

Table of Contents

CHAPTER 1. EMPLOYEE RELATIONS CHECKLISTS

- § 1:1 Privacy issues in the workplace
- § 1:2 Checklist for complying with the Immigration Reform and Control Act
- § 1:3 Checklist for reemploying persons after military service
- § 1:4 Implementing a drug testing program: A checklist of items to consider
- § 1:5 Checklist for avoiding claims of breach of promise for providing retiree benefits
- § 1:6 Checklist for releases in employment terminations
- § 1:7 Pretermination checklist
- § 1:8 Wrongful termination damages checklist
- § 1:9 Prediscipline checklist
- § 1:10 A checklist for terminations based on absenteeism
- § 1:11 Age discrimination checklist
- § 1:12 Checklist for establishing a fetal protection policy
- § 1:13 Checklist for dealing with sexual harassment
- § 1:14 A checklist for telecommuting program implementation
- § 1:15 Suggestions for reducing workers' compensation claims
- § 1:16 Checklist for complying with the Americans with Disabilities Act
- § 1:17 Checklist of accommodations for people with psychiatric disabilities
- § 1:18 Opening doors to all candidates: Tips for ensuring access for applicants with disabilities
- § 1:19 An employer's checklist for determining reasonable accommodation to religion in the workplace
- § 1:20 Checklist for the Family and Medical Leave Act of 1993
- § 1:21 Checklist for records retention and posting requirements under the Family and Medical Leave Act of 1993
- § 1:22 Negligent hiring avoidance checklist
- § 1:23 OSHA guidelines for preventing workplace violence for health care and social service workers
- § 1:24 Preventing workplace violence
- § 1:25 Following up on a sexual harassment complaint
- § 1:26 Checklist for conducting a reduction in force
- § 1:27 Checklist for the Worker Adjustment and Retraining Notification Act

CHECKLISTS FOR CORPORATE COUNSEL

- § 1:28 Compliance with the Fair Labor Standards Act
- § 1:29 Checklist of COBRA topics for corporate counsel
- § 1:30 Avoiding implied employment contracts: A checklist
- § 1:31 ERISA's application to pension and welfare benefit plans: A checklist
- § 1:32 Summary plan description checklist
- § 1:33 The Health Insurance Portability and Accountability Act
- § 1:34 Checklist for employee security agreements
- § 1:35 Checklist on employment contracts
- § 1:36 Checklist for nonqualified deferred compensation agreements
- § 1:37 Checklist for change of control agreements
- § 1:38 Checklist for severance agreements
- § 1:39 Checklist for determining independent contractor status
- § 1:40 Overview of EEOC requirements and compliance
- § 1:41 Checklist for determining qualification for the FLSA executive exemption
- § 1:42 Checklist for compliance with the Mental Health Parity Act of 2008
- § 1:43 Checklist for compliance with COBRA under the ARRA
- § 1:44 Checklist for employee stock ownership plans
- § 1:45 Checklist for formulating a recruiting strategy
- § 1:46 Checklist for retaliation and whistleblower protections under the Affordable Care Act
- § 1:47 NLRB employee social media rights checklist
- § 1:48 Checklist for Genetic Information Discrimination
- § 1:49 Checklist for employment rights of people with specific disabilities: Cancer, diabetes, epilepsy, and intellectual disabilities
- § 1:50 Checklist for guidance in pregnancy discrimination laws and related issues
- § 1:51 Checklist for religious garb and grooming in the workplace
- § 1:52 Checklist for workplace rights of those with HIV infection under the Americans with Disabilities Act (ADA)
- § 1:53 Checklist for EEOC-related mediations
- § 1:54 Checklist for DOL Wage and Hour Division Administrator's Interpretation No. 2015-1—Application of the Fair Labor Standards Act's "suffer or permit" standard in the identification of employees who are misclassified as independent contractors
- § 1:55 Checklist for best practices to prevent workplace religious discrimination
- § 1:56 Checklist of examples of employer responsibilities regarding employees who are, or are perceived to be, Muslim or Middle Eastern

TABLE OF CONTENTS

§ 1:57	Checklist relating to employer wellness programs: Title I of the Americans with Disabilities Act and Title II of the Genetic Information Nondiscrimination Act
§ 1:58	Checklist of frequently asked questions regarding Executive Order 13706, Establishing Paid Sick Leave for Federal Contractors
§ 1:59	Checklist of major statutes enforced by DOL Wage and Hour division
§ 1:60	Checklist of antitrust red flags for employment practices
§ 1:61	Checklist of general OSHA Employer Responsibilities
§ 1:62	Checklist for EEOC guidance on understanding waivers of discrimination claims in employee severance agreements
§ 1:63	Checklist for E-Verify Monitoring and Compliance
§ 1:64	Checklist for using E-verify employer agents
§ 1:65	Checklist for EEOC prohibited employment policies/practices
§ 1:66	Checklist for small business EEOC enforcement guidance on national origin discrimination
§ 1:67	Small business checklist for retaliation and related issues
§ 1:68	Checklist for 2020 Department of Labor Final Rule on overtime eligibility for white collar employees
§ 1:69	Checklist for DOL highlights of the 2020 Final Rule on regular rate under the Fair Labor Standards Act
§ 1:70	Checklist for small businesses on criminal records of applicants (EEOC)
§ 1:71	Checklist for compensation tips for small businesses (EEOC)
§ 1:72	Checklist for telemedicine rule for Family and Medical Leave Act (FMLA)
§ 1:73	EEOC checklist and FAQs on COVID-19 vaccines
§ 1:74	EEOC checklist on (non-vaccine related) COVID-19 policies
§ 1:75	DOL checklist for break time for nursing mothers under the FLSA
§ 1:76	Checklist for Corporate Counsel for Child Labor Provisions of the Fair Labor Standards Act (FLSA) for nonagricultural occupations
§ 1:77	EEOC Checklist of Q&A regarding assessing adverse impact in software, algorithms, and artificial intelligence used in employment selection procedures under Title VII of the Civil Rights Act of 1964
§ 1:78	EEOC Checklist of Q&A regarding hearing disabilities in the workplace and the Americans with Disabilities Act
§ 1:79	Treasury Department FAQ's about the Kline-Miller Multiemployer Pension Reform Act

- § 1:80 Checklist for tipped employees under the Fair Labor Standards Act (FLSA)(Based on DOL Fact Sheet #15-2023)
- § 1:81 USCIS Checklist for sponsoring an employee for U.S. permanent resident status
- § 1:82 EEOC Checklist for the Pregnant Workers Fairness Act (PWFA)
- § 1:83 DOL checklist for Artificial Intelligence (AI) and equal employment opportunity for federal contractors

CHAPTER 2. OSHA & ENVIRONMENTAL CHECKLISTS

- § 2:1 Checklist of environmental audit points
- § 2:2 Records and documents to review for environmental concerns
- § 2:3 Complying with SEC Regulation S-K environmental disclosure regulation
- § 2:4 Initial environmental due diligence information request
- § 2:5 Preaudit checklist: The environmental questionnaire
- § 2:6 Checklist for compliance with OSHA's Hazard Communication Rule
- § 2:7 Checklist for auditing compliance with OSHA
- § 2:8 Practice checklist for protecting company secrets in the community right-to-know era
- § 2:9 Guidelines for an environmental document retention policy
- § 2:10 Checklist for selecting and contracting with environmental consultants
- § 2:11 Checklist for responding to accidental spills and releases
- § 2:12 Environmental inspection checklist
- § 2:13 EPA Small Business Compliance Policy checklist
- § 2:14 Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) checklist
- § 2:15 Checklist for protecting workers from the hazards of Asbestos-Containing Flooring Material Maintenance
- § 2:16 Checklist for Risk Management Plan under Clean Air Act
- § 2:17 Checklist for selected OSHA reporting and recordkeeping requirements
- § 2:18 OSHA self-inspection checklist
- § 2:19 Checklist of frequently asked questions relating to OSHA and indoor air quality
- § 2:20 Checklist of EPA incentives for self-policing: Discovery, disclosure, correction and prevention of violations
- § 2:21 Checklist for digital image guidance for EPA Civil Inspections and Field Investigations

TABLE OF CONTENTS

- § 2:22 Checklist for OSHA fall protection requirements
- § 2:23 OSHA COVID-19 hazard recognition checklist—
Classifying risk of worker exposure to SARS-CoV-2
- § 2:24 OSHA COVID-19 checklist for general guidance for all
workers and employers
- § 2:25 Checklist for OSHA guidance on mitigating and
preventing the spread of COVID-19 in the workplace
- § 2:26 Checklist of real-world examples for OSHA guidance
on injury and illness recordkeeping and reporting
requirements
- § 2:27 Checklist of FAQs for questions about OSHA debt
- § 2:28 CDC checklist to improve office ventilation for
COVID-19
- § 2:29 OSHA employer assistance general checklist of
frequently asked questions

CHAPTER 3. COMMERCIAL LAW CHECKLISTS

- § 3:1 Checklist for representing a company when a supplier/
customer files for Chapter 11 protection
- § 3:2 Checklist for purchasing capital equipment
- § 3:3 Checklist for warranties in purchasing or leasing
capital equipment
- § 3:4 Equipment leasing checklist
- § 3:5 Provisions of a franchise agreement
- § 3:6 Checklist for drafting purchase order terms and
conditions
- § 3:7 Checklist for major supply agreements
- § 3:8 A legal audit of the purchasing function
- § 3:9 Checklist of issues to address when preparing a
purchasing policy on contracting
- § 3:10 Checklist for manufacturing agreements
- § 3:11 Checklist for handling intellectual property in a
manufacturing agreement
- § 3:12 A checklist for drafting terms and conditions for
construction contracts
- § 3:13 Sales representation agreement checklist
- § 3:14 Checklist for drafting consulting agreements
- § 3:15 Checklist for drafting distribution agreements
- § 3:16 Checklist for avoiding litigation in commercial
procurement
- § 3:17 Narrative checklist on sales agency agreements
- § 3:18 Checklist of suggested documents to retain on
independent contractors
- § 3:19 FTC warranty checklist
- § 3:20 Checklist for drafting consignment agreements
- § 3:21 Checklist for preparing and verifying letters of credit

- § 3:22 Domestic joint venture checklist
- § 3:23 Checklist of issues to address in commercial leases
- § 3:24 Checklist of issues to consider when entering into contracts for work to be done on your premises
- § 3:25 Checklist for adequate assurance of performance
- § 3:26 Checklist for joint development agreements
- § 3:27 Checklist for database/content licenses
- § 3:28 Checklist for a product recall
- § 3:29 Checklist: Interviewing prospective technology partners
- § 3:30 Put and call checklist
- § 3:31 Joint venture financing checklist
- § 3:32 Checklist for drafting asset purchases and sale agreements
- § 3:33 Checklist of issues to address in commercial leases
- § 3:34 Checklist for the Consumer Product Safety Improvement Act of 2008
- § 3:35 Checklist for compliance with FTC guides concerning the use of endorsements and testimonials
- § 3:36 Checklist for drafting equipment trust agreements
- § 3:37 Checklist for consumer protections for in-home purchases: The Cooling-Off Rule
- § 3:38 Checklist for native advertising
- § 3:39 Checklist for general advertising and marketing on the Internet to avoid deceptive and unfair acts or practices
- § 3:40 Checklist for environmental marketing claims: summary of the FTC “Green Guides”
- § 3:41 FTC Checklist for advertising FAQ’s: a guide for small business
- § 3:42 FTC Checklist for debt collection FAQs
- § 3:43 Checklist for FTC Consumer Review Fairness Act
- § 3:44 FTC best practices checklist for mobile health app developers

CHAPTER 4. DATA PROCESSING CHECKLISTS

- § 4:1 Checklist for service bureau agreements
- § 4:2 Turnkey system contract checklist
- § 4:3 Master software licensing checklist
- § 4:4 Software OEM license checklist
- § 4:5 Checklist for maintenance agreements
- § 4:6 Source code escrow agreement checklist
- § 4:7 Using the L-1 visa as an alternative to outsourcing
- § 4:8 Checklist for computer contract considerations

TABLE OF CONTENTS

CHAPTER 5. INTELLECTUAL PROPERTY CHECKLISTS

- § 5:1 Trademark licensing checklist
- § 5:2 Checklist for protecting trade secrets
- § 5:3 Trade secrets records retention checklist
- § 5:4 Technology escrow account checklist
- § 5:5 Intellectual property audit
- § 5:6 Checklist for the exchange of confidential information during acquisition negotiations
- § 5:7 Practice pointers: Copyright status checklist: Top ten questions for older works
- § 5:8 General copyright licensing checklist
- § 5:9 Checklist for licensing a name and likeness
- § 5:10 Master licensing checklist
- § 5:11 Checklist of possible legal remedies in a gray market situation
- § 5:12 Checklist for licensing or franchising agreements
- § 5:13 Checklist for intellectual property compliance
- § 5:14 Patent application checklist
- § 5:15 Copyright registration checklist
- § 5:16 Trademark application checklist
- § 5:17 Steps When Confronted with an Assignment Against Your Property Filed by Another Party
- § 5:18 Checklist of tips for responding to a USPTO Office action
- § 5:19 Checklist for patent or trademark applicants and registrants represented by excluded parties
- § 5:20 Checklist for personal information in trademark records

Table of Contents

CHAPTER 6. MERGERS & ACQUISITIONS CHECKLISTS

- § 6:1 Checklist for protecting the deal
- § 6:2 Intellectual property and due diligence checklist
- § 6:3 Acquisition criteria and search process
- § 6:4 Information needed in acquiring a business
- § 6:5 Checklist of considerations in an acquisition or divestiture
- § 6:6 Checklist for preparation of registration statement for merger of target with and into acquirer
- § 6:7 Checklist for drafting letters of intent
- § 6:8 Poison pill checklist
- § 6:9 Spin-off checklist
- § 6:10 Checklist for escrow agreements in mergers and acquisitions
- § 6:11 Checklist for drafting change of control agreements
- § 6:12 Checklist for merger and consolidation
- § 6:13 Checklist for Model Waiver of Confidentiality for use in merger and civil non-merger matters involving concurrent review by the DOJ or FTC and non-U.S. competition authorities
- § 6:14 Checklist to avoid common HSR premerger notification filing mistakes with Item 4(c) and 4(d) documents
- § 6:15 Checklist to avoid common HSR filing mistakes with attachments
- § 6:16 Checklist of FTC guidance on classifying foreign entities under HSR rules
- § 6:17 Checklist of FTC guidance on calculating the value of stock under HSR rules
- § 6:18 Checklist for FTC protocol for coordination in merger investigations between the federal enforcement agencies and state attorneys general
- § 6:19 Checklist for premerger notification and the merger review process
- § 6:20 Checklist of Frequently Asked Questions for voluntary requests and timing agreements
- § 6:21 FTC checklist of frequently asked questions about merger consent order provisions

CHAPTER 7. INTERNATIONAL LAW CHECKLISTS

- § 7:1 Checklist for complying with the Foreign Corrupt Practices Act

- § 7:2 Arab boycott checklist
- § 7:3 Checklist for international sourcing
- § 7:4 Deciding to enter foreign markets
- § 7:5 Key factors involved in foreign investments
- § 7:6 Checklist for preparation of domestic and international distributor and sales representative agreements
- § 7:7 Checklist of possible legal remedies in a gray market situation
- § 7:8 U.S. Department of Commerce checklist of factors for assessing potential investment sites
- § 7:9 NAFTA: Restrictions on drawback and duty-deferral programs
- § 7:10 NAFTA: Origin verifications and determinations
- § 7:11 Export control compliance checklist
- § 7:12 Good importer practices checklist
- § 7:13 Checklist for FCPA Corporate Enforcement Policy: Credit for Voluntary Self-Disclosure, Full Cooperation, and Timely and Appropriate Remediation in FCPA matters
- § 7:14 Checklist of SEC FCPA summary
- § 7:15 SEC checklist of disclosure considerations for China-based issuers (disclosure considerations for companies based in or with the majority of their operations in the People's Republic of China)
- § 7:16 SEC checklist for intellectual property and technology risks associated with international business operations
- § 7:17 DOJ checklist for Foreign Corrupt Practices Act (FCPA) frequently asked questions: Criminal Division Corporate Enforcement Policy (effective January 2023)

CHAPTER 8. ANTITRUST LAW CHECKLISTS

- § 8:1 Compliance with the antitrust laws: A checklist of basic antitrust risks
- § 8:2 Checklist for distributor terminations
- § 8:3 Checklist of questions to ask in a merger analysis
- § 8:4 Merge with confidence: How to present your merger case to the Department of Justice and the Federal Trade Commission
- § 8:5 Premerger notification checklist
- § 8:6 Premerger notification requirements
- § 8:7 Checklist for minimizing the antitrust risks associated with joint selling and joint purchasing arrangements
- § 8:8 Antitrust issues in employment-related matters: A checklist
- § 8:9 Checklist for DOJ and FTC Policy on sharing cybersecurity information

TABLE OF CONTENTS

- § 8:10 Checklist for DOJ statement on competition in real estate: Questions and answers
- § 8:11 Checklist for DOJ guidance on price fixing, bid rigging and market allocation schemes
- § 8:12 Checklist for FTC best practices for data, and economics and financial analyses in antitrust investigations
- § 8:13 Checklist for price fixing
- § 8:14 Checklist for FTC most frequently asked HSR Merger Questions
- § 8:15 Checklist for Justice Department Antitrust Division Evaluation of Corporate Compliance Programs in Criminal Antitrust Investigations
- § 8:16 Checklist for Frequently Asked Questions about filing pharmaceutical agreements with the FTC pursuant to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003
- § 8:17 Checklist for DOJ updated guidance regarding the use of arbitration and case selection criteria

CHAPTER 9. LAW DEPARTMENT/ MANAGERIAL CHECKLISTS

- § 9:1 Checklist for drafting legal opinions
- § 9:2 Managing legal costs
- § 9:3 Checklist of issues to consider and steps to follow in reviewing invoices from outside law firms
- § 9:4 —Alternative methods of legal billing template
- § 9:5 Checklist for grand jury witness preparation
- § 9:6 Checklist of suggested documents to retain

CHAPTER 10. AUDITS & INVESTIGATIONS CHECKLISTS

- § 10:1 Internal investigations in general
- § 10:2 Checklists for protecting the attorney-client privilege
- § 10:3 Checklist of legal audit issues under the Sarbanes-Oxley Act of 2002
- § 10:4 Sarbanes-Oxley provisions affecting officers and directors
- § 10:5 Checklist of procedures for responding to a search warrant
- § 10:6 Master checklist for intellectual property audits
- § 10:7 Internal legal audit
- § 10:8 Setting up internal controls for computer data
- § 10:9 Employee interviews in internal investigations

CHAPTER 11. MISCELLANEOUS CHECKLISTS

- § 11:1 Checklist for drafting codes of legal and ethical conduct
- § 11:2 Master privacy checklist
- § 11:3 Political action committee checklist
- § 11:4 Checklist for FDA inspections
- § 11:5 Health Insurance Portability and Accountability Act checklist
- § 11:6 Checklist for indemnification agreements
- § 11:7 Directors and officers liability insurance checklist
- § 11:8 Checklist for depreciating property
- § 11:9 Checklist of federal agencies providing financing for small businesses
- § 11:10 Actions debtors should take before a default occurs
- § 11:11 Checklist for drafting an agreement with an advertising agency
- § 11:12 Checklist for complying with federal acquisition regulations
- § 11:13 Checklist for complying with FTC “made in USA” standard
- § 11:14 Checklist for use of Department of Defense seals, logos, insignia, and service medals
- § 11:15 Checklist for vendor cybersecurity for small businesses
- § 11:16 Checklist for new rules and limitations for depreciation and expensing under the Tax Cuts and Jobs Act
- § 11:17 Checklist for IRS recordkeeping requirements for businesses
- § 11:18 Checklist for FDA restaurant nutrition labeling requirements
- § 11:19 Checklist of FAQs for Employee Retention Tax Credit under the CARES Act
- § 11:20 Checklist of FAQs for small businesses who receive a Civil Investigative Demand (CID) from the FTC
- § 11:21 IRS Q&A Checklist for updated 2020 COVID-19 related business tax credits
- § 11:22 IRS Q&A Checklist for tax credits for paid leave under the American Rescue Plan Act of 2021: general information
- § 11:23 IRS Q&A Checklist for tax credits for paid leave under the American Rescue Plan Act of 2021: Special issues for employers—Interaction of the American Rescue Plan Act of 2021 Tax Credits with other tax credits
- § 11:24 IRS Checklist for closing a business
- § 11:25 FTC Checklist for business data breach response

TABLE OF CONTENTS

- § 11:26 Checklist of energy-related credits and deductions and credits and deductions for businesses and other entities under Inflation Reduction Act of 2022
- § 11:27 Checklist of IRS FAQs for new, previously owned, and qualified commercial clean vehicle credits
- § 11:28 EEOC employer checklist on what you should know about IRS Form 1098F

CHAPTER 12. SECURITIES CHECKLISTS

- § 12:1 Checklist on SEC proxy rules
- § 12:2 Checklist for tender offers under the Williams Act
- § 12:3 A checklist for an SEC investigative proceeding
- § 12:3.50 *[Reserved]*
- § 12:4 A checklist for complying with the insider trading laws
- § 12:5 Checklist on management's reports on internal control over financial reporting and certification
- § 12:6 Checklist for disclosing executive compensation policies and practices
- § 12:7 Public offering due diligence checklist
- § 12:8 Checklist for determining what is a security
- § 12:9 SEC's co-operation program checklist
- § 12:10 SEC's co-operation tools checklist
- § 12:11 Dodd-Frank Checklist
- § 12:12 Checklists for changes to Code of Business Conduct and Ethics of New York Stock Exchange (NYSE)
- § 12:13 Social media broker-dealer compliance checklist
- § 12:14 Checklist for SEC rule requiring listing standards for compensation committees and compensation advisers
- § 12:15 Checklist to 2013 changes to EDGAR Filer Manual Volumes I-III
- § 12:16 Checklist for the registration of municipal advisors
- § 12:17 Checklist for small businesses selecting and monitoring pension consultants
- § 12:18 Checklist for disclosure obligations relating to cybersecurity risks and cyber incidents
- § 12:19 Checklist for small businesses on raising capital and complying with the federal securities laws
- § 12:20 SEC checklist for small entity compliance for crowdfunding intermediaries
- § 12:21 Crowdfunding: A small entity compliance checklist for issuers
- § 12:22 Checklist for SEC Form CRS Relationship Summary and Amendments to Form ADV
- § 12:23 Checklist for SEC Compliance and Disclosure Interpretations
- § 12:24 SEC checklist and FAQs on whistleblower retaliation

- § 12:25 SEC checklist on frequently asked questions for Non-U.S./Nonresident Security-Based Swap Entities
- § 12:26 SEC checklist on frequently asked questions on regulation SBSR

CHAPTER 13. INTERNET CHECKLISTS

- § 13:1 Auditing computer networks
- § 13:2 Web site agreement checklist
- § 13:3 Fulfillment agreement checklist
- § 13:4 Customer management checklist
- § 13:5 Checklist for developing/auditing a privacy policy
- § 13:6 Checklist of website pitfalls
- § 13:7 Instant messaging checklist
- § 13:8 Social media checklist
- § 13:9 Checklist for Children's Online Privacy Protection Rule (COPPA)
- § 13:10 DOJ Checklist for legal considerations when gathering online cyber threat intelligence or purchasing data from illicit sources
- § 13:11 FTC checklist for soliciting and paying for online reviews
- § 13:12 FTC checklist for featuring online customer reviews
- § 13:13 Checklist of disclosures for social media influencers

CHAPTER 14. BUSINESS ENTITIES CHECKLISTS

- § 14:1 Checklist for limited liability companies
- § 14:2 Limited liability company agreement drafting checklist
- § 14:3 General partnership checklist
- § 14:4 Limited partnership checklist
- § 14:5 Incorporation procedures
- § 14:6 Short form incorporation
- § 14:7 Long form incorporation
- § 14:8 Limited liability company organization checklist
- § 14:9 Checklist for adding new LLC member
- § 14:10 Checklist for possible conversion of an existing business entity to an LLC
- § 14:11 Checklist for selecting the state of incorporation
- § 14:12 Organizational design checklist
- § 14:13 Organizational structure checklist
- § 14:14 Organizational redesign checklist
- § 14:15 Checklist for SBA Paycheck Protection Program Loan Forgiveness
- § 14:16 IRS partnership FAQs

Table of Laws and Rules

TABLE OF CONTENTS

Table of Cases

Index