Index

ADEQUATE ASSURANCE

Performance, 3:25

ADVERTISING

Drafting an agreement with an advertising agency, 11:11
FTC guide for small business, 3:41
Native advertising, 3:38
Online advertising, 3:38, 3:39

AFFORDABLE CARE ACT

Retaliation and whistleblower protections, **1:46**

AGE DISCRIMINATION

Generally, 1:11

AIR QUALITY

OSHA and Environmental Checklists (this index)

ALGORITHMS

EEOC checklist of Q&A, 1:77 Employment selection procedures under Title VII of the Civil Rights Act of 1964, 1:77

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

Compliance with COBRA under the ARRA, **1:43**

AMERICAN RESCUE PLAN ACT

Tax credits
generally, 11:22
interaction with other tax credits,
11:23

AMERICANS WITH DISABILITIES ACT

Hearing disabilities in the workplace, 1:78

ANTITRUST

Generally, **8:1 to 8:17**Arbitration and case selection criteria, DOJ guidance, **8:17**

ANTITRUST—Cont'd

Best practices for data, and economics and financial analysis in antitrust investigations, 8:12
Bid rigging, DOJ guidance on, 8:11

Corporate compliance programs, criminal antitrust investigations, 8:15

Criminal antitrust investigations, corporate compliance programs, 8:15

Cybersecurity information, sharing, **8:9**

Distributor terminations, 8:2

DOJ and FTC

best practices for data, and economics and financial analysis in antitrust investigations, 8:12

cybersecurity information, policy on sharing, **8:9**

presenting merger case to, **8:4** price fixing, bid rigging and market allocation schemes, DOJ guidance on, **8:11**

real estate, competition in, **8:10** Employment-related matters, antitrust issues in, **8:8**

Joint selling and joint purchasing arrangements, minimizing antitrust risks, 8:7

Market allocation schemes, DOJ guidance on, **8:11**

Medicare Prescription Drug, Improvement, and Modernization Act, **8:16**

Merger

analysis, questions to ask, 8:3 HSR questions, 8:14 Pharmaceutical agreements, 8:16

Premerger notification checklist, **8:5** requirements, **8:6**

ANTITRUST—Cont'd

Price fixing, 8:11, 8:13

Real estate competition in 8:

Real estate, competition in, **8:10**Red flags for employment practices, checklist of, **1:60**

ARAB BOYCOTT

Generally, 7:2

ARTIFICIAL INTELLIGENCE

DOL checklist, equal employment opportunity for federal contractors, 1:83

EEOC checklist of Q&A, 1:77 Employment selection procedures under Title VII of the Civil Rights Act of 1964, 1:77

ASBESTOS

National Emission Standards for Hazardous Air Pollutants (NESHAP), 2:14

Worker protection, asbestos-containing flooring material maintenance, 2:15

ASSETS

Purchase and sale agreements, 3:32

ATTORNEY-CLIENT PRIVILEGE

Protecting, audits and investigations, 10:2

AUDITS AND INVESTIGATIONS

Generally, 10:1 to 10:9

Antitrust, FTC best practices for data, and economics and financial analysis in antitrust investigations, 8:12

Attorney-client privilege, protecting, **10:2**

Computer data, internal controls, **10:8**

Computer networks, auditing, 13:1 Environmental investigations, 2:1, 2:21

Intellectual property audits, **5:5**, **10:6** Internal investigations

generally, 10:1 compliance checklist, 10:1

employee interviews, 10:9

Internal legal audit, 10:7

AUDITS AND INVESTIGATIONS —Cont'd

Legal audit

internal, 10:7

purchasing function, 3:8

Sarbanes-Oxley Act of 2002

legal audit issues, 10:3

officers and directors, provisions

affecting, 10:4

Search warrant, procedures for responding, **10:5**

Web page audit, 13:2

BANKRUPTCY

Supplier/customer filing for Chapter 11 protection, **3:1**

BID RIGGING

DOJ guidance on, 8:11

BREAKS

Nursing mothers, DOL checklist, 1:75

BUSINESS ENTITIES

Generally, 14:1 et seq.

Checklist

credits and deductions for businesses and other entities under Inflation Reduction Act of 2022, **11:26**

Design, organizational design checklist

generally, 14:12

redesign, 14:14

General partnerships, 14:3

Incorporation (this index)

Limited liability companies

generally, 14:1

agreement drafting, 14:2

conversion of existing business entity into an LLC, **14:10**

new member, addition of, 14:9

organization, 14:8

Limited partnerships, 14:4

IRS, 14:16

Redesign, organizational redesign checklist, **14:14**

SBA Paycheck Protection Program Loan Forgiveness, **14:15**

Small Entities (this index)

BUSINESS ENTITIES—Cont'd

Structure, organizational structure checklist, **14:13**

CANCER

Employment rights of people with, 1:49

CAPITAL EQUIPMENT

Commercial Law (this index)

CARES ACT

Employee Retention Tax Credit, 11:19

CHANGE OF CONTROL AGREEMENTS

Mergers and acquisitions, 6:11

CHILD LABOR

Nonagriculture positions, 1:76

CHILDREN

Child labor, nonagriculture positions, **1:76**

Online privacy protection (COPPA), 13:9

CIVIL RIGHTS ACT OF 1964

Title VII

software, algorithms, and artificial intelligence, EEOC Checklist of Q&A, 1:77

CLEAN AIR ACT

Risk management plan, 2:16

CLOSING

Business, Internal Revenue Service (IRS), 11:24

CLOTHING

Religious garb and grooming in the workplace, 1:51

COBRA

Consolidated Omnibus Budget Reconciliation Act (COBRA) (this index)

CODES OF CONDUCT

Code of Business Conduct and Ethics of New York Stock Exchange (NYSE), 12:13

Legal and ethical conduct, 11:1

COMMERCIAL CLEAN VEHICLE CREDIT

Checklist of IRS FAQs for new, previously owned, and qualified, 11:27

COMMERCIAL LAW

Generally, 3:1 to 3:44

Adequate assurance of performance, 3:25

Advertising guide for small business, FTC, **3:41**

Asset purchase and sale agreements, 3.32

Chapter 11 protection, supplier/customer filing for, **3:1**

Consignment agreements, 3:20

Construction contracts, **3:12**

Consulting agreements, 3:14

Consumer Product Safety Improvement Act, **3:34**

Consumer protections for in-home purchases, cooling off rule, **3:37**

Contracts and agreements

asset purchase and sale agreements, **3:32**

consignment agreements, 3:20

construction contracts, 3:12

consulting agreements, 3:14

distribution agreements, 3:15

franchise agreement, 3:5

joint development, 3:26

Leases, below

major supply agreements, 3:7

manufacturing agreements, 3:10,

purchasing policy on contracting, preparing, **3:9**

sales agency agreements, 3:17

sales representation agreement, 3:13

work to be done on your premises, issues to consider, **3:24**

Cooling off rule, consumer protections for in-home purchases, 3:37

Database/content licenses, 3:27 Debt collection FAQs, 3:42 Digital advertising, 3:38, 3:39

Distribution agreements, 3:15 Endorsements, compliance with proposed FTC guides concerning use of, **3:35** Environmental marketing claims, 3:40 Equipment capital equipment, purchasing or leasing, **3:2**, **3:3** leasing, 3:3, 3:4 Equipment trust agreements, 3:36 FTC best practices checklist for mobile health app developers, FTC Consumer Review Fairness Act, 3:43 Green Guides, 3:40 Independent contractors, documents to retain, 3:18 In-home purchases, consumer protections for, cooling off rule, 3:37 Joint development agreements, 3:26 Joint ventures domestic JV checklist, 3:22 financing checklist, 3:31 Leasing commercial leases, issues to address, **3:23**, **3:33** equipment, 3:3, 3:4 Legal audit of purchasing function, 3:8 Letters of credit, preparing and verifying, 3:21 Litigation avoidance, commercial procurement, 3:16 Major supply agreements, 3:7 Manufacturing agreements, 3:10, 3:11 Native advertising, 3:38 Online advertising, 3:38, 3:39 Performance, adequate assurance, 3:25 Product recall, 3:28 Purchasing asset purchase and sale agree-

COMMERCIAL LAW—Cont'd

COMMERCIAL LAW—Cont'd

Purchasing—Cont'd contracting, preparing purchasing policy on, 3:9 legal audit of purchasing function, litigation avoidance, commercial procurement, 3:16 terms and conditions of purchase order, **3:6** warranties, 3:3 Puts and calls, 3:30 Sales agency agreements, 3:17 Sales representation agreement, **3:13** Settlement of commercial dispute, 3:16 Supply agreements, major, 3:7 Technology partners, prospective, interviewing, 3:29 Testimonials, compliance with proposed FTC guides concerning use of, **3:35** Warranties FTC warranty checklist, 3:19 purchasing or leasing capital

equipment, 3:3

Work to be done on your premises, issues to consider, 3:24

COMPENSATION

Deferred compensation agreements, unqualified, 1:36 Executive compensation, policies and practices for disclosing, 12:7 Major statutes enforced by DOL wage and hour division, 1:59 Small business, tips for, 1:71

COMPLIANCE

Criminal antitrust investigations, corporate programs, 8:15 SEC interpretations, 12:24

COMPUTER CONTRACTS

Data processing, 4:8

COMPUTERS

Antitrust, sharing cybersecurity information, 8:9 Auditing computer networks, 13:1

ments, 3:32

capital equipment, purchasing, 3:2

COMPUTERS—Cont'd

Data

internal controls, 10:8

processing. **Data Processing** (this index)

Internet. **Internet** (this index)

CONFIDENTIAL INFORMATION

Exchange of during acquisition negotiations, **5:6**

Model waiver of confidentiality during review, **6:13**

CONSIGNMENT AGREEMENTS

Drafting, 3:20

CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

Generally, 1:29

American Recovery and Reinvestment Act (ARRA), compliance with COBRA under, 1:43

CONSTRUCTION CONTRACTS

Terms and conditions, 3:12

CONSULTING AGREEMENTS

Drafting, **3:14**

CONSUMER PRODUCT SAFETY IMPROVEMENT ACT

Commercial law, 3:34

CONTENT

Database/content licenses, 3:27

CONTRACTS AND AGREEMENTS

Advertising agency, drafting an agreement with, 11:11

Commercial Law (this index)

Data Processing (this index)

Employment Relations (this index)
Internet (this index)

CONTROL

Mergers and acquisitions, change of control agreements, **6:11**

COPYRIGHT

Intellectual Property (this index)

CORONAVIRUS

General guidance, OSHA, 2:24

CORONAVIRUS—Cont'd

Mitigating and preventing spread, OSHA, 2:25

Non-vaccine related policies, 1:74

Vaccine issues, EEOC FAQs, 1:73

Ventilation, 2:28

Worker exposure risk, OSHA, 2:23

COVID-19

Business tax credits, IRS, 11:21

General guidance, OSHA, 2:24

Mitigating and preventing spread, OSHA, 2:25

Non-vaccine related policies, 1:74

Vaccine issues, EEOC FAOs, 1:73

Ventilation, 2:28

Worker exposure risk, OSHA, 2:23

CRIMINAL LAW

Antitrust investigations, corporate compliance programs, **8:15**

Records of applicants, small businesses, **1:70**

CROWDFUNDING

Small entity compliance, 12:21, 12:22

CYBERSECURITY

DOJ and FTC, policy on sharing cybersecurity information, **8:9**

Small businesses, vendor cybersecurity for, **11:15**

DAMAGES

Wrongful termination damages, 1:8

DATA BREACH RESPONSE

FTC checklist for business, 11:25

DATA PROCESSING

Generally, 4:1 to 4:8

Contracts and agreements

generally, **4:8**

maintenance agreements, 4:5

service bureau agreements, 4:1

source code escrow agreements,

4:6

turnkey system contracts, 4:2

Licenses

master software licenses, 4:3

software OEM licenses, 4:4

DATA PROCESSING—Cont'd

L-1 visa, using as alternative to outsourcing, **4:7**Maintenance agreements, **4:5**Master software licenses, **4:3**Service bureau agreements, **4:1**Software OEM licenses, **4:4**Source code escrow agreements, **4:6**Turnkey system contracts, **4:2**

DEBT COLLECTION

Commercial law, FAQs, **3:42** OSHA, FAQs, **2:27**

DEFAULT

Actions debtors should take before default occurs, 11:10

DEFERRED COMPENSATION

Unqualified agreements, 1:36

DEPARTMENT OF DEFENSE

Seals, logos, insignia, and service medals, use of, 11:14

DEPARTMENT OF LABOR

Nursing mothers, break time, checklist, 1:75

DEPRECIATION

Property depreciation checklist, 11:8 Tax Cuts and Jobs Act, 11:16

DIABETES

Employment rights of people with, 1:49

DIRECTORS

Officers and Directors of Corporations (this index)

DISABILITIES

Employment Relations (this index)

DISCLOSURE

Cybersecurity risks and cyber incidents, disclosure obligations relating to, 12:19

Executive compensation, policies and practices for disclosing, 12:7

OSHA and Environmental Checklists (this index)

SEC interpretations, 12:24

DISCLOSURE—Cont'd

SEC Regulation S-K, environmental disclosure regulation, complying with, 2:3

Voluntary self-disclosure, full cooperation, and timely and appropriate remediation in FCPA matters, 7:13

DISCRIMINATION

Age discrimination, 1:11
Genetic information discrimination, 1:48, 1:57

National origin discrimination, small business EEOC enforcement guidance on, **1:66**

Pregnancy discrimination laws, 1:50

Religion (this index)

Severance agreements, EEOC guidance on understanding waivers of discrimination claims in, 1:62

DISTRIBUTION

Agreements, drafting, **3:15**Domestic and international distributor agreements, **7:6**

DODD-FRANK CHECKLIST

Securities, 12:12

DRUG TESTING

Implementation of program, 1:4

DUE DILIGENCE

Mergers and acquisitions, **6:2**OSHA and environmental checklists, initial due diligence information request, **2:4**

Securities, public offerings, 12:8

EDGAR

2013 changes to EDGAR Filer Manual Volumes I-III, **12:16**

EEOC

Checklist for the Pregnant Workers Fairness Act (PWFA), **1:82**

Employer checklist on what you should know about IRS Form 1098F, 11:28

Employment Relations (this index)

EMISSIONS

Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP), **2:14**

EMPLOYEE RETENTION TAX CREDIT

CARES Act, 11:19

EMPLOYMENT RELATIONS

Generally, 1:1 to 1:83

Absenteeism, termination based on, 1:10

Access for applicants with disabilities, tips for ensuring, **1:18**

complying with, generally, 1:16, 1:57

Affordable Care Act, retaliation and whistleblower protections, **1:46**

Age discrimination, 1:11

Agreements. Contracts and agreements, below

Antitrust red flags, 1:60

Audit, employment compliance, **1:1** Cancer, employment rights of people

with, **1:49**

Change of control agreements, 1:37

Checklist for sponsoring an employee for U.S. permanent resident status, USCIS, 1:81

Checklist for tipped employees, Fair Labor Standards Act, **1:80**

COBRA topics, 1:29

Contracts and agreements

generally, 1:35

deferred compensation agreements, unqualified, 1:36

implied contract, avoiding, 1:30 severance agreements, 1:38, 1:62

COVID-19

non-vaccine related policies, 1:74 vaccine issues, EEOC FAQs, 1:73

Criminal records of applicants, small business, 1:70

Deferred compensation agreements, unqualified, **1:36**

Diabetes, employment rights of people with, **1:49**

EMPLOYMENT RELATIONS

-Cont'd

Disabled persons

access for applicants with disabilities, tips for ensuring, 1:18

complying with ADA, **1:16**, **1:57** hearing disabilities, Americans with Disabilities Act, **1:78**

HIV-infected workers, rights of, **1:52**

psychiatric disabilities, accommodations for persons with, 1:17

specific disabilities, employment rights, **1:49**, **1:52**

DOL checklist for Artificial Intelligence (AI) and equal employment opportunity for federal contractors, 1:83

Drug testing program, implementation, **1:4**

EEOC Checklist for the Pregnant Workers Fairness Act (PWFA), 1:82

Epilepsy, employment rights of people with, **1:49**

Equal Employment Opportunity Commission

COVID-19, 1:73

requirements and compliance, overview, **1:40**

ERISA

application to pension and welfare benefit plans, 1:31

summary plan description, 1:32

E-Verify checklists, 1:63, 1:64

Executive exemption, Fair Labor Standards Act, **1:41**

Fair Labor Standards Act

checklist for tipped employees, 1:80

compliance with, 1:28

DOL Fact Sheet, 1:80

executive exemption, determining, 1:41

"suffer or permit" standard, employees who are misclassi-

EMPLOYMENT RELATIONS

-Cont'd —Cont'd NLRB employee social media rights, Fair Labor Standards Act—Cont'd fied as independent contrac-1:47 tors, 1:54 OSHA employer responsibilities, Fair Labor Standards Act, regular Overtime eligibility for white collar rate. 1:69 Family and Medical Leave Act employees, 1:68 generally, 1:20 Prediscipline checklist, 1:9 records retention and posting Pregnancy discrimination laws, 1:50 requirements, 1:21 Pretermination checklist, 1:7 telemedicine rule, 1:72 Privacy issues in the workplace, 1:1 Fetal protection policy, establishing, Prohibited employment practices or 1:12 policies, EEOC, 1:65 Genetic information discrimination, Psychiatric disabilities, accommoda-1:48, 1:57 tions for persons with, 1:17 Grooming in the workplace, 1:51 Recruiting strategy, **1:45** Health care and social service work-Reduction in force, conducting, 1:26 ers, OSHA guidelines for Regular rate, Fair Labor Standards preventing workplace violence, Act. 1:69 1:23 **Religion** (this index) Hearing disabilities, Americans with Retaliation protection under Afford-Disabilities Act, 1:78 able Care Act, 1:46 HIPAA. 1:33 Retiree benefits, avoiding claims for Hiring, negligent, 1:22 breach of promise, 1:5 HIV-infected workers, rights of, 1:52 Security agreements, employee, 1:34 Immigration Reform and Control Act, Seizure disorder, employment rights complying with, 1:2 of people with, 1:49 Severance agreements, 1:38, 1:62 Implied contract, avoiding, 1:30 Independent contractors Sexual harassment, 1:13, 1:25 documents to retain, 3:18 Sick leave, paid, 1:58 Small business status, determining, 1:39 Intellectual disabilities, employment compensation tips, EEOC, 1:71 rights of people with, 1:49 criminal records of applicants, 1:70 Internal investigations, employee EEOC enforcement guidance on interviews, 10:9 national origin discrimination, Kline-Miller Multiemployer Pension 1:66 Reform Act retaliation and related issues, 1:67 treasury department FAQs, 1:79 Stock ownership plans, 1:44 Mediation, EEOC-related mediations, Telecommuting program, implementation, 1:14 Mental Health Parity Act, compliance Telemedicine rule, Family and Mediwith, 1:42 cal Leave Act, 1:72 Military service, reemployment after, Termination of employment absenteeism, termination based on, National origin discrimination, small

1:10

releases, 1:6

pretermination checklist, 1:7

EMPLOYMENT RELATIONS

business EEOC enforcement

guidance on, **1:66**Negligent hiring, avoiding, **1:22**

EMPLOYMENT RELATIONS —Cont'd

Termination of employment—Cont'd wrongful termination damages, **1:8**

Title VII of the Civil Rights Act of

software, algorithms, and artificial intelligence, EEOC Checklist of Q&A, 1:77

USCIS

checklist for sponsoring an employee for U.S. permanent resident status, **1:81**

Violence prevention, 1:23, 1:24

Wage and hour laws, 1:59

WARN Act, 1:27

Wellness programs, 1:57

Whistleblower protection under Affordable Care Act, **1:46**

Workers' compensation claims, suggestions for reducing, 1:15

ENDORSEMENTS

Compliance with proposed FTC guides concerning use of, **3:35**

ENVIRONMENTAL LAW

Commercial law, environmental marketing claims, **3:40**

OSHA and Environmental Checklists (this index)

EPA SMALL BUSINESS COMPLIANCE POLICY CHECKLIST

OSHA and environmental checklists, 2:13

EPILEPSY

Employment rights of people with, **1:49**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Employment Relations (this index)

EQUIPMENT

Commercial Law (this index)

EQUIPMENT TRUST AGREEMENTS

Commercial law, 3:36

ERISA

Employment Relations (this index)

ESCROW

Mergers and acquisitions, **6:10**Source code escrow agreements, **4:6**Technology escrow accounts, **5:4**

ETHICS

Codes of legal and ethical conduct, 11:1

E-VERIFY CHECKLISTS

Generally, 1:63

EXECUTIVE COMPENSATION

Policies and practices, disclosing, 12:7

EXEMPTIONS

Fair Labor Standards Act, executive exemption, **1:41**

EXPENSING

Tax Cuts and Jobs Act, 11:16

EXPORT CONTROL

Compliance checklist, 7:11

FAIR LABOR STANDARDS ACT

Checklist for tipped employees, **1:80** Child labor, nonagriculture, **1:76**

Compliance, 1:28

DOL Fact Sheet, 1:80

Employment relations, regular rate, 1:69

Executive Exemption, determining qualification for, **1:41**

"Suffer or permit" standard, employees who are misclassified as independent contractors, 1:54

FALL PROTECTION REQUIREMENTS

OSHA checklist, 2:22

FAMILY AND MEDICAL LEAVE ACT

Employment Relations (this index)

FDA INSPECTIONS

Checklist, 11:4

FEDERAL ACQUISITION REGULATIONS (FAR)

Compliance with, 11:12

FEDERAL TRADE COMMISSION

Advertising guide for small business, 3:41

Antitrust (this index)

Best practices checklist for mobile health app developers, **3:44**

Business data breach response, FTC checklist, **11:25**

Civil Investigative Demand, 11:20

Consumer Review Fairness Act, 3:43

Cybersecurity, DOJ and FTC policy on sharing cybersecurity information, **8:9**

Endorsements, compliance with proposed FTC guides concerning use of, **3:35**

Green Guides, 3:40

"Made in USA" standard, compliance with, 11:13

Mergers and Acquisitions (this index)

Model waiver of confidentiality, **6:13** Online reviews

customers, 13:12

solicitation and payment, 13:11

Testimonials, compliance with proposed FTC guides concerning use of, **3:35**

Warranties, FTC warranty checklist, 3:19

Warranty checklist, 3:19

FETAL PROTECTION POLICY

Establishing, 1:12

FINANCING

Federal agencies providing financing for small businesses, 11:9

FOOD AND DRUG ADMINISTRATION (FDA)

Nutrition labeling, restaurants, 11:18

FOREIGN CORRUPT PRACTICES ACT (FCPA)

Complying with, 7:1

FOREIGN CORRUPT PRACTICES ACT (FCPA)—Cont'd

DOJ checklist, Criminal Division Corporate Enforcement Policy, 7:17

Enforcement policy, **7:13** SEC, **7:14**

Voluntary self-disclosure, full cooperation, and timely and appropriate remediation in FCPA matters, 7:13

FOREIGN ENTITIES

Mergers and acquisitions, **6:16**

FOREIGN INVESTMENTS

International Law (this index)

FRANCHISE AGREEMENT

Checklist, **5:12** Provisions, **3:5**

GENERAL PARTNERSHIPS

Generally, 14:3

GENETIC INFORMATION

Employment relations, discrimination, **1:48**, **1:57**

GRAND JURY

Witness preparation, 9:5

GRAY MARKET GOODS

Intellectual property, possible legal remedies, **5:11**

International law, possible legal remedies, 7:7

GROOMING

Employment relations, 1:51

HAZARDOUS AIR POLLUTANTS

Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP), **2:14**

HEALTH INSURANCE

Employment relations, whistleblower protection under Affordable Care Act, **1:46**

HEARING DISABILITIES

Regarding hearing disabilities in the workplace, 1:78

HIPAA Generally, 1:33 Checklist, 11:5	INTELLECTUAL DISABILITIES Employment rights of people with, 1:49
HIV	INTELLECTUAL PROPERTY
Employment rights of HIV-infected workers, 1:52	Generally, 5:1 to 5:20 Assignment against trademark, guid-
IMMIGRATION Immigration Reform and Control Act, complying with, 1:2	ance, 5:17 Audits, 5:5 Compliance, checklist for, 5:13 Confidential information, exchange
INCORPORATION	of during acquisition negotia-
Long form, 14:7 Procedures, 14:5 Short form, 14:6 State of incorporation, selecting, 14:11	tions, 5:6 Copyright licensing, 5:8 older works, 5:7 registration, checklist for, 5:15
INDEMNIFICATION AGREEMENTS Checklist, 11:6	status checklist, 5:7 Franchise agreement, 5:12 Gray market situations, possible legal remedies, 5:11
	Licenses
INDEPENDENT CONTRACTORS Documents to retain, 3:18 Status, determining, 1:39 "Suffer or permit" standard, employees who are misclassified as independent contractors, 1:54	agreement, 5:12 database/content licenses, 3:27 likeness, 5:9 master licenses, 5:10 name, 5:9
-	trademarks, 5:1
INFLATION REDUCTION ACT OF 2022 Checklist credits and deductions for businesses and other entities, 11:26 energy-related credits and deductions, 11:26	Likeness, licensing, 5:9 Manufacturing agreements, handling intellectual property in, 5:10 Master licenses, 5:10 Mergers and acquisitions confidential information, exchange of, 5:6 due diligence, 6:2
INSIDER TRADING LAWS	Name, licensing, 5:9
Complying with, 12:5	Patents
INSIGNIA Department of Defense insignia, use of, 11:14	application, checklist for, 5:14 excluded parties, applicants and registrants represented by,
,	5:19 responding to a USPTO action,
INSPECTIONS FDA inspections, 11:4 OSHA and environmental checklists, 2:12, 2:18, 2:21	tips for, 5:18 Remedies, gray market situations, 5:11
INSTANT MESSAGING	Technology escrow accounts, 5:4 Trademark
Internet, 13:7	application, checklist for, 5:16

INTERNATIONAL LAW—Cont'd

-Cont'd Entering foreign markets, deciding, 7:4 Trademark—Cont'd assignment against, guidance, 5:17 Export control compliance, 7:11 excluded parties, applicants and Foreign Corrupt Practices Act (FCPA) (this index) registrants represented by, 5:19 Foreign investments licensing, 5:1 assessing potential investment personal information in trademark sites, Dept. of Commerce records, **5:20** checklist of factors, 7:8 responding to a USPTO action, key factors, 7:5 tips for, **5:18** Good importer practices, 7:12 Trade secrets Gray market situations, possible legal protecting, 5:2 remedies, 7:7 records retention, 5:3 NAFTA drawback and duty-deferral INTERNAL REVENUE SERVICE programs, restrictions on, 7:9 (IRS) origin verifications and determina-American Rescue Plan Act tions, 7:10 generally, **11:22** SEC, checklist of disclosure tax credits, 11:23 considerations for China-based Business closing, 11:24 issuers, 7:15 Checklist of IRS FAQs for new, SEC, FCPA summary, 7:14 previously owned, and qualified SEC, intellectual property and commercial clean vehicle technology risks associated with credits, 11:27 international business opera-COVID-19 tions, **7:16** business tax credits, 11:21 Sourcing, international, 7:3 EEOC employer checklist **INTERNET** what you should know about IRS Form 1098F, 11:28 Generally, 13:1 to 13:13 Inflation Reduction Act of 2022 Advertising, **3:38**, **3:39** credits and deductions for busi-Agreements nesses and other entities, fulfillment agreement, 13:3 11:26 web site agreement, 13:2 energy-related credits and deduc-Auditing computer networks, 13:1 tions, 11:26 Checklist of disclosures for social Partnerships, 14:16 media influencers, 13:13 Recordkeeping requirements, 11:17 Children's online privacy protection INTERNATIONAL LAW (COPPA), **13:9** Generally, 7:1 to 7:17 Customer management, 13:4 Arab boycott, 7:2 **Cybersecurity** (this index) Commerce Dept. factors for assessing Database/content licenses, 3:27 potential investment sites, 7:8 Fulfillment agreement, 13:3 Distributor and sales representative Gathering online cyber threat intelagreements, preparation of, 7:6 ligence, 13:10 DOJ checklist for Foreign Corrupt Instant messaging, 13:7 Practices Act (FCPA) Online reviews Criminal Division Corporate customers, 13:12

INTELLECTUAL PROPERTY

Enforcement Policy, 7:17

INTERNET—Cont'd

Online reviews—Cont'd solicitiation and payment, FTC, 13:11

Privacy policy, developing/auditing, 13:5

Purchasing data from illicit sources, 13:10

Social media checklist, 13:8
Social media rights, 1:47
Web page audit, 13:2
Web site agreements, 13:2
Web site pitfalls, 13:6

JOINT DEVELOPMENT AGREEMENTS

Checklist, 3:26

JOINT VENTURES

Commercial Law (this index)

KLINE-MILLER MULTIEMPLOYER PENSION REFORM ACT

Treasury department FAQs, 1:79

LABELING

Nutrition, restaurants, FDA requirements, **11:18**

LAW FIRMS

Legal billing template, alternative methods, **9:4**Reviewing invoices, **9:3**

LEASES

Commercial Law (this index)

LEGAL COSTS

Managing, 9:2

LEGAL OPINIONS

Drafting, 9:1

LETTERS OF CREDIT

Preparing and verifying, 3:21

LICENSES

Database/content licenses, 3:27

Data Processing (this index)

Intellectual Property (this index)

LIKENESS

Licensing, 5:9

LIMITED LIABILITY COMPANIES

Business Entities (this index)

LIMITED PARTNERSHIPS

Generally, 14:4

LOGOS

Department of Defense logos, use of, 11:14

"MADE IN USA"

Compliance with FTC standard, 11:13

MANUFACTURING AGREEMENTS

Generally, 3:10, 3:11

MARKET ALLOCATION SCHEMES

DOJ guidance on, 8:11

MEDIATION

EEOC-related mediations, 1:53

MEDICARE PRESCRIPTION DRUG, IMPROVEMENT, AND MODERNIZATION ACT

Antitrust, pharmaceutical agreements, **8:16**

MEMBERS AND MEMBERSHIP

Limited liability companies, addition of new member, **14:9**

MERGER CONSENT ORDER PROVISIONS

FTC checklist of frequently asked questions, **6:21**

MERGERS AND ACQUISITIONS

Generally, 6:1 to 6:21

Antitrust. Antitrust (this index)

Change of control agreements, 6:11

Checklist, generally, 6:12

Confidential information, exchange of during acquisition negotiations, **5:6**

Considerations in acquisition or divestiture, **6:5**

Criteria for acquisitions, 6:3

DOJ review, model waiver of confidentiality, **6:13**

MERGERS AND ACQUISITIONS —Cont'd

Due diligence checklist, 6:2 Escrow agreements, 6:10

questions, 6:21

Filing mistakes, checklists to avoid, 6:14, 6:15

Foreign entities, classifying, 6:16 FTC, presenting merger case to, 8:4 FTC checklist of frequently asked

FTC guidance concerning Hart-Scott-Rodino (HSR) Act rules, 6:16, 6:17

FTC protocol for coordination in merger investigations between federal enforcement agencies and state attorneys general, 6:18

FTC review, model waiver of confidentiality, 6:13

Hart-Scott-Rodino (HSR) Act rules, 6:5, 6:13 to 6:17

Information needed in acquiring business. **6:4**

Intellectual property checklist, 6:2 Letters of intent, drafting, 6:7 Merger consent order provisions,

6:21

Model waiver of confidentiality, 6:13 Non-U.S. competition authorities review, model waiver of confidentiality, 6:13

Notification

filing mistakes, checklists to avoid, 6:14, 6:15

premerger notification, 6:19

Poison pills, 6:8

Protecting the deal, 6:1

Registration statement for merger of target with and into acquirer, preparation of, **6:6**

Review process, generally, 6:19

Search process, **6:3**

Spin-offs, 6:9

Value of stock, calculating, 6:17 Voluntary requests, 6:20

MIDDLE EAST

Employer responsibilities regarding employees who are, or are

MIDDLE EAST—Cont'd

perceived to be, Middle Eastern, 1:56

MILITARY SERVICE

Reemployment after, 1:3

MOTHERS NURSING

Break time, DOL checklist, 1:75

MUSLIM

Employer responsibilities regarding employees who are, or are perceived to be Muslim, 1:56

NAFTA

International Law (this index)

NAME

Licensing, 5:9

NATIONAL LABOR RELATIONS BOARD

Social media rights of NLRB employee, 1:47

NATIONAL ORIGIN DISCRIMINATION

Small business EEOC enforcement guidance on, 1:66

NURSING

Mothers, break time, DOL checklist, 1:75

NUTRITION

Labeling, restaurants, FDA requirements, 11:18

NYSE

Code of Business Conduct and Ethics of New York Stock Exchange (NYSE), 12:13

OBAMACARE

Retaliation and whistleblower protections, **1:46**

OFFICERS AND DIRECTORS OF **CORPORATIONS**

Liability insurance, 11:7

Sarbanes-Oxley provisions affecting, 10:4

ONLINE REVIEWS

Solicitiation and payment, FTC, 13:11, 13:12

OSHA AND ENVIRONMENTAL CHECKLISTS

Generally, 1:61, 2:1 to 2:29

Accidental spills and releases, responding to, **2:11**

Asbestos-containing flooring material maintenance, worker protection, 2:15

Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP), **2:14**

Audits

environmental audit points, 2:1 OSHA, auditing compliance, 2:7 preaudit checklist, 2:5

Clean Air Act, risk management plan, **2:16**

Consultants, selecting and contracting with, **2:10**

Corrective measures, incentives for self-policing, 2:20

COVID-19

general guidance, 2:24 mitigating and preventing, 2:25 worker exposure risk, 2:23

COVID-19, ventilation, 2:28

Debt, FAQs., 2:27

Digital image guidance for EPA civil inspections and field investigations, 2:21

Discovery and disclosure incentives for self-policing, **2:20** SEC Regulation S-K, environmental disclosure regulation, complying with, **2:3**

Document retention policy, guidelines, 2:9

Due diligence information request, initial, **2:4**

EPA small business compliance policy checklist, **2:13**

Fall protection requirements, 2:22

Guidance on injury and illness recordkeeping and reporting requirements, 2:26

OSHA AND ENVIRONMENTAL CHECKLISTS—Cont'd

Hazard Communication Rule, OSHA's, **2:6**

Incentives for self-policing, 2:20 Indoor air quality, generally, 2:19 Inspections, 2:12, 2:18, 2:21

OSHA employer assistance general checklist of frequently asked questions, 2:29

Prevention, incentives for self-policing, **2:20**

Protecting company secrets in community right-to-know era, practice checklist, 2:8

Questionnaire, environmental, 2:5
Records and documents to review for environmental concerns, 2:2

Reporting and recordkeeping requirements, 2:17

SEC Regulation S-K, environmental disclosure regulation, complying with, 2:3

Self-inspection and self-policing, 2:18, 2:20

Workplace violence for health care and social service workers, OSHA guidelines for preventing, 1:23

OUTSOURCING

International sourcing, **7:3**L-1 visa, using as alternative to outsourcing, **4:7**

OVERTIME

White collar employees, eligibility for, **1:68**

PARTNERSHIPS

Business Entities (this index)

PATENTS

Intellectual property, checklist for application, **5:14**

PAYCHECK PROTECTION PROGRAM

SBA Paycheck Protection Program Loan Forgiveness, **14:15**

PENSIONS

ERISA, application to pension and welfare benefit plans, **1:31**

Small businesses selecting and monitoring pension consultants, 12:18

POLITICAL ACTION COMMITTEES

Checklist, 11:3

PREGNANCY DISCRIMINATION LAWS

Employment relations, 1:50

PREGNANT WORKERS FAIRNESS ACT

EEOC Checklist, 1:82

PRICE FIXING

Antitrust law, 8:11, 8:13

PRIVACY

Internet privacy policy, developing/ auditing, 13:5 Master checklist, 11:2 Workplace, privacy issues, 1:1

PRODUCT RECALL

Checklist, 3:28

PSYCHIATRIC DISABILITIES

Accommodations for persons with, 1:17

PUBLIC OFFERINGS

Securities, due diligence, 12:8

PURCHASING

Commercial Law (this index)

PUTS AND CALLS

Checklist, 3:30

RECALLS

Product recall, 3:28

RECORDS RETENTION

Family and Medical Leave Act, **1:21** Intellectual property, **5:3** OSHA and environmental checklists.

2:9

Suggested documents to retain, 9:6

RECRUITING STRATEGY

Employment relations, 1:45

REDUCTION IN FORCE

Conducting, 1:26

RELEASES

Termination of employment, 1:6

RELIGION

Best practices to prevent discrimination, **1:55**

Clothing, religious garb in the workplace, **1:51**

Grooming, religious grooming in the workplace, 1:51

Muslim, employer responsibilities regarding employees who are, or are perceived to be, **1:56**

Reasonable accommodation in workplace, 1:19

REMEDIATION

Voluntary self-disclosure, full cooperation, and timely and appropriate remediation in FCPA matters, 7:13

REMEDIES

Intellectual property, gray market goods, **5:11**

International law, gray market goods, 7:7

RESTAURANTS

Nutrition labeling, FDA requirements, 11:18

RETALIATION

Affordable Care Act, retaliation and whistleblower protections, **1:46** Small business checklist for retalia-

tion and related issues, 1:67

RETIREE BENEFITS

Avoiding claims for breach of promise, **1:5**

Pensions (this index)

REVIEWS

Online, solicitiation and payment, FTC, 13:11, 13:12

SAFETY

Consumer Product Safety Improvement Act, **3:34**

SALES AGREEMENTS

Agency agreements, **3:17**Domestic and international sales representative agreements, **7:6**Sales representation agreement, **3:13**

SARBANES-OXLEY

Audits and Investigations (this index)

SEALS

Department of Defense seals, use of, 11:14

SEARCH WARRANTS

Procedures for responding, 10:5

SEC

Checklist for intellectual property and technology risks associated with international business operations, **7:16**

Checklist on frequently asked questions for Non-U.S./Nonresident Security-Based Swap Entities, 12:25

Checklist on frequently asked questions on regulation SBSR, **12:26**

Disclosure considerations for Chinabased issuers, 7:15

Securities (this index)

SECURITIES

Generally, 12:1 to 12:26

Code of Business Conduct and Ethics of New York Stock Exchange (NYSE), 12:13

Compensation committees and advisers, SEC checklist for, **12:15**

Compliance, SEC interpretations, 12:24

Cooperation

SEC Cooperation Program, 12:10 SEC Cooperation Tools, 12:11

Crowdfunding, 12:21, 12:22

Definition, determining what is a security, **12:9**

SECURITIES—Cont'd

Disclosure

cybersecurity risks and cyber incidents, obligations relating to, 12:19

executive compensation policies and practices, **12:7**

SEC interpretations, 12:24

Dodd-Frank checklist, 12:12

Due diligence, public offerings, **12:8** EDGAR Filer Manual Volumes, 2013 changes, **12:16**

Executive compensation policies and practices, disclosing, **12:7**

Financial reporting and certification, management's reports on internal control, **12:6**

Form CRS relationship summary and amendments to Form ADV, 12:23

Frequently asked questions for Non-U.S./Nonresident Security-Based Swap Entities

SEC checklist, 12:25

Frequently asked questions on regulation SBSR

SEC checklist, 12:26

Insider trading laws, complying with, 12:5

Investigative proceedings (SEC), 12:3

Pension consultants, small businesses selecting and monitoring, 12:18

Proxy rules, 12:1

Public offering due diligence, 12:8

Registration of municipal advisors, 12:17

SEC, FCPA summary, 7:14

Small entities

crowdfunding, 12:21, 12:22

pension consultants, selecting and monitoring, 12:18

raising capital and complying with federal securities laws, 12:20

Social media broker-dealer compliance checklist, **12:14**

Tender offers under Williams Act, 12:2

Whistleblowers, FAQs, 12:24

SECURITIES AND EXCHANGE COMMISSION

Securities (this index)

SECURITY AGREEMENTS

Employee agreements, 1:34

SEIZURES

Employment rights of people with seizure disorder, **1:49**

SERVICE MEDALS

Department of Defense service medals, use of, **11:14**

SETTLEMENT

Commercial dispute, 3:16

SEVERANCE AGREEMENTS

Checklists, 1:38, 1:62

SEXUAL HARASSMENT

Generally, **1:13**Following up on complaint, **1:25**

SMALL ENTITIES

EPA small business compliance policy checklist, **2:13**

Federal agencies providing financing for, 11:9

National origin discrimination, small business EEOC enforcement guidance on, **1:66**

Pension consultants, small businesses selecting and monitoring, 12:18

Retaliation and related issues, 1:67

Securities (this index)

Vendor cybersecurity, 11:15

SOCIAL MEDIA

Employee social media rights, 1:47 Internet checklist, 13:8

disclosures for social media influencers, 13:13

Securities, social media broker-dealer compliance checklist, **12:14**

SOFTWARE

EEOC checklist of Q&A, 1:77 Employment selection procedures under Title VII of the Civil Rights Act of 1964, 1:77

OEM licenses, 4:4

STATE OF INCORPORATION

Selecting, 14:11

STOCK EXCHANGE

Code of Business Conduct and Ethics of New York Stock Exchange (NYSE), 12:13

STOCK OWNERSHIP PLANS

Employee, 1:44

STOCK VALUE

Mergers and acquisitions, 6:17

SUPPLY AGREEMENTS

Major supply agreements, 3:7

TAX CUTS AND JOBS ACT

Depreciation and expensing, 11:16

TECHNOLOGY

Escrow accounts, 5:4

Prospective partners, interviewing, **3:29**

TELECOMMUTING

Program implementation, 1:14

TELEMEDICINE

Family and Medical Leave Act, 1:72

TENDER OFFERS

Williams Act, 12:2

TESTIMONIALS

Compliance with proposed FTC guides concerning use of, **3:35**

TIPPED EMPLOYEES

Checklist, 1:80

DOL Fact Sheet, 1:80

Fair Labor Standards Act, 1:80

TRADEMARK

Intellectual Property (this index)

TRADEMARKS

Intellectual property, checklist for application, 5:16

Licensing, 5:1

TRADE SECRETS

Intellectual Property (this index)

TRUST AGREEMENTS

Equipment, 3:36

INDEX

U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

Checklist for sponsoring an employee for U.S. permanent resident status, 1:81

U.S. PERMANENT RESIDENT STATUS

Checklist for sponsoring an employee, USCIS, 1:81

VALUE AND VALUATION

Mergers and acquisitions, calculating stock value, **6:17**

VENDOR CYBERSECURITY

Small entities, 11:15

VENTILATION

COVID-19, 2:28

VIOLENCE PREVENTION

Workplace, 1:23, 1:24

VISAS

L-1 visa, using as alternative to outsourcing, **4:7**

WAGE AND HOUR DIVISION OF DOL

Checklist of major statutes enforced by DOL, **1:59**

WARN ACT

Generally, 1:27

WARRANTIES

FTC warranty checklist, **3:19**Purchasing or leasing capital equipment, **3:3**

WEB SITES

Internet (this index)

WELLNESS PROGRAMS

Employment relations, 1:57

WHISTLEBLOWERS

Affordable Care Act, protections, **1:46**

FAQs, securities, 12:24

WILLIAMS ACT

Tender offers, 12:2

WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

Generally, 1:27

WORKERS' COMPENSATION

Claims, suggestions for reducing, 1:15