7, 13:9, 13:16, 14:14, 16:6, 16:7, 16:11, 16:12, 16:14, 16:18, 16:22, 17:4, 17:27, 17:31, 18:22

Demonstrative evidence, 19:8

Direct evidence, 3:20, 3:21, 3:23, 3:24, 3:28, 4:12, 4:14, 4:23, 5:27, 6:10 to 6:13, 6:34, 6:38, 6:48, 7:35, 7:61, 8A:2, 8A:9, 10:24, 13:8, 17:17 to 18:19

Disciplinary proceedings, 5:14, 6:24

Discovery, 3:63, 3A:4, 3A:39, 6:6, 10:24, 10:28, 11:6, 13:2, 13:3, 13:5, 13:7 to 13:9, 16:4 to 16:8, 16:11 to 16:15, 16:17, 16:18, 16:22, 17:4, 17:10, 17:26, 17:27, 17:30, 17:32, 18:2, 18:10, 19:3, 19:5, 19:6, 20:2

Disparate treatment, 2:6, 3:2, 3:6, 3:18, 3:20, 3:21, 3:23, 3:24, 3:26 to 3:30, 3:33, 3:36, 3:37, 3:41, 3:43, 3:47 to 3:51, 3:53, 3:54, 3:56, 3:57, 3:62, 3:63, 3:65, 3:66, 3:69 to 3:71, 3:73, 3:74, 3:76, 3:78, 3A:4, 3A:14, 3A:29, 4:13, 4:20, 4:26, 6:10, 6:15, 6:17, 6:23, 6:24, 6:28, 6:39, 6:48, 7:35, 7:39, 7:48, 8:5, 10:24, 13:7 to 13:9, 16:7, 16:11

Disparate treatment and disparate impact, 3:18

Documentary evidence, 6:11, 10:3, 11:13, 11:14, 13:16, 16:8, 16:11, 16:13, 18:4

Education, 2:18, 2:27, 3:63, 3:74, 3A:17, 4:21, 4:23, 6:21, 6:38, 6:49, 7:46, 7:59, 7:62, 10:17, 13:16

Employee Retirement Income Security Act, 5:17

Employment agency, 3:74, 6:32, 13:8

### EVIDENCE—Cont'd

Executive Orders, 3:63, 4:2, 4:6, 4:12 to 4:14, 4:20, 4:21, 4:23, 4:25, 4:26, 4:33, 4:48

Exhibits, 18:14, 18:15

Expert testimony, 6:49, 16:8, 19:5, 20:2

Expert witnesses, 13:5, 16:12, 17:32, 18:14, 19:6

Legitimate, 2:5, 2:6, 2:27, 3:23, 3:24, 3:27 to 3:29, 3:41, 3:63, 3:65, 3:69, 3:70, 3:78, 3A:4, 3A:17, 3A:21, 3A:23, 3A:39, 4:12, 4:20, 4:25, 5:18, 5:20, 5:21, 5:26, 5:27, 6:12, 6:13, 6:20, 6:21, 6:24, 6:26, 6:34, 6:36 to 6:38, 7:35, 7:48, 7:51, 7:59, 13:8 to 16:8, 16:11, 17:30, 18:4, 18:19, 19:7

Mixed motives, 3:23, 18:19

Motions in limine, 18:5, 19:8

Multiple regression analysis, 2:3, 20:15

Objections, 3:73, 10:28, 19:6, 19:8

Plaintiff, 2:2 to 2:6, 2:9, 2:14, 2:15, 2:18, 2:22, 2:27, 3:2, 3:18, 3:20, 3:21, 3:23, 3:24, 3:26 to 3:30, 3:36, 3:37, 3:41, 3:43, 3:47 to 3:51, 3:53, 3:54, 3:56, 3:57, 3:62, 3:63, 3:65, 3:66, 3:69 to 3:71, 3:73, 3:74, 3:76, 3:78, 3A:4, 3A:9, 3A:14, 3A:19, 3A:21, 3A:23, 3A:26, 3A:29, 3A:34, 3A:39, 3A:41, 4:2, 4:6, 4:12, 4:13, 4:20, 4:21, 4:23, 4:25, 4:26, 4:33, 4:48, 5:17, 5:18, 5:20, 5:22, 5:27, 5:28, 5:39, 6:6, 6:11 to 6:13, 6:15 to 6:17, 6:19 to 6:21, 6:23, 6:24, 6:26, 6:28, 6:32, 6:34 to 6:36, 6:38, 6:39, 6:49, 7:30, 7:35, 7:37, 7:39, 7:46, 7:47, 7:50 to 7:53, 7:56, 7:59 to 7:63, 8:5 to 8A:7, 8A:9, 10:15, 10:17, 10:24, 10:28, 13:2, 13:3, 13:5, 13:7 to 13:9, 15:22, 15:24, 16:4 to 16:8, 16:11 to



## INDEX

### EVIDENCE—Cont'd

16:15, 16:17, 16:18, 17:4,  
17:10, 17:17, 17:18, 17:23,  
17:26, 17:27, 17:30, 17:31,  
18:2, 18:4, 18:7, 18:10,  
18:12, 18:14, 18:15, 18:17,  
18:19, 18:22, 18:24, 18:29,  
19:3, 19:6 to 19:8, 20:2,  
20:5, 20:7, 20:8  
Pretext, 2:4, 2:5, 2:22, 2:27, 3:21,  
3:24, 3:28 to 3:30, 3:41,  
3:51, 3:63, 3:78, 3A:23,  
4:13, 4:25, 5:18, 5:20, 5:21,  
5:27, 6:13, 6:19, 6:21, 6:24,  
6:34, 6:36, 6:38, 7:59, 8A:9,  
13:8, 16:11, 17:30, 18:19  
Prima facie case, 2:3, 2:5, 2:6,  
2:9, 2:18, 3:18, 3:21, 3:24,  
3:26, 3:27, 3:29, 3:36, 3:41,  
3:47, 3:48, 3:63, 3:65, 3:66,  
3:70, 3:71, 3:74, 3:78, 3A:4,  
3A:9, 3A:17, 3A:21, 4:13,  
4:20, 5:18, 5:20, 5:27, 6:11,  
6:13, 6:15, 6:21, 6:24, 6:34  
to 6:36, 6:38, 7:35, 7:46,  
7:51, 7:53, 7:61, 8:6, 8A:4,  
10:17, 13:5, 13:8 to 16:8,  
17:17, 17:18, 17:30, 18:4,  
18:19, 19:7, 20:2  
Prior discrimination suit, 4:23  
Prior inconsistent statements,  
16:11  
Privileges, 3:43, 3:65, 3:71,  
3A:14, 4:2, 5:17, 7:50  
Proffer, 5:27, 6:38, 7:51, 20:15  
Railway Labor Act, 9:19  
Remarks, 3:28, 3:47, 3:48, 3:54,  
6:19, 10:24, 18:7  
Retaliation, 2:5, 3:23, 3:37, 3:47,  
3:50, 3:53, 3:54, 3:70, 3:76,  
3:78, 3A:19, 4:21, 5:17,  
5:18, 5:20, 5:21, 5:27, 5:28,  
5:39, 6:38, 7:61, 7:62, 8:5,  
8:19, 8A:2 to 8A:4, 8A:7,  
8A:9 to 10:10, 11:6, 13:7 to  
13:9, 16:11, 17:23, 17:31,  
18:19, 18:22  
Similarly situated employees,  
3:70, 4:12, 6:35, 7:50, 16:7,  
18:4  
Spoliation, 16:14

### EVIDENCE—Cont'd

State law, 3:29, 3:62, 5:22, 5:36,  
6:26, 6:34, 17:27  
Statistical evidence, 2:3, 3:26,  
3:36, 3:43, 4:26, 6:15, 6:23,  
6:35, 7:33, 13:8, 17:32,  
18:13, 18:14, 18:17, 20:2,  
20:3, 20:5, 20:7  
Stereotyping, 3:36, 3:37, 3:50,  
3:51, 4:20, 6:20, 18:19  
Stray remarks, 3:28, 6:19  
Summary judgment, 2:5, 2:6,  
2:14, 2:22, 2:27, 3:23, 3:27  
to 3:30, 3:36, 3:41, 3:47,  
3:49, 3:50, 3:53, 3:54, 3:56,  
3:57, 3:63, 3:65, 3:66, 3:70,  
3:71, 3:74, 3:78, 3A:4,  
3A:15, 3A:17, 3A:39, 4:20,  
4:21, 4:25, 5:6, 5:14, 5:18,  
5:21, 5:27, 5:28, 5:39, 6:12,  
6:13, 6:19, 6:20, 6:24, 6:34,  
6:38, 7:33, 7:37, 7:39, 7:46,  
7:50 to 7:53, 7:56, 7:59,  
7:62, 8:6, 8:19, 8:20, 13:3,  
13:5, 13:8, 13:9, 16:4, 16:6,  
16:12, 17:10, 17:17, 17:18,  
17:23, 17:26, 17:27, 17:30 to  
17:32, 18:19, 19:7  
Testimonial evidence, 2:5, 6:16  
Title VII, 2:2 to 2:6, 2:22, 2:32,  
3:2, 3:6, 3:18, 3:20, 3:21,  
3:23, 3:24, 3:26 to 3:30,  
3:33, 3:36, 3:37, 3:41, 3:43,  
3:47 to 3:51, 3:53, 3:54,  
3:56, 3:57, 3:62, 3:63, 3:65,  
3:66, 3:69 to 3:71, 3:73,  
3:74, 3:76, 3:78, 3A:4, 3A:9,  
3A:14, 3A:15, 3A:17, 3A:19,  
3A:21, 3A:23, 3A:26, 3A:29,  
3A:34, 3A:39, 3A:41, 3A:42,  
4:2, 4:12 to 4:14, 4:20, 4:21,  
4:23, 4:25, 4:26, 5:18, 5:27,  
5:39, 6:5, 6:6, 6:12, 6:15,  
6:18, 6:21, 6:24, 6:25, 6:28,  
6:38, 6:49, 7:30, 7:35, 7:39,  
7:60, 7:61, 8:5, 8:6, 8A:2 to  
8A:4, 8A:7, 8A:9, 8A:10,  
9:19, 10:27, 10:28, 13:7 to  
13:9, 15:22, 15:24, 16:8,  
16:12, 16:18, 18:24, 20:2,  
20:5, 20:15

## DEFENSE OF EQUAL EMPLOYMENT CLAIMS

### EVIDENCE—Cont'd

Weight, 3:2, 3:30, 5:6, 5:20, 7:37,  
7:51, 7:53, 9:2, 9:19, 10:28,  
13:9, 19:6

Witnesses, 3:63, 6:24, 11:6, 11:13,  
11:14, 13:5, 13:16, 16:5,  
16:7, 16:8, 16:11, 16:12,  
16:15, 16:18, 17:4, 17:27,  
17:32, 18:2, 18:4, 18:7,  
18:10, 18:12 to 18:14, 19:6,  
19:8, 20:2

### EXAMINATION

Federal employment, 16:8

### EXECUTIVE ORDER 11246

Admissions, 12:2  
Government contractors, 12:2  
Rehabilitation Act, 12:2

### EXECUTIVE ORDERS

Federal employment, 4:3, 4:78,  
4:79

### EXHAUSTION OF REMEDIES

Age discrimination cases, 15:28  
Class actions, 15:28  
Title VII cases, 15:28

### EXPERT

Costs, 4:53, 5:38, 6:51, 13:5,  
16:12, 18:28  
Discovery, 13:5, 16:8, 16:10,  
16:12, 16:13, 17:32, 19:5,  
19:6, 20:2  
Fair Labor Standards Act, 18:28  
Generally, 7:44  
Selection, 8:25, 17:32, 19:5, 19:6  
Witness, 3A:37, 4:53, 5:38, 6:51,  
8:23 to 8:25, 13:5, 16:8,  
16:12 to 18:16, 19:6, 20:2

### EXTENT

Federal employment, 3:6, 7:30,  
7:66  
Unions, 9:2, 9:15, 9:17, 15:4

### FACIAL HAIR

Appearance and grooming, 3A:16

### FACTORS

Federal employment, 6:18, 7:30,  
7:66

### FAILURE TO FILE

National Labor Relations Board,  
11:15

### FAILURE TO PROVIDE CERTIFICATION

Family and Medical Leave Act,  
5:6

### FAIR LABOR STANDARDS ACT

Answers, 2:1  
Appeals, 2:3, 5:30, 6:45, 9:19,  
18:28  
Approval, 7:54  
Arbitration agreements, 2:32  
Assignments, 2:8, 7:54  
Back wages, 2:32  
Burden of proof, 2:3  
Collateral estoppel, 9:19  
Commerce, 5:30, 15:5  
Complaints, 2:5  
Congress, 2:1, 2:3, 5:30, 6:9,  
6:42, 15:7  
Costs, 18:28  
Coverage, 2:1, 5:4, 15:5  
Damages, 2:32, 5:30, 6:42, 6:47,  
18:28  
Date, 5:4, 15:33, 18:28  
Defenses, 2:1, 2:3  
Department of Labor, 7:54  
Discrimination, 2:1, 2:3, 2:5, 3:9,  
5:30, 6:9, 6:42, 6:45 to 6:47,  
7:54, 9:19, 15:5, 15:7, 15:11,  
15:30, 15:33, 18:28  
Duties test, 5:31  
Employee, 2:1, 2:3, 2:5, 5:4, 5:30,  
5:31, 6:42, 6:45, 6:47, 7:54,  
9:19, 15:5, 15:7, 18:28  
Employer, 2:1, 2:3, 2:5, 2:8, 5:4,  
5:30, 5:31, 6:42, 6:47, 7:54,  
15:5, 15:7, 15:11, 15:33,  
18:28  
Enforcement, 2:1, 2:3, 2:5, 2:32,  
5:30, 6:9, 6:42, 6:45, 6:47,  
15:30  
Enterprise, 2:8, 15:5  
Estoppel, 5:4, 9:19  
Evidence, 2:3, 2:5, 2:32, 9:19  
Exceptions, 2:1, 2:3, 2:8, 5:31,  
6:9

## INDEX

### FAIR LABOR STANDARDS ACT

#### —Cont'd

Exemptions, 2:1, 3:9  
Gender, 2:1, 2:3, 2:5, 5:30  
Good faith, 18:28  
Goods, 15:5  
Government employees, 2:1  
Jurisdiction, 3:9, 5:30  
Knowledge, 15:33, 18:28  
Legislative history, 5:30, 6:42  
Liquidated damages, 2:32  
Minimum wage, 5:31  
National Labor Relations Board, 9:19  
Notice, 5:4, 6:45  
Overtime, 2:1, 5:31, 6:47, 9:19, 15:33  
Police, 5:4  
Prima facie case, 2:3, 2:5, 18:28  
Regulations, 2:1, 2:8, 5:4, 5:30, 5:31  
Related claims, 2:3  
Remedies, 2:32, 6:42, 6:45 to 6:47, 9:19, 15:7  
Retaliation, 2:5, 5:4, 5:30, 6:42  
Salary basis, 5:31  
Schools, 2:8  
Secretary of Labor, 2:1  
Settlement, 18:28  
Sex, 2:1, 2:3, 2:8, 3:9, 6:9  
Statute of limitations, 15:33  
Summary judgment, 2:5, 5:30, 7:54, 18:28  
Trial, 2:3, 6:45, 6:46, 9:19, 18:28  
United States, 5:30, 15:30  
Willful violations, 2:32  
Workweek, 5:31

### FAIR REPRESENTATION

Back pay, 9:13  
Contracts, 9:17  
Hiring hall, 9:13  
Internal union remedies, 9:18  
Procedure, 9:1, 9:12, 9:18  
Relief, 9:13

### FAMILY AND MEDICAL LEAVE ACT

50 employees, 5:31

### FAMILY AND MEDICAL LEAVE ACT—Cont'd

Adoption, 5:1, 5:5, 5:10, 5:13, 5:15, 5:20  
Benefits, 5:1, 5:4, 5:12, 5:15 to 5:19, 5:23, 5:26 to 5:29, 5:33 to 5:35, 5:37, 5:38, 7:63  
Birth, 3:41, 5:1, 5:5, 5:10, 5:13 to 5:15, 5:18, 5:26, 5:32  
Burden of proof, 5:18, 5:28  
Certification, 5:2, 5:6 to 5:8, 5:12 to 5:16, 5:21, 5:23, 5:34, 5:36, 7:63  
Compensation, 5:4, 5:17, 5:29, 5:30, 5:33, 5:38, 7:63  
Conditions of employment, 5:17, 5:18  
Coverage, 5:1 to 5:4, 5:6, 5:16, 5:28, 5:34, 5:35  
Damages, 5:3, 5:17, 5:30, 5:38  
Daughter, 5:1, 5:5 to 5:10, 5:14, 5:18, 5:20, 5:28  
Department of Labor, 5:1, 5:2, 5:8, 5:10, 5:20, 5:27 to 5:29, 5:36  
Disability, 3:41, 5:1, 5:6, 5:7, 5:9, 5:10, 5:12, 5:14, 5:17, 5:20, 5:21, 5:23, 5:30, 5:32, 5:34, 5:35, 7:62, 7:63  
Discrimination, 3:41, 5:1, 5:3, 5:17, 5:18, 5:20, 5:27 to 5:30, 5:34, 5:39, 7:34, 7:62, 7:63, 8A:1  
Duration, 5:6, 5:13, 5:14  
Duration of leave, 5:13  
Employees, 3:41, 5:1 to 5:9, 5:11 to 5:20, 5:22, 5:23, 5:26 to 5:31, 5:33 to 5:38, 7:63, 8A:1  
Employees covered, 5:4  
Employer requirements, 5:14  
Employers, 3:41, 5:1 to 5:4, 5:7, 5:8, 5:11, 5:12, 5:14 to 5:21, 5:23, 5:26 to 5:29, 5:31, 5:33 to 5:37, 7:34, 7:63, 8A:1  
Employers covered, 5:3, 5:34  
Enactment, 5:1, 5:2, 5:9, 7:34  
Enforcement, 5:15, 5:30, 7:34, 8A:1  
Equivalent benefits, 5:17

## DEFENSE OF EQUAL EMPLOYMENT CLAIMS

### FAMILY AND MEDICAL LEAVE

#### ACT—Cont'd

Equivalent pay, 5:17  
Equivalent position, 5:17, 5:19, 5:29, 5:33, 5:34  
Evidence, 3:41, 5:3, 5:6, 5:12, 5:14, 5:17, 5:18, 5:20 to 5:22, 5:26 to 5:28, 5:36, 5:39, 7:62, 7:63  
Failure to provide certification, 5:6  
Family member, 5:6, 5:8, 5:10, 5:11, 5:14 to 5:16, 5:35, 7:34  
Federal government, 5:34  
Gender discrimination, 5:30  
Group health plan, 5:16, 5:33, 5:34  
Health benefits, 5:15, 5:16, 5:19, 5:26, 5:27, 5:35  
Health conditions, 5:6, 5:33  
Immunity, 5:3, 5:17, 5:30  
Interference with rights, 5:15  
Intermittent leave, 5:2, 5:10, 5:12, 5:13, 5:28, 5:31  
Joint employers, 5:2  
Key employees, 5:19  
Litigation, 5:12  
Maternity leave, 3:41, 5:14, 5:17, 5:20, 5:27, 5:34  
Medical certifications, 5:6, 5:12, 5:37  
Notice, 5:2, 5:4, 5:6, 5:8, 5:12 to 5:16, 5:19, 5:20, 5:26, 5:28, 5:36, 5:37  
Notices, 5:28, 5:37  
Overtime, 5:17, 5:31  
Paid leave, 5:2, 5:14 to 5:16, 5:27, 5:32, 5:33  
Part-time employees, 5:34  
Poster, 5:2  
Pregnant employees, 3:41  
Purpose, 5:6, 5:10, 5:13, 5:24, 5:26, 5:27, 5:35  
Qualified immunity, 5:30  
Qualifying exigency leave, 5:1, 5:8  
Recertification, 5:2, 5:12  
Recordkeeping, 5:36, 5:37

### FAMILY AND MEDICAL LEAVE

#### ACT—Cont'd

Recordkeeping requirements, 5:36, 5:37  
Reduced schedule, 5:34  
Reemployment rights, 5:39  
Regulations, 3:41, 5:1 to 5:8, 5:10, 5:12, 5:14, 5:15, 5:17 to 5:19, 5:26, 5:28, 5:30 to 5:32, 5:34, 5:36, 7:63  
Reinstatement, 5:3, 5:4, 5:16 to 5:26, 5:28, 5:38  
Remedies, 5:38, 5:39, 7:63  
Requirements, 5:2, 5:4, 5:6, 5:8, 5:11 to 5:15, 5:17, 5:20, 5:23, 5:28, 5:30 to 5:32, 5:34 to 5:37  
Retaliation, 5:4, 5:17, 5:18, 5:20, 5:21, 5:25, 5:27 to 5:30, 5:35, 5:38, 5:39, 7:34, 7:62, 8A:1  
Same-sex marriages, 5:10  
Schools, 5:3  
Secondary schools, 5:3  
Serious health condition, 5:1, 5:2, 5:4, 5:6, 5:10, 5:11, 5:13 to 5:16, 5:21, 5:29, 5:30, 5:32 to 5:36, 7:63  
Serious health conditions, 5:6, 5:33  
Sick leave, 5:4, 5:15, 5:17, 5:21, 5:35  
State laws, 5:5  
Substance abuse, 5:11  
Types of leave, 5:5 to 5:11, 5:15  
Vacation leave, 5:6, 5:36  
Vacation time, 5:14  
Waiver, 5:3, 5:12, 5:23, 5:27 to 5:29

### FEDERAL CONTRACTORS

Employment practices, 4:77, 7:13

### FEDERAL EMPLOYMENT

Accommodations, 7:66  
Agencies, 3:6, 4:79, 7:25, 7:30, 7:34, 16:8  
Amendment, 4:3, 4:78, 7:30  
Availability, 4:3, 7:66  
Charges, 4:3, 7:34, 16:8

## INDEX

### FEDERAL EMPLOYMENT

#### —Cont'd

Complaints, 16:8  
Courts, 4:3, 6:18, 7:30, 7:66  
Decisions, 4:3, 4:78, 4:79, 7:30, 7:34, 16:8  
Determinations, 3:6  
Discovery, 16:8  
Discrimination, 3:6, 4:3, 4:78, 4:79, 6:18, 7:30, 7:34, 7:66, 16:8  
Enforcement, 3:6, 4:78, 7:34, 16:8  
Equal Employment Opportunity Commission, 3:6, 4:78, 4:79, 7:30, 7:34, 7:66, 16:8  
Evidence, 3:6, 6:18, 7:30, 16:8  
Exceptions, 7:34, 7:66  
Executive Orders, 4:3, 4:78, 4:79  
Factors, 6:18, 7:30, 7:66  
Fees, 7:66  
Filing, 7:30, 16:8  
Findings, 3:6  
Guidance, 3:6, 4:79, 7:34, 16:8  
Investigations, 16:8  
Issues, 16:8  
Members, 7:34  
Negotiations, 4:3  
Number of employees, 3:6, 4:3, 7:30, 7:66  
Orders, 4:3, 4:78, 4:79  
Parties, 3:6, 7:30, 7:34, 16:8  
Proceedings, 16:8  
Protection, 7:30  
Regulations, 3:6, 7:30  
Remedies, 3:6, 4:3, 7:66  
Representatives, 16:8  
Requests, 16:8  
Responsibilities, 3:6  
Retaliation, 7:34  
Review, 16:8  
Rights, 3:6, 4:3, 4:78, 4:79, 6:18, 7:66, 16:8  
Rules, 7:30, 16:8  
Scope, 3:6, 16:8  
Selection, 7:30  
Service, 6:18  
Statements, 16:8  
Supervisors, 4:3, 6:18

### FEDERAL EMPLOYMENT

#### —Cont'd

Violations, 3:6

### FEDERAL STATUTES

Collective bargaining agreement, 6:3  
Due process, 3:36  
Equal protection, 3:36, 4:40  
Family and Medical Leave Act, 5:8  
Pregnancy discrimination, 8A:5  
Rehabilitation Act, 8A:3  
Remedies, 3A:30

### FEES

Collective bargaining agreements, 10:28

### FILING

National Labor Relations Act, 9:5, 9:6, 9:9, 9:13, 9:20  
Railway Labor Act, 9:20

### FINDINGS

Railway Labor Act, 9:19

### FIRST AMENDMENT

Employment practices, 4:19, 4:21, 4:22, 7:30  
Retaliation claims, 6:42  
Section 1983, 4:19, 4:21, 4:22

### FLORIDA

Age Discrimination in Employment Act, 6:5  
Age discrimination, 6:5  
Assignments, 2:8  
Compensation, 4:35  
Complaints, 4:35  
Employment agencies, 3A:30  
Evidence, 6:5  
Harassment, 3A:30, 4:35  
Remedies, 3A:30  
Unemployment compensation, 4:35

### FOREIGN COUNTRIES

Employment practices, 7:30

### FORMER EMPLOYEES

Employment practices, 3:14

## DEFENSE OF EQUAL EMPLOYMENT CLAIMS

### **FORMER EMPLOYEES—Cont'd**

Retaliation, **3:76, 5:4, 15:4**

### **FORMS**

Unions, **3:11**

### **FOUR-FIFTHS RULE**

Disparate impact, **3A:3**

### **FREEDOM OF INFORMATION ACT**

Exempt material, **12:17**

Judicial review, **12:17**

### **FRINGE BENEFITS**

Title VII, **3A:26**

### **FRONT PAY**

Backpay, **7:66**

Compensatory damages, **3:6, 3A:25, 3A:30, 6:50, 7:66, 18:23**

Liquidated damages, **6:44, 6:50**

Reinstatement, **3A:28, 3A:39, 6:44, 6:49, 6:50, 7:66, 18:19, 18:23**

### **FULL FAITH AND CREDIT**

Jurisdiction, **15:41**

### **GARNISHMENT**

Earnings, **3A:15**

### **GENDER DISCRIMINATION**

Adverse actions, **2:5**

Disability insurance, **5:30**

Discharge, **2:5, 8A:3**

Equal Pay Act, **2:5, 2:10**

Evidence, **2:5, 8A:3**

Family and Medical Leave Act, **5:30**

Retaliation, **2:5, 5:30, 8A:3**

### **GEORGIA**

Employment practices, **8A:5**

Health, **8A:5**

Permits, **8A:5**

### **GOOD FAITH**

Backpay, **7:66**

Civil penalties, **18:24**

Retaliation, **5:38, 7:55, 8A:4**

### **GOVERNMENT**

#### **CONTRACTORS**

Americans with Disabilities Act, **7:1**

Executive Order 11246, **12:2**

Rehabilitation Act, **7:1, 12:2, 12:12**

#### **GOVERNMENT EMPLOYMENT**

Affirmative action, **3A:3**

Class actions, **20:2**

Damages, **20:2**

Federal, **3A:3, 20:2**

Regulations, **3A:3**

Religious beliefs, **3A:3, 20:2**

Remedies, **3A:3**

State, **3A:3, 20:2**

#### **GRIEVANCE PROCEDURES**

Harassment, **3:62, 10:10, 16:11, 19:11**

Title VII, **3:62, 3A:33**

#### **GRIEVANCES**

National Labor Relations Act, **9:1, 9:14, 9:20**

National Labor Relations Board, **9:1, 9:20**

Processing of grievances, **9:1**

Railway Labor Act, **9:1, 9:18, 9:20**

#### **GROCERY STORES**

Compensation, **3A:29**

#### **GUIDANCE**

Federal employment, **3:6, 4:79, 7:34, 16:8**

#### **HAWAII**

Age discrimination, **3:30**

Evidence, **3:30**

Terms, **3:30**

#### **HIRING**

Advertising, **12:11**

Affirmative action, **3:63, 3A:18, 4:55, 4:56, 7:9, 7:13, 7:23, 8:26, 8:37, 8:44, 8:45, 8:50, 9:15, 10:12, 10:27, 12:4, 12:11, 12:14, 14:19, 20:7**

## INDEX

### HIRING—Cont'd

Age discrimination, 3:30, 3:76, 6:3, 6:14, 6:21, 6:33, 6:35, 6:37, 6:38, 6:44, 10:12, 10:27, 13:9

Agencies, 3:63, 4:55, 4:73, 4:77, 9:15, 10:16, 10:17, 11:2, 12:4, 16:8, 16:11, 20:9

Aliens, 16:8

Applicant pools, 20:9

Apprenticeship programs, 8:7

Business necessity, 3:63, 3A:4, 8:45, 11:16, 13:9, 16:11, 18:14

Defenses, 2:1, 3:53, 8:4, 10:12, 13:9, 13:16, 16:11, 16:14, 16:18

Discovery from, 16:8

Employment agency, 13:8, 15:4

Evidence, 3:18, 3:23, 3:24, 3:26 to 3:28, 3:30, 3:53, 3:63, 3:66, 3:76, 3A:4, 3A:9, 3A:15, 3A:17, 4:6, 4:33, 5:27, 6:21, 6:33, 6:35, 6:37, 6:38, 7:63, 9:13, 10:8, 10:15, 10:17, 10:27, 13:8, 13:9, 13:16, 16:8, 16:11, 16:14, 16:18, 18:14, 20:7, 20:8, 20:15

Immigration status, 16:8

Insurance, 5:27, 6:21, 6:35, 6:38, 15:4, 16:11

Internet, 10:17

Interviews, 11:2, 12:11, 13:16, 16:11

Judicial remedies, 3:64

Medical examinations, 7:32

National origin discrimination, 3:24, 3:64, 3:66, 4:55, 13:9

Physical condition, 13:9

Pre-employment, 16:11

Preemployment inquiries, 7:32

Prima facie case, 3:18, 3:24, 3:26, 3:27, 3:63, 3:64, 3:66, 3A:4, 3A:9, 3A:17, 5:27, 6:14, 6:21, 6:35, 6:38, 10:17, 13:8 to 16:8

Qualification standards, 8:45

Reasonable accommodation, 7:9, 7:32, 7:63, 7:66, 8:45

### HIRING—Cont'd

Recruitment, 3A:4, 8:26, 8:50, 11:16, 14:19, 16:18

Reinstatement, 4:46, 6:44, 7:66, 13:17

Remedies, 3:64, 3A:4, 3A:9, 3A:15, 3A:17, 3A:18, 4:46, 4:71, 4:73, 6:44, 7:63, 7:66

Selecting employees, 6:37

Sex discrimination, 4:55, 13:8, 16:8

Sexual orientation, 2:1, 4:55, 7:9

Standing, 3:63, 7:63, 15:4, 20:8

Statistical evidence, 3:26, 6:35, 13:8, 18:14, 20:7

Statistics, 3:26, 3:76, 3A:9, 5:27, 8:26, 8:50, 12:11, 13:8, 13:9, 18:14, 20:7 to 20:12, 20:14, 20:15

Subjective criteria, 3A:9, 3A:17

Tenure, 3:27, 3:63

Testers, 12:8, 15:4

Testimony, 3:66, 3:76, 3A:15, 10:19, 13:16, 16:8, 16:11, 16:18, 18:14

Title VII, 2:1, 2:8, 3:8, 3:18, 3:23, 3:24, 3:26 to 3:28, 3:30, 3:45, 3:53, 3:63, 3:64, 3:66, 3:76, 3A:4, 3A:9, 3A:15, 3A:17, 3A:18, 4:46, 4:67, 5:27, 6:14, 6:21, 6:38, 7:31, 8:4, 8A:6, 10:12, 10:27, 11:2, 13:8, 13:9, 15:4, 15:6, 16:8, 16:18, 20:15

### HIV

Alcohol, 7:65

Americans with Disabilities Act, 7:41, 7:58 to 7:60, 7:65

Analysis, 7:59

Appeals, 7:58, 7:59

Assessment, 7:59

Assignments, 7:59

Availability, 7:59

Behavior, 5:14

Benefits, 7:58

Business, 7:59

Care, 5:14, 7:58, 7:59

Certification, 5:14

Change, 7:58

## DEFENSE OF EQUAL EMPLOYMENT CLAIMS

### HIV—Cont'd

Claims, 7:58 to 7:60, 7:65  
Clearance, 7:59  
Compliance, 5:14, 7:58  
Concerns, 7:59  
Conditions, 5:14, 7:58 to 7:60, 7:65  
Coordination, 5:14  
Counsel, 7:59  
Coverage, 7:41, 7:58  
Current employees, 7:59  
Data, 7:58  
Dealing with, 7:59  
Degrees, 7:59  
Denial, 7:41, 7:59  
Details, 5:14  
Discrimination, 7:41, 7:58 to 7:60, 7:65  
Diseases, 7:59  
Documents, 7:60  
Duration, 5:14, 7:59  
Eligibility, 5:14  
Emergency, 5:14  
Enforcement, 7:60  
Equal Employment Opportunity Commission, 7:41, 7:58  
Equal employment opportunity, 7:41, 7:58  
Essential functions, 7:59  
Evidence, 5:14, 7:59, 7:60  
Examination, 7:59, 7:60  
Expenses, 7:41  
Experience, 7:59  
Exposure, 7:59  
Factors, 7:59  
Facts, 5:14  
Fair, 7:59, 7:65  
Family, 5:14, 7:59  
Family and Medical Leave Act, 5:14  
Family and medical leave, 5:14  
Fmla, 5:14  
Follow-up, 5:14  
Food, 7:59  
Frequency, 7:60  
Harassment, 7:60  
Health, 5:14, 7:58, 7:59  
Health care, 7:58, 7:59

### HIV—Cont'd

Hours, 5:14, 7:59  
Incidents, 7:60  
Information, 5:14, 7:59  
Injuries, 7:60  
Insurance, 7:41, 7:58  
Issues, 5:14  
Laws, 7:58, 7:60, 7:65  
Liability, 7:58, 7:60  
Making, 7:65  
Management, 5:14  
Media, 5:14  
Minimum, 7:59  
Needs, 5:14  
Notice, 5:14  
Number, 7:58, 7:59, 7:65  
Paid, 5:14  
Parties, 7:59  
Pay, 7:58  
Payment, 7:58  
Performance, 7:60  
Personal leave, 7:59  
Place, 5:14  
Plans, 7:58  
Policies, 5:14  
Practices, 7:65  
Privilege of employment, 7:60  
Proceedings, 5:14  
Protection, 5:14, 7:59  
Questions, 7:59  
Refusal, 7:59  
Rehabilitation, 7:58, 7:59  
Reimbursement, 7:58  
Response, 5:14, 7:59  
Restrictions, 7:60  
Retirement, 7:58  
Rights, 5:14, 7:59  
Safety, 7:59  
Social, 5:14, 7:60  
State, 5:14, 7:59, 7:65  
Statements, 5:14  
Statutes, 7:59, 7:60, 7:65  
Supervisors, 7:60  
Support, 7:59  
Termination, 7:59  
Time, 5:14, 7:58 to 7:60  
Time off, 5:14, 7:59  
Training, 7:59



## INDEX

### **HIV—Cont'd**

Types, **7:59**  
Use, **5:14, 7:59**  
Verification, **7:59**  
Voluntary, **7:59**  
Wrongful discharge, **7:65**

### **HONORABLE DISCHARGE**

Uniformed Services Employment  
and Reemployment Rights  
Act, **8:12**

### **HOSTILE WORK**

#### **ENVIRONMENT**

Harassment, **3:45 to 3:47, 3:49,**  
**3:50, 3:53, 3:56, 3:57, 3:62,**  
**3:66, 3:71, 3A:19, 3A:29,**  
**4:11, 4:19, 4:20, 4:26, 4:33,**  
**6:41, 7:31, 7:60, 8:4, 8A:4,**  
**8A:7**

### **ILLINOIS**

Administrators, **9:2**  
Age Discrimination in Employ-  
ment Act, **6:45**  
Age discrimination, **6:45**  
Conditions of employment, **9:2**  
Employment agencies, **3A:30**  
Harassment, **3A:30**  
Notice, **6:45, 8:2**  
Remedies, **3A:30, 6:45, 8:2**  
Terms, **9:2**

### **IMMIGRANT WORKERS**

Status, **16:8**  
Undocumented workers, **16:8**

### **INDEPENDENT**

#### **CONTRACTORS**

Uniformed Services Employment  
and Reemployment Rights  
Act, **8:7, 8:8**

### **INFORMATION**

Railway Labor Act, **9:1**

### **INJUNCTIONS**

Discipline, **19:2**  
Irreparable harm, **3A:31**  
Irreparable injury, **3A:31**  
Termination of employment,  
**3A:31**

### **INJUNCTIONS—Cont'd**

Unions, **19:2**

### **INSUBORDINATION**

Discipline, **3:72**

### **INSURANCE**

Discrimination claims, **6:35, 6:38,**  
**6:39, 7:58, 15:4**  
Notice requirements, **5:28**  
Public policy, **15:4**  
Unions, **15:4**

### **INTELLIGENCE AGENCIES**

Uniformed Services Employment  
and Reemployment Rights  
Act, **8:8**

### **INTENT**

Age Discrimination in Employ-  
ment Act, **6:1, 6:7, 6:11,**  
**6:15, 6:19, 6:23, 6:28, 6:32,**  
**6:33, 6:35, 6:39, 6:42, 9:19,**  
**13:7**  
Harassment, **3:24, 3:63, 3:71,**  
**3:78, 3A:29, 3A:34, 4:26,**  
**4:34, 5:27, 7:60, 8A:4,**  
**8A:10, 13:7, 18:7**  
Rehabilitation Act, **2:6, 4:27,**  
**7:48, 8:47**  
Section 1981, **4:12 to 4:15**  
Section 1985, **4:36, 4:38**  
Summary judgment, **2:6, 3:63,**  
**3:71, 3:78, 3A:4, 3A:13,**  
**4:25, 5:14, 5:18, 5:27, 5:28,**  
**5:30, 6:19, 7:62, 13:8**  
Title VII, **2:3, 2:6, 3:2, 3:18, 3:20,**  
**3:21, 3:24, 3:26, 3:43, 3:63,**  
**3:69, 3:71, 3:78, 3A:1, 3A:4,**  
**3A:13, 3A:24, 3A:29, 3A:34,**  
**4:12 to 4:15, 4:17, 4:25 to**  
**4:27, 5:18, 5:27, 6:15, 6:28,**  
**6:42, 7:60, 8:5, 8A:4, 8A:9,**  
**8A:10, 9:19, 11:2, 13:7,**  
**13:8, 15:4**

### **INTERACTION**

Regression, **20:15**

### **INTEREST**

Employment practices, **3A:18,**  
**4:19, 4:23, 11:16, 16:11**

## DEFENSE OF EQUAL EMPLOYMENT CLAIMS

### INTERFERENCE

Federal employment, **7:30**  
National Labor Relations Act,  
**9:10**

### INTERFERENCE WITH CONTRACTUAL RELATIONS

At-will employment, **4:37**

### INTERFERENCE WITH RIGHTS

Family and Medical Leave Act,  
**5:15**

### INTERROGATION

Unions, **9:15**

### INTERVENTION

Class actions, **2:33, 11:26**

### INVESTIGATIONS

Collective bargaining agreements,  
**9:15**  
Family and Medical Leave Act,  
**5:39**  
Federal employment, **16:8**  
Jurisdiction, **12:12**  
Retaliation, **3:5, 3:54, 5:39, 10:10,**  
**11:3, 11:6, 13:7**

### JOINT EMPLOYERS

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

### JOINT LIABILITY

Unfair labor practices, **9:13**

### JURISDICTION

Arbitration, **9:12, 14:19, 19:3**  
Complaints, **12:12, 17:14**  
Consent decrees, **14:19**  
Due process, **6:5**  
Full faith and credit, **15:41**  
Investigation, **3:3, 11:5, 11:19,**  
**12:12, 15:21**  
National Labor Relations Act, **9:1,**  
**9:2, 9:12**  
Res judicata, **4:2**  
Settlements, **14:19**  
Subject matter jurisdiction, **3:3,**  
**3:8, 3:9, 7:24, 14:14**

### KENTUCKY

Age Discrimination in Employ-  
ment Act, **6:39**  
Age discrimination, **6:39**  
Appeals, **4:20, 6:39**  
Employment practices, **4:20**  
Evidence, **4:20, 6:39, 7:36**  
Harassment, **4:20**  
Health, **6:39**  
Permits, **6:39**  
Seniority systems, **6:39**  
Sex discrimination, **4:20**  
Terms, **6:39, 7:36**

### LABOR MANAGEMENT RELATIONS ACT

Administrative proceedings, **9:19**  
Arbitration, **9:19**  
Claims, **9:19**  
Collateral estoppel, **9:19**  
Collective bargaining, **9:19**  
Decisions, **9:19**  
Evidence, **9:19**  
National Labor Relations Board,  
**9:19**  
Nature, **9:19**  
Nlrb, **9:19**  
Proceedings, **9:19**  
Railway Labor Act, **9:19**  
Res judicata, **9:19**  
Restrictions, **9:19**  
Rights, **9:19**  
Role, **9:19**  
Standards, **9:19**

### LABOR RELATIONS

Administrative proceedings, **9:19**  
Contracts, **9:17**  
Coverage, **5:3**

### LANGUAGE

National Labor Relations Board,  
**9:3, 9:17**  
Unfair labor practices, **9:17**

### LAW FIRMS

Unions, **15:4**

### LEGISLATIVE HISTORY

Fair Labor Standards Act, **5:30,**  
**6:42**

## INDEX

### LETTERS

National Labor Relations Board,  
9:20

### LIFE EXPECTANCY

Retirement plans, 3:35

### LIFE INSURANCE

Backpay, 11:25  
Employee Retirement Income  
Security Act, 5:17  
Payments, 5:17  
Premiums, 5:17, 6:52  
Retirement plans, 5:12

### LIKELIHOOD

Statistics, 12:3, 16:12, 16:17

### LIQUIDATED DAMAGES

Calculation, 2:32  
Front pay, 6:44, 6:50  
Retaliation, 5:38  
Willfulness, 2:35, 6:48

### LITERATURE

Distribution, 9:11

### LITIGATION

Architect, 4:25  
Cross examination, 16:8, 19:6  
Deposition, 11:13, 13:4, 13:15,  
14:3, 16:3, 16:5, 16:8, 16:10  
to 16:12, 19:6  
Discovery, 1:1, 1:2, 3A:35, 10:28,  
11:2, 11:6, 11:15, 12:15,  
13:2 to 13:5, 13:7 to 13:9,  
13:14, 13:15, 13:17, 14:3,  
14:19, 16:1, 16:3, 16:5, 16:8,  
16:10 to 16:12, 16:19, 17:7,  
18:2, 19:4 to 19:6, 19:12,  
19:13  
Limitations period, 3A:24, 6:46,  
11:6, 15:22, 15:24, 15:32,  
15:34  
Parallel proceedings, 9:20  
Physician, 5:12, 7:55, 7:59  
Plaintiff, 1:3, 3:2, 3:3, 3:23 to  
3:25, 3:36, 3:46, 3:50, 3:53,  
3:69, 3:78, 3A:14, 3A:18,  
3A:24, 3A:28, 3A:33, 3A:35,  
4:16, 4:17, 4:25, 4:28, 4:51,  
6:16, 6:46, 6:49, 7:59, 7:66,

### LITIGATION—Cont'd

8:23, 10:17, 10:28, 11:2,  
11:4, 11:23, 11:25, 13:2 to  
13:5, 13:7 to 13:10, 13:12 to  
13:15, 13:17, 14:3, 14:5,  
14:6, 14:12, 15:2, 15:4, 15:5,  
15:7, 15:10, 15:12, 15:13,  
15:17, 15:19, 15:22 to 15:24,  
15:28, 15:30, 15:31, 15:33,  
15:36, 15:37, 15:39, 15:41,  
16:3, 16:5, 16:8, 16:10 to  
16:12, 16:19, 17:5, 17:12,  
17:36, 18:2, 18:23, 18:24,  
18:28, 19:6, 19:7, 19:12,  
19:13, 20:8, 20:9

Pleadings, 3:24, 4:17, 16:11

Remedies, 3:3, 3:78, 3A:8, 3A:14,  
3A:18, 3A:24, 3A:28, 3A:33,  
3A:35, 3A:42, 4:17, 4:51,  
6:46, 6:49, 7:66, 8:23, 9:20,  
11:3, 11:4, 11:15, 11:19,  
11:22, 11:26, 13:5, 13:7,  
15:7, 15:13, 15:16, 15:17,  
15:28, 18:23, 19:7, 19:11

Settlements, 10:1, 11:2, 13:17,  
14:3, 14:15, 14:19

Statutory schemes, 10:1, 15:2,  
15:16, 18:23

Strategy, 3:53, 13:17, 14:3, 14:5,  
16:3, 16:8, 17:5

Supervisor, 3:23, 3:24, 3:50, 3:53,  
3:78, 4:28, 5:12, 6:16, 8:20,  
10:4, 10:23, 13:5, 13:7, 13:9,  
13:16, 13:17, 16:12, 18:24,  
19:11

Trial, 3:23, 3:78, 6:16, 6:46, 6:49,  
7:59, 7:66, 8:20, 10:10,  
10:28, 11:2, 11:11, 11:13,  
11:18, 13:2, 13:5, 13:8, 13:9,  
13:16, 14:3, 14:19, 15:10,  
15:18, 15:27, 16:1, 16:5,  
16:8, 16:10 to 16:12, 16:19,  
17:5, 17:7, 17:12, 17:33,  
17:36, 18:2, 18:5, 18:23,  
18:24, 18:28, 19:6, 19:7,  
19:13

### LOCAL GOVERNMENTS

Title VII, 4:27

### LOSS

National Labor Relations Act, 9:2

## DEFENSE OF EQUAL EMPLOYMENT CLAIMS

### LOUISIANA

Age discrimination, **6:5**  
Evidence, **6:5**  
Notice, **8:2**  
Remedies, **8:2**

### MAINE

Age Discrimination in Employment Act, **4:18**  
Age discrimination, **4:18**  
Family leave, **5:35**  
Health, **5:35**  
Parental leave, **5:35**  
Sick leave, **5:35**

### MANAGEMENT

Collective bargaining agreements, **9:14**  
Federal employment, **3:6, 7:30**

### MANAGERS

Compensation, **2:22, 4:76, 8A:3, 10:18**

### MANDATORY RETIREMENT

Bona fide executive, **6:33**  
Early retirement, **6:32**  
High policy-making position, **6:33**  
Law enforcement officers, **6:33**  
Voluntary retirement, **6:32**

### MARYLAND

Age discrimination, **3:30**  
Compensation, **5:30**  
Evidence, **3:30, 5:3**  
Family leave, **5:3, 5:30**  
Health, **5:30**  
Notice, **8:2**  
Remedies, **8:2**  
Terms, **3:30, 5:3, 5:30**

### MASSACHUSETTS

Administrators, **3:2**  
Age discrimination, **6:34**  
Appeals, **2:10, 3:2, 3:52**  
Employment practices, **3:52**  
Equal pay, **2:10**  
Evidence, **3:2, 6:34**  
Family leave, **5:35**  
Harassment, **3:52, 6:34**  
Health, **5:35**

### MASSACHUSETTS—Cont'd

Notice, **6:34**  
Parental leave, **5:35**  
Sick leave, **5:35**  
Terms, **2:10**

### MERIT SYSTEM

Compensation, **2:1, 2:22, 4:15**

### MICHIGAN

Appeals, **3:47, 4:20**  
Conditions of employment, **3:47**  
Employment practices, **4:20**  
Harassment, **3:47, 3:49, 4:11, 4:20**  
Race discrimination, **4:11**  
Sex discrimination, **3:47, 3:49, 4:11, 4:20**  
Terms, **3:47, 4:11**

### MILITARY SERVICE

Compensation, **8:15, 8:16**

### MINIMIZING

Collective bargaining agreements, **10:28**

### MINIMUM WAGES

Age, **6:47**

### MINNESOTA

Appeals, **3:52, 3:72, 4:21, 4:22**  
Compensation, **5:17, 7:32**  
Complaints, **2:5, 3:72**  
Conditions of employment, **5:17**  
Damages, **3:72, 5:17**  
Employment practices, **3:52, 4:21, 4:22**  
Equal pay, **2:5**  
Evidence, **2:5, 4:21, 5:17**  
Family leave, **5:17, 5:35**  
Harassment, **3:52, 3:72, 4:21, 4:22**  
Health, **4:22, 5:17, 5:35, 7:32**  
Health insurance, **5:17**  
Hiring, **7:32**  
Life insurance, **5:17**  
Overtime pay, **5:17**  
Parental leave, **5:35**  
Religious discrimination, **3:72, 4:21, 4:22**  
Retaliation, **2:5, 4:21, 5:17, 5:35**

## INDEX

### MINNESOTA—Cont'd

Sick leave, 5:17, 5:35

Strikes, 3:72, 4:22

Terms, 3:72, 5:17

### MISCONDUCT

Employment practices, 3:27, 4:20, 18:5

Front pay, 3A:39, 18:23

### MISSISSIPPI

Appeals, 3:72, 4:22

Compensation, 6:28

Employment practices, 4:22, 6:28

Notice, 3:78

Religious discrimination, 3:72, 4:22

Remedies, 3:78

Terms, 3:72

### MISSOURI

Age Discrimination in Employment Act, 6:34

Age discrimination, 6:34

Evidence, 6:34

Harassment, 6:34

Notice, 6:34

### MIXED MOTIVES

Disparate treatment, 3:23

### MOTIONS

Directed verdict, 17:7

New trial, 6:24, 18:5

### MOTIVE

Summary judgment, 3:23, 3:28, 3:29, 3:65, 3:78, 3A:39, 4:22, 4:25, 6:12, 6:13, 6:24, 7:59, 7:62, 13:8, 13:9, 18:19

### MULTIPLE REGRESSION ANALYSIS

Statistical evidence, 2:3

### NATIONAL LABOR RELATIONS ACT

Activities, 9:3, 9:5, 9:9 to 9:11, 9:17

Agencies, 9:1, 9:12

Agreements, 9:13, 9:14, 9:17

Appeals, 3:64

### NATIONAL LABOR

#### RELATIONS ACT—Cont'd

Arbitration, 9:12, 9:16, 9:20

Authority, 9:1, 9:3, 9:9, 9:12, 9:17

Collective bargaining, 9:1, 9:3, 9:6, 9:12 to 9:14, 9:16, 9:17, 9:20

Collective bargaining agreements, 9:13, 9:14, 9:17

Committees, 9:6

Control, 3:64, 9:2, 9:13

Courts, 3:64, 9:1, 9:2, 9:6, 9:9, 9:14, 9:17, 9:20

Enforcement, 3:64, 9:7, 9:20

Exercise, 9:1, 9:3, 9:10, 9:12

Faculty members, 9:2

Forum, 9:20

Government, 9:2

Impact, 3:64, 9:1 to 9:3, 9:5 to 9:7, 9:9 to 9:14, 9:16, 9:17, 9:20

Interference, 9:10

Interpretation, 9:7

Issues, 3:64, 9:9, 9:11, 9:17

Jurisdiction, 9:1, 9:2, 9:12

Local unions, 9:13

Managers, 9:2

Members, 9:1, 9:2, 9:16, 9:20

Modification, 9:14

Nature, 9:2, 9:9, 9:20

Newspapers, 9:6

Nonemployee, 9:2

Organizations, 9:16

Organizers, 9:2

Participation, 3:64, 9:9

Picketing, 9:6

Precedent, 9:2

Production, 9:11

Purpose, 9:1 to 9:3, 9:9, 9:17

Regulation, 9:12, 9:17

Representatives, 9:1, 9:17

Rights, 3:64, 9:1 to 9:3, 9:6, 9:9 to 9:12, 9:14, 9:17, 9:20

Schools, 3:64, 9:16

Services, 9:2

States, 3:64, 9:1, 9:13

Status, 9:2, 9:14

Strikes, 9:6

**NATIONAL LABOR  
RELATIONS ACT—Cont'd**

Supervisors, 9:2  
Teachers, 9:16  
Television, 9:6  
Totality of circumstances, 9:9  
Unions, 9:1, 9:2, 9:12, 9:13, 9:16,  
9:17  
United States, 3:64, 9:1, 9:13  
Violations, 3:64, 9:10, 9:13, 9:14,  
9:17  
Wages, 9:1, 9:11  
Working conditions, 9:1, 9:2

**NATIONAL LABOR  
RELATIONS BOARD**

Absence, 8:5, 9:17, 11:6  
Access, 9:11, 11:6, 11:15  
Activities, 9:3, 9:8, 9:11, 9:17  
Adjustment, 9:1  
Administrative proceedings, 9:19  
Agents, 11:15  
Agreements, 9:13, 9:17  
Allegations, 9:2, 11:6  
Americans with Disabilities Act,  
9:7, 9:11  
Amount, 11:6  
Arbitration, 9:12, 9:19, 9:20  
Argument, 11:6  
Attendance, 3:64  
Backpay, 3:64, 9:13  
Bargaining, 3A:24, 9:1 to 9:3,  
9:12, 9:13, 9:17, 9:19, 9:20  
Bargaining units, 3A:24  
Benefits, 9:2  
Breach, 9:12, 9:13  
Briefs, 9:2  
Burden of proof, 8:5  
Care, 11:6  
Cause, 11:15  
Charges, 9:7, 9:12, 11:6  
Charging party, 11:6, 11:15  
Choice, 9:17, 11:6  
Circumstantial evidence, 8:5  
Collective bargaining, 9:1, 9:3,  
9:12, 9:13, 9:17, 9:19, 9:20  
Collective bargaining agreements,  
9:13, 9:17  
Combination, 11:6

**NATIONAL LABOR  
RELATIONS BOARD  
—Cont'd**

Commerce, 9:1  
Common law, 9:2  
Conditions, 9:1, 9:2, 9:11  
Consent, 9:1, 11:15  
Counsel, 8:5, 11:6, 11:15  
Courts, 3:64, 8:5, 9:1, 9:2, 9:17,  
9:20  
Criteria, 3A:24  
Decisions, 9:19  
Defenses, 3A:24, 11:15  
Designation, 9:1  
Discipline, 9:8, 9:11  
Disclosure, 11:6  
Discovery, 11:6, 11:15  
Discrimination, 3:64, 3A:24, 8:5,  
9:1, 9:3, 9:8, 9:11 to 9:13,  
9:17, 9:19, 9:20  
Discussions, 9:11  
Dismissal, 9:19  
Disputes, 9:17  
Documents, 11:6, 11:15  
Duties, 9:7, 9:17  
Election, 9:13  
Elections, 9:1  
Employers, 8:5, 9:1 to 9:3, 9:11  
to 9:13  
Enforcement, 3:64, 9:7, 9:20,  
11:6, 11:15  
Equal Employment Opportunity  
Commission, 9:7, 9:20, 11:6,  
11:15  
Evidence, 8:5, 9:2, 9:13, 9:19,  
11:6  
Examination, 11:6  
Exceptions, 3:64  
Exercise, 8:5, 9:1, 9:3, 9:12  
Extent, 3A:24, 9:2, 9:17  
Factors, 3:64, 3A:24, 8:5, 9:2  
Facts, 3:64, 8:5  
Failure to file, 11:15  
Fair Labor Standards Act, 9:19  
Federal courts, 3:64, 9:1, 9:17  
Fees, 9:2  
Filing, 9:13, 9:20, 11:6, 11:15  
Findings, 9:19

## INDEX

### NATIONAL LABOR RELATIONS BOARD

#### —Cont'd

Forums, 9:19  
General Counsel, 11:15  
Grievances, 9:1, 9:20  
Hiring hall, 9:13  
Impact, 3:64, 3A:24, 9:1 to 9:3,  
9:7, 9:8, 9:11 to 9:13, 9:17,  
9:19, 9:20  
Individuals, 3:64  
Information, 9:1, 9:11, 11:6, 11:15  
Interests, 3:64, 9:17  
Interviews, 11:6  
Investigations, 11:6  
Issuance, 11:15  
Issues, 3:64, 9:11, 9:17, 9:19, 11:6  
Joint liability, 9:13  
Jurisdiction, 9:1, 9:2, 9:12, 11:15  
Knowledge, 8:5  
Lack, 11:6  
Letters, 9:20  
Liability, 9:13  
Limitations, 3A:24, 11:6  
Location, 9:2  
Materials, 11:15  
Members, 8:5, 9:1, 9:2, 9:20  
Nature, 9:2, 9:19, 9:20, 11:6  
Negotiations, 11:6  
Notice, 11:6  
Officers, 8:5  
Organization, 3:64, 9:1, 9:3, 9:11,  
9:17  
Participation, 3:64, 8:5, 11:6  
Parties, 9:2, 11:6, 11:15  
Payment, 9:2  
Petitions, 9:13  
Place, 3:64, 9:17  
Powers, 9:17, 11:6  
Precedent, 9:2  
Preclusion, 9:19  
Priority, 11:6  
Process, 9:17, 11:6, 11:15  
Processing, 9:1, 11:6  
Production, 8:5, 9:11, 11:6  
Prohibition, 3:64, 8:5, 9:11  
Proof, 8:5  
Purpose, 3A:24, 9:1 to 9:3, 9:17

### NATIONAL LABOR RELATIONS BOARD

#### —Cont'd

Railway Labor Act, 9:1, 9:17,  
9:19, 9:20  
Record, 9:2, 9:19  
Records, 8:5  
Refusal, 9:7, 9:13  
Regulations, 3A:24, 9:2, 9:12  
Relief, 3:64, 8:5, 9:13, 9:20  
Representation, 9:1, 9:2, 9:12,  
9:13, 9:17  
Representatives, 9:1, 9:17, 11:15  
Requests, 11:6  
Response, 3A:24, 9:11, 11:6,  
11:15  
Restrictions, 9:19, 11:6  
Retail, 9:11  
Review, 9:1, 11:6  
Rights, 3:64, 3A:24, 8:5, 9:1 to  
9:3, 9:8, 9:11, 9:12, 9:17,  
9:19, 9:20, 11:6  
Role, 9:19  
Rules, 9:13, 11:6, 11:15  
Rulings, 8:5  
Scope, 11:6  
Service, 8:5, 9:1, 9:13  
Services, 8:5, 9:2  
Significance, 9:2  
Standards, 9:17, 9:19  
State, 9:2, 9:11, 9:12  
Statements, 11:6  
Status, 9:2  
Subpoenas, 11:6, 11:15  
Supervisors, 9:2  
Trade, 11:6  
Transportation, 8:5  
Types, 9:11  
Unfair labor practices, 9:13, 9:17  
Use, 9:11, 9:13, 11:15  
Violations, 3:64, 9:13, 9:17  
Waiver, 9:20  
Withdrawal, 9:8  
Witnesses, 11:6, 11:15  
Work, 3:64, 8:5, 9:2, 9:11, 9:13,  
11:15  
Written, 9:11, 11:6

## DEFENSE OF EQUAL EMPLOYMENT CLAIMS

### NATIONAL ORIGIN DISCRIMINATION

Ancestry, **3:13, 3:64 to 3:66, 3:69**  
Backpay, **3:64**  
Business necessity, **3:69, 3A:14, 13:9**  
Citizenship, **3:64 to 3:66, 3:69**  
Damages, **3:22, 3:69, 4:17**  
Defenses, **13:9**  
Discrimination, **3:13, 3:22, 3:24, 3:60, 3:64 to 3:66, 3:69, 3A:14, 4:17, 4:55, 13:9, 18:20**  
Disparate impact, **3:13, 3:64, 3:69, 3A:14, 13:9**  
Disparate treatment, **3:13, 3:22, 3:24, 3:60, 3:64 to 3:66, 3:69, 3A:14, 13:9**  
Education, **4:55**  
EEOC, **3:13, 3:64, 3:66, 3:69, 3A:14, 4:55**  
Enforcement, **3:64, 3:66, 3:69, 3A:14, 4:55**  
English-only rules, **3:69, 3A:14**  
Harassment, **3:13, 3:24, 3:66, 3A:14, 4:55, 13:9**  
Height, **3:13**  
Immigration Reform and Control Act, **3:64**  
Intent, **3:24, 3:69, 4:17**  
Physical, **3:64, 3:66, 13:9**  
Remedies, **3:22, 3:64, 3A:14, 4:17**  
Retaliation, **13:9**  
Stereotypes, **3:65**

### NATIONAL SECURITY

Rehabilitation Act, **7:7, 7:24**

### NEUTRAL EMPLOYMENT PRACTICES

Disparate impact, **6:28**

### NEW HAMPSHIRE

Benefit plans, **5:35**  
Family leave, **5:35**  
Health, **5:35**  
Parental leave, **5:35**

### NEW JERSEY

Affirmative action plans, **3A:18**  
Assignments, **7:59**

### NEW JERSEY—Cont'd

Benefit plans, **5:35**  
Conditions of employment, **5:18**  
Dispute, **7:59**  
Employment practices, **3A:18**  
Evidence, **3:49, 5:18, 7:59**  
Family leave, **5:18, 5:35**  
Handicapped persons, **7:59**  
Harassment, **3:49**  
Health, **5:35, 7:59**  
Hiring practices, **3A:18**  
Interest, **3A:18, 7:59**  
Notice, **3A:18**  
Parental leave, **5:35**  
Permits, **3A:18**  
Promotions, **3A:18**  
Remedies, **3A:18**  
Retaliation, **5:18, 5:35**  
Savings, **5:18**  
Sex discrimination, **3:49**  
Students, **3A:18, 7:59**  
Terms, **3A:18**  
Time off, **5:18, 7:59**

### NEW MEXICO

Appeals, **3:29**  
Employment practices, **3:29**  
Evidence, **3:29**  
Sex discrimination, **3:29**

### NEW TRIAL

Motions, **6:24, 18:5**

### NEW YORK

Age Discrimination in Employment Act, **3:10, 10:28, 19:2**  
Age discrimination, **3:10, 10:28, 19:1, 19:2**  
Appeals, **3:10, 10:28, 19:2**  
Arbitration, **10:28, 19:1, 19:2**  
Court proceedings, **19:2**  
Evidence, **10:28**  
Family leave, **5:35**  
Harassment, **3:10, 11:3, 19:2**  
Health, **5:35**  
Investigations, **11:3**  
Notice, **11:3**  
Parental leave, **5:35**  
Railroad workers, **10:28, 19:2**



## INDEX

### NEW YORK—Cont'd

Remedies, 11:3  
Retaliation, 5:35, 11:3, 19:2  
Terms, 10:28, 19:2

### NO-STRIKE CLAUSE

National Labor Relations Act, 9:6

### NORTH CAROLINA

Assignments, 7:59  
Dispute, 7:59  
Employment practices, 12:2  
Family, 7:59  
Handicapped persons, 7:59  
Health, 7:59  
Injunction, 4:51, 7:59  
Remedies, 4:51  
Students, 7:59, 12:2  
Terms, 12:2

### NORTH DAKOTA

Dispute, 3:29  
Employment practices, 3:29  
Sex discrimination, 3:29

### NOTICE

Advance notice, 3A:1, 5:14, 5:36, 8A:10  
Affirmative action plans, 3A:18  
Americans with Disabilities Act, 5:19, 5:37, 7:35  
Family and Medical Leave Act, 5:2, 5:4, 5:6, 5:8, 5:12 to 5:16, 5:19, 5:20, 5:26, 5:28, 5:36, 5:37  
Uniformed Services Employment and Reemployment Rights Act, 8:2, 8:7, 8:10, 8:11, 8:15, 8:18, 8:22, 8:24  
Violation, 3A:18, 3A:42, 4:17, 4:29, 5:4, 5:14, 5:15, 5:20, 5:26, 5:28, 5:36, 6:38, 7:35, 8:7, 11:5, 12:3, 12:12, 12:14, 12:15, 15:21

### OBJECTIONS

Class actions, 14:15

### OBLIGATIONS

Benefits, 5:26, 5:34, 7:17, 7:31, 7:46, 7:50, 7:56, 7:58, 7:61, 7:63, 7:64, 7:67, 8:2, 8:3,

### OBLIGATIONS—Cont'd

8:7, 8:8, 8:10, 8:12, 8:15 to 8:18, 8:20 to 8:25, 8:36, 14:6  
Department of Defense, 8:12, 8:32, 8:46  
Department of Transportation, 7:39  
Direct threat, 7:40, 7:45, 7:48, 7:49, 7:59  
Enforcement, 2:36, 3:6, 3A:34, 3A:42, 4:55, 4:73, 7:9, 7:17, 7:22, 7:32 to 7:34, 7:39, 7:45, 7:48, 7:57, 7:60, 7:67, 8:2, 8:6, 8:8, 8:21 to 8:24, 8:30, 8:33, 8:34, 9:7, 10:12, 10:28, 11:26, 12:1, 12:3, 12:4, 12:9, 12:11, 14:6, 16:8, 19:2, 19:3  
Mental impairments, 7:33, 7:36, 7:43, 7:45, 7:48  
Physical impairments, 7:43  
Pregnancy, 5:26, 7:29, 7:35, 7:39, 7:52  
Safe performance, 7:12  
Substance abuse, 7:57  
Substantial limitations, 7:40  
Tests, 3:6, 7:32 to 7:35, 7:59, 7:60, 9:21

### OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

Compliance manual, 12:4  
Conciliation, 4:72, 4:73, 12:1, 12:3, 12:8, 12:11 to 12:17  
Equal Employment Opportunity Commission, 10:12, 12:1  
Exemptions from disclosure, 12:17  
Freedom of Information Act, 12:17  
Rehabilitation Act, 4:55, 7:3 to 7:5, 7:9 to 7:11, 7:13 to 7:15, 8:30, 8:47, 12:2, 12:12

### OHIO

Appeals, 3:29, 3:51, 4:20  
Charges, 15:41  
Conciliation, 8:34  
Credits, 5:20

## DEFENSE OF EQUAL EMPLOYMENT CLAIMS

### **OHIO—Cont'd**

Employment practices, **3:29, 3:36, 4:20**  
Equal pay, **3:63**  
Evidence, **3:29, 3:36, 3:51, 3:63, 4:20, 5:6, 5:20**  
Harassment, **3:36, 3:51, 3:63, 4:20**  
Health, **5:6**  
Notice, **5:6, 5:20**  
Race discrimination, **3:63**  
Sex discrimination, **3:29, 3:36, 4:20**  
Terms, **3:51**

### **OKLAHOMA**

Age Discrimination in Employment Act, **2:2**  
Age discrimination, **2:2**  
Dispute, **3:29**  
Employment practices, **3:29**  
Equal pay, **2:2**  
Evidence, **2:2, 3:29**  
Exemptions, **2:2**  
Sex discrimination, **3:29**

### **OLDER WORKERS BENEFIT PROTECTION ACT**

Age Discrimination in Employment Act, **6:32**  
Early retirement plans, **6:32**  
Incentive plans, **6:32**  
Releases, **6:32, 14:21**

### **OMBUDSMAN**

Alternative dispute resolution, **19:11**

### **OPPORTUNITY**

Unfair labor practices, **9:13, 9:17**

### **OREGON**

Family leave, **5:35**  
Health, **5:35**  
Parental leave, **5:35**  
Retaliation, **5:35**  
Sick leave, **5:35**

### **ORGANIZATIONS**

Federal employment, **4:78, 7:30**

### **ORGANIZING**

Discrimination, **9:4**  
Retaliation, **9:4**  
Threats, **9:4**

### **OVERTIME PAY**

Bonuses, **5:17**  
Commissions, **8:16**  
Family and Medical Leave Act, **5:17**  
Grievances, **2:18**  
Machinery, **5:17**  
Meetings, **8A:6, 8A:7**  
Shift differentials, **5:17**  
Sick leave, **5:17**  
Washing, **2:18**

### **PART-TIME EMPLOYEES**

Employment practices, **3:14, 7:30**  
Family and Medical Leave Act, **5:34**

### **PARTICIPATION**

Retaliation, **3:76 to 3:78, 5:17, 6:40, 6:42, 8:5, 8A:1, 8A:3, 8A:5, 11:6, 13:7**

### **PARTIES**

Age Discrimination in Employment Act, **6:16, 6:34, 6:44, 10:28, 15:38, 15:40, 18:28, 19:2**  
Aggrieved individuals, **11:19**  
Complaints, **9:15, 16:3, 16:8, 16:11, 17:12**  
Employee morale, **13:5**

### **PATTERNS**

Unions, **15:4**

### **PENALTIES**

Family and Medical Leave Act, **5:2, 5:29**

### **PENNSYLVANIA**

Age Discrimination in Employment Act, **13:9, 18:28**  
Age discrimination, **13:9, 18:28**  
Compensation, **3:53, 4:29, 5:29**  
Complaints, **2:5, 3:53, 3:72, 10:4**  
Conditions of employment, **3:53**  
Employment practices, **4:22**

## INDEX

### PENNSYLVANIA—Cont'd

Equal pay, **2:5, 18:28**  
Evidence, **2:5, 3:53, 4:12, 13:9, 17:31**  
Harassment, **3:53, 3:72, 4:22, 4:44, 10:4, 11:3, 13:9, 17:31**  
Investigations, **11:3**  
Medical benefits, **5:29**  
National origin discrimination, **13:9**  
Notice, **4:29, 11:3**  
Race discrimination, **13:9**  
Religious discrimination, **3:72, 4:22**  
Remedies, **3A:36, 11:3**  
Reports, **3:53, 13:9**  
Students, **3:72, 4:22**  
Terms, **3:53, 3:72**  
Training programs, **3:72, 4:22**

### PENSIONS

Discrimination, **5:17, 6:39**  
Retirement plans, **5:17**  
Vesting, **5:17**  
Year of service, **5:17**

### PERSONALITY

Discipline, **7:43**

### PLEADINGS

Title VII, **3:24, 4:17**

### PREEMPTION

State law, **9:21**

### PREMIUMS

Family and Medical Leave Act, **5:16, 5:17, 5:19**  
Life insurance, **5:17, 6:52**

### PRETEXT

Age Discrimination in Employment Act, **6:13, 6:19, 6:21, 6:24, 6:34, 6:36, 6:38, 18:19**  
Promotions, **5:27, 6:38, 13:8, 16:11**  
Retaliation, **2:5, 3:31, 3:78, 5:18, 5:20, 5:21, 5:27, 6:38, 8A:9, 13:8, 16:11, 18:19**

### PRIMA FACIE CASE

Age discrimination, **6:2, 6:4, 6:11, 6:13 to 6:15, 6:21, 6:24, 6:27, 6:34 to 6:36, 6:38, 6:41, 8A:4, 13:9, 18:19, 18:28**  
Basis of sex, **2:3, 2:20, 3:36, 3A:12**  
Circumstantial case, **7:61, 13:8**  
Disability discrimination, **6:4, 7:27, 7:35, 7:46, 7:51, 7:53, 7:61**  
Discipline, **3:17, 3:24, 3:63, 3:78, 3A:4, 5:20, 16:8**  
Disparate treatment, **2:6, 3:17 to 3:19, 3:21, 3:24 to 3:27, 3:29, 3:36, 3:41, 3:47, 3:48, 3:63 to 3:66, 3:70, 3:71, 3:74, 3:78, 3A:4, 4:13, 4:20, 6:15, 6:24, 6:41, 7:35, 13:8, 13:9**  
Education, **2:10, 2:18, 3:63, 3:74, 3A:3, 3A:17, 6:14, 6:21, 6:38, 7:46, 10:17**  
Equal Pay Act, **2:3, 2:5, 2:6, 2:9, 2:10, 2:18, 2:20, 2:23, 3:63, 3A:12, 18:28**  
Equal work, **2:3, 2:6, 2:9, 2:18, 2:20**  
Establishment, **2:3**  
Hiring, **3:18, 3:24, 3:26, 3:27, 3:63, 3:64, 3:66, 3A:4, 3A:9, 3A:17, 5:27, 6:14, 6:21, 6:35, 6:38, 10:17, 13:8 to 16:8**  
Hostile environment, **3:36, 3:47, 3:48, 6:41, 18:19**  
Presumption, **3:21, 3:29, 3:63, 6:11, 17:17, 18:28**  
Rebuttal, **3:27, 3:29, 13:8, 17:30**  
Rehabilitation Act, **2:6, 7:35**  
Retaliation, **2:5, 3:47, 3:70, 3:78, 5:18, 5:20, 5:25, 5:27, 6:38, 7:61, 8:10, 8A:4, 13:8, 13:9, 18:19**  
Section 1981, **4:13, 18:28**  
Section 1983, **4:17, 4:20**  
Summary judgment, **2:5, 2:6, 2:23, 3:19, 3:25, 3:27, 3:29, 3:36, 3:41, 3:47, 3:63, 3:65,**

**PRIMA FACIE CASE—Cont'd**

3:66, 3:70, 3:71, 3:74, 3:78,  
3A:4, 3A:13, 3A:17, 4:20,  
5:18, 5:27, 6:13, 6:24, 6:34,  
6:38, 7:46, 7:51, 7:53, 8:6,  
13:5, 13:8, 13:9, 17:6, 17:13,  
17:17 to 17:19, 17:28, 17:30,  
18:19, 18:28, 19:7

**PRODUCTION OF  
DOCUMENTS**

Discovery, 12:15, 16:10, 16:21

**PROFIT-SHARING**

Compensation, 5:17  
Contributions, 5:17, 6:39  
Earnings, 6:39  
Health benefits, 6:39  
Life insurance, 5:17  
Overtime pay, 5:17

**PROMOTIONS**

Pretext, 5:27, 6:38, 13:8, 16:11  
Qualifications, 3A:18, 4:23, 4:76,  
6:38, 7:13, 13:8, 16:11, 20:5,  
20:7, 20:11  
Section 1981, 4:9  
Title VII, 2:8, 3:66, 3A:4, 3A:18,  
4:23, 4:76, 5:27, 6:38, 13:8,  
20:5

**PROTECTION**

National Labor Relations Act, 9:1  
to 9:3, 9:5, 9:6, 9:17, 9:20  
Unions, 3:4, 9:1, 9:2, 9:17, 15:4

**PROTESTS**

National Labor Relations Board,  
9:3

**PUBLIC ACCOMMODATIONS**

Americans with Disabilities Act,  
3A:33, 7:51, 7:66

**PUERTO RICO**

Harassment, 4:33

**PUNITIVE DAMAGES**

Americans with Disabilities Act,  
7:66, 10:1, 18:24, 20:2  
Rehabilitation Act, 4:27, 7:66  
Tax consequences, 14:11

**PUNITIVE DAMAGES—Cont'd**

Title VII, 3:6, 3:10, 3:72, 3A:25,  
3A:29, 3A:30, 3A:40, 4:27,  
4:28, 4:47, 4:49, 4:54, 10:1,  
14:11, 17:35, 18:3, 18:24,  
20:2

**RACE**

Affirmative action, 3:63, 3A:5,  
3A:18, 3A:32, 4:23, 4:35,  
4:55, 4:59, 7:9, 12:1, 12:2,  
14:19  
Business necessity, 3:63, 3A:4,  
5:34, 6:27, 13:9  
Color discrimination, 3:60  
Comparators, 4:13  
Defenses, 3:1, 3A:24, 6:27, 13:9,  
13:16  
Evidence, 3:18, 3:21, 3:23, 3:24,  
3:33, 3:62, 3:63, 3:65, 3:66,  
3:70, 3:76, 3A:4, 3A:15,  
3A:39, 4:2, 4:6, 4:13, 4:20,  
4:23, 4:25, 6:15, 6:18, 6:28,  
8:6, 8A:3, 8A:4, 9:13, 10:8,  
10:17, 13:8, 13:9, 13:16,  
20:5, 20:15  
Harassment, 1:2, 3:8, 3:13, 3:24,  
3:46, 3:62, 3:63, 3:66, 3:70,  
3:72, 3:76, 4:2, 4:8, 4:11,  
4:19, 4:20, 4:24, 4:35, 4:55,  
8A:4, 13:9  
Hiring, 3:8, 3:18, 3:23, 3:24,  
3:63, 3:64, 3:66, 3:76, 3A:4,  
3A:15, 3A:18, 4:6, 4:55,  
4:67, 7:9, 9:13, 10:8, 10:16,  
10:17, 13:8, 13:9, 13:16,  
14:19, 15:4, 15:6, 20:9,  
20:15  
Insurance, 3A:39, 5:34, 15:4  
Layoffs, 3A:18, 3A:24  
Marital status, 4:19  
National Origin discrimination,  
3:13, 3:22, 3:24, 3:60, 3:64  
to 3:66, 4:17, 4:55, 13:9,  
18:20  
Race discrimination, 1:2, 3:1,  
3:18, 3:25, 3:60, 3:61, 3:63,  
3:64, 3:76, 3A:4, 4:2, 4:3,  
4:7, 4:11, 4:25, 13:9, 15:4,  
15:6, 18:20, 20:5  
Recruiting, 3A:1, 7:9, 10:17,  
15:4, 20:9

## INDEX

### **RACE—Cont'd**

Remedies, 3:22, 3:64, 3A:1, 3A:4,  
3A:5, 3A:13, 3A:15, 3A:18,  
3A:24, 3A:32, 3A:39, 4:2,  
4:3, 4:17, 9:1  
Retaliation, 1:2, 3:8, 3:23, 3:70,  
3:76, 4:4, 4:10, 4:19, 4:24,  
4:59, 8A:3, 8A:4, 13:8, 13:9,  
15:4, 15:6  
Reverse discrimination, 3:63,  
3A:18, 4:6, 4:19, 4:23, 6:9  
Statistical evidence, 6:15, 13:8,  
20:5  
Tenure, 3:63, 6:28  
Validation, 3A:4, 4:67, 13:8

### **RAILROAD EMPLOYEES**

Railroad, 10:28

### **RAILWAY LABOR ACT**

Agreements, 9:17  
Arbitration, 9:19, 9:20  
Binding arbitration, 9:20  
Claims, 9:19, 9:20  
Class, 9:20  
Collective bargaining, 9:1, 9:17 to  
9:20  
Collective bargaining agreements,  
9:17  
Compulsory, 9:18  
Conditions, 9:1, 9:18  
Damages, 9:18  
Designation, 9:1  
Discrimination, 9:1, 9:17, 9:19,  
9:20  
Duties, 9:17  
Elections, 9:1  
Employees, 9:1, 9:17, 9:18, 9:20  
Enforcement, 9:20  
Evidence, 9:19  
Interests, 9:17  
Jurisdiction, 9:1, 9:18  
Labor Management Relations Act,  
9:19  
National Labor Relations Act, 9:1,  
9:17, 9:20  
National Labor Relations Board,  
9:1, 9:17, 9:19, 9:20  
National Railroad Adjustment  
Board, 9:18

### **RAILWAY LABOR ACT—Cont'd**

Nature, 9:19, 9:20  
Power, 9:1  
Proceedings, 9:19, 9:20  
Protection, 9:1, 9:17, 9:20  
Remedies, 9:1, 9:18 to 9:20  
Representation, 9:1, 9:17, 9:18  
Representatives, 9:1, 9:17  
Res judicata, 9:19  
Restrictions, 9:19  
Review, 9:1, 9:18  
Rights, 9:1, 9:17, 9:19, 9:20  
Selection, 9:17  
System, 9:18  
Time, 9:18, 9:20  
Unfair labor practices, 9:17  
Unions, 9:1, 9:17  
Validity, 9:18  
Violations, 9:17  
Waiver, 9:20  
Working conditions, 9:1

### **REASONABLE**

#### **ACCOMMODATION**

Generally, 7:35, 7:39, 7:44 to  
7:48, 7:50, 7:52 to 7:57,  
7:59, 7:63, 7:64, 7:66

### **REASONABLE**

#### **ACCOMMODATIONS**

Training, 7:50

### **REASONS**

National Labor Relations Board,  
8:5

### **RECRUITING**

Advertising, 10:28, 19:2  
Affirmative action, 4:65, 4:69,  
7:9, 8:37, 8:46, 12:9  
Age discrimination, 6:38, 10:28,  
19:2  
Agencies, 4:73, 10:9, 10:17,  
16:11, 20:9  
Applicant pools, 20:9  
Business necessity, 3A:21, 16:11  
Experience requirements, 3A:1,  
10:9  
Insurance, 6:38, 15:4, 16:11  
Internet, 8:46, 10:17

**RECRUITING—Cont'd**

Pre-employment, 16:11  
 Reasonable accommodation, 7:9  
 Remedies, 3A:1, 3A:11, 3A:21, 4:73  
 Sexual orientation, 7:9  
 Standing, 15:4  
 Testers, 15:4  
 Testimony, 16:11, 16:18  
 Word of mouth, 3A:11

**REGULATIONS**

National Labor Relations Board, 3A:24, 9:2, 9:12

**REHABILITATION ACT**

Causation, 7:17, 7:35, 7:57  
 Compliance reviews, 12:12  
 Damages, 4:27, 7:66  
 Disabilities, 5:21, 7:1 to 7:26, 7:35, 7:36, 7:38, 7:42 to 7:45, 7:47 to 7:50, 7:57 to 7:59, 7:63, 7:66, 8A:1, 8A:3  
 Evidence, 2:6, 5:21, 7:35, 7:36, 7:44, 7:47 to 7:50, 7:59, 7:63, 8A:3  
 Government contractors, 7:1, 12:2, 12:12  
 Hearing, 7:24, 7:36, 7:45, 7:59, 7:63, 8A:3  
 Individual complaints, 12:12  
 Intent, 2:6, 4:27, 7:48, 8:47  
 Notice, 7:35, 8A:3, 12:12  
 Office of Federal Contract Compliance Programs, 4:55, 7:3 to 7:5, 7:9 to 7:11, 7:13 to 7:15, 8:30, 8:47, 12:2, 12:12  
 Parties, 7:5, 7:59  
 Prima facie case, 2:6, 7:35  
 Punitive damages, 4:27, 7:66  
 Regulations, 4:55, 7:3 to 7:5, 7:9 to 7:11, 7:13, 7:15, 7:17, 7:21, 7:36, 7:38, 7:45, 7:47, 7:48, 7:50, 7:59, 7:63, 8:30, 8:39, 8:40, 8:47, 12:2  
 Retaliation, 5:21, 8A:1, 8A:3  
 Section 501, 4:79, 7:23 to 7:25, 8A:1  
 Section 503, 4:55, 7:3 to 7:16

**REHABILITATION ACT**

**—Cont'd**

Section 504, 7:17 to 7:22, 7:59

**REHEARING**

Unions, 19:2

**REIMBURSEMENT**

Benefits, 3:43, 7:58, 8:36

**REINSTATEMENT**

Discipline, 5:20, 5:23, 5:28  
 Front pay, 3A:28, 3A:39, 6:44, 6:49, 6:50, 7:66, 18:19, 18:23  
 Maternity leave, 3:43, 5:17, 5:20  
 Rehabilitation Act, 5:21, 7:66  
 Termination of employment, 3A:31

**RELATIONSHIPS**

Retaliation, 3:5, 3:47, 4:37, 15:4

**RELIABILITY**

Statistics, 20:2, 20:7

**RELIANCE**

Age Discrimination in Employment Act, 6:9, 6:11, 6:15, 6:26, 18:19, 18:28  
 Equal Pay Act, 2:31, 2:35, 18:28

**RELIGION**

Unions, 9:1, 9:16

**RELIGIOUS DISCRIMINATION**

Disparate treatment, 3:1, 3:8, 3:13, 3:28, 3:70 to 3:74  
 Harassment, 3:8, 3:13, 3:70 to 3:72, 4:21, 4:22, 8A:4  
 Hiring, 3:8, 3:28  
 National origin discrimination, 3:13  
 Prima facie case, 3:70, 3:71, 3:74, 3A:13, 8A:4  
 Reasonable accommodation, 3:72 to 3:74, 3A:13, 4:22  
 Recruiting, 3:71  
 Remedies, 3A:13  
 Retaliation, 3:8, 3:70, 4:21, 8A:4  
 Undue hardship, 3:70 to 3:74, 4:21, 4:22

## INDEX

### REMEDIES

Affirmative action, 3A:3, 3A:5,  
3A:18, 3A:32, 4:70, 13:7  
Age discrimination, 3A:39, 6:1,  
6:42 to 6:52, 9:19, 13:7,  
15:7, 15:13, 15:28, 18:19,  
18:23  
Attorney fee awards, 6:51, 8:23  
Damages, 2:32 to 2:35, 3:6, 3:22,  
3:77, 3A:25 to 3A:27, 3A:29  
to 3A:31, 3A:33 to 3A:35,  
3A:38 to 3A:40, 4:2, 4:17,  
4:27, 4:46 to 4:49, 4:51,  
4:52, 4:54, 5:38, 6:42, 6:44,  
6:47 to 6:52, 7:66, 8:2, 8:23,  
9:18, 11:19, 11:26, 16:2,  
17:35, 18:19, 18:23, 19:3,  
19:11  
Equal Pay Act, 2:32 to 2:36,  
3A:12  
Family and Medical Leave Act,  
5:38, 5:39, 7:63  
Front pay, 3:6, 3A:25, 3A:28,  
3A:30, 3A:39, 4:72, 6:44,  
6:49, 6:50, 7:66, 18:19,  
18:23  
Generally, 2:32, 6:42, 7:39, 7:63,  
7:66  
Injunctions, 3A:31, 8:23  
Insurance, 3A:31, 3A:39, 5:38,  
6:52  
Maternity leave, 3A:29  
Monetary, 3A:26 to 3A:28,  
3A:33, 3A:35, 4:51, 4:72,  
5:38, 6:47, 6:49, 6:50, 7:66,  
11:19, 11:22  
Motions, 17:16, 17:28, 17:29,  
19:7  
National Labor Relations Act,  
3:64, 9:1, 9:20  
National origin discrimination,  
3:22, 3:64, 3A:14, 4:17  
Pleading, 3A:1, 3A:3, 4:17  
Rehabilitation Act, 4:27, 7:24,  
7:63, 7:66  
Reinstatement, 3A:28, 3A:31,  
3A:39, 4:46, 4:54, 5:38,  
6:44, 6:49, 6:50, 7:66, 18:19,  
18:23  
Retroactive seniority, 3A:24,  
3A:31, 4:72

### REMEDIES—Cont'd

Settlement, 3A:13, 3A:18, 3A:35,  
6:49, 6:50, 11:19, 11:22,  
13:5, 19:3  
Unions, 3:11, 3A:30, 4:73, 9:1

### REPRESENTATIVES

Labor relations, 9:1, 9:17, 11:15

### RES JUDICATA AND COLLATERAL ESTOPPEL

Arbitration, 9:19  
Labor Management Relations Act,  
9:19  
Railway Labor Act, 9:19

### RETALIATION

Adverse action, 3:78, 4:19, 4:24,  
5:4, 5:27, 5:28, 5:39, 6:38,  
6:40, 7:31, 7:61, 8:4, 8:5,  
8:10, 8A:1, 8A:2, 8A:4,  
8A:6 to 8A:10, 9:5, 13:7,  
13:9, 15:4, 17:23  
Adverse actions, 2:5, 3:23, 5:27,  
5:28, 8A:7  
Age Discrimination in Employ-  
ment Act, 6:38, 6:40, 6:42,  
8A:1, 13:7, 13:9, 18:19, 19:2  
Americans With Disabilities Act,  
3:31, 5:21, 7:31, 7:34, 7:61,  
8A:1, 13:7, 15:14  
Americans with Disabilities Act,  
3:31, 5:21, 7:31, 7:34, 7:61,  
8A:1, 13:7, 15:14  
Applicants, 3:47, 4:59, 6:38, 9:5,  
11:3, 13:8, 13:9, 15:4  
Arbitration, 19:2, 19:12  
Causation, 3:78, 5:27, 7:61, 8:5,  
8A:9, 8A:10, 13:7, 15:4  
Constructive discharge, 3:53,  
4:19, 5:27, 8:4, 10:4, 13:9,  
17:31  
Disability discrimination, 7:55,  
7:61, 7:62  
Employees, 2:5, 3:5, 3:8, 3:23,  
3:37, 3:47, 3:50, 3:53, 3:54,  
3:70, 3:76, 3:77, 3:79,  
3A:19, 4:4, 4:19, 4:21, 4:59,  
5:4, 5:17, 5:18, 5:20, 5:27 to  
5:30, 5:35, 5:38, 6:40, 6:42,  
7:31, 7:61, 8:5, 8:10, 8A:1,  
8A:3 to 8A:9, 9:4 to 9:6,

**RETALIATION—Cont'd**

10:4, 10:10, 13:7 to 13:9,  
13:17, 15:4, 16:11, 19:2,  
19:12  
Equal Pay Act, 1:2, 2:5, 8A:1  
Evidence, 2:5, 3:23, 3:37, 3:47,  
3:50, 3:53, 3:54, 3:70, 3:76,  
3:78, 3A:19, 4:21, 5:17,  
5:18, 5:20, 5:21, 5:27, 5:28,  
5:39, 6:38, 7:61, 7:62, 8:5,  
8:19, 8A:2 to 8A:4, 8A:7,  
8A:9 to 10:10, 11:6, 13:7 to  
13:9, 16:11, 17:23, 17:31,  
18:19, 18:22  
Family and Medical Leave Act,  
5:4, 5:17, 5:18, 5:20, 5:21,  
5:25, 5:27 to 5:30, 5:35,  
5:38, 5:39, 7:34, 7:62, 8A:1  
Federal employment, 7:34  
Former employees, 3:76, 5:4, 15:4  
Genetic Information Nondiscrimi-  
nation Act, 3:79, 7:34, 8A:1  
Good faith, 5:38, 7:55, 8A:4  
Harassment, 1:2, 3:5, 3:8, 3:31,  
3:47, 3:50, 3:53, 3:54, 3:70,  
3:76 to 3:78, 3A:19, 4:19,  
4:21, 4:24, 4:49, 5:27, 7:31,  
8:4, 8A:4, 8A:7, 8A:10, 9:6,  
10:4, 10:10, 11:3, 13:7, 13:9,  
16:11, 17:23, 17:31, 18:22,  
19:2, 19:12  
Insurance, 5:17, 5:27, 5:28, 5:30,  
5:35, 5:38, 6:38, 15:4, 16:11  
Investigations, 3:5, 3:54, 5:39,  
10:10, 11:3, 11:6, 13:7  
Jurisdiction, 3:8, 3:50, 5:30  
Liquidated damages, 5:38  
National origin discrimination,  
13:9  
Opposition clause, 3:77, 4:59,  
8A:3 to 8A:5, 13:7  
Participation, 3:76 to 3:78, 5:17,  
6:40, 6:42, 8:5, 8A:1, 8A:3,  
8A:5, 11:6, 13:7  
Participation Clause, 3:77, 8A:5,  
13:7  
Pregnancy, 1:2, 5:35, 8A:5  
Pretext, 2:5, 3:31, 3:78, 5:18,  
5:20, 5:21, 5:27, 6:38, 8A:9,  
13:8, 16:11, 18:19

**RETALIATION—Cont'd**

Prima facie case of retaliation,  
2:5, 3:78, 5:20, 5:27  
Protected conduct, 3:78, 8A:3,  
8A:10  
Questions, 3:37, 3:53, 3:77, 8A:3,  
13:7, 13:8, 15:4, 15:6, 15:14  
Rehabilitation Act, 5:21, 8A:1,  
8A:3  
Remedies, 3:77, 3:78, 3A:19,  
4:49, 5:38, 5:39, 6:42, 11:3,  
13:7, 18:19  
Settlements, 13:17  
Sexual orientation, 3:50, 4:59  
Statutory claims, 19:2  
Summary judgment, 2:5, 3:23,  
3:47, 3:50, 3:53, 3:54, 3:70,  
3:78, 4:10, 4:19, 4:21, 5:18,  
5:21, 5:27, 5:28, 5:30, 5:39,  
6:38, 7:62, 8:19, 8A:5, 13:8,  
13:9, 17:23, 17:31, 18:19  
Title IX, 4:24  
Title VII, 1:2, 2:5, 3:5, 3:8, 3:23,  
3:31, 3:37, 3:47, 3:50, 3:53,  
3:54, 3:70, 3:76 to 3:79,  
3A:19, 4:10, 4:19, 4:21,  
4:24, 4:49, 4:59, 5:18, 5:27,  
5:39, 6:38, 6:40, 6:42, 7:31,  
7:34, 7:61, 8:4, 8:5, 8A:1 to  
8A:7, 8A:9, 8A:10, 9:6,  
11:3, 13:7 to 13:9, 15:4,  
15:6, 15:14, 19:2  
Uniformed Services Employment  
and Reemployment Rights  
Act, 5:39, 8:4, 8:5, 8:10,  
13:9  
Unlawful employment practices,  
11:6

**REVOCATION**

Age Discrimination in Employ-  
ment Act, 6:31  
Title VII, 14:21

**RHODE ISLAND**

Benefit plans, 5:35  
Family leave, 5:35  
Health, 5:35  
Parental leave, 5:35  
Retaliation, 5:35  
Sick leave, 5:35



## INDEX

### SAMPLE SIZE

Statistics, **6:23, 20:7, 20:14**

### SCHEDULE

Evidence, **3A:29, 5:17, 5:18, 7:39, 7:50 to 7:52**

### SEAMEN

Defined, **10:28, 19:2**

### SECONDARY SCHOOLS

Family and Medical Leave Act, **5:3**

### SECRETARY OF LABOR

Department of Labor, **4:55, 5:1, 5:8, 8:33, 12:15**

### SECTION 1981

Causation, **4:13**  
Complaints, **18:24**  
Evidence, **4:2, 4:6, 4:12 to 4:14, 18:24**  
Individuals, **4:5, 4:10, 15:6**  
Intentional discrimination, **4:4, 4:12, 4:13, 18:24**  
Jurisdiction, **4:2, 4:7**  
Parties, **4:2, 18:28**  
Prima facie case, **4:13, 18:28**  
Promotions, **4:9**  
States, **4:2, 4:3, 4:7, 4:9, 4:13, 4:15, 15:30, 15:32, 18:28**  
Title VII, **4:2, 4:3, 4:8, 4:10 to 4:15, 15:6, 18:24, 18:27, 18:28**  
Trial, **4:10, 18:24, 18:27, 18:28**

### SECTION 1983

Complaints, **4:17, 4:24, 4:25, 4:33 to 4:35**  
Evidence, **4:20, 4:21, 4:23, 4:25, 4:26, 4:33**  
First Amendment claims, **4:21**  
Jurisdiction, **4:16**  
Prima facie case, **4:17, 4:20**  
State action requirement, **4:29**

### SECTION 1985

Class-based animus, **4:36, 4:38**  
Conspiracy, **4:36, 4:37, 4:39, 4:41 to 4:45**  
Intent, **4:36, 4:38**

### SECTION 1985—Cont'd

Parties, **4:45**

### SENIORITY SYSTEMS

Age Discrimination in Employment Act, **6:29, 6:39**  
Bona fide seniority system, **3A:24, 4:15, 6:29, 6:39**  
Compensation, **2:1, 4:15**  
Intent to discriminate, **3A:24, 6:39**  
Title VII, **2:1, 2:7, 3A:24, 4:15**

### SETTLEMENT

Agreements, **3:73, 9:14, 10:29, 11:22, 14:8, 14:12, 14:14, 14:19 to 14:22, 19:3**  
Americans with Disabilities Act, **14:22, 16:12, 18:28**  
Charges, **1:2, 9:10, 11:2, 11:6, 11:10, 11:21 to 14:23, 15:23, 19:3**  
Coercion, **15:23**  
Collective bargaining agreements, **3:73, 9:14**  
Consideration, **3:73, 3A:13, 3A:18, 3A:35, 6:31, 8:20, 11:2, 11:17, 11:19, 13:5, 13:8, 13:16, 13:17, 14:13, 14:18, 14:19, 14:21, 16:12, 17:33**  
Costs, **3A:35, 5:29, 13:5, 13:17, 14:2, 14:4, 14:8, 14:11, 14:12, 14:19, 14:22, 16:12, 17:33, 18:28, 19:3, 19:12**  
Counsel, **3A:35, 10:19, 11:2, 11:6, 11:10, 11:17, 11:22, 13:5, 13:8, 13:16, 14:2 to 14:8, 14:10 to 14:13, 14:17, 14:19, 14:22, 16:12, 17:2, 17:3, 17:5, 17:12, 17:26, 17:27, 17:33, 18:28, 19:12**  
Discipline, **3:73, 9:14, 10:19**  
Duress, **14:7, 14:21**  
Employment practices, **3:27, 3A:18, 11:6, 14:9**  
Enforcement, **11:2, 11:6, 12:16, 14:6, 14:8, 14:14, 14:21, 14:22, 19:3**  
Equal Pay Act, **1:2, 18:28**  
Evidence, **3:27, 3:73, 6:49, 8:20, 11:6, 11:17, 11:19, 13:5,**

**SETTLEMENT—Cont'd**

13:8, 13:16, 14:14, 14:23,  
16:12, 17:26, 17:27, 19:3

Fraud, 14:7, 14:21, 15:23

Hiring, 3:27, 3A:18, 10:19, 11:2,  
13:8, 13:16, 13:17, 14:19

Retaliation, 1:2, 5:29, 11:6, 13:8,  
13:17, 19:12

**SEVERANCE**

Damages, 15:22

**SEVERANCE PAY**

Discrimination, 6:39, 15:22

Older employees, 6:39

Pension plan, 6:39

Plan, 6:39

Regulations, 6:39

**SEX**

Unions, 9:1, 9:13, 9:15, 9:17

**SEXUAL ADVANCES**

Harassment, 3:44, 3:45, 3:47,  
3:48, 3:50, 3:54

**SEXUAL HARASSMENT**

Generally, 4:19

**SEXUAL ORIENTATION**

Contractors, 4:55, 4:59, 4:78, 7:9,  
12:1

Contracts, 4:55, 12:1

Gender identity, 2:1, 3:36, 3:51,  
3:72, 4:20, 4:55, 4:59, 4:78,  
7:9, 12:1

Harassment, 3:13, 3:36, 3:50 to  
3:52, 3:72, 4:20, 4:22, 4:55

Hiring, 2:1, 4:55, 7:9

Intersex, 2:1

Recruiting, 7:9

Retaliation, 3:50, 4:59

Sexual orientation, 2:1, 3:13,  
3:36, 3:50 to 3:52, 3:72,  
4:20, 4:22, 4:55, 4:59, 4:78,  
7:9, 12:1

Statistical evidence, 3:36

Title VII, 2:1, 3:13, 3:36, 3:50 to  
3:52, 3:72, 4:20, 4:22, 4:59

Transgender status, 3:13, 3:36

**SHIFT DIFFERENTIALS**

Compensation, 5:17

Overtime pay, 5:17

**SICK LEAVE**

Collective bargaining agreement,  
3:74

Disability discrimination, 7:57

Employee Retirement Income  
Security Act, 5:17, 5:35

Overtime pay, 5:17

Serious health condition, 5:4,  
5:15, 5:21, 5:35

State law, 5:15, 5:35

**SLEEPING**

Work rules, 7:50

**SMOKING**

Discrimination, 3:23, 6:13, 8A:2

**SOCIAL SECURITY**

Employer, 3:31, 5:1, 6:4, 7:64,  
18:23

Employment, 3:31, 5:1, 6:4, 7:64,  
18:23

Wages, 5:1

**SOLICITOR OF LABOR**

Department of Labor, 12:15

**STATE COURT PROCEEDINGS**

Summary judgment, 4:28

**STATISTICAL EVIDENCE**

Disparate impact cases, 3:26,  
13:8, 20:2

Multiple regression analysis, 2:3

Relevant labor market, 18:14

Title VII cases, 3:36, 6:15

**STATISTICAL SIGNIFICANCE**

Statistics, 6:23, 20:7, 20:8, 20:13,  
20:14

**STATISTICALLY SIGNIFICANT**

Statistics, 18:14, 20:14

**STATISTICS**

Regression, 2:3, 18:16, 20:13,  
20:15

**STOCK OPTIONS**

Stock, 16:2

## INDEX

### STORES

Unions, 10:28, 19:2

### SUMMARY JUDGMENT

Business necessity defense, 13:9

Intent, 2:6, 3:63, 3:71, 3:78, 3A:4, 3A:13, 4:25, 5:14, 5:18, 5:27, 5:28, 5:30, 6:19, 7:62, 13:8

Motive, 3:23, 3:28, 3:29, 3:65, 3:78, 3A:39, 4:22, 4:25, 6:12, 6:13, 6:24, 7:59, 7:62, 13:8, 13:9, 18:19

Partial summary judgment, 17:22, 17:26, 17:27, 18:25

Retaliation cases, 5:27, 18:19

State court proceedings, 4:28

### SUPREME COURT

National Labor Relations Act, 3:64, 9:1, 9:2, 9:13, 9:16, 9:17, 9:20

National Labor Relations Board, 3:64, 3A:24, 8:5, 9:1, 9:2, 9:13, 9:17, 9:20, 11:15

### SUSPENSION

Unions, 3:11

### TEACHERS

Compensation, 3:71

### TELEPHONE

Companies, 2:2

### TENNESSEE

Affirmative action plans, 4:23

Appeals, 4:20, 4:23

Constitutionality, 4:23

Employment practices, 4:20, 4:23

Evidence, 4:20, 4:23

Harassment, 4:20

Permits, 4:23

Remedies, 7:24

Sex discrimination, 4:20

### TERMINATION

Audits, 10:26

Backpay, 8:20

Burden of proof, 3:23, 5:18, 8:4

Cause, 2:5, 3:72, 3:78, 3A:39, 4:3, 4:8, 4:10, 5:17, 5:18,

### TERMINATION—Cont'd

5:20, 5:22, 5:27, 6:24, 6:34, 6:41, 7:57, 7:59, 8:4, 8:6, 8:18, 11:19, 13:5, 13:9, 13:16, 16:10, 16:18, 17:10

Consideration, 3:23, 5:17, 7:27, 8:4, 8:7, 8:20, 10:22, 10:25, 11:19, 13:5, 13:16, 14:21, 16:8, 16:18

Constructive discharge, 5:27, 6:32, 8:4, 13:9

Customers, 7:59

Damages, 3:23, 3:72, 3A:31, 3A:39, 4:2, 5:17, 6:49, 6:52, 10:19, 10:21, 10:24, 11:19, 13:2, 15:22, 16:8, 16:10, 16:11, 18:23

Employee Retirement Income Security Act, 5:17

Errors, 6:24, 16:18

Evidence, 2:5, 3:23, 3:28, 3:36, 3:76, 3:78, 3A:39, 4:2, 5:6, 5:17, 5:18, 5:20 to 5:22, 5:26, 5:27, 6:11, 6:17, 6:19, 6:23, 6:24, 6:32, 6:34 to 6:37, 6:49, 7:35, 7:59, 8:6, 8:19, 8:20, 8A:2, 8A:10, 10:15, 10:24, 10:26, 10:27, 11:19, 13:2, 13:5, 13:9, 13:16, 15:22, 16:8, 16:11, 16:18, 17:10, 18:5, 18:14

Federal employment, 4:3, 16:8

Fighting, 10:23

Forum, 16:11, 19:2

Fraud, 14:21

Front pay, 3A:39, 6:49, 18:23

Insubordination, 3:72, 8:6

Intentional infliction of emotional distress, 11:19

Intolerable working conditions, 6:32

Invasion of privacy, 11:19

Legitimate expectations, 6:34, 6:36

Length of service, 5:17

Mitigation of damages, 18:23

Motives, 3:23, 10:22, 16:18

Performance appraisals, 8A:10

Pleadings, 16:11

**TERMINATION—Cont'd**

Prima facie case, 2:5, 3:25, 3:36, 3:78, 5:18, 5:20, 5:25, 5:27, 6:11, 6:14, 6:24, 6:34 to 6:36, 6:41, 7:27, 7:35, 8:6, 13:5, 13:9, 16:8  
 Privacy, 11:19, 16:8  
 Punitive damages, 3:72, 10:19, 10:21, 10:24, 11:19, 13:2  
 Reinstatement, 3A:31, 3A:39, 5:17, 5:18, 5:20 to 5:22, 5:25, 5:26, 6:49, 18:23  
 Remedies, 3:78, 3A:31, 3A:39, 4:2, 4:3, 4:70, 6:49, 6:52, 11:19, 13:5, 15:28, 18:23  
 Settlement, 6:49, 8:20, 10:19, 11:19, 13:5, 13:16, 14:21  
 State law, 5:22, 6:34, 15:28, 19:2  
 Suspension, 4:70, 5:27, 8:6, 10:7  
 Timing, 5:20, 5:22, 5:27, 8A:10, 15:21  
 Uniformed Services Employment and Reemployment Rights Act, 8:4, 8:7, 8:18, 8:20, 13:9  
 Unworthy of belief, 3:28, 3:78  
 Wrongful termination, 6:49, 11:19

**TESTS**

Disparate impact, 3:38, 3:63, 3A:3 to 3A:5, 3A:10, 3A:22, 3A:23, 6:30, 7:34

**TEXAS**

Age Discrimination in Employment Act, 6:13, 6:24, 13:7  
 Age discrimination, 6:13, 6:24, 8A:9, 13:7  
 Assignments, 7:59  
 Constitutionality, 4:23  
 Employment practices, 3:27, 4:21, 4:23  
 Evidence, 3:27, 3:78, 4:21, 4:23, 6:13, 6:24, 7:59, 8A:9, 13:7  
 Handicapped persons, 7:59  
 Harassment, 3:78, 4:21, 13:7  
 Health, 7:55, 7:59  
 Investigations, 13:7  
 Mail, 3:78, 4:21  
 Notice, 3:3, 3:78, 8:2

**TEXAS—Cont'd**

Permits, 4:23  
 Race discrimination, 15:4  
 Religious discrimination, 4:21  
 Remedies, 3:3, 3:78, 8:2, 13:7, 15:17  
 Terms, 15:4

**THREATS**

National Labor Relations Board, 9:8  
 Violence, 7:48

**TITLE VI**

Rehabilitation Act, 7:22

**TITLE VII**

Administration, 2:8, 3:31, 3:61, 3:63, 3:72, 3A:19, 3A:21, 4:3, 4:22, 6:25, 18:23  
 Age Discrimination in Employment Act, 1:3, 2:2, 3:10, 3:12, 3A:39, 4:18, 6:5, 6:6, 6:8, 6:9, 6:12, 6:14, 6:15, 6:18, 6:21, 6:24, 6:25, 6:27, 6:28, 6:38, 6:40 to 6:42, 6:45, 6:47, 6:49, 6:51, 7:67, 8A:1, 9:19, 10:1, 10:12, 10:27, 10:28, 13:7, 13:9, 15:7, 15:13, 15:22, 15:24, 15:28, 15:34, 15:40, 18:3, 18:23, 18:27, 18:28, 19:2  
 Alternative dispute resolution, 10:28, 19:2  
 Arbitration agreements, 2:32, 3:59, 7:67, 10:28, 19:2  
 Attorneys, 3:22, 3:78, 3A:25, 3A:33 to 3A:38, 4:50 to 6:51, 10:28, 11:2, 11:24, 13:8 to 14:8, 14:11, 14:12, 15:4, 18:27, 18:28, 19:2  
 Backpay, 3:64, 4:76, 7:67, 11:25  
 Bonuses, 2:5, 6:12, 8A:3  
 Class actions, 3A:41, 6:42, 6:45, 13:10, 13:12, 15:7, 15:28, 15:31, 16:8, 17:35, 20:2  
 Complaints, 2:5, 3:11, 3:44, 3:47, 3:53, 3:54, 3:56, 3:69, 3:72, 3:76, 3A:14, 3A:29, 4:17, 4:24, 4:25, 5:27, 6:40, 8:4, 8:6, 8A:3, 8A:5, 9:6, 10:12, 13:7 to 16:8, 17:15, 18:24

## INDEX

### TITLE VII—Cont'd

Conciliation, 3:3, 3A:34, 3A:42, 4:72, 11:2, 11:24, 12:3, 16:8  
Confidentiality, 3:53, 10:28, 11:2, 14:8, 14:11  
Continuing violations, 3:62, 15:24  
Costs of litigation, 4:25  
Counsel, 3:26, 3:29, 3:36, 3:59, 3:63, 3:72, 3A:1, 3A:31, 3A:34, 3A:35, 4:22, 8:5, 10:1, 11:2, 11:4, 13:8 to 14:8, 14:11, 14:12, 15:4, 15:19, 15:31, 16:8, 16:12, 16:18, 17:35, 18:3, 18:24, 18:28  
Damages, 2:32, 3:6, 3:10, 3:22, 3:23, 3:46, 3:53, 3:54, 3:69, 3:72, 3:77, 3A:25 to 3A:27, 3A:29 to 3A:31, 3A:33 to 3A:35, 3A:38 to 3A:40, 4:2, 4:17, 4:20, 4:25, 4:27, 4:28, 4:46, 4:47, 4:49, 4:51, 4:54, 6:40, 6:42, 6:47, 6:49, 6:51, 7:30, 7:67, 10:1, 11:2, 11:25, 14:11, 15:22, 15:24, 16:8, 16:12, 17:35, 18:3, 18:23, 18:24, 18:28, 20:2  
Deferral agency, 15:21  
Discharge cases, 3:30, 13:9  
Disclosures, 14:21  
Elected officials, 3:16  
Employment agencies, 3:6, 3A:30, 7:30  
Equal Employment Opportunity Commission, 1:2, 2:1, 2:5, 3:6, 3:13 to 3:15, 3:34, 3:36, 3:44, 3:55, 3:68, 3:70, 3:76, 3A:12, 3A:34, 4:10, 4:24, 4:46, 5:27, 6:25, 6:38, 6:40, 6:45, 7:30, 7:31, 7:34, 7:41, 7:61, 7:67, 9:20, 10:12, 10:27, 11:2 to 11:4, 11:24, 11:25, 13:9, 14:8, 15:4, 15:7, 16:8, 18:28, 19:2  
Estoppel, 3A:19, 9:19, 18:23  
Evidence, 2:2 to 2:6, 2:22, 2:32, 3:2, 3:6, 3:18, 3:20, 3:21, 3:23, 3:24, 3:26 to 3:30, 3:33, 3:36, 3:37, 3:41, 3:43, 3:47 to 3:51, 3:53, 3:54, 3:56, 3:57, 3:62, 3:63, 3:65,

### TITLE VII—Cont'd

3:66, 3:69 to 3:71, 3:73, 3:74, 3:76, 3:78, 3A:4, 3A:9, 3A:14, 3A:15, 3A:17, 3A:19, 3A:21, 3A:23, 3A:26, 3A:29, 3A:34, 3A:39, 3A:41, 3A:42, 4:2, 4:12 to 4:14, 4:20, 4:21, 4:23, 4:25, 4:26, 5:18, 5:27, 5:39, 6:5, 6:6, 6:12, 6:15, 6:18, 6:21, 6:24, 6:25, 6:28, 6:38, 6:49, 7:30, 7:35, 7:39, 7:60, 7:61, 8:5, 8:6, 8A:2 to 8A:4, 8A:7, 8A:9, 8A:10, 9:19, 10:27, 10:28, 13:7 to 13:9, 15:22, 15:24, 16:8, 16:12, 16:18, 18:24, 20:2, 20:5, 20:15  
Exhaustion of remedies, 11:4, 15:28  
Expenses, 3:35, 6:51, 7:41, 10:1  
Federal agency, 2:5, 3:51, 3:74, 4:3, 6:5, 9:1, 13:7  
Federal employment, 3:6, 4:3, 6:18, 7:30, 7:34, 16:8  
Fringe benefits, 3A:26  
Harassment cases, 3:53, 3:62, 18:3  
Hiring, 2:1, 2:8, 3:8, 3:18, 3:23, 3:24, 3:26 to 3:28, 3:30, 3:45, 3:53, 3:63, 3:64, 3:66, 3:76, 3A:4, 3A:9, 3A:15, 3A:17, 3A:18, 4:46, 4:67, 5:27, 6:14, 6:21, 6:38, 7:31, 8:4, 8A:6, 10:12, 10:27, 11:2, 13:8, 13:9, 15:4, 15:6, 16:8, 16:18, 20:15  
Investigations, 3:5, 3:54, 5:39, 11:2, 11:3, 13:7, 16:8, 16:12  
Jurisdiction, 3:2, 3:3, 3:8, 3:9, 3:29, 3:50, 3A:42, 4:2, 6:5, 7:24, 9:1, 11:4, 15:17, 15:21, 15:28, 15:41  
Labor laws, 9:19  
Laches, 11:25, 15:31  
Local governments, 4:27  
Mistakes, 6:24, 16:12  
Notice, 3:1, 3:3, 3:17, 3:56, 3:69, 3:73, 3:78, 3A:1, 3A:18, 3A:42, 4:17, 4:25, 4:29, 6:38, 6:45, 7:35, 8A:3, 8A:10, 11:3, 12:3, 15:10,

## DEFENSE OF EQUAL EMPLOYMENT CLAIMS

### TITLE VII—Cont'd

15:21, 15:22, 15:28, 15:31, 15:34  
Parties, 3:5, 3:6, 3:42, 3:57, 3:59, 3A:18, 3A:26, 3A:34 to 3A:37, 4:2, 4:51, 5:39, 7:30, 7:34, 10:28, 11:2, 11:4, 14:12, 15:4, 15:10, 15:19, 15:40, 16:8, 18:28, 19:2, 20:2  
Pleadings, 3:24, 4:17  
Private employers, 3:47, 3A:13, 4:29, 4:40, 6:5, 8A:1, 15:13, 15:14, 15:29  
Public employers, 3:47, 3:71, 4:3, 4:21, 4:28, 6:5, 15:13  
Punitive damages, 3:6, 3:10, 3:72, 3A:25, 3A:29, 3A:30, 3A:40, 4:27, 4:28, 4:47, 4:49, 4:54, 10:1, 14:11, 17:35, 18:3, 18:24, 20:2  
Retaliation, 1:2, 2:5, 3:5, 3:8, 3:23, 3:31, 3:37, 3:47, 3:50, 3:53, 3:54, 3:70, 3:76 to 3:79, 3A:19, 4:10, 4:19, 4:21, 4:24, 4:49, 4:59, 5:18, 5:27, 5:39, 6:38, 6:40, 6:42, 7:31, 7:34, 7:61, 8:4, 8:5, 8A:1 to 8A:7, 8A:9, 8A:10, 9:6, 11:3, 13:7 to 13:9, 15:4, 15:6, 15:14, 19:2  
Section 1981, 4:2, 4:3, 4:8, 4:10 to 4:15, 15:6, 18:24, 18:27, 18:28  
Seniority, 2:1, 2:4, 2:7, 2:22, 3:40, 3:43, 3:74, 3A:18, 3A:19, 3A:24, 3A:31, 4:15, 4:67, 4:72, 4:76, 5:18, 5:27, 9:6, 15:22, 15:24, 20:15  
Service, 2:2, 3:5, 3:13, 3:14, 3:17, 3:28, 3:33, 3:38, 3:40, 3:41, 3:43, 3:62, 3:76, 3A:4, 3A:5, 3A:15, 4:50, 6:18, 6:49, 7:24, 7:35, 7:39, 8:4 to 8:6, 9:1, 10:28, 13:7, 15:31  
Settlements, 10:1, 11:2, 14:11  
State laws, 3:2, 3:32, 3:52, 3:59, 3:67, 4:28, 10:28  
Statistical evidence, 2:3, 3:26, 3:36, 3:43, 4:26, 6:15, 13:8, 20:2, 20:5

### TITLE VII—Cont'd

Statutory exceptions, 2:4  
Subpoenas, 16:12  
Terms, 1:2, 2:1, 2:3, 2:10, 3:1, 3:5, 3:13, 3:17, 3:25, 3:30, 3:34, 3:35, 3:40, 3:43, 3:45 to 3:47, 3:50, 3:51, 3:53, 3:59, 3:65, 3:71, 3:72, 3A:18, 3A:21, 3A:31, 3A:34, 4:2, 4:8, 4:10, 4:11, 4:15, 4:26, 4:46, 4:59, 5:27, 6:14, 6:38, 7:31, 7:35, 8:4, 8A:6, 8A:7, 9:1, 10:28, 12:3, 14:8, 14:21, 15:4, 15:36, 16:18, 18:27, 19:2, 20:15  
Trial, 2:3, 3:21, 3:23, 3:28, 3:29, 3:33, 3:43, 3:47, 3:72, 3:78, 3A:4, 3A:26, 3A:37, 3A:39, 3A:40, 4:10, 4:54, 5:18, 6:18, 6:24, 6:45, 6:49, 7:60, 8:4, 8:6, 9:19, 10:28, 11:2, 13:8 to 15:10, 15:18, 16:8, 16:12, 16:18, 17:15, 17:20, 17:35, 18:3, 18:23, 18:24, 18:27, 18:28, 19:2  
Unions, 3:4, 3:11, 3A:30, 9:1, 9:16, 10:28, 15:4, 19:2  
Venue, 15:36

### TORTS

At-will employment, 4:37

### TOTALITY OF CIRCUMSTANCES

National Labor Relations Act, 9:9

### UNDERLYING DISCRIMINATION

Retaliation, 3:77

### UNEMPLOYMENT COMPENSATION

Misconduct, 3A:27

### UNFAIR LABOR PRACTICES

Agreements, 9:13, 9:17  
Assistance, 9:17  
Backpay, 9:13  
Bar, 9:13  
Bargaining, 9:13, 9:17  
Bound, 9:17  
Breach, 9:13

## INDEX

### UNFAIR LABOR PRACTICES

#### —Cont'd

Certification, **9:13**  
Choice, **9:17**  
Coercion, **9:17**  
Collective bargaining, **9:13, 9:17**  
Collective bargaining agreements, **9:13, 9:17**  
Concerted activity, **9:17**  
Control, **9:13**  
Courts, **9:17**  
Discrimination, **9:13, 9:17**  
Disputes, **9:17**  
Duties, **9:17**  
Election, **9:13**  
Employees, **9:13, 9:17**  
Employers, **9:13**  
Evidence, **9:13**  
Extent, **9:17**  
Filing, **9:13**  
Guarantee, **9:17**  
Hiring, **9:13**  
Hiring hall, **9:13**  
Impact, **9:13, 9:17**  
Joint liability, **9:13**  
Liability, **9:13**  
Local unions, **9:13**  
National Labor Relations Act, **9:13, 9:17**  
Observation, **9:17**  
Operation, **9:13**  
Organization, **9:17**  
Pay, **9:13**  
Petitions, **9:13**  
Place, **9:17**  
Practices, **9:13, 9:17**  
Proceedings, **9:13**  
Protection, **9:17**  
Railway Labor Act, **9:17**  
Refusal, **9:13**  
Refusal to bargain, **9:13**  
Regulation, **9:17**  
Relief, **9:13**  
Representation, **9:13, 9:17**  
Representatives, **9:17**  
Rights, **9:17**  
Rules, **9:13**  
Selection, **9:17**

### UNFAIR LABOR PRACTICES

#### —Cont'd

Standards, **9:17**  
Support, **9:13**  
Unions, **9:13, 9:17**  
Use, **9:13**  
Violations, **9:13, 9:17**  
Work, **9:13**

### UNION MEMBERS

Appeal, **3A:17**  
Complaint, **9:20**  
Employee, **6:31**  
Employer, **3A:17, 6:31, 9:20**  
Enforcement, **9:20**  
Litigation, **9:20**  
Relief, **6:31, 9:20**  
Remedies, **3A:17, 9:20**  
Waiver, **6:31, 9:20**

### UNITED STATES

National Labor Relations Act,  
**3:64, 9:1, 9:13**

### USERRA

Attorneys, **8:23, 8:24, 13:9**  
Benefits, **8:2, 8:3, 8:7, 8:8, 8:10, 8:12, 8:15 to 8:18, 8:20 to 8:25**  
Complaints, **8:4, 8:6, 8:25**  
Disabled veteran, **8:25**  
Discipline, **8:12**  
Federal government, **8:8, 8:17**  
Honorable discharge, **8:12**  
Independent contractors, **8:7, 8:8**  
Intelligence agencies, **8:8**  
Parties, **5:39, 8:20**  
Retaliation, **5:39, 8:4, 8:5, 8:10, 8:19, 13:9**

### VALIDITY

Statistics, **18:14, 20:2, 20:5, 20:7, 20:9, 20:15**

### VENUE

Equal Pay Act, **15:36**

### VERIFICATION

Age Discrimination in Employment Act, **6:6**

## DEFENSE OF EQUAL EMPLOYMENT CLAIMS

### VERMONT

Employment practices, **7:65**  
Family leave, **5:35**  
Parental leave, **5:35**  
Sick leave, **5:35**  
State statutes, **7:65**

### VESTING

Employee Retirement Income  
Security Act, **5:17**

### VICARIOUS LIABILITY

Affirmative defenses, **3:53**  
Alter ego, **3:53**  
Harassment, **3:45, 3:53, 3:55,**  
**4:34**  
Hostile environment, **3:45, 3:53**  
Sexual harassment claims, **3:53**  
Supervisors, **3:53, 3:55, 4:34**  
Tangible employment action,  
**3:45, 3:53, 3:55**  
Training, **3:53**

### VIOLATIONS

Federal employment, **3:6**

### VIRGINIA

Age discrimination, **14:21**  
Assignments, **7:59**  
Compensation, **4:76**  
Employment practices, **4:20**  
Evidence, **4:20, 7:59**  
Harassment, **4:20**  
Health, **7:59**  
Physical fitness, **3:38**  
Promotions, **4:76**  
Remedies, **3A:37, 4:53**  
Sex discrimination, **4:20**  
Terms, **14:21**

### WAGE AND HOUR DIVISION

Litigation, **15:23**  
Regulations, **5:1, 5:2, 5:8, 5:36**

### WAGES

Defined, **2:1, 2:8, 2:25, 5:1, 8:8,**  
**8:25, 14:19**  
Generally, **2:32**  
National Labor Relations Act, **9:1,**  
**9:11**

### WAIVER

Age Discrimination in Employ-  
ment Act, **6:31, 6:32, 6:39**  
National Labor Relations Act,  
**9:20**  
Privilege, **16:19**

### WASHING

Overtime pay, **2:18**

### WASHINGTON

Age Discrimination in Employ-  
ment Act, **3A:39**  
Age discrimination, **3A:39**  
Appeals, **2:6, 3:29, 3A:39, 4:19,**  
**4:25**  
Compensation, **2:6, 4:76**  
Complaints, **4:25**  
Conditions of employment, **4:26**  
Costs, **4:25**  
Employment practices, **3:29, 4:19**  
Equal pay, **2:6, 2:7, 3:39**  
Evidence, **2:6, 3:29, 3A:39, 4:12,**  
**4:14, 4:25, 4:26**  
Exemptions, **2:7**  
Family leave, **5:35**  
Harassment, **4:19, 4:26**  
Holidays, **11:15**  
Marital status, **4:19**  
Notice, **4:25**  
Parental leave, **5:35**  
Race discrimination, **4:25**  
Remedies, **3A:39, 11:15**  
Reports, **2:6**  
Sex discrimination, **3:29**  
Sick leave, **5:35**  
Terms, **4:26**

### WEST VIRGINIA

Age discrimination, **14:21**  
Appeals, **3A:37, 7:59**  
Assignments, **7:59**  
Disclosures, **14:21**  
Evidence, **7:59**  
Health, **7:59**  
Remedies, **3A:37, 4:53**  
Terms, **14:21**  
Trainees, **7:59**



## INDEX

### **WILLFULNESS**

- Age Discrimination in Employment Act, **6:48**
- Liquidated damages, **2:35, 6:48**

### **WISCONSIN**

- Discrimination, **3:23, 4:27**
- Evidence, **3:2, 3:23, 5:36**
- Health, **5:36**
- Notice, **5:36**
- Remedies, **4:27**
- Retaliation, **3:23**

### **WITNESSES**

- Federal employment, **16:8**
- Unions, **9:15**

### **WORKING CONDITIONS**

- Job descriptions, **2:8, 2:11**
- National Labor Relations Act, **9:1, 9:2**
- National Labor Relations Board, **9:1, 9:2**
- Unions, **9:1, 9:2**

### **WORKPLACE SAFETY**

- Assessment, **7:63**
- Care, **7:63**

### **WORKPLACE SAFETY—Cont'd**

- Court of appeals, **7:63**
- Courts, **7:63**
- Equipment, **7:63**
- Evidence, **7:63**
- Examination, **7:63**
- Health, **7:63**
- Hearing, **7:63**
- Incidents, **7:63**
- Injuries, **7:63**
- Laws, **7:63**
- Modification, **7:63**
- Obtaining, **7:63**
- Opinions, **7:63**
- Requests, **7:63**
- Restrictions, **7:63**
- State, **7:63**
- States, **7:63**
- Statutes, **7:63**
- Use, **7:63**

### **WYOMING**

- Age Discrimination in Employment Act, **6:26**
- Age discrimination, **6:26**
- Evidence, **6:26**