

Index

ABATEMENT

OSHA, **11:76, 11:85, 11:86**

ABNORMALLY DANGEROUS CONDITIONS

Union unfair labor practices, **14:64**

ABORTION

Generally, **4:45**

ACCENTS

Racial and national origin harassment,
4:19

ACCESS

OSHA, **11:42**

Privacy (this index)

Union unfair labor practices, **14:19, 14:23**

ACCOMMODATION

Americans with Disabilities Act (ADA)
(this index)

Recruiting, **2:6**

Religious Accommodation (this index)

ACCOUNTABILITY

Retirement and other benefit plans, **17:60
to 17:65**

ACCRETION

Collective bargaining, **15:3 to 15:5**

ACCRUAL OF SENIORITY AND OTHER BENEFITS

Family and Medical Leave Act (FMLA),
1:65

ACQUISITIONS

Union unfair labor practices, **14:84, 14:85**

ACTUAL SURVEILLANCE

Unfair labor practices, **13:54**

ADA

Americans with Disabilities Act (ADA)
(this index)

ADEA

**Age Discrimination in Employment Act
(ADEA)** (this index)

ADMINISTRATION

Compensation, **16:17**

Discipline, Termination, and Layoffs
(this index)

Occupational safety and health, **11:5 to
11:9**

Retirement and other benefit plans, **17:88**

Training, **7:7 to 7:11**

ADMINISTRATIVE EXEMPTION

Wages, salary, and other compensation,
16:22

ADMINISTRATIVE LAW JUDGE

Occupational safety and health, **11:110,
11:114 to 11:117**

ADMINISTRATIVE SUPPORT WORKERS

Affirmative action, **3:54**

ADVERSE IMPACT

Hiring, **2:59, 2:60, 2:71**

ADVERTISING

Recruiting, **2:15, 2:16**

AFFINITY GROUP SHOPPING

Union unfair labor practices, **14:90**

AFFIRMATIVE ACTION

Administrative support workers, **3:54**

AIDS, **3:9**

Alcoholics and drug abuse, **3:8**

Americans with Disabilities Act differ-
ences. Rehabilitation Act of 1973,
below

Audits and auditing

enforcement of executive order, below
plan narrative, **3:41**

Availability analysis

generally, **3:59 to 3:66, 3:73**

availability-factor computation method,
generally, **3:61**

determination of availability, **3:60**

estimating internal vs. external place-
ments, **3:62**

feeders, determination of, **3:64**

AFFIRMATIVE ACTION—Cont'd

Availability analysis—Cont'd
 incumbency to availability, form for, **3:74**
 occupational census codes, **3:65**
 recruiting area selection, **3:63**
 Availability-factor computation method.
 Availability analysis, above
 Cohort analysis, **3:23**
 Commitment to EEO, **3:35**
 Community action programs, **3:41**
 Comparison of incumbency to availability. Utilization analysis, below
 Compensation analysis, **3:24**
 Conciliation and remedies, **3:28**
 Considering rights of other employees, **3:13**
 Constitutional law, **3:31**
 Contagious diseases, **3:9**
 Continuing violations, **3:27**
 Corrections, **3:39**
 Covered disabilities, **3:7**
 Craft workers, **3:55**
 Determination of availability, **3:60**
 Developing job groups, guidelines for, **3:48**
 Disabled individuals, model affirmative action plan, **App. 3:1**
 Discrimination, **3:33, 3:42, 3:43**
 Dissemination of policy, **3:36, 3:37**
 Diversity programs, **3:2**
 Drug abuse, **3:8**
 EEO-1 job categories. Job-group analysis, below
 Enforcement of executive order
 generally, **3:20 to 3:29**
 applicant tracking, **3:25**
 audits. OFCCP evaluations and affected class cases, below this group
 compensation analysis, **3:24**
 conciliation and remedies, **3:28**
 contractor participation in OFCC audit, **3:29**
 Federal Contractor Selection System, **3:20**
 notice of violation, **3:26**
 OFCCP evaluations and affected class cases
 generally, **3:21 to 3:23**
 cohort analysis, **3:23**
 impact-ratio analysis, **3:22**

AFFIRMATIVE ACTION—Cont'd

Enforcement of executive order—Cont'd
 OFCCP evaluations and affected class cases—Cont'd
 participation of contractor, **3:29**
 timeliness and continuing violations, **3:27**
 Equal employment opportunity, **3:35**
 Estimating internal vs. external placements, **3:62**
 Ethnic identification, **3:46**
 Evidence in discrimination cases, **3:33**
 Executive Order No. 11,246, generally, **3:3**
 External dissemination of policy, **3:37**
 Federal Contractor Selection System, **3:20**
 Future injury, risk of, **3:10**
 Grouping data. Availability analysis, above
 Hardship, **3:11**
 Identification, **3:39, 3:46**
 Impact-ratio analysis, **3:22**
 Implementation, **3:38**
 Incumbency compared to availability
 generally, **3:67 to 3:69**
 form for, **3:74**
 two-standard deviation (SD) analysis, **3:69**
 two-standard deviation test and 80% test, comparison of results, **3:68**
 Internal audit and reporting systems, **3:40**
 Internal availability, methods for computing. Availability analysis, above
 Internal dissemination of policy, **3:36**
 Job-group analysis
 generally, **3:47 to 3:58**
 administrative support workers, **3:54**
 craft workers, **3:55**
 developing job groups, guidelines for, **3:48**
 EEO-1 job categories, **3:49 to 3:58**
 forms, **3:72**
 laborers, **3:57**
 officials and managers, **3:50**
 operatives, **3:56**
 professional, **3:51**
 professional, EEO-1 job category, **3:51**
 sales, **3:53**
 sales, EEO-1 job category, **3:53**
 service workers, **3:58**

INDEX

AFFIRMATIVE ACTION—Cont'd

- Job-group analysis—Cont'd
 - technical, EEO-1 job category, **3:52**
- Laborers, **3:57**
- Minorities, model affirmative action plan, **App. 3:2**
- Model affirmative action plans
 - disabled individuals and covered veterans, **App. 3:1**
 - minorities and women, **App. 3:2**
- National origin discrimination, **3:43**
- Notice and knowledge, **3:26**
- Notice of violation, **3:26**
- Occupational census codes, **3:65**
- OFCCP evaluations and affected class cases. Enforcement of executive order, above
- Officials and managers, job-group analysis, **3:50**
- Operatives, **3:56**
- Organizational profile
 - generally, **3:44 to 3:46**
 - lines of progression, **3:45**
 - race/ethnic identification, **3:46**
- Participation of contractor in OFCCP audit, **3:29**
- Placement goals
 - generally, **3:70 to 3:74**
 - availability analysis, **3:73**
 - forms
 - job group analysis, forms, **3:72**
 - workforce analysis, **3:71**
 - incumbency to availability, form for, **3:74**
 - job group analysis, forms, **3:72**
 - workforce analysis, forms, **3:71**
- Plan narrative
 - generally, **3:34 to 3:43**
 - commitment to EEO, **3:35**
 - dissemination of policy, **3:36, 3:37**
 - external dissemination of policy, **3:37**
 - identification of problem areas and correction of deficiencies, **3:39**
 - internal audit and reporting systems, **3:40**
 - internal dissemination of policy, **3:36**
 - religious or national origin discrimination, compliance with guidelines on, **3:43**
 - responsibility of implementation, **3:38**

AFFIRMATIVE ACTION—Cont'd

- Plan narrative—Cont'd
 - sex discrimination, compliance with guidelines on, **3:42**
 - support of community action programs, **3:41**
- Privacy, **10:49 to 10:51**
- Professional, **3:51**
- Progression, **3:45**
- Promotion, **7:22**
- Race/ethnic identification, **3:46**
- Reasonable accommodation, **3:15 to 3:18**
- Recruiting, **2:10 to 2:13**
- Recruiting area selection, **3:63**
- Rehabilitation Act of 1973
 - generally, **3:4 to 3:14**
 - Americans with Disabilities Act differences
 - generally, **3:6 to 3:10**
 - AIDS, **3:9**
 - alcoholics and drug abuse, **3:8**
 - contagious diseases, **3:9**
 - covered disabilities, **3:7**
 - future injury, risk of, **3:10**
 - considering rights of other employees, **3:13**
 - reasonable accommodation, **3:15 to 3:18**
 - remedies, **3:14**
 - Section 504, **3:5**
 - undue hardship, **3:11**
- Religious discrimination, **3:43**
- Reports and reporting, **3:40**
- Responsibility of implementation, **3:38**
- Sales, **3:53**
- Service workers, **3:58**
- Sex discrimination, compliance with guidelines on, **3:42**
- Statutes
 - generally, **3:2 to 3:33**
 - Executive Order No. 11,246, generally, **3:3**
 - plans, regulations governing, **3:19**
 - Rehabilitation Act of 1973, above
 - Section 503 regulations, **3:17**
- Support of community action programs, **3:41**
- Technical workers, **3:52**
- Third persons, **3:13**
- Timeliness and continuing violations, **3:27**

AFFIRMATIVE ACTION—Cont'd

Title VII, **3:30 to 3:32**
 Tracking applicant, **3:25**
 Two-standard-deviation (SD) analysis, **3:69**
 Types of reasonable accommodation, **3:12**
 Undue hardship, **3:11**
 Uniform Services Employment and Reemployment Rights Act, **3:18**
 Utilization analysis
 two-standard-deviation (SD) analysis, **3:69**
 Veterans, **App. 3:1**
 VEVRAA and Section 503 final rules, **3:16**
 Women, model affirmative action plan, **App. 3:2**
 Workforce analysis, forms, **3:71**

AGE

Retirement and other benefit plans, minimum age and service rules, **17:17**

AGE DISCRIMINATION

Age Discrimination in Employment Act (ADEA)
 generally, **1:11 to 1:14**
 basis for claims, **9:7**
 common issues and claims, **1:12**
 defenses and potential remedies, **1:13**
 discipline, termination, and layoffs, below
 disparate impact, **1:14**
 privacy, personnel recordkeeping, **10:52**
 statutes, **1:11 to 1:14**
 Arbitrate, agreement to, **9:19**
 Benefits, **9:17**
 Bona fide occupational qualification defense under ADEA, **9:20**
 Conciliation, **9:5**
 Constructive discharge, **9:12**
 Defenses, **1:13**
 Defenses, under ADEA, **9:20**
 Discipline, termination, and layoffs
 generally, **9:2 to 9:20**
 Age Discrimination in Employment Act (ADEA), generally, **9:2**
 bona fide occupational qualification defense, **9:20**
 conciliation, **9:5**
 constructive discharge, **9:12**

AGE DISCRIMINATION—Cont'd

Discipline, termination, and layoffs
 —Cont'd
 EEOC, **9:3, 9:18**
 ensuring voluntary retirement, **9:15**
 evidence, **9:9**
 extensions of filing period, **9:4**
 filing suit, procedure, **9:3 to 9:6**
 involuntary retirement, **9:14**
 judgment notwithstanding the verdict, **9:10**
 older worker benefit protection act waiver, **9:17**
 permissible mandatory retirement, **9:16**
 procedural rules for bringing suit, **9:6**
 releases, **9:17, 9:18**
 replacement, age disparity between employee and, **9:8**
 retaliatory discharge, **9:11**
 retirement, **9:14 to 9:16**
 summary judgment, **9:10**
 waiver of rights, **9:18**
 waiver of rights, under ADEA, **9:17**
 Disparate impact, Age Discrimination in Employment Act (ADEA), **1:14**
 Disparity, **9:8**
 EEOC, **9:3, 9:18**
 Elderly, **9:17**
 Ensuring voluntary retirement, **9:15**
 Evidence, **9:9**
 Extensions of filing period, ADEA suit procedures, **9:4**
 Government employers, **9:13**
 Involuntary retirement, **9:14**
 Judgment notwithstanding the verdict, **9:10**
 Judgments, **9:10**
 Layoffs. Discipline, termination, and layoffs, above
 Mandatory, **9:16**
 Older worker benefit protection act (OWBPA), **9:17, 9:18**
 Performance appraisals, **6:7**
 Permissible mandatory retirement, **9:16**
 Qualification defense, **9:20**
 Records and recording, **9:3 to 9:6**
 Releases, **9:17, 9:18**
 Replacement, age disparity between employee and, **9:8**
 Retaliatory discharge, **9:11**
 Retirement, **9:14 to 9:16**

INDEX

AGE DISCRIMINATION—Cont'd

- Summary judgment, **9:10**
- Termination. Discipline, termination, and layoffs, above
- Verdict, **9:10**
- Voluntary retirement, **9:15**
- Waiver, **9:17, 9:18**

AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA) **Age Discrimination** (this index)

AGENCY SHOP

- Union unfair labor practices, **14:44**

AGENTS

- Unfair labor practices, **13:10**
- Union unfair labor practices, **14:2**

AGREEMENTS

- Contracts and Agreements** (this index)

AGRICULTURAL LABORERS

- Labor Management Relations Act (LMRA), **12:10**

AIDS

- Affirmative action, **3:9**
- Hiring, **2:68**
- Privacy, **10:15 to 10:17**

ALABAMA

- Generally, **App. 1**

ALASKA

- Generally, **App. 2**

ALCOHOL AND DRUG USE

- Affirmative action, **3:8**
- Americans with Disabilities Act (ADA), **5:16**
- Collective Bargaining** (this index)
- Hiring, **2:67**
- Occupational safety and health, **11:18**
- Privacy, **10:12 to 10:14**

ALIENS

- Labor Management Relations Act (LMRA), **12:21**
- Unfair labor practices, **13:117**

ALLEGATIONS

- Employment at will and employment contracts, **8:30**

ALLIANCES

- Collective bargaining, **15:20**

ALLY DOCTRINE

- Union unfair labor practices, **14:69**

AMBULATORY PICKETING

- Union unfair labor practices, **14:77**

AMENDMENTS

- Multiemployer Pension Plan Amendments Act, **17:55**
- Occupational safety and health, **11:96**
- Single Employer Pension Plan Amendments Act, **17:53**

AMERICANS WITH DISABILITIES ACT (ADA)

- Generally, **1:38 to 1:41, 5:1 to 5:42**
- Accommodation. Title I, below
- Affirmative Action** (this index)
- Application stage, **5:31**
- Background, **5:2**
- Bargaining agreements, **5:26**
- Civil Rights Act of 1991, Title VII, **1:54**
- Collective bargaining, **5:26, 15:48**
- Conditions, **5:9**
- Confidentiality, **5:35**
- Contracts and agreements, **5:26**
- Coverage, **5:3**
- Defining disability
 - generally, **5:4 to 5:10**
 - excluded conditions, **5:9**
 - mitigating measures on impairment, effect of, **5:8**
 - perceived disability, **5:6**
 - receipt of benefits, effect of, **5:10**
 - substantial impairment required, **5:5**
 - temporary or intermittent disabilities, **5:7**
- Direct threat, **5:34**
- Discipline and performance standards, **5:33**
- Drug use inquiries and testing, **5:16**
- EEOC enforcement guidance, **5:27**
- Employment provisions. Title I, below
- Enforcement, **5:27, 5:37, 5:41**
- Essential job functions, **5:18**
- Excluded conditions, **5:9**
- Fundamental alteration of job duties, **5:25**
- Hardship, **5:24**
- Identifying essential job functions, **5:18**

AMERICANS WITH DISABILITIES

ACT (ADA)—Cont'd

Interactive process, **5:22**
 Intermittent, **5:7**
 Medical examinations. Title I, below
 Mental impairment, **5:29**
 Mitigating measures on impairment, effect of, **5:8**
 Modification or change, **5:25**
 Perceived disability, **5:6**
 Performance, **5:33**
 Preemployment inquiries and medical examinations. Title I, below
 Privacy, **10:17**
 Psychiatric disabilities. Title I, below
 Qualification, **5:23**
 Reasonable accommodation. Title I, below
 Receipt of benefits, effect of, **5:10**
 Recommendations for employers, **5:42**
 Retirement and other benefit plans, **17:80**
 Substantial impairment required, **5:5**
 Substantial limitation, **5:30**
 Temporary or intermittent disabilities, **5:7**
 Threats, **5:34**
 Title I
 generally, **1:39, 5:11 to 5:37**
 accommodation. Reasonable accommodation, below this group
 enforcement, **5:37**
 general obligations, **5:12**
 identifying essential job functions, **5:18**
 medical examinations. Preemployment inquiries and medical examinations, below this group
 medical inquiries and examinations during employment, **5:17**
 preemployment inquiries and medical examinations
 generally, **5:13 to 5:16**
 drug use inquiries and testing, **5:16**
 psychiatric disabilities
 generally, **5:28 to 5:35**
 application stage, **5:31**
 compensation, **5:36**
 confidentiality, **5:35**
 direct threat, **5:34**
 disability-related questions, **5:31, 5:32**
 discipline and performance standards, **5:33**

AMERICANS WITH DISABILITIES

ACT (ADA)—Cont'd

Title I—Cont'd
 psychiatric disabilities—Cont'd
 mental impairment, **5:29**
 post-application stage, **5:32**
 substantial limitation, **5:30**
 reasonable accommodation
 generally, **5:19 to 5:27**
 collective bargaining agreements, effect of, **5:26**
 EEOC enforcement guidance, **5:27**
 fundamental alteration of job duties, **5:25**
 interactive process, **5:22**
 qualification, **5:23**
 triggering obligation, **5:21**
 undue hardship not requiring accommodation, **5:24**
 remedies, **5:37**
 Title II
 generally, **1:40**
 Title III
 generally, **1:41, 5:38 to 5:41**
 coverage, **5:39**
 enforcement, **5:41**
 requirements and prohibitions, **5:40**
 Triggering obligation, **5:21**
 Undue hardship not requiring accommodation, **5:24**

ANNUITIES

Retirement and other benefit plans, **17:26**

ANSWERS

Hiring, **2:35**
 Occupational safety and health, **11:95**

ANTICIPATION

Union unfair labor practices, **14:104 (Form)**

APPEAL AND REVIEW

Employment at will and employment contracts, **8:46**
 Initial placement, **2:80**
 Labor Management Relations Act (LMRA)
 election campaign, **12:63 to 12:66**
 petitioning for NLRB election, **12:35, 12:36**
 Occupational safety and health, **11:6, 11:70, 11:105, 11:109 to 11:113**

INDEX

APPEAL AND REVIEW—Cont'd

- Performance appraisals, **6:14**
- Retirement and other benefit plans, **17:74**
- Unfair labor practices, **13:29**

APPLICATION

- Americans with Disabilities Act (ADA), **5:31**
- Collective bargaining, **15:25**
- Employment at will and employment contracts, **8:13, 8:14**
- Hiring** (this index)
- Privacy, **10:50**
- Recruiting, **2:20**

APPRAISALS

- Performance Appraisals** (this index)

APPROPRIATENESS

- Collective bargaining, **15:55**

APPROVAL

- Occupational safety and health, **11:8**

ARBITRATION

- Age discrimination under ADEA, **9:19**
- Collective Bargaining** (this index)
- Federal Arbitration Act
 - employment issues, **8:53**
- Impact, employment at will and employment contracts, **8:52**
- Union unfair labor practices, **14:15**

ARIZONA

- Generally, **App. 3**

ARKANSAS

- Generally, **App. 4**

ARTIFICIAL INTELLIGENCE

- Hiring, **2:24**

ASSESSMENT

- Hiring, **2:40, 2:59, 2:60, 2:70, 2:71**
- Labor Management Relations Act (LMRA), **12:94**
- Occupational safety and health, **11:100**

ASSIGNMENT OF PERSONNEL

- Union unfair labor practices, **14:102**

ASSIGNMENT OF WORK

- Initial placement, **2:73 to 2:75**

ATTENDANCE

- Discipline, termination, and layoffs, **9:43**

ATTORNEY FEES

- Occupational safety and health, **11:116**

ATTORNEYS

- Occupational safety and health, **11:91**
- Unfair labor practices, **13:108 to 13:111, 13:121**

AUDITS AND AUDITING

- Affirmative Action** (this index)
- Hiring, **2:70**
- OSHA, **11:42**
- Performance appraisals, **6:18**

AUTHORIZATION AND

DEAUTHORIZATION

- Labor Management Relations Act (LMRA), **12:57, 12:58**
- Privacy, **10:28**
- Union unfair labor practices, **14:41, 14:43**

AUTOMATIC SURVIVOR BENEFITS

- Retirement and Other Benefit Plans** (this index)

AUTOMATION

- Collective bargaining, **15:12**

AVAILABILITY

- Affirmative Action** (this index)

BACKGROUND INVESTIGATIONS

- Privacy, **10:23**

BACK PAY

- Discipline, termination, and layoffs, **9:30**
- Unfair Labor Practices** (this index)

BALLOTS

- Labor Management Relations Act (LMRA)** (this index)

BANKRUPTCY CODE

- Collective bargaining, **15:49 to 15:51**

BARGAINS AND BARGAINING

- Americans with Disabilities Act (ADA), **5:26**
- Collective Bargaining** (this index)
- Unfair Labor Practices** (this index)

BEHAVIOR-BASED RATING SCALES

- Performance Appraisals** (this index)

BENEFITS

- Age discrimination, **9:17**
- Dependents, pregnancy, **4:46**

BENEFITS—Cont'd

- Discrimination, **9:17**
- Family and Medical Leave Act (FMLA) of 1993, **4:66**
- Older Workers Benefit Protection Act (OWBPA)** (this index)
- Retirement and Other Benefit Plans** (this index)
- Unfair labor practices, **13:37**
- Union unfair labor practices, **14:6**

BETTS DECISION

- Older Workers Benefit Protection Act (OWBPA), **1:42 to 1:47**

BILINGUAL BALLOT

- Labor Management Relations Act (LMRA), **12:77 (Form)**

BIOCHEMICAL TESTING

- Privacy, **10:11**

BLACKLISTING EMPLOYEES

- Unfair labor practices, **13:68**

BLOCKING CHARGE RULE

- Labor Management Relations Act (LMRA), **12:53, 12:54**

BLUE COLLAR WORKERS

- Wages, salary, and other compensation, **16:27**

**BONA FIDE OCCUPATIONAL
QUALIFICATION DEFENSE**

- Age discrimination, **9:20**

BOSTON MEDICAL CENTER

- Labor Management Relations Act (LMRA), **12:18**

BOYCOTTS

- Union Unfair Labor Practices** (this index)

BRIEFS

- Occupational safety and health, **11:113**

BURDEN OF PROOF

- Occupational safety and health, **11:111**

BURDENSOMENESS

- Collective bargaining, **15:36**

BUSINESS DECISIONS

- Retirement and other benefit plans, **17:44**

BUSINESS TRAVEL

- Compensation, **16:61**

CAFETERIA PLANS

- Generally, **17:70**

CALIFORNIA

- Generally, **App. 5**

CAMPAIGN

- Labor Management Relations Act (LMRA)** (this index)
- Unfair labor practices, **13:23, 13:92**

CAUSES OF ACTION

- Performance appraisals, **6:8**

CEASE AND DESIST ORDERS

- Unfair labor practices, **13:118**

CEDARS-SINAI

- Labor Management Relations Act (LMRA), **12:16**

**CERTIFICATION AND
DECERTIFICATION**

- Family and Medical Leave Act of 1993** (this index)
- Labor Management Relations Act (LMRA)** (this index)
- Union unfair labor practices, **14:13, 14:40**

CHALLENGES

- Civil Rights Act of 1991, **1:56, 1:57**
- Labor Management Relations Act (LMRA)** (this index)
- Religious accommodation, **4:11**
- Unfair labor practices, **13:107**

CHARGES

- Civil Rights Act, time limitations for filing EEOC charge, **1:10**
- Performance appraisals, **6:3, 6:4**

CHECKLIST

- Collective bargaining, **15:43, 15:58, 15:89**
- Performance appraisals, **6:31**
- Retirement and other benefit plans, **17:88**
- Unfair labor practices, **13:122**

CHECKOFF

- Union unfair labor practices, **14:42, 14:43**

CHILDBIRTH

- Pregnancy** (this index)

INDEX

CHILD-CARE LEAVE

Generally, **4:43**

CHILDREN AND MINORS

Compensation, **16:36**

Family and Medical Leave Act (FMLA), **4:55**

Labor Management Relations Act (LMRA), **12:12**

CIRCUMVENTION

Collective bargaining, **15:42**

CITATIONS

Occupational Safety and Health (this index)

CIVIL ACTION

Unfair labor practices, **13:71**

CIVIL RIGHTS ACT

Affirmative action, **3:30 to 3:32**

Challenges, **1:56, 1:57**

Charges, time limitations for filing EEOC charge, **1:10**

Claims, disparate treatment, **9:23**

Congress reversal of Wards Cove Packing Co. v. Atonio, **1:51**

Consent decrees, **1:57**

Constructive discharge, **9:24**

Decrees, **1:57**

Definitions, job applicant for purpose of Internet job searches, **1:9**

Discipline, termination, and layoffs claims, disparate treatment, **9:23**

constructive discharge, **9:24**

disparate impact, **9:26**

disparate treatment claims, **9:23**

federal employment laws, application to government employers, **9:28**

proof of pretext, **9:25**

retaliation, **9:27**

selective enforcement, **9:22**

Title VII, generally, **9:21 to 9:33**

Disparate impact, **9:26**

Disparate treatment, **9:23**

EEOC mediation program, **1:7**

EEOC settlement agreements, **1:8**

Enforcement, **1:4, 9:22**

Evidence, **1:59, 9:25**

Expert witness fees, availability of, **1:59**

Extraterritoriality, **1:60**

CIVIL RIGHTS ACT—Cont'd

Federal employment laws, application to government employers, **9:28**

Fees, **1:59**

Files and filing, time limitations for filing EEOC charge, **1:10**

Government employers, **9:28**

Griggs standard, **1:51**

Hiring, **2:53**

Internet job searches, defining job applicant, **1:9**

Job applicant, definition for Internet job searches, **1:9**

Limitations and restrictions, **1:10, 1:58 to 1:61**

Mediation, EEOC program, **1:7**

Mixed-motive cases, **1:55**

Modifications and changes, **1:56, 1:57**

Motives, **1:55**

New time limits for discrimination, **1:58 to 1:61**

1991 Act, effective date, **1:49**

1991 Act, generally, **1:48 to 1:61**

1964 Act, Title VII, generally, **1:4 to 1:10**

On-the-job discrimination, **1:53**

Overruling Wards Cove Packing Co. v. Atonio, **1:50, 1:51**

Patterson v. McLean Credit Union, overruling, **1:52, 1:53**

Race norming, prohibition of, **1:61**

Racial and national origin harassment, **4:15**

Responses to EEOC charges, **1:6**

Retaliation, **9:27**

Retirement and other benefit plans, **17:78**

Reversal of Wards Cove Packing Co. v. Atonio, **1:51**

Section 1981 claims, **1:52, 1:53**

Selective enforcement, **9:22**

Seniority claims, expansion of time for challenging, **1:56**

Settlement agreements under EEOC, **1:8**

Time

limitations for filing EEOC charge, **1:10**

new time limits for discrimination, **1:58 to 1:61**

seniority claims, expansion of time for challenging, **1:56**

Title VII, generally, **1:4 to 1:10**

CIVIL RIGHTS ACT—Cont'd

Wards Cove Packing Co. v. Atonio, **1:50, 1:51**

Witnesses, **1:59**

CLARIFICATION

Labor Management Relations Act (LMRA), **12:59**

CLASS ACTIONS

Unfair labor practices, mandatory arbitration and employer restrictions on class action claims, **13:49**

CLOSING CONFERENCE

OSHA, **11:69**

CLOSURE OR RELOCATION OF PLANT

Collective bargaining, **15:11, 15:12**

Unfair labor practices, **13:33, 13:94, 13:95**

CLOTHING

Unfair labor practices, **13:43**

COACHING SUPERVISORS

Labor Management Relations Act (LMRA), **12:93**

COALITION BARGAINING

Generally, **15:21**

COERCION

Unfair Labor Practices (this index)

Union Unfair Labor Practices (this index)

COHORT ANALYSIS

Affirmative action, **3:23**

COLLECTIVE BARGAINING

Generally, **15:1 et. seq.**

Accretion, **15:3 to 15:5**

Alcohol and drugs

alcohol and drug rules, **15:14**

enforcement of agreement, below

rules governing, **15:14**

Alliances, **15:20, 15:21**

Americans with Disabilities Act (ADA), **5:26, 15:48**

Applicants for employment, data regarding, **15:25**

Appropriateness, **15:55**

COLLECTIVE BARGAINING—Cont'd

Arbitration

enforcement of agreement

arbitrators, **15:65 to 15:68**

courts, role of, **15:69 to 15:73**

honoring arbitration award, **15:82**

postarbitration deferral, **15:82**

prearbitration NLRB deferral, **15:83**

statutory rights, **15:84**

Automation, **15:12**

Bankruptcy code, **15:49 to 15:51**

Breach of agreement, **15:51**

Burdensomeness, **15:36**

Changes in terms and conditions of employment

generally, **15:46 to 15:51**

Americans with Disabilities Act (ADA), **15:48**

bankruptcy code, **15:46 to 15:51**

congressional response, **15:50**

prioritizing claims arising from breach of agreement, **15:51**

unilateral changes prior to negotiation of first contract, **15:47**

U.S. Supreme Court decision, **15:49**

Checklists

communicating with employees during negotiations, **15:43**

preventive measures, **15:89**

summary checklist on duty to bargain, **15:58**

Circumvention, **15:42**

Closings, **15:11**

Coalition bargaining, **15:21**

Commencement of obligation, **15:56**

Communication, **15:43**

Compensation, **15:29**

Complaint, **15:64 (Form)**

Conditions. Changes in terms and conditions of employment, above

Confidentiality, **15:37**

Congressional response, **15:50**

Continued appropriateness of bargaining unit, **15:55**

Continuity of employing operations, **15:54**

Cooperation with tests and searches, **15:87**

Coordinated bargaining, **15:21**

Courts, role of, **15:69 to 15:73**

Damages, **15:76, 15:80**

COLLECTIVE BARGAINING—Cont'd

- Defenses. Good faith bargaining requirements, below
- Deferral, **15:82, 15:83**
- Discipline, **15:85**
- Disclosure. Good faith bargaining requirements, below
- Drugs. Alcohol and drugs, above
- Duration for duty to bargain, **15:16 to 15:19**
- Election procedure of NLRB, Labor Management Relations Act (LMRA), **12:76 to 12:79**
- Employers, suits by, **15:74 to 15:76**
- Employer-union relationship, **15:13**
- Enforcement of agreement
 - generally, **15:59 to 15:89**
 - alcohol and drugs, work rules concerning
 - generally, **15:85**
 - checklist of preventive measures, **15:89**
 - cooperation with tests and searches, **15:87**
 - enforcement of alcohol or drug related rules, **15:86**
 - just cause for discipline, standards for determining, **15:85**
 - last chance agreements for misconduct, **15:88**
 - arbitration. Grievance and arbitration procedures, below this group
 - courts, role of
 - generally, **15:69 to 15:73**
 - drug and alcohol related misconduct, **15:73**
 - procedural arbitrability, **15:71**
 - setting aside arbitration award, **15:72**
 - substantive arbitrability, **15:70**
 - damages, **15:76, 15:80**
 - drugs. Alcohol and drugs, work rules concerning, above
 - employers, suits by, **15:74 to 15:76**
 - exceptions to exhaustion requirement, **15:78**
 - exhaustion of intraunion remedies, **15:79**
 - grievance and arbitration procedures
 - generally, **15:60 to 15:68**
 - arbitrators, **15:65 to 15:68**

COLLECTIVE BARGAINING—Cont'd

- Enforcement of agreement—Cont'd
 - grievance and arbitration procedures
 - Cont'd
 - grievance initiation and report (union shop), **15:63 (Form)**
 - grievance procedures agreement, **15:62 (Form)**
 - initiating arbitration, **15:61 to 15:64**
 - permanent umpire, **15:66**
 - report of union employee complaint or grievance discussion, **15:64 (Form)**
 - selecting arbitrator, **15:68**
 - statutory rights, **15:84**
 - temporary arbitrator, **15:67**
 - honoring arbitration award, **15:82**
 - individual employees, suits by, **15:77 to 15:80**
 - injunctive relief, **15:75**
 - labor contract, **15:90**
 - NLRB enforcement, **15:81**
 - postarbitration deferral, **15:82**
 - prearbitration NLRB deferral, **15:83**
- Equal employment data, **15:24**
- Exceptions to exhaustion requirement, **15:78**
- Exhaustion of remedies, **15:78, 15:79**
- Forms
 - enforcement of agreement. Grievance and arbitration procedures, below this group
 - grievance and arbitration procedures
 - initiation and report (union shop), **15:63 (Form)**
 - procedures agreement, **15:62 (Form)**
 - report of union employee complaint or grievance discussion, **15:64 (Form)**
 - initiation, grievance initiation and report (union shop), **15:63 (Form)**
- Labor Management Relations Act (LMRA), election time and place
 - sample ballot involving more than one union, **12:78 (Form)**
 - sample ballot involving one union, **12:76 (Form)**
 - sample bilingual ballot involving one union, **12:77 (Form)**
- report, grievance initiation and (union shop), **15:63 (Form)**

COLLECTIVE BARGAINING—Cont'd

Forms—Cont'd
 report of complaint or grievance
 discussion of union employee,
 15:64 (Form)

Good faith bargaining requirements
 generally, **15:22 to 15:44**
 checklist on communicating with
 employees during negotiations,
 15:43
 defenses of employer to duty to dis-
 close information
 generally, **15:34 to 15:40**
 burdensomeness, **15:36**
 confidentiality, **15:37**
 non-mandatory bargaining subjects,
 15:39
 union bad faith, **15:35**
 waiver, **15:38**
 witness statements, **15:40**
 disclosure. Defenses of employer to
 duty to disclose information,
 above this group
 locking out employees in support of
 employer's legitimate bargaining
 position, **15:44**
 non-mandatory bargaining subjects,
 15:39
 presumptively relevant information
 generally, **15:23 to 15:32**
 applicants for employment, data
 regarding, **15:25**
 equal employment data, **15:24**
 occupational safety and health, data
 regarding, **15:26**
 personal services contracts, data
 regarding, **15:28**
 subcontracting and related manage-
 ment decisions, data regarding,
 15:27
 procedural requirements for providing
 information, **15:33**
 relevant information, duty to provide
 generally, **15:23 to 15:32**
 medical information needed to pro-
 cess grievances, **15:32**
 practical suggestions, **15:30**
 presumptively relevant information,
 above this group
 sales and profits, data concerning,
 15:31

COLLECTIVE BARGAINING—Cont'd

Good faith bargaining requirements
 —Cont'd
 relevant information, duty to provide
 —Cont'd
 wage-related data concerning non-
 unit employees, **15:29**
 unlawful circumvention of union,
 15:42
 unlawful surface bargaining, **15:41**
 witness statements, **15:40**

Good faith doubt, **15:17, 15:18**

Grievances
 enforcement of agreement, above
 good faith bargaining requirements,
 15:32

Health, data regarding occupational safety
 and, **15:26**

Hiring, **2:63**

Honoring arbitration award, **15:82**

Individual employees, suits by, **15:77 to 15:80**

Initiating arbitration, **15:61 to 15:64**

Injunctive relief, **15:75**

Just cause for discipline, standards for
 determining, **15:85**

Labor contract, **15:90**

Labor Management Relations Act
 (LMRA), election procedure of
 NLRB, **12:76 to 12:79**

Last chance agreements for misconduct,
 15:88

Levitz Furniture Doctrine, **15:19**

Locking out employees in support of
 employer's legitimate bargaining
 position, **15:44**

Majority, **15:17, 15:53**

Management decisions, **15:8, 15:27**

Mandatory subjects, **15:7**

Medical information needed to process
 grievances, **15:32**

Members, **15:13**

Multiemployer bargaining, **15:20**

Negotiations, **15:43**

New jobs, **15:3**

NLRB criteria, generally, **15:4**

Nonbargainable management decisions,
 15:8

Non-mandatory bargaining subjects, good
 faith bargaining agreements, **15:39**

Notice and knowledge, **15:45**

INDEX

COLLECTIVE BARGAINING—Cont'd

- Occupational safety and health, data regarding, **15:26**
- Parallel bargaining, **15:21**
- Partial closings, **15:11**
- Patterns, **15:20, 15:21**
- Permanent umpire, **15:66**
- Personal services contracts, data regarding, **15:28**
- Postarbitration deferral, **15:82**
- Prearbitration NLRB deferral, **15:83**
- Presumptively relevant information. Good faith bargaining requirements, above
- Prioritizing claims arising from breach of agreement, **15:51**
- Procedural arbitrability, **15:71**
- Procedural requirements for providing information, **15:33**
- Profits, **15:31**
- Recognition, **15:19**
- Reducing risk of accretion, **15:5**
- Relevant information, duty to provide.
 - Good faith bargaining requirements, above
- Religious accommodation, **4:9**
- Relocation of plant, **15:12**
- Relocation of unit work, **15:9 to 15:12**
- Removal of unit work, **15:9 to 15:12**
- Reports and reporting, **15:63, 15:64**
- Response, **15:50**
- Safety, **15:26**
- Sales, **15:12, 15:31**
- Search, **15:87**
- Selecting arbitrator, **15:68**
- Selection of bargaining representatives, **15:15**
- Setting aside arbitration award, **15:72**
- Statutes, **15:48, 15:84**
- Subcontracting, **15:10, 15:27**
- Subjects, generally, **15:6 to 15:15**
- Substantive arbitrability, **15:70**
- Successor employers' duty to bargain
 - generally, **15:52 to 15:56**
 - commencement of obligation, **15:56**
 - continued appropriateness of bargaining unit, **15:55**
 - continuity of employing operations, **15:54**
 - doctrine, **15:52**
 - work force majority, **15:53**

COLLECTIVE BARGAINING—Cont'd

- Successor's unions, employer's duty to bargain with, **15:57**
- Summary checklist on duty to bargain, **15:58**
- Supreme Court decision, **15:49**
- Surface bargaining, **15:41**
- Temporary arbitrator, **15:67**
- Tests, **2:63, 15:87**
- Time, **15:16 to 15:19**
- Umpire, **15:66**
- Unilateral changes prior to negotiation of first contract, **15:47**
- Union bad faith, **15:35**
- Union-member relationship, **15:13**
- Union shop, **15:63**
- Unit work, **15:9 to 15:12**
- Unlawful circumvention of union, **15:42**
- Unlawful surface bargaining, **15:41**
- U.S. Supreme Court decision, **15:49**
- Wages, **15:29, 16:29**
- Waiver, **15:38**
- Withdrawal of recognition, **15:19**
- Work force majority, **15:53**

COLORADO

- Generally, **App. 6**

COMMENCEMENT OF EMPLOYMENT

- Initial placement, probation, **2:78**

COMMENCEMENT OF OBLIGATION

- Collective bargaining, **15:56**

COMMERCE

- Labor Management Relations Act (LMRA), **12:2, 12:36**

COMMITMENT TO EEO

- Affirmative action, **3:35**

COMMON LAW

- Occupational safety and health, **11:122**

COMMON SITUUS PICKETING

- Union Unfair Labor Practices (this index)

COMMUNICABLE DISEASES

- Hiring, **2:68**

COMMUNICATION

- Collective bargaining, **15:43**
- Hiring, **2:69**

COMMUNICATION—Cont'd

Labor Management Relations Act (LMRA), **12:96**

Occupational safety and health, **11:31**

Retirement and Other Benefit Plans (this index)

Unfair labor practices, **13:69**

COMMUNITY ACTION PROGRAMS

Affirmative action, **3:41**

COMPARABLE WORTH

Wage discrimination and equal pay for equal work, **16:87**

COMPENSABLE TIME

Wages, Salary, and Other Compensation (this index)

COMPENSATION

Schools, education, and training, **7:12**

Wages, Salary, and Other Compensation (this index)

COMPETENCY-BASED

PERFORMANCE MANAGEMENT

Appraisals, **6:23**

COMPETITION

Employment at will and employment contracts, **8:22**

Unfair labor practices, **13:88**

COMPLAINT

Collective bargaining, **15:64 (Form)**

Occupational safety and health, **11:95**

Sexual harassment, **4:25, 4:35 to 4:38**

Unfair labor practices, **13:28**

Union unfair labor practices, **14:61**

COMPLETION

Initial placement, probation, **2:78**

COMPLIANCE OFFICERS

Occupational Safety and Health Act (OSHA), **1:19**

COMPUTER EMPLOYEES

Wages, salary, and other compensation, **16:25**

CONCILIATION

Affirmative action, **3:28**

Age discrimination, **9:5**

CONDITIONS

Americans with Disabilities Act (ADA), **5:9**

Collective Bargaining (this index)

Family and Medical Leave Act (FMLA), **4:51**

Retirement and other benefit plans, **17:61**

Unfair labor practices, **13:97**

Union unfair labor practices, **14:64**

Wage discrimination and equal pay for equal work, **16:84**

CONFIDENTIAL EMPLOYEES

Labor Management Relations Act (LMRA), **12:6**

CONFIDENTIALITY

Americans with Disabilities Act (ADA), **5:35**

Collective bargaining, **15:37**

Unfair labor practices, **13:47**

CONGRESS

Civil Rights Act of 1991, **1:51**

Collective bargaining, **15:50**

Older Workers Benefit Protection Act (OWBPA), **1:44**

CONNECTICUT

Generally, **App. 7**

CONSENSUAL SEXUAL PARTNERS

Preferential treatment, liability for, **4:29**

CONSENT

Civil Rights Act of 1991, **1:57**

Hiring, **2:48 (Form)**

Labor Management Relations Act (LMRA), **12:68 to 12:71 (Form)**

CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT

Generally, **17:59**

CONSPIRACY

Employment at will and employment contracts, **8:36**

CONSTITUTIONAL LAW

Affirmative action, **3:31**

Employment at will and employment contracts, **8:28**

Religious accommodation, **4:11**

INDEX

CONSTRUCTION INDUSTRY PROVISO

Union unfair labor practices, **14:88**

CONSTRUCTION SITE

Union unfair labor practices, **14:74**

CONSTRUCTIVE DISCHARGE

Age discrimination, **9:12**

Civil Rights act, **9:24**

CONSUMER PICKETING AND HANDBILLING

Union unfair labor practices, **14:78 to 14:81**

CONSUMER PRODUCT SAFETY COMMISSION

Occupational safety and health, **11:19**

CONTAGIOUS DISEASES

Affirmative action, **3:9**

CONTEST

Occupational safety and health, **11:89, 11:94**

CONTINGENT WORKERS

Retirement and other benefit plans, **17:19**

CONTINUED APPROPRIATENESS

Collective bargaining, **15:55**

CONTINUED HEALTH INSURANCE

Retirement and other benefit plans, **17:59**

CONTINUING VIOLATIONS

Affirmative action, **3:27**

CONTINUITY OF EMPLOYING OPERATIONS

Collective bargaining, **15:54**

CONTRACTS AND AGREEMENTS

Collective Bargaining (this index)

Employment at Will and Employment Contracts (this index)

Independent contractors, compensation of, **16:33**

Labor Management Relations Act (LMRA) (this index)

Recruiting, **2:11, 2:19**

Unfair labor practices, **13:11, 13:16 to 13:20, 13:27, 13:96**

Union unfair labor practices, **14:38, 14:85, 14:89**

CONTRACTS AND AGREEMENTS

—**Cont'd**

Walsh-Healey Public Contracts Act, **16:40, 16:41**

CONTRIBUTIONS

Retirement and other benefit plans, **17:24**

CONVENTIONAL RATING SCALES

Performance appraisals, **6:25**

COOPERATION

Collective bargaining, **15:87**

Unfair labor practices, **13:100 to 13:103**

COORDINATED BARGAINING

Generally, **15:21**

CORONAVIRUS

Testing, privacy, **10:10**

CORPORATE POLICY

Pregnancy and childbirth, **4:49**

Sexual harassment, **4:35 to 4:38**

CORRECTIONS

Affirmative action, **3:39**

CORRESPONDENCE

Hiring, **2:55 (Form)**

COSTS AND EXPENSES

Occupational safety and health, **11:116**

Training, **7:13**

Transfers, reimbursable expenses, **7:29**

COUNSELING

Retirement and other benefit plans, **17:85**

COURTS

Collective Bargaining (this index)

Discipline, termination, and layoffs, **9:54, 9:55**

Performance appraisals, **6:5, 6:6**

Privacy, **10:29**

COVENANTS

Employment At Will and Employment Contracts (this index)

COVENANTS NOT TO COMPETE

Employment at will and employment contracts

judicial and legislative developments, **8:19**

COVERAGE

Occupational safety and health (OSHA),
11:3

COVID-19

Testing, privacy, **10:10**

CRAFT WORKERS

Affirmative action, **3:55**
Labor Management Relations Act
(LMRA), **12:40**

CREDENTIALS

OSHA, **11:59**

CRIMINAL LAW

Employment at will and employment
contracts, **8:26**
Occupational safety and health, **11:81**,
11:120

CRITICAL INCIDENTS

Performance appraisals, **6:28**

DAMAGES

Back pay, **9:30**
Collective bargaining, **15:76**, **15:80**
Discipline, termination, and layoffs, **9:29**
to **9:33**

**DANGER AND DANGEROUS
CONDITIONS**

Union unfair labor practices, **14:64**

DATING

Privacy, **10:40**

DAVIS-BACON ACT

Compensation, **16:44**, **16:45**

DEALING

Unfair labor practices, **13:99**

DEATH

Occupational safety and health, **11:120**

DEAUTHORIZATION

Authorization and Deauthorization
(this index)

DECERTIFICATION

Certification and Decertification (this
index)

DECREES

Civil Rights Act of 1991, **1:57**

DEDUCTIONS

Compensation, **16:73**

DEDUCTIONS FROM PAY

Wages, salary, and other compensation,
16:31

DEFAMATION

Employment at will and employment
contracts, **8:39**
Hiring, **2:47**, **2:48**

DEFENSES

Age discrimination, **1:13**, **9:20**
Collective Bargaining (this index)
Compensation, **16:85**
Occupational Safety and Health (this
index)
Worker adjustment and retraining
notification act (WARNA), **9:62**

DEFERRAL

Collective bargaining, **15:82**, **15:83**
Unfair labor practices, **13:15**

DEFINITIONS

Applicant, **2:27**
Hours worked, **16:34**
Job applicant, **1:9**
Privacy, **10:2**
Worker adjustment and retraining
notification act (WARNA), **9:60**

DELAWARE

Generally, **App. 8**

DEMAND

Labor Management Relations Act
(LMRA), **12:23**
Voluntary recognition, **12:25**

DE MINIMIS NOTIFICATION

OSHA, **11:83**

DEMOTION

Generally, **7:31**

**DEPARTMENT OF
TRANSPORTATION**

Occupational safety and health, **11:15**

**DEPENDENT CARE ASSISTANCE
PLANS**

Retirement and other benefit plans, **17:69**

INDEX

DEPENDENTS' BENEFITS

Pregnancy, **4:46**

DESCRIPTION OF JOB

Hiring, **2:29 (Form)**

Performance appraisals, **6:11**

Recruiting, **2:7**

DESCRIPTIONS OR SUMMARIES OF BENEFITS

Handbook, **17:77**

DESIGN

Performance appraisals, **6:9**

DESIST ORDERS

Unfair labor practices, **13:118**

DEXTERITY TESTS

Hiring (this index)

DIAGRAMS

Occupational safety and health, **11:105**

DIRECT DEALING

Unfair labor practices, **13:99**

DIRECTED ELECTIONS

Labor Management Relations Act (LMRA), **12:71 to 12:74**

DIRECTOR OF HUMAN RESOURCES

Retirement and Other Benefit Plans
(this index)

DIRECT THREAT

Americans with Disabilities Act (ADA),
5:34

DISABILITIES

Affirmative action, **App. 3:1**

Americans with Disabilities Act (ADA)
(this index)

Labor Management Relations Act (LMRA), **12:14**

Older Workers Benefit Protection Act (OWBPA), **1:46**

Performance appraisals, **6:5**

Privacy, **10:17**

Recruiting, **2:13**

DISCHARGE

Discipline, Termination, and Layoffs
(this index)

DISCIPLINE, TERMINATION, AND LAYOFFS

Generally, **9:1 et seq.**

Administration. Progressive discipline
policy, below

Age Discrimination (this index)

Alternatives to discharge, **9:47**

Americans with Disabilities Act (ADA),
5:33

Attendance, **9:43**

Back pay, **9:30**

Civil Rights Act (this index)

Collective bargaining, **15:85**

Compensation, **9:30**

Compensation under Title VII, **9:33**

Courts, evaluation criteria, **9:54, 9:55**

Damages and remedies, **9:29 to 9:33**

Discrimination

Age Discrimination (this index)

Race Discrimination (this index)

Sex Discrimination (this index)

Documentation

economic justifications for layoffs,
9:49

good cause discharge, below

Economics, **9:49**

Employment At Will and Employment Contracts (this index)

Evaluation. Model evaluation and selection system, below

False information, discharge for supplying, **9:39**

Good cause discharge

generally, **9:35**

documenting

generally, **9:37 to 9:45**

false information, discharge for supplying, **9:39**

insubordination, discharge for, **9:42**

poor attendance, discharge for, **9:43**

probation, discharge during, **9:38**

recordkeeping, **9:44**

single incident, discharge resulting from, **9:41**

unemployment compensation, **9:45**

voluntary resignation, **9:40**

grounds, generally, **9:36**

records and recording. Documenting,
above this group

Insubordination, discharge for, **9:42**

DISCIPLINE, TERMINATION, AND LAYOFFS—Cont'd

Justification, **9:49**
 Layoffs, generally, **9:46 to 9:57**
 Liquidated damages, **9:31**
 Model evaluation and selection system
 generally, **9:50 to 9:57**
 courts, approval of evaluation criteria, **9:55**
 courts, rejection of evaluation criteria, **9:54**
 establishing criteria, **9:55**
 implementing process, **9:56**
 notification of employees, **9:57**
 step 1: statistical analysis, **9:51**
 step 2: job-function evaluation, **9:52**
 step 3: employee evaluation, generally, **9:53 to 9:56**
 Modification or change
 Worker Adjustment and Retraining Notification Act (this index)
 Older Workers Benefit Protection Act (OWBPA), **1:45**
 Poor attendance, discharge for, **9:43**
 Privacy, **10:21**
 Probation, **9:38**
 Progressive discipline policies, **9:34**
 Punishment under Title VII, **9:33**
Race Discrimination (this index)
 Records and recording
 documenting economic justifications for layoffs, **9:49**
 good cause discharge, above
 Reduction in force, carrying out, **9:48**
 Reinstatement, **9:32**
 Resignation, **9:40, 14:20**
Retirement and Other Benefit Plans (this index)
 Retraining. **Worker Adjustment and Retraining Notification Act** (this index)
 Selection. Model evaluation and selection system, above
Sex Discrimination (this index)
 Single incident, discharge resulting from documenting, **9:41**
 Statutes. **Worker Adjustment and Retraining Notification Act** (this index)
 Step: 4 Notice and knowledge, **9:57**
 Step 1: Statistical analysis, **9:51**

DISCIPLINE, TERMINATION, AND LAYOFFS—Cont'd

Step 2: Job-function evaluation, **9:52**
 Training
 Worker Adjustment and Retraining Notification Act (this index)
 Unemployment compensation, **9:45**
Unfair Labor Practices (this index)
 Voluntary resignation, **9:40**
Worker Adjustment and Retraining Notification Act (this index)

DISCLAIMERS OF JOB SECURITY

Employment At Will and Employment Contracts (this index)

DISCLOSURE

Collective Bargaining (this index)
 Employee Retirement Income Security Act (ERISA), **1:22**
 Employment at will and employment contracts, **8:30**
 Hiring, **2:62**
 Retirement and other benefit plans, **17:7, 17:13 to 17:15, 17:50, 17:65, 17:88**
 Theft or disclosure of employee data, **10:43 to 10:45**
 Union unfair labor practices, **14:21**

DISCOVERY

Occupational safety and health, **11:102**

DISCRIMINATION

Affirmative action, **3:33, 3:42, 3:43**
Age Discrimination in Employment Act (ADEA) (this index)
Americans with Disabilities Act (this index)
Civil Rights Act (this index)
 Compensation. **Wages, Salary, and Other Compensation** (this index)
 Countering discrimination against individuals with disabilities
 Americans with Disabilities Act (this index)
 Countering discrimination in workplace generally, **4:1 et seq.**
Family and Medical Leave Act of 1993 (this index)
Pregnancy (this index)
Racial and National Origin Harassment (this index)
Religious Accommodation (this index)

INDEX

DISCRIMINATION—Cont'd

Countering discrimination in workplace
—Cont'd

Sexual Harassment (this index)

Family and Medical Leave Act of 1993
(this index)

Hiring, **2:52, 2:53**

Occupational safety and health, **1:18,**
11:44

Performance appraisals, **6:5, 6:7, 6:10**

Racial and National Origin Harassment
(this index)

Recruiting, **2:3 to 2:5**

Religious Accommodation (this index)

Retirement and Other Benefit Plans
(this index)

Salary. **Wages, Salary, and Other**
Compensation (this index)

Sexual Harassment (this index)

Unfair Labor Practices (this index)

Union Unfair Labor Practices (this
index)

Wages, Salary, and Other Compensation
(this index)

DISMISSAL

Discipline, Termination, and Layoffs
(this index)

Labor Management Relations Act
(LMRA), **12:73 (Form)**

Unfair labor practice, **13:13 to 13:14**

DISPARATE IMPACT

Age Discrimination in Employment Act
(ADEA), **1:14**

Civil Rights Act, **9:26**

Performance appraisals, **6:3, 6:4**

Recruiting, **2:4**

Training, **7:4**

DISPARATE TREATMENT

Civil Rights Act, **9:23**

Performance appraisals, **6:3, 6:4**

Recruiting, **2:5**

Training, **7:3**

DISPARITY, AGE

Discrimination, **9:8**

DISSEMINATION OF POLICY

Affirmative action, **3:36, 3:37**

DISTRIBUTION

Retirement and other benefit plans, **17:31,**
17:57

Unfair labor practices, **13:41, 13:42**

Union unfair labor practices, **14:22**

DISTRICT OF COLUMBIA

Generally, **App. 9**

DIVERSITY PROGRAMS

Affirmative action, **3:2**

DOMESTIC RELATIONS

Retirement and other benefit plans, **17:28**

DOMESTIC SERVANTS

Labor Management Relations Act
(LMRA), **12:11**

DOMINATION AND UNLAWFUL SUPPORT

Unfair Labor Practices (this index)

DOWNSIZING

Retirement and other benefit plans, **17:56**

DRUG-FREE WORKPLACE ACT (DFWA)

Generally, **1:35**

DRUG USE

Alcohol and Drug Use (this index)

DUES

Religious accommodation, **4:10**

Union unfair labor practices, **14:34,**
14:42, 14:43

ECONOMICS

Discipline, termination, and layoffs, **9:49**

Labor Management Relations Act
(LMRA), **1:29**

Privacy, **10:19**

Union Unfair Labor Practices (this
index)

EDUCATION

Schools, Education, and Training (this
index)

EEOC

**Equal Employment Opportunity Com-
mission (EEOC)** (this index)

EFFORT, EQUAL

Wage discrimination and equal pay for
equal work, **16:82**

ELDERLY

Age discrimination, **9:17**
Older Workers Benefit Protection Act (OWBPA) (this index)

ELECTION

Labor Management Relations Act (LMRA) (this index)
 Retirement and other benefit plans, **17:29**

ELECTRONIC MAIL

Labor Management Relations Act (LMRA), **12:65**
Privacy (this index)
 Unfair labor practices, **13:46, 13:69**

ELECTRONIC OR OPTICAL DEVICES

Unfair labor practices, **13:57**

ELIGIBILITY

Labor Management Relations Act (LMRA), **12:74**

E-MAIL

Electronic Mail (this index)

EMOTIONAL DISTRESS

Employment at will and employment contracts, **8:37**

EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA)

Retirement and Other Benefit Plans (this index)

EMPLOYEE STOCK OWNERSHIP PLANS

Fiduciary standards, **17:43**

EMPLOYER-ASSISTED PROGRAMS

Training, **7:9**

EMPLOYMENT AT WILL AND EMPLOYMENT CONTRACTS

Allegations, **8:30**
 Appeal and review, **8:46**
 Application, **8:13, 8:14**
 Arbitration agreements, impact of, **8:52**
 Assisting discharged employee, **8:48**
 Competition, **8:19**
 Conspiracy, **8:36**
 Constitutional law, **8:28**
 Contract theory, generally, **8:2 to 8:16**
 Covenants
 implied covenant of good faith and fair dealing, **8:4, 8:5**

EMPLOYMENT AT WILL AND EMPLOYMENT CONTRACTS

—Cont'd

Covenants—Cont'd
 restrictive covenants, below
 Covenants not to compete, **8:19**
 Criminal law, **8:26**
 Defamation, **8:39**
 Discharge from employment
 commit crime or unlawful act, refusal to, **8:26**
 conspiracy under federal statute, **8:36**
 constitutional or statutory right or legal interest, exercising, **8:28**
 negligence, **8:5**
 performance of public duty or upholding law, **8:27**
 protected characteristics, **8:31**
 reporting or disclosing alleged violations of law, **8:30**
 sign agreement, refusal to, **8:32**
 wrongful discharge claims, below
 Disclaimers of job security
 generally, **8:12 to 8:16**
 employment contracts, **8:16**
 employment manuals and other writings, **8:15**
 informing prospective employees during application process of at-will relationship, **8:13**
 interviewing applicant, **8:14**
 Disclosure, **8:30**
 Drafting effective employment settlement agreements, **8:49**
 Emotional distress, **8:37**
 Employee expectations, **8:7, 8:8**
 Employment contracts, **8:16**
 Employment manuals and other writings, **8:15**
 Employment relationships, **8:2**
 Employment settlement agreements, **8:49 to 8:52**
 Equitable estoppel, **8:11**
 Estoppel, **8:11**
 Exceptions. Public policy exception, below
 Expectations, **8:7, 8:8**
 Fair dealing, **8:4, 8:5**
 Federal preemption of state tort claims, **8:42**
 Federal statutes, **8:36**

**EMPLOYMENT AT WILL AND
EMPLOYMENT CONTRACTS
—Cont'd**

Final discharge decision, **8:47**
 Good cause, **8:9**
 Good faith, **8:4, 8:5**
 Implied covenant of good faith and fair dealing, **8:4, 8:5**
 Implied-in-fact contracts and employment relationships, **8:3**
 Independent consideration, **8:10**
 Intentional infliction of emotional distress, **8:37**
 Intentional interference with contract, **8:35**
 Interference, **8:35**
 Interviewing applicant, **8:14**
 Introduction, **8:1 et seq.**
 Investigation, **8:45**
 Job security. Disclaimers of job security, above
 Layoffs and good cause, **8:9**
 Legislation addressing employment relationships, **8:43**
 Limitations and restrictions. Restrictive covenants, below
 Malicious breach of contract, **8:34**
 Manuals, **8:6 to 8:8, 8:15**
 Misrepresentation, **8:40**
 Mutual agreement cases, **8:8**
 Negligent discharge, **8:5**
 Noncontractual theories, generally, **8:25 to 8:42**
 Nondisparagement and nondisclosure provisions, **8:21**
 No-raiding or nonsolicitation covenants, **8:22**
 Notice and knowledge, **8:13**
 Oral contracts, **8:2**
 Performance, **8:27**
 Preemption, **8:42**
 Prima facie tort, **8:38**
 Promissory or equitable estoppel, **8:11**
 Protected characteristics, **8:31**
 Public policy exception
 generally, **8:25 to 8:33**
 commit crime or unlawful act, discharge for refusal to, **8:26**
 constitutional or statutory right or legal interest, discharge for exercising, **8:28**

**EMPLOYMENT AT WILL AND
EMPLOYMENT CONTRACTS
—Cont'd**

Public policy exception—Cont'd
 exemption from statutory coverage, **8:29**
 performance of public duty or upholding law, discharge for, **8:27**
 protected characteristics, discharge based on, **8:31**
 reporting or disclosing alleged violations of law, discharge for, **8:30**
 sign agreement, discharge based on refusal to, **8:32**
 states that do not follow public policy exception, **8:33**
 Raiding, **8:22**
 Reemployment, covenant not to seek, **8:23**
 sample form, **8:24**
 Refusal, **8:26, 8:32**
 Reports and reporting, **8:30**
 Restrictive covenants
 generally, **8:17 to 8:24**
 covenants not to compete, **8:19**
 Federal Trade Commission final rule, **8:20**
 judicial and legislative developments, **8:19**
 no-raiding or nonsolicitation covenants, **8:22**
 reemployment, covenant not to seek, **8:23**
 trade secret clauses, **8:18**
 Signature, **8:32**
 Solicitation, **8:22**
 States that do not follow public policy exception, **8:33**
 State tort claims, **8:42**
 Statutes, **8:28, 8:36**
 Supervisor, **8:45**
 Tax considerations of employment settlement agreements, **8:51**
 Termination of employment. Discharge from employment, above
 Torts, **8:34, 8:35, 8:38, 8:42**
 Trade secret clauses, **8:18**
 Unilateral contract cases, **8:7**
 Writings, **8:15**
 Wrongful discharge claims
 generally, **8:44 to 8:52**

**EMPLOYMENT AT WILL AND
EMPLOYMENT CONTRACTS
—Cont'd**

Wrongful discharge claims—Cont'd
arbitration agreements, **8:52**
assisting discharged employee, **8:48**
avoiding, generally, **8:44 to 8:52**
final discharge decision, **8:47**
investigating basis for supervisor's
decision to discharge, **8:45**
review by human resources department
of discharge, **8:46**

ENFORCEMENT

Affirmative Action (this index)
Americans with Disabilities Act (ADA),
5:27, 5:37, 5:41
Civil Rights Act, **1:4, 9:22**
Collective Bargaining (this index)
Family and Medical Leave Act (FMLA),
1:66, 4:70
Labor Management Relations Act
(LMRA), **1:30**
Occupational Safety and Health (this
index)
Union unfair labor practices, **14:15, 14:89**
Worker adjustment and retraining
notification act (WARNA), **9:65**

ENTERPRISE

Labor Management Relations Act
(LMRA), **12:45**

ENVIRONMENT

Occupational safety and health, **11:16**

EQUAL EFFORT

Compensation, **16:82**

EQUAL EMPLOYMENT

Collective bargaining, **15:24**
Wages, Salary, and Other Compensation
(this index)

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
(EEOC)**

Affirmative Action (this index)
Age discrimination, **9:3, 9:18**
Americans with Disabilities Act (ADA),
5:27
Civil Rights Act (this index)
Older Workers Benefit Protection Act
(OWBPA), **1:44**

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
(EEOC)—Cont'd**

Privacy, personnel recordkeeping, **10:49
to 10:51**
Sexual harassment, guidelines, **4:19**

EQUAL PAY

Wages, Salary, and Other Compensation
(this index)

EQUAL PAY ACT

Wages, Salary, and Other Compensation
(this index)

EQUAL RESPONSIBILITY

Compensation, **16:83**

EQUAL SKILL

Compensation, **16:81**

EQUAL WORK

Wages, Salary, and Other Compensation
(this index)

EQUITABLE ESTOPPEL

Employment at will and employment
contracts, **8:11**

ERISA

Retirement and Other Benefit Plans
(this index)

ESSAYS

Performance appraisals, **6:29**

ESSENTIAL FUNCTIONS

Americans with Disabilities Act (ADA),
5:18
Recruiting, **2:9**

ESTOPPEL

Employment at will and employment
contracts, **8:11**

ETHNIC IDENTIFICATION

Affirmative action, **3:46**

EVALUATION

Discipline, Termination, and Layoffs
(this index)
Performance appraisals, **6:12**
Privacy, **10:24**

EVIDENCE

Affirmative action, **3:33**
Age discrimination, **9:9**

INDEX

EVIDENCE—Cont'd

- Civil rights act, **1:59, 9:25**
- Occupational safety and health, **11:111**
- Sexual harassment, **4:31**

EXAMINATION

- Occupational safety and health, **11:59**

EXCELSIOR LIST

- Labor Management Relations Act (LMRA), **12:74**

EXCEPTIONS, EXEMPTIONS, AND EXCLUSIONS

- Americans with Disabilities Act (ADA), **5:9**
- Collective bargaining, **15:78**
- Employment At Will and Employment Contracts** (this index)
- Labor Management Relations Act (LMRA)** (this index)
- Retirement and other benefit plans, **17:61**
- Worker adjustment and retraining notification act (WARNA), **9:61**

EXCESSIVE FEES

- Union Unfair Labor Practices** (this index)

EXCLUSIONS

- Exceptions, Exemptions, and Exclusions** (this index)

EXECUTIVE EXEMPTION

- Wages, salary, and other compensation, **16:21**

EXECUTIVE ORDER NO. 11,246

- Affirmative action, **3:3**

EXECUTIVES

- Compensation, **16:14**

EXEMPTIONS

- Exceptions, Exemptions, and Exclusions** (this index)

EXHAUSTION

- Collective bargaining, **15:78, 15:79**

EXPECTATIONS

- Employment at will and employment contracts, **8:7, 8:8**

EXPEDITED PROCEEDINGS

- Occupational safety and health, **11:118**

EXPENSES

- Costs and Expenses** (this index)

EXPERT WITNESSES

- Civil Rights Act of 1991, **1:59**
- Occupational safety and health, **11:106 to 11:108**

EXPIRATION OF CONTRACT

- Union unfair labor practices, **14:38**

EXPLANATION OF BENEFITS

- Generally, **17:30**

EXPLOITATION

- Labor Management Relations Act (LMRA), **12:98 to 12:101**

EXTENSION OF TIME

- Age discrimination, ADEA suit procedures, **9:4**

EXTERNAL DISSEMINATION OF POLICY

- Affirmative action, **3:37**

EXTRATERRITORIALITY

- Civil Rights Act of 1991, **1:60**

FACILITIES

- Union unfair labor practices, **14:103 to 14:105, 14:109**

FAIR DEALING

- Employment at will and employment contracts, **8:4, 8:5**

FAIR LABOR STANDARDS ACT (FLSA)

- Wages, Salary, and Other Compensation** (this index)

FAIR REPRESENTATION

- Union Unfair Labor Practices** (this index)

FALSE ANSWERS

- Hiring, **2:35**

FALSE INFORMATION

- Discipline, termination, and layoffs, **9:39**

FAMILY AND MEDICAL LEAVE ACT (FMLA)

- Generally, **1:62 to 1:66, 4:50 to 4:73**
- Accrual of seniority and other benefits, **1:65**
- Benefits, **4:66**

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

Certification requirements
 generally, **4:61 to 4:65**
 failure to provide certification, **4:65**
 initial certification, **4:61**
 physician's certification, **4:61**
 recertification, **4:63**
 return to work, ability to, **4:64**
 second and third opinions, **4:62**
 Children, **4:55**
 Condition, **4:51**
 Eligible employee, **4:52**
 Eligible employee, **4:52**
 Employee obligations, **1:64**
 Employer obligations, **1:63**
 Employment and benefits protections, **4:66**
 Enforcement, **1:66, 4:70**
 Failure to provide certification, **4:65**
 Health care provider, **4:56**
 Health care provider, **4:56**
 Health condition, **4:53**
 Initial certification, **4:61**
 Interaction with other laws, **4:73**
 Interference and retaliation, **4:69**
 Intermittent leave or leave on reduced schedule, **4:58**
 Leave amount and reasons for leave, **4:57**
 1993 Act, generally, **4:50 to 4:73**
 Notice and knowledge, **4:60**
 Opinions, **4:62**
 Parent and son or daughter, **4:55**
 Parent and son or daughter, **4:55**
 Payment for leave, **4:59**
 Physician's certification, **4:61**
 Posting requirements, **4:72**
 Recertification, **4:63**
 Reduced schedule, **4:58**
 Remedies, **4:71**
 Retirement and other benefit plans, **17:83**
 Return from leave, employment and benefits protections, **4:67**
 Return to work, ability to, **4:64**
 Schedule, **4:58**
 School employees, **4:68**
 Second and third opinions, **4:62**
 Seniority, **1:65**
 Serious health condition, **4:53**
 Serious health condition, **4:53**

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

Spouse, **4:54**
 Spouse defined, **4:54**
 Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and, **1:69**

FEASIBILITY

OSHA, **11:48**

FEDERAL ACTS AND MATTERS

Employment at will and employment contracts, **8:36, 8:42**
 Recruiting, **2:11**
Retirement and Other Benefit Plans (this index)
Statutes (this index)
 Training, **7:13**
 Unfair labor practices, **13:66**

FEDERAL CONTRACTOR SELECTION SYSTEM

Affirmative action, **3:20**

FEDERAL COURT

Occupational safety and health, **11:117**

FEES

Civil Rights Act of 1991, **1:59**
 Occupational safety and health, **11:116**
Union Unfair Labor Practices (this index)

FELLOWS

Labor Management Relations Act (LMRA), **12:15 to 12:18**

FIDUCIARY BREACH

Statute of limitations, **17:46**

FIDUCIARY STANDARDS

Cybersecurity best practices, **17:42**
 Employee Retirement Income Security Act (ERISA), **1:23**
 Environmental, social and governance factors, **17:41**
 Retirement and other benefit plans, **17:36 to 17:45**

FILES AND FILING

Civil Rights Act, time limitations for filing EEOC charge, **1:10**

FINANCIAL AID

Unfair labor practices, **13:83**

INDEX

FINANCIAL CORE MEMBERSHIP

Union unfair labor practices, **14:32**

FINANCIAL OR COMMERCE DATA

Labor Management Relations Act (LMRA), **12:36 (Form)**

FINES

Union unfair labor practices, **14:51**

FIRE FIGHTERS

Wages, salary, and other compensation, **16:28**

FIRST AID

Occupational safety and health, **11:36**

FIRST AMENDMENT

Religious accommodation, **4:11**

FIRST RESPONDERS

Wages, salary, and other compensation, **16:28**

FLORIDA

Generally, **App. 10**

FOOD AND DRUG ADMINISTRATION

Occupational safety and health, **11:18**

FORMAL SETTLEMENT AGREEMENTS

Unfair labor practice, **13:19**

FORMS

Anticipation, **14:104 (Form)**

Appeal and review, initial placement, **2:80 (Form)**

Ballot. Labor Management Relations Act (LMRA), below

Bilingual ballot, Labor Management Relations Act (LMRA), **12:77 (Form)**

Certification

Labor Management Relations Act (LMRA)
conduct of election, **12:85 (Form)**
representative, **12:87 (Form)**
results of election, **12:88 (Form)**

Collective bargaining

enforcement of agreement. Grievance and arbitration procedures, below this group
grievance and arbitration procedures initiation and report (union shop), **15:63 (Form)**

FORMS—Cont'd

Collective bargaining—Cont'd
grievance and arbitration procedures —Cont'd

procedures agreement, **15:62 (Form)**
report of union employee complaint or grievance discussion, **15:64 (Form)**

initiation, grievance initiation and report (union shop), **15:63 (Form)**

Labor Management Relations Act (LMRA), election time and place
sample ballot involving more than one union, **12:78 (Form)**

sample ballot involving one union, **12:76 (Form)**

sample bilingual ballot involving one union, **12:77 (Form)**

report, grievance initiation and (union shop), **15:63 (Form)**

report of complaint or grievance discussion of union employee, **15:64 (Form)**

Commerce, Labor Management Relations Act (LMRA), petitioning for NLRB election, **12:36 (Form)**

Compensation. Wages, salary, and other compensation, below

Complaint

collective bargaining, report of union employee complaint or grievance discussion, **15:64 (Form)**

Consent agreement, Labor Management Relations Act (LMRA), election procedure of NLRB, **12:69 (Form)**

Consent to release of information, applicant's or employee's, **2:48 (Form)**

Contracts and agreements

Labor Management Relations Act (LMRA), election procedure of NLRB
consent agreement, **12:69 (Form)**
stipulated election agreement, **12:70 (Form)**

Correspondence, sample offer letter, **2:55 (Form)**

Description of job, sample, **2:29 (Form)**

Dismissing petition, decision and order, **12:73 (Form)**

Financial or commerce data, NLRB request for, petitioning for NLRB

FORMS—Cont'd

- election, **12:36 (Form)**
- Garnishment, sample notice to employee of garnishment of wages, **16:74 (Form)**
- Grievance discussion, report of union employee complaint or, **15:64 (Form)**
- Grievance initiation and report (union shop), **15:63 (Form)**
- Grievance procedures agreement, **15:62 (Form)**
- Hiring
 - consent to release of information, applicant's or employee's, **2:48 (Form)**
 - correspondence, sample offer letter, **2:55 (Form)**
 - description of job, sample, **2:29 (Form)**
 - instructions to applicant, **2:30 (Form)**
 - interviewer training form, **2:42 (Form)**
 - release of information, applicant's or employee's consent to, **2:48 (Form)**
 - sample employment application, **2:31 (Form)**
 - sample job description, **2:29 (Form)**
 - sample offer letter, **2:55 (Form)**
 - sample policy for third-party employment investigations
 - references, **2:45 (Form)**
 - third-party employment investigations, sample policy for, **2:45 (Form)**
- Holiday policy, sample, **16:68 (Form)**
- Initial placement, performance review, **2:80 (Form)**
- Initiation and report of grievance (union shop), **15:63 (Form)**
- Instructions to applicant, **2:30 (Form)**
- Instructions to election observers, **12:84 (Form)**
- Interviewer training form, **2:42 (Form)**
- Investigations of employment, sample policy for third-party, **2:45 (Form)**
- Job description, sample, **2:29 (Form)**
- Jury duty policy, sample, **16:65 (Form)**
- Labor management relations act (LMRA)
 - ballots
 - sample ballot in deauthorization election, **12:58 (Form)**

FORMS—Cont'd

- Labor management relations act (LMRA)
 - Cont'd
- ballots—Cont'd
 - sample ballot used in collective bargaining election involving more than one union, **12:78 (Form)**
 - sample ballot used in collective bargaining election involving one union, **12:76 (Form)**
 - sample bilingual ballot used in collective bargaining election involving one union, **12:77 (Form)**
 - tally of ballots, **12:86 (Form)**
- certification of representative, **12:87 (Form)**
- certification of results of election, **12:88 (Form)**
- certification on conduct of election, **12:85 (Form)**
- consent agreement, **12:69 (Form)**
- decision and direction of election, **12:72 (Form)**
- decision and order dismissing petition, **12:73 (Form)**
- financial or commerce data, NLRB request for, **12:36 (Form)**
- instructions to election observers, **12:84 (Form)**
- notice of election, **12:79 (Form)**
- notice of employee rights, **12:33 (Form)**
- petitioning for NLRB election
 - financial or commerce data, NLRB request for, **12:36 (Form)**
 - notice of employee rights, **12:33 (Form)**
 - representation petition, **12:32 (Form)**
 - sample ballot in deauthorization election, **12:58 (Form)**
- representation petition, **12:32 (Form)**
- sample ballots. Ballots, above this group
- stipulated election agreement, **12:70 (Form)**
- Notice and knowledge
 - Labor Management Relations Act (LMRA)
 - petitioning for NLRB election, **12:33 (Form)**

INDEX

FORMS—Cont'd

- Notice and knowledge—Cont'd
 - Labor Management Relations Act (LMRA)—Cont'd
 - time and place of election, **12:79 (Form)**
 - wages, sample notice to employee of garnishment of, **16:74 (Form)**
- Observers of NLRB election, instructions to, **12:84 (Form)**
- Order dismissing petition, decision and, LMRA, **12:73 (Form)**
- Performance appraisals
 - initial placement, probation, **2:80 (Form)**
- Petition, decision and order dismissing, **12:73 (Form)**
- Recommendations for training, supervisor's, **7:5 (Form)**
- Release of information, applicant's or employee's consent to, **2:48 (Form)**
- Reports and reporting
 - collective bargaining
 - grievance initiation and report (union shop), **15:63 (Form)**
 - report of union employee complaint or grievance discussion, **15:64 (Form)**
- Representative, certification of, **12:87 (Form)**
- Staffing plan, request for unit's strike staffing plan, **14:105 (Form)**
- Stipulated election agreement for NLRB, **12:70 (Form)**
- Supervisor
 - recommendations for training, **7:5 (Form)**
- Survey of section heads on problems anticipated during strike, **14:104 (Form)**
- Tally of ballots, election procedure of NLRB, **12:86 (Form)**
- Third parties, sample policy for third-party employment investigations, **2:45 (Form)**
- Training
 - interviewer training form, **2:42 (Form)**
 - supervisor's recommendations for training, **7:5 (Form)**
- Unions
 - collective bargaining, above

FORMS—Cont'd

- Unions—Cont'd
 - union unfair labor practices
 - request for unit's strike staffing plan, **14:105 (Form)**
 - survey of section heads on problems anticipated during strike, **14:104 (Form)**
 - Vacation, sample policy, **16:63 (Form)**
 - Wages, salary, and other compensation
 - compensable time, employer's option
 - sample holiday policy, **16:68 (Form)**
 - sample jury duty policy, **16:65 (Form)**
 - sample personal leave policy, **16:71 (Form)**
 - sample vacation policy, **16:63 (Form)**
 - garnishment of wages, sample notice to employee of, **16:74 (Form)**
- ### 401(K) PLANS
- Generally, **17:32**
- ### 457 PLANS
- Minimum standards, **17:33**
- ### FRONTPAY
- Unfair labor practices, **13:121**
- ### FUNDAMENTAL ALTERATION OF JOB DUTIES
- Americans with Disabilities Act (ADA), **5:25**
- ### FUTURE INJURY, RISK OF
- Affirmative action, **3:10**
- ### GARNISHMENT
- Sample notice to employee of garnishment of wages, **16:74 (Form)**
- ### GENDER ISSUES
- Promotion, **7:18**
- ### GENERAL COUNSEL'S GUIDELINES
- Unfair labor practices, **13:108 to 13:111, 13:121**
- ### GENETIC AND BIOCHEMICAL TESTING
- Privacy, **10:11**
- ### GEORGIA
- Generally, **App. 11**

GISSEL DECISION

Unfair labor practices, **13:109**

GOALS

Recruiting, **2:12**

GOOD CAUSE

Discipline, Termination, and Layoffs
(this index)

Employment at will and employment
contracts, **8:9**

GOOD FAITH

Collective Bargaining (this index)
Employment at will and employment
contracts, **8:4, 8:5**

Union Unfair Labor Practices (this
index)

Worker adjustment and retraining
notification act (WARNA), **9:62**

GOVERNMENT ADMINISTRATION

ERISA, **17:57**

GOVERNMENT EMPLOYERS

Age discrimination, **9:13**

Civil Rights Act, **9:28**

GOVERNMENT'S EXPERTS

Occupational safety and health, **11:108**

GRACE PERIOD

Union unfair labor practices, **14:31**

GRADUATES

Labor Management Relations Act
(LMRA), **12:19**

GREATER HAZARD DEFENSE

OSHA, **11:51**

GRIEVANCES

Collective Bargaining (this index)
Labor Management Relations Act
(LMRA), **12:99**

Performance appraisals, **6:16**

Unfair labor practices, **13:38**

Union unfair labor practices, **14:23, 14:25**

GRIGGS STANDARD

Civil Rights Act of 1991, **1:51**

GROUPING DATA

Affirmative Action (this index)

GROUP STRIKES

Union unfair labor practices, **14:60**

GROUP TERM INSURANCE

Retirement and other benefit plans, **17:67**

GUARDS

Labor Management Relations Act
(LMRA), **12:42**

HANDBILLING

Union unfair labor practices, **14:78 to
14:81**

HANDBOOK

Retirement and other benefit plans, **17:77**

HARASSMENT

Racial and National Origin Harassment
(this index)

Sexual Harassment (this index)

HARDSHIP

Affirmative action, **3:11**

Americans with Disabilities Act (ADA),
5:24

HAWAII

Generally, **App. 12**

HAZARDS

OSHA, **11:28, 11:31, 11:47**

HEALTH

Collective bargaining, **15:26**

Family and Medical Leave Act (FMLA),
4:53

Nondiscrimination rules, **17:62**

Occupational Safety and Health (this
index)

Screenings, compensable time, **16:49**

HEALTH CARE BENEFITS

Pregnancy, **4:44**

HEALTH CARE PROVIDER

Family and Medical Leave Act (FMLA),
4:56

HEALTH CONDITION

Family and Medical Leave Act (FMLA),
4:53

HEALTH INSURANCE

Consolidated Omnibus Budget Reconcili-
ation Act (COBRA), **17:59**

Health Insurance Portability and Account-
ability Act (HIPAA) of 1996, **1:24,
17:60 to 17:65**

INDEX

HEALTH INSURANCE—Cont'd

Welfare benefits, nondiscrimination requirements for, **17:67**

HEALTH MANAGEMENT ORGANIZATIONS (HMOS)

Generally, **17:45**

HEARING

Labor Management Relations Act (LMRA), **12:39**

Occupational Safety and Health (this index)

Unfair labor practices, **13:28**

HEIGHT AND WEIGHT

Hiring, **2:65**

HIGHLY COMPENSATED EMPLOYEE EXEMPTION

Wages, salary, and other compensation, **16:26**

HIRING

Generally, **2:1, 2:23 to 2:71**

See also **Initial Placement; Recruiting** (this index)

Adverse impact, **2:59, 2:60, 2:71**

AIDS tests, **2:68**

Answers, **2:35**

Antitrust issues, **2:26**

Application

generally, **2:32 to 2:35**

definition of applicant, **2:27**

process, generally, **2:28 to 2:31**

Artificial intelligence, **2:24**

Assessment

adverse impact, **2:59, 2:60**

nonverbal conduct, **2:40**

process, **2:70, 2:71**

Auditing established procedures, **2:70**

Collective bargaining and privacy, **2:63**

Communicable disease tests, **2:68**

Communication skills, **2:69**

Consent to release of information, applicant's or employee's, **2:48 (Form)**

Correspondence, sample offer letter, **2:55 (Form)**

Defamation, **2:47, 2:48**

Definition of applicant, **2:27**

Description of job, **2:29**

HIRING—Cont'd

Determining adverse impact and impact ratios, **2:71**

Dexterity tests. Testing and personal characteristics, below

Disclosure of medical records, **2:62**

Discrimination, **2:52, 2:53**

Documentation, **2:50, 2:53**

Drug testing, **2:67**

False answers, **2:35**

Forms

consent to release of information, applicant's or employee's, **2:48 (Form)**

correspondence, sample offer letter, **2:55 (Form)**

description of job, sample, **2:29 (Form)**

instructions to applicant, **2:30 (Form)**

interviewer training form, **2:42 (Form)**

release of information, applicant's or employee's consent to, **2:48 (Form)**

sample employment application, **2:31 (Form)**

sample job description, **2:29 (Form)**

sample offer letter, **2:55 (Form)**

sample policy for third-party employment investigations references, **2:45 (Form)**

third-party employment investigations, sample policy for, **2:45 (Form)**

Height and weight requirements, **2:65**

HIV tests, **2:68**

Immigration Reform and Control Act (IRCA)

generally, **2:49 to 2:53**

documentation, **2:50, 2:53**

non-discrimination requirements, **2:52**

nondiscrimination requirements, **2:53**

penalties, **2:51**

Title VII protections, tensions between IRCA and, for undocumented aliens, **2:53**

Impact ratios, **2:71**

Instructions to applicant, **2:30 (Form)**

Integrity tests, **2:66**

Interview

generally, **2:36 to 2:42**

assessing nonverbal conduct, **2:40**

interviewer training form, **2:42 (Form)**

HIRING—Cont'd

- Interview—Cont'd
 - multiple interviews, **2:41**
 - pitfalls, **2:37**
 - taking notes, **2:39**
 - volunteered information, **2:38**
- Investigation, **2:45 (Form)**
- IRCA. Immigration Reform and Control Act (IRCA), above
- Job description, **2:29**
- Language ability and communication skills, **2:69**
- Medical inquiries of applicants, **2:61**
- Medical records, **2:62**
- Military status, **2:57**
- Multiple interviews, **2:41**
- Negligent hiring, **2:56**
- Nonverbal conduct, **2:40**
- Offering employment, **2:54, 2:55**
- Penalties, **2:51**
- Permissible inquiries, **2:34**
- Personal characteristics. Testing and personal characteristics, below
- Physical ability tests, **2:64**
- Physical dexterity tests. Testing and personal characteristics, below
- Physical examinations and physical dexterity tests. Testing and personal characteristics, below
- Polygraphs and integrity tests, **2:66**
- Privacy** (this index)
- Records and recording, **2:39, 2:50, 2:53, 2:62**
- References
 - generally, **2:43 to 2:48**
 - consent to release of information, applicant's or employee's, **2:48 (Form)**
 - defamation, **2:47, 2:48**
 - giving, **2:46**
 - requesting, **2:44, 2:45**
 - sample policy for third-party employment investigations, **2:45 (Form)**
- Release, **2:48 (Form)**
- Selection procedure, **2:25**
- Statutes. Immigration Reform and Control Act (IRCA), above
- Taking notes, **2:39**
- Testing and personal characteristics
 - generally, **2:58 to 2:69**
 - AIDS tests, **2:68**

HIRING—Cont'd

- Testing and personal characteristics
 - Cont'd
 - assessing adverse impact, **2:59, 2:60**
 - communicable disease tests, **2:68**
 - dexterity. Physical examinations and physical dexterity tests, below this group
 - drug testing, **2:67**
 - HIV tests, **2:68**
 - language ability and communication skills, **2:69**
 - physical examinations and physical dexterity tests
 - generally, **2:61 to 2:65**
 - collective bargaining and privacy, **2:63**
 - disclosure of medical records, **2:62**
 - height and weight requirements, **2:65**
 - medical inquiries of applicants, **2:61**
 - physical ability tests, **2:64**
 - polygraphs and integrity tests, **2:66**
 - validity and validation, **2:60**
- Third parties, **2:45 (Form)**
- Title VII protections, tensions between IRCA and, for undocumented aliens, **2:53**
- Training, **2:42 (Form)**
- Unfair labor practices, **13:91**
- Uniform guidelines on employee selection procedures, **2:25**
- Validity and validation, **2:60**
- Volunteered information, **2:33, 2:38**
- Weight, **2:65**

HIRING HALLS

- Union unfair labor practices, **14:16, 14:46**

HIV

- Tests, hiring, **2:68**

HOLIDAYS

- Compensation, **16:67**

HOME, WORK AT

- Compensation, **16:38, 16:39**

HOME TO WORK

- Compensation, **16:60**

HOSPITAL INTERNS, RESIDENTS AND FELLOWS

- Labor Management Relations Act (LMRA), **12:15 to 12:18**

INDEX

HOSTILE WORKING ENVIRONMENT

Racial and national origin harassment,
4:15

Sexual harassment, **4:23**

HOT-CARGO

Unfair labor practice, **13:11**

Union Unfair Labor Practices (this
index)

HOURS WORKED

Compensation, **16:35**

Defined, **16:34**

Fair Labor Standards Act (FLSA), **1:72**

IDAHO

Generally, **App. 13**

IDENTIFICATION

Affirmative action, **3:39, 3:46**

Americans with Disabilities Act (ADA),
5:18

Retirement and Other Benefit Plans
(this index)

ILLINOIS

Generally, **App. 14**

IMMIGRATION REFORM AND CONTROL ACT (IRCA)

Generally, **1:33, 1:34**

Hiring (this index)

IMMINENT DANGER PROCEEDINGS

Occupational safety and health, **11:86**

IMMUNITY

Wages, salary, and other compensation,
16:90

IMPACT-RATIO ANALYSIS

Affirmative action, **3:22**

IMPACT RATIOS

Hiring, **2:71**

IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING

Employment at will and employment
contracts, **8:4, 8:5**

IMPLIED-IN-FACT CONTRACTS

Employment at will and employment
contracts, **8:3**

INCUMBENT

Affirmative Action (this index)

INCUMBENT—Cont'd

Unfair labor practices, **13:24**

INDEPENDENT CONSIDERATION

Employment at will and employment
contracts, **8:10**

INDEPENDENT CONTRACTORS

Compensation, **16:33**

Labor Management Relations Act
(LMRA), **12:7**

INDIANA

Generally, **App. 15**

INDIRECT FINANCIAL AID

Unfair labor practices, **13:84**

INDIRECT SUPPORT

Unfair labor practices, **13:86**

INDIVIDUAL EMPLOYEES

Collective bargaining, **15:77 to 15:80**

INDUCEMENT

Union Unfair Labor Practices (this
index)

INFORMAL CONFERENCE

Occupational safety and health, **11:75**

INFORMAL METHODS

Recruiting, **2:22**

INFORMAL SETTLEMENT

AGREEMENTS

Unfair labor practice, **13:17, 13:18**

INITIAL CERTIFICATION

Family and Medical Leave Act (FMLA),
4:61

INITIAL ENCOUNTER

Labor Management Relations Act
(LMRA), **12:97**

INITIAL PLACEMENT

Generally, **2:1, 2:72 to 2:80**

See also **Hiring; Recruiting** (this index)

Appeal and review, **2:80 (Form)**

Assignment of work, **2:73 to 2:75**

Commencement of probation, **2:78**

Compensation, **2:76**

Completion of probation, **2:78**

Job pools, **2:74**

Performance review, **2:80 (Form)**

INITIAL PLACEMENT—Cont'd

- Probation
 - generally, **2:77 to 2:80**
 - commencement of probation, **2:78**
 - completion, **2:78**
 - performance review, **2:80 (Form)**
 - terms, **2:79, 2:80**
- Seniority systems, **2:75**
- Work assignments, **2:73 to 2:75**

INITIATING ARBITRATION

- Collective bargaining, **15:61 to 15:64**

INITIATION FEES

- Union unfair labor practices, **14:33**

INITIATION OF GRIEVANCE

- Collective bargaining, **15:63 (Form)**

INJUNCTIONS

- Collective bargaining, **15:75**

INJURIES

- Occupational safety and health, **11:35**

INSIGNIA

- Unfair labor practices, **13:43**

INSPECTION

- Occupational Safety and Health** (this index)

INSTRUCTIONS

- Hiring, **2:30 (Form)**
- Labor Management Relations Act (LMRA), **12:84 (Form)**

INSUBORDINATION

- Discipline, termination, and layoffs, **9:42**

**INSUFFICIENT PARTICULARITY
DEFENSE**

- Occupational safety and health, **11:50**

INSURANCE

- Consolidated Omnibus Budget Reconciliation Act and continued health insurance, **17:59**
- Health Insurance Portability and Accountability Act of 1996, **17:60 to 17:65**
- Pregnancy, **4:44**
- Welfare benefits, nondiscrimination requirements for, **17:67, 17:68**

INTEGRITY TESTS

- Hiring, **2:66**

**INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS**

- Employment at will and employment contracts, **8:37**

INTENTIONAL INTERFERENCE

- Employment at will and employment contracts, **8:35**

INTERFERENCE

- Employment at will and employment contracts, **8:35**
- Unfair Labor Practices** (this index)
- Union unfair labor practices, **14:7**

INTERNAL ASSESSMENT

- Labor Management Relations Act (LMRA), **12:94**

**INTERNAL AUDIT AND REPORTING
SYSTEMS**

- Affirmative action, **3:40**

INTERNAL AVAILABILITY

- Affirmative Action** (this index)

**INTERNAL DISSEMINATION OF
POLICY**

- Affirmative action, **3:36**

INTERNAL REVENUE CODE (IRC)

- Retirement and other benefit plans, **17:5**

INTERNAL UNION AFFAIRS

- Union Unfair Labor Practices** (this index)

INTERNET

- Civil Rights Act, job searches, **1:9**
- Labor Management Relations Act (LMRA), **12:34**

INTERNS

- Labor Management Relations Act (LMRA), **12:15 to 12:18**

INTERROGATION

- Unfair labor practices, **13:50 to 13:60**

INTERVENTION

- Occupational safety and health, **11:92**

INTERVIEW

- Employment at will and employment contracts, **8:14**
- Hiring** (this index)
- Occupational safety and health, **11:63**

INDEX

INTERVIEW—Cont'd

Unfair labor practices, **13:61**

INTRUSIONS

Privacy, **10:35**

INVESTIGATION

Employment at will and employment contracts, **8:45**

Hiring, **2:45 (Form)**

Labor Management Relations Act (LMRA), **12:38**

Privacy, **10:7, 10:19, 10:23**

Unfair labor practices, **13:12, 13:61**

INVOLUNTARY ACTS AND MATTERS

Voluntary and Involuntary Acts and Matters (this index)

IOWA

Generally, **App. 16**

IRCA

Hiring (this index)

ISOLATED INCIDENT DEFENSE

Occupational safety and health, **11:49**

JOB APPLICANT LOG

Privacy, **10:50**

JOB APPLICANTS

Civil Rights Act, **1:9**

JOB DESCRIPTION

Hiring, **2:29 (Form)**

Performance appraisals, **6:11**

Recruiting, **2:7**

JOB-FUNCTION EVALUATION

Discipline, termination, and layoffs, **9:52**

JOB-GROUP ANALYSIS

Affirmative Action (this index)

JOB POOLS

Initial placement, **2:74**

JOB SECURITY

Employment At Will and Employment Contracts (this index)

JOINT ACTS AND MATTERS

Retirement and other benefit plans, **17:26**

JOINT EMPLOYERS

Unfair labor practice charge, **13:8**

JOINT VENTURES, LIABILITY IN

Union unfair labor practices, **14:93**

JUDGES

Occupational safety and health, **11:110**

JUDGMENT NOTWITHSTANDING THE VERDICT

Age discrimination, **9:10**

JUDGMENTS

Age discrimination, **9:10**

Performance appraisals, **6:27**

JUDICIAL ENFORCEMENT

Union unfair labor practices, arbitration awards, **14:15**

JUDICIAL REVIEW

Unfair labor practices, NLRB orders, **13:29**

JURISDICTION

Joint employers, **12:8**

Labor Management Relations Act (LMRA) (this index)

JURY

Compensation, **16:65, 16:65 (Form)**

JUST CAUSE

Collective bargaining, **15:85**

JUSTIFICATION

Discipline, termination, and layoffs, **9:49**

KANSAS

Generally, **App. 17**

KENTUCKY

Generally, **App. 18**

LABOR CONTRACT

Collective bargaining, **15:90**

LABORERS

Affirmative action, **3:57**

LABOR MANAGEMENT

Labor Management Relations Act (LMRA) (this index)

LABOR MANAGEMENT RELATIONS ACT (LMRA)

Generally, **1:26 to 1:32, 12:1 et seq.**

Achieving status of representative, generally, **12:22 to 12:28**

LABOR MANAGEMENT RELATIONS

ACT (LMRA)—Cont'd

Agricultural laborers as excluded employees, **12:10**

Aliens, **12:21**

Appeal and review

election campaign

appeals based on racial issues, **12:61**

manner of presenting campaign

appeals, **12:63 to 12:66**

place of presenting campaign

appeals, **12:63 to 12:66**

time for presenting campaign

appeals, **12:63 to 12:66**

petitioning for NLRB election, **12:35, 12:36**

Assessment, **12:94**

Assistants, **12:19**

Ballots

day of election, tally of ballots, **12:86 (Form)**

petitioning for NLRB election, sample ballot in deauthorization election, **12:58 (Form)**

time and place of election

sample ballot used in collective bargaining election involving more than one union, **12:78 (Form)**

sample ballot used in collective bargaining election involving one union, **12:76 (Form)**

sample bilingual ballot used in collective bargaining election involving one union, **12:77 (Form)**

Bilingual ballot, **12:77 (Form)**

Blocking charge rule, **12:53, 12:54**

Boston Medical Center, **12:18**

Campaign. Election campaign, below

Cedars-Sinai, **12:16**

Certification and decertification

election procedure of NLRB, day of election

conduct, **12:85 (Form)**

representative, **12:87 (Form)**

results, **12:88 (Form)**

petitioning for NLRB election, **12:51, 12:56**

Challenges

generally, **12:92 to 12:101**

LABOR MANAGEMENT RELATIONS

ACT (LMRA)—Cont'd

Challenges—Cont'd

addressing grievances, **12:99**

coaching supervisors, **12:93**

election procedure of NLRB, **12:89, 12:91**

exploiting issues, **12:98 to 12:101**

initial encounter, **12:97**

internal assessment, performing, **12:94**

Protecting the Right to Organize Act of 2021, **12:103**

tactical errors, avoiding, **12:100**

talk to employees, **12:96**

training supervisors, **12:95**

unfair union practices, remaining alert to, **12:101**

union-organizing efforts, **12:102**

Children, **12:12**

Clarification, **12:56 to 12:60**

Coaching supervisors, **12:93**

Collective bargaining election, **12:76 to 12:79**

Commerce, **12:2, 12:36 (Form)**

Communication, **12:96**

Concerted, protected activity, **1:26**

Confidential employees as excluded employees, **12:6**

Consent agreement, **12:69 (Form)**

Consent elections, **12:68 to 12:71 (Form)**

Contracts and agreements

election procedure of NLRB, **12:69 (Form)**

federal labor policy, contracts offending, **12:48**

jurisdiction, **12:7**

petitioning for NLRB election, **12:44**

prehire agreements, **12:47**

stabilize bargaining relationship, contracts insufficient to, **12:49**

Craft employees, **12:40**

Deauthorization, **12:56 to 12:60**

Decertification. Certification and decertification, above

Demand for recognition as representative, **12:23, 12:25**

Directed elections, **12:71 to 12:74**

Disabled workers, **12:14**

Dismissal, **12:73 (Form)**

Documents, workers without, **12:21**

LABOR MANAGEMENT RELATIONS

ACT (LMRA)—Cont'd

- Domestic servants as excluded employees, **12:11**
- Economics, **1:29**
- Education, **12:19**
- Election
 - generally, **12:67 to 12:91**
 - achieving representation status without, **12:28 to 12:30**
 - ballots, above
 - campaign. Election campaign, below
 - certification and decertification, above
 - challenges, **12:89, 12:91**
 - consent agreement, **12:69 (Form)**
 - consent elections, **12:68 to 12:71 (Form)**
 - day of election
 - generally, **12:83 to 12:88**
 - certification of representative, **12:87 (Form)**
 - certification of results of election, **12:88 (Form)**
 - certification on conduct of election, **12:85 (Form)**
 - instructions to election observers, **12:84 (Form)**
 - tally of ballots, **12:86 (Form)**
 - decision and direction of election, **12:72 (Form)**
 - decision and order dismissing petition, **12:73 (Form)**
 - directed elections, **12:71 to 12:74**
 - eligibility of voters, **12:74**
 - Excelsior list, **12:74**
 - insisting on NLRB election, **12:27**
 - manual, Board revises representation election manual, **12:80**
 - NLRB procedure, generally, **12:67 to 12:91**
 - objections, **12:90**
 - petitioning for NLRB election, below
 - place. Time and place of election, below this group
 - post-election proceedings, **12:89 to 12:91**
 - stipulated election agreement, **12:70 (Form)**
 - time and place of election
 - generally, **12:75 to 12:80**
 - day of election, above this group

LABOR MANAGEMENT RELATIONS

ACT (LMRA)—Cont'd

- Election—Cont'd
 - time and place of election—Cont'd
 - notice of election, **12:79 (Form)**
 - sample ballot used in collective bargaining election involving more than one union, **12:78 (Form)**
 - sample ballot used in collective bargaining election involving one union, **12:76 (Form)**
 - sample bilingual ballot used in collective bargaining election involving one union, **12:77 (Form)**
- Election campaign
 - generally, **12:60 to 12:67**
 - appeals based on racial issues, **12:61**
 - e-mail, employer restrictions on use of, **12:65**
 - hand's off approach of NLRB, **12:60**
 - manner of presenting campaign appeals, **12:63 to 12:66**
 - on and off employer property, **12:63**
 - place of presenting campaign appeals, **12:63 to 12:66**
 - polls, campaigning at, **12:66**
 - pro-union conduct of supervisors, **12:62**
 - time for presenting campaign appeals, **12:63 to 12:66**
 - 24-hour rule, **12:64**
- Eligibility of voters, **12:74**
- E-mail, employer restrictions on use of, **12:65**
- Employee coverage, **1:27**
- Employee rights, generally, **1:26**
- Employer's polling of employees, **12:26**
- Employer's voluntary recognition as representative, **12:24**
- Employer unfair labor practices, **1:28**
- Enforcement, **1:30**
- Enterprise, **12:45**
- Excelsior list, **12:74**
- Excluded employees, **12:21**
- Excluded employees. Jurisdiction, below
- Exploiting issues, **12:98 to 12:101**
- Federal labor policy, contracts offending, **12:48**
- Fellows, **12:15 to 12:18**

LABOR MANAGEMENT RELATIONS

ACT (LMRA)—Cont'd

Financial or commerce data, NLRB
request for, **12:36 (Form)**

Forms

ballots

sample ballot in deauthorization
election, **12:58 (Form)**

sample ballot used in collective
bargaining election involving
more than one union, **12:78
(Form)**

sample ballot used in collective
bargaining election involving
one union, **12:76 (Form)**

sample bilingual ballot used in col-
lective bargaining election
involving one union, **12:77
(Form)**

tally of ballots, **12:86 (Form)**

certification of representative, **12:87
(Form)**

certification of results of election,
12:88 (Form)

certification on conduct of election,
12:85 (Form)

consent agreement, **12:69 (Form)**

decision and direction of election,
12:72 (Form)

decision and order dismissing petition,
12:73 (Form)

financial or commerce data, NLRB
request for, **12:36 (Form)**

instructions to election observers,
12:84 (Form)

notice of election, **12:79 (Form)**

notice of employee rights, **12:33
(Form)**

petitioning for NLRB election

financial or commerce data, NLRB
request for, **12:36 (Form)**

notice of employee rights, **12:33
(Form)**

representation petition, **12:32
(Form)**

sample ballot in deauthorization
election, **12:58 (Form)**

representation petition, **12:32 (Form)**

representative, certification of, **12:87
(Form)**

sample ballots. Ballots, above this
group

LABOR MANAGEMENT RELATIONS

ACT (LMRA)—Cont'd

Forms—Cont'd

stipulated election agreement, **12:70
(Form)**

Graduates, **12:19**

Grievances, **12:99**

Guards, **12:42**

Hearing, **12:39**

Hospital interns, residents and fellows,
12:15 to 12:18

Independent contractors as excluded
employees, **12:7**

Initial encounter, **12:97**

Insisting on NLRB election, **12:27**

Instructions to election observers, **12:84
(Form)**

Internal assessment, performing, **12:94**

Internet, forms available on, **12:34**

Interns, **12:15 to 12:18**

Investigation, **12:38**

Jurisdiction, **12:2 to 12:21**

Jurisdiction

generally, **12:2 to 12:20**

agricultural laborers as excluded
employees, **12:10**

aliens, **12:21**

Boston Medical Center, **12:18**

Cedars-Sinai, **12:16**

commerce requirement, **12:2**

confidential employees as excluded
employees, **12:6**

disabled workers, **12:14**

domestic servants as excluded employ-
ees, **12:11**

employees and employers not covered
by NLRA, **12:13**

excluded employees, generally, **12:3 to
12:14**

hospital interns, residents and fellows,
12:15 to 12:18

independent contractors as excluded
employees, **12:7**

individuals employed by parent or
spouse as excluded employees,
12:12

joint employers, **12:8**

managerial employees as excluded
employees, **12:5**

religious organization employees, **12:9**

St. Clare's Hospital, **12:17**

LABOR MANAGEMENT RELATIONS

ACT (LMRA)—Cont'd

- Jurisdiction—Cont'd
 - supervisors as excluded employees, **12:4**
 - undocumented workers, **12:21**
 - university graduate assistants, **12:19**
- Limitations and restrictions, **12:65**
- Lists, **12:74**
- Managerial employees as excluded employees, **12:5**
- Manner of presenting campaign appeals, **12:63 to 12:66**
- Manual, Board revises representation election manual, **12:80**
- Mistake and error, **12:100**
- Modification or change, **12:45, 12:46, 12:81**
- Non-academic student workers, **12:20**
- Notice and knowledge, **12:34, 12:39, 12:79**
- Objections, **12:90**
- Observers, **12:84 (Form)**
- Order, **12:73 (Form)**
- Performance, **12:94**
- Petitioning for NLRB election
 - generally, **12:31 to 12:60**
 - bars to election petition, generally, **12:43 to 12:56**
 - blocking charge rule, **12:53, 12:54**
 - certification-year bar, **12:51**
 - change in employing enterprise, **12:45**
 - change in union structure, **12:46**
 - contract bar, **12:44**
 - deauthorization, **12:57, 12:58**
 - decertification, **12:56**
 - decision and order dismissing petition, **12:73 (Form)**
 - election bar, **12:50**
 - federal labor policy, contracts offending, **12:48**
 - filing, **12:31 to 12:34**
 - financial or commerce data, NLRB request for, **12:36 (Form)**
 - Internet, forms available on, **12:34**
 - notice of employee rights, **12:33 (Form)**
 - prehire agreements, **12:47**
 - prior-petition bar, **12:54**
 - proceed notwithstanding unfair labor practice charge, request to, **12:54**

LABOR MANAGEMENT RELATIONS

ACT (LMRA)—Cont'd

- Petitioning for NLRB election—Cont'd
 - representation petition, **12:32, 12:32 (Form)**
 - review of petition, **12:35, 12:36**
 - sample ballot in deauthorization election, **12:58 (Form)**
 - selecting appropriate bargaining unit
 - generally, **12:37 to 12:42**
 - craft employees, **12:40**
 - guards, **12:42**
 - notice of representation hearing, **12:39**
 - professional employees, **12:41**
 - report on investigation of interest, **12:38**
 - stabilize bargaining relationship, contracts insufficient to, **12:49**
 - successor bar doctrine, **12:55**
 - unit clarification, **12:59**
 - voluntary recognition bar, **12:52**
- Polls and polling, **12:26, 12:66**
- Post-election proceedings, **12:89 to 12:91**
- Prehire agreements, **12:47**
- Prior-petition bar, **12:54**
- Privacy, **10:12**
- Professional employees, **12:41**
- Protecting the Right to Organize Act of 2021, **12:103**
- Racial issues, **12:61**
- Recognition, **12:23 to 12:25, 12:52**
- Records and recording, **12:31 to 12:34**
- Religious organization employees, **12:9**
- Remedies, **1:32**
- Reports and reporting, **12:38**
- Representation of employees, generally, **12:1 et seq.**
- Representation petition, **12:32, 12:32 (Form)**
- Representative's certification, **12:87 (Form)**
- Representative status, **12:22 to 12:30**
- Residents of hospital, **12:15 to 12:18**
- Responding to NLRB charges, **1:31**
- Retirement and other benefit plans, **17:6**
- Selecting appropriate bargaining unit
- Servants, **12:11**
- Spouse, **12:12**
- St. Clare's Hospital, **12:17**

LABOR MANAGEMENT RELATIONS

ACT (LMRA)—Cont'd

- Stabilize bargaining relationship, contracts insufficient to, **12:49**
- Stipulated election agreement, **12:70 (Form)**
- Student athletes, **12:21**
- Successor bar doctrine, **12:55**
- Supervisors, **12:4, 12:93, 12:95**
- Tactical errors, avoiding, **12:100**
- Tally of ballots, **12:86 (Form)**
- Time
 - election, above
 - election campaign, **12:63 to 12:66**
 - petitioning for NLRB election, **12:51**
- Training supervisors, **12:95**
- Trends in union-organizing efforts, **12:102**
- 24-hour rule, **12:64**
- Undocumented workers, **12:21**
- Unfair labor practices, **1:28, 13:103**
- Unfair union practices, **12:101**
- Union-organizing efforts, **12:102**
- Union's economic weaponry, **1:29**
- Unit clarification, **12:59**
- Voluntary recognition, **12:24, 12:25, 12:52**
- Votes and voting. Election, above

LABOR MANAGEMENT REPORTING AND DISCLOSURE ACT

- Union unfair labor practices, **14:21**

LABOR RELATIONS

- Collective Bargaining** (this index)

LANGUAGE

- Hiring, **2:69**
- Racial and national origin harassment, **4:18**

LAST CHANCE AGREEMENTS

- Collective bargaining, **15:88**

LAYOFFS

- Discipline, Termination, and Layoffs** (this index)

LEAVE

- Family and Medical Leave Act of 1993** (this index)
- Pregnancy, **4:41 to 4:43**
- Wages, Salary, and Other Compensation** (this index)

LEGISLATION

- Employment at will and employment contracts, **8:43**
- Privacy, **10:27**

LEVITZ FURNITURE DOCTRINE

- Collective bargaining, **15:19**

LIE DETECTOR TESTS

- Privacy** (this index)

LIFESTYLE

- Privacy, **10:37 to 10:42**

LIMITATIONS AND RESTRICTIONS

- Civil Rights Act of 1991, **1:10, 1:57, 1:58 to 1:61**
- Employment At Will and Employment Contracts** (this index)
- Labor Management Relations Act (LMRA), **12:65**
- Privacy, **10:7, 10:22**
- Retirement and other benefit plans, **17:24, 17:61**
- Unfair Labor Practices** (this index)
- Union Unfair Labor Practices** (this index)

LIQUIDATED DAMAGES

- Discipline, termination, and layoffs, **9:31**

LISTS

- Labor Management Relations Act (LMRA), **12:74**
- Recruiting, **2:8**

LIVING ON PREMISES

- Compensation, **16:58**

LMRA

- Labor Management Relations Act (LMRA)** (this index)

LOCAL LAW

- Statutes, **1:3**

LOCK OUT

- Collective bargaining, **15:44**

LOUISIANA

- Generally, **App. 19**

MAIL

- Electronic Mail** (this index)

MAINE

- Generally, **App. 20**

INDEX

MAINTENANCE OF MEMBERSHIP

Union unfair labor practices, **14:45**

MAJORITY

Collective bargaining, **15:17, 15:53**

Unfair labor practices, **13:23**

Union unfair labor practices, **14:30**

MALICIOUS BREACH OF CONTRACT

Employment at will and employment contracts, **8:34**

MANAGERS AND MANAGEMENT

Collective bargaining, **15:8, 15:27**

Compensation, **16:15**

Labor Management Relations Act (LMRA), **12:5**

Occupational safety and health, **11:39 to 11:43**

Performance appraisals, **6:24**

Union unfair labor practices, **14:21**

MANDATORY ACTS AND MATTERS

Age discrimination, **9:16**

Collective bargaining, **15:7**

Occupational safety and health, **11:99**

Pregnancy, **4:38**

Retirement and other benefit plans, under ERISA, **17:50**

Unfair labor practices, subjects of bargaining, **13:73**

MANDATORY TRAINING PROGRAMS

Schools, education, and training, **7:11**

MANUALS

Employment at will and employment contracts, **8:6 to 8:8, 8:15**

Labor Management Relations Act (LMRA), **12:80**

MARIJUANA

Legal use of, off-duty employees, **10:39**

MARITIME EMPLOYMENT

Occupational safety and health, **11:20**

MARKET FORCES

Equal Pay Act, **16:86**

MARRIAGE

Pregnancy discrimination, **4:47**

Retirement and other benefit plans, **17:27**

Unmarried women, pregnancy, **4:47**

MARYLAND

Generally, **App. 21**

MASSACHUSETTS

Generally, **App. 22**

MATERNITY TIME

Compensation, **16:69**

MAXIMUM COMPENSATION

Retirement and other benefit plans, **17:35**

MAXIMUM HOUR AND OVERTIME PROVISIONS

Fair Labor Standards Act (FLSA), **16:9**

MCNAMARA-O'HARA ACT

Compensation, **16:42, 16:43**

MEAL PERIODS

Compensation, **16:54**

MEDIATION

Civil Rights Act, **1:7**

Occupational safety and health, **11:99**

MEDICAL EXAMINATIONS

Americans with Disabilities Act (ADA)
(this index)

MEDICAL INFORMATION

Collective bargaining, **15:32**

Privacy, **10:9**

MEDICAL INQUIRIES

Hiring, **2:61**

MEDICAL LEAVE

Family and Medical Leave Act (FMLA)
(this index)

MEDICAL PLANS

Retirement and other benefit plans, **17:67**

MEDICAL RECORDS

Hiring, **2:62**

MEDICAL SCREENING

Privacy, **10:9**

MEDICAL TREATMENT

Occupational safety and health, **11:36**

MEMBERS AND MEMBERSHIP

Collective bargaining, **15:13**

Unfair Labor Practices (this index)

Union Unfair Labor Practices (this index)

MEMORANDUM

Unfair labor practices, **13:121**

**MENTAL HEALTH PARITY AND
ADDICTION EQUITY ACT**

Retirement and other benefit plans, **17:81**

MENTAL IMPAIRMENT

Americans with Disabilities Act (ADA),
5:29

MERIT PAY INCREASES

Unfair labor practices, **13:98**

MICHIGAN

Generally, **App. 23**

MILITARY STATUS

Hiring, **2:57**

**MINIMUM AGE AND SERVICE
RULES**

Retirement and other benefit plans, **17:17**

MINIMUM WAGE

Generally, **16:37**

Fair Labor Standards Act (FLSA), **1:71,**
16:8

MINING EMPLOYMENT

Occupational safety and health, **11:21**

MINNESOTA

Generally, **App. 24**

MINORITY UNION

Unfair labor practices, **13:87**

MISREPRESENTATION

Employment at will and employment
contracts, **8:40**

MISSISSIPPI

Generally, **App. 25**

MISSOURI

Generally, **App. 26**

MISTAKE AND ERROR

Labor Management Relations Act
(LMRA), **12:100**

MITIGATION

Americans with Disabilities Act (ADA),
5:8

MIXED-MOTIVE CASES

Civil Rights Act of 1991, **1:55**

MODIFICATION OR CHANGE

Americans with Disabilities Act (ADA),
5:25

Civil Rights Act of 1991, **1:56, 1:57**

Collective Bargaining (this index)

Labor Management Relations Act
(LMRA), **12:45, 12:46, 12:81**

Midterm modification, **13:74**

Occupational safety and health, **11:76**

Older Workers Benefit Protection Act
(OWBPA), **1:45**

Retirement and other benefit plans, **17:22,**
17:53, 17:55

Worker Adjustment and Retraining
Notification Act (WARN), **1:36**

MONITORING

Occupational safety and health, **11:65**

Privacy (this index)

MONTANA

Generally, **App. 27**

MORALE OF NONSTRIKERS

Union unfair labor practices, **14:106**

MOTIONS

Occupational safety and health, **11:103**

MOTIVES

Civil Rights Act of 1991, **1:55**

MULTIEMPLOYER BARGAINING

Generally, **15:20**

**MULTIEMPLOYER PENSION PLAN
AMENDMENTS ACT**

Termination of plan, **17:55**

MULTIEMPLOYER WORK-SITE

Occupational safety and health, **11:52**

MULTIPLE INTERVIEWS

Hiring, **2:41**

MUTUAL AGREEMENT CASES

Employment at will and employment
contracts, **8:8**

NATIONAL INSTITUTE

Occupational safety and health, **11:7**

**NATIONAL LABOR RELATIONS ACT
(NLRA)**

Collective bargaining, **15:83**

Sexual harassment, **4:33**

INDEX

NATIONAL LABOR RELATIONS ACT (NLRA)—Cont'd

Unfair Labor Practice (this index)

Union unfair labor practices, **14:19**

NATIONAL ORIGIN DISCRIMINATION

Affirmative action, **3:43**

NATIONAL ORIGIN HARASSMENT Racial and National Origin Harassment (this index)

NEBRASKA

Generally, **App. 28**

NEGLIGENCE

Employment at will and employment
contracts, **8:5**

Hiring, **2:56**

NEGOTIATIONS

Collective bargaining, **15:43**

Unfair labor practices, **13:27, 13:76**

NEVADA

Generally, **App. 29**

NEW HAMPSHIRE

Generally, **App. 30**

NEW JERSEY

Generally, **App. 31**

NEW JOBS

Collective bargaining, **15:3**

NEW MEXICO

Generally, **App. 32**

NEW YORK

Generally, **App. 33**

NLRA

National Labor Relations Act (NLRA)

NON-ACADEMIC STUDENT WORKERS

Labor Management Relations Act
(LMRA), **12:20**

NONDISPARAGEMENT AND NONDISCLOSURE PROVISIONS

Employment at will and employment
contracts, **8:21**

NONFINANCIAL ASSISTANCE

Unfair labor practices, **13:85**

NONVERBAL CONDUCT

Hiring, **2:40**

NO-RAIDING OR NONSOLICITATION COVENANTS

Employment at will and employment
contracts, **8:22**

NORRIS-LAGUARDIA ACT

Union Unfair Labor Practices (this
index)

NORTH CAROLINA

Generally, **App. 34**

NORTH DAKOTA

Generally, **App. 35**

NOTE TAKING

Occupational safety and health, **11:64**

NOTICE AND KNOWLEDGE

Affirmative action, **3:26**

Collective bargaining, **15:45**

Employment at will and employment
contracts, **8:13**

Family and Medical Leave Act (FMLA),
4:60

Forms

Labor Management Relations Act
(LMRA)

petitioning for NLRB election, **12:33**
(Form)

time and place of election, **12:79**
(Form)

wages, sample notice to employee of
garnishment of, **16:74 (Form)**

Labor Management Relations Act
(LMRA), **12:34, 12:39, 12:79**

Occupational safety and health, **11:83,**
11:85, 11:94

Step 4: Discipline, termination, and
layoffs, **9:57**

Unfair labor practices, **13:119**

Union unfair labor practices, **14:35, 14:37**

Wages, sample notice to employee of
garnishment of, **16:74 (Form)**

Worker adjustment and retraining
notification act (WARNA), **9:61,**
9:64

Worker Adjustment and Retraining
Notification Act (WARNA), **1:36**

**NUCLEAR REGULATORY
COMMISSION (NRC)**

Occupational safety and health, **11:17**

OBJECTIONS

Labor Management Relations Act
(LMRA), **12:90**

Union unfair labor practices, **14:34**

OBJECTIVE JUDGMENT QUOTIENT

Performance appraisals, **6:27**

OBJECTIVES

Performance appraisals, **6:24**

OBSERVERS

Labor Management Relations Act
(LMRA), **12:84 (Form)**

**OCCUPATIONAL SAFETY AND
HEALTH**

Generally, **11:1 et seq.**

Abatement, **11:76, 11:85, 11:86**

Access, **11:42**

Administration, **11:5 to 11:9**

Administrative law judge, **11:110, 11:114
to 11:117**

Amendment of pleadings, **11:96**

Answer, **11:95**

Appeal and review, **11:74, 11:109, 11:114
to 11:117**

Approval, **11:8**

Assessing issues, **11:100**

Attorneys, **11:91**

Attorneys' fees, **11:116**

Audits, **11:42**

Briefs, **11:113**

Burden of proof, **11:111**

Citations. Enforcement of OSHA, below

Closing conference, **11:69**

Collective bargaining, **15:26**

Common law, **11:122**

Communication, **11:31**

Complaint, **11:95**

Consumer Product Safety Commission,
11:19

Contest, **11:89, 11:94**

Costs, **11:116**

Coverage, **11:3**

Credentials, **11:59**

Criminal law, **11:81, 11:120**

Danger, **11:86**

Death, **11:120**

**OCCUPATIONAL SAFETY AND
HEALTH—Cont'd**

Defenses

generally, **11:47 to 11:54**

citations, **1:20**

greater hazard defense, **11:51**

infeasibility of compliance defense,
11:48

insufficient particularity defense, **11:50**

isolated incident defense, **11:49**

litigation, below

multiemployer work-site, **11:52**

OSHA, generally, **11:47 to 11:54**

prima facie showing by OSHA,
undermining, **11:54**

unpreventable employee misconduct
defense, **11:53**

De minimis notification, **11:83**

Department of Transportation, **11:15**

Diagrams, **11:105**

Discovery, **11:102**

Discrimination, **11:44, 11:45**

Drugs, Food and Drug Administration,
11:18

Employee involvement, **11:41**

Employer's contest policy, **11:89**

Employer's obligations, generally, **11:22
to 11:54**

Enforcement

generally, **11:55 to 11:84**

abatement, **11:86**

citations

generally, **11:71 to 11:76**

informal conference, **11:75**

issuance, **11:71**

modifying abatement date, **11:76**

posting, **11:73**

proper service, **11:72**

reviewing, **11:74**

criminal violation, **11:81**

de minimis notification, **11:83**

imminent danger proceedings, **11:86**

inspection

closing conference, **11:69**

determination of existence and
degree of OSHA violations,
11:68

determining reason, **11:60**

examining credentials, **11:59**

**OCCUPATIONAL SAFETY AND
HEALTH—Cont'd**

Enforcement—Cont'd
 inspection—Cont'd
 handling requests to interview employees, **11:63**
 monitoring, **11:65**
 note taking, **11:64**
 opening conference, **11:61**
 photographs, **11:65**
 practices to avoid, **11:70**
 responding to questions, **11:67**
 samples, **11:65**
 Targeted inspection programs, **11:56**
 tour of workplace, generally, **11:62 to 11:68**
 trade secrets, **11:66**
 notices, types and degree of, **11:77**
 notification of failure to abate, **11:85**
 OSHA, generally, **1:19, 11:55 to 11:84**
 other-than-serious violation, **11:82**
 penalties, **11:87**
 Procedural Overview, **11:57**
 recordkeeping and reporting regulations, **11:38**
 repeated violation, **11:79**
 serious violation, **11:78**
 state enforcement of administration-approved plans, **11:8**
 Targeted inspection programs, **11:56**
 tour of workplace. Inspection, above this group
 trade secrets, **11:66**
 types and degree of violations and notices, **11:77**
 warrant, **11:58**
 warrant decisions, **11:58**
 willful violation, **11:80, 11:81**
 workplace. Inspection, above this group
 Environmental Protection Agency (EPA), **11:16**
 Evidence, **11:111**
 Examination, **11:59**
 Expedited proceedings, **11:118**
 Experts, **11:106 to 11:108**
 Feasibility, **11:48**
 Federal court, appeal to, **11:117**
 Fees, **11:116**
 Food and Drug Administration, **11:18**
 General duty clause, **11:33**

**OCCUPATIONAL SAFETY AND
HEALTH—Cont'd**

General industry standards, **11:22**
 Environmental controls, **11:27**
 Exit routes and emergency planning, **11:23**
 Hazard communication standard, **11:26**
 Personal protective equipment, **11:25**
 Walking-working surfaces and fall protection, **11:24**
 Government's experts, **11:108**
 Greater hazard defense, **11:51**
 Hazards, **11:28, 11:31, 11:47**
 Health management, **11:39 to 11:43**
 Hearing. Litigation, below
 Imminent danger proceedings, **11:84, 11:86**
 Industry-specific standards, **11:32**
 Infeasibility of compliance defense, **11:48**
 Informal conference, **11:75**
 Injuries, recordable, **11:35**
 Inspection. Enforcement, above
 Insufficient particularity defense, **11:50**
 Intervention, **11:92**
 Interviews, **11:63**
 Isolated incident defense, **11:49**
 Judges, **11:110**
 Litigation
 generally, **11:89 to 11:123**
 administrative law judge decision, review by review commission, **11:114 to 11:117**
 alternatives to regular commission hearing, **11:118, 11:119**
 appeal, **11:114 to 11:117**
 applicable rules, **11:90**
 common law, **11:122**
 counsel, right to, **11:91**
 criminal prosecution for occupational injuries and fatalities, **11:120**
 defense preparation
 generally, **11:100 to 11:108**
 assessing issues, **11:100**
 diagrams, **11:105**
 discovery, **11:102**
 employer's experts, **11:107**
 experts, **11:106 to 11:108**
 government's experts, **11:108**
 motions, **11:103**
 photographs, **11:105**

OCCUPATIONAL SAFETY AND HEALTH—Cont'd

Litigation—Cont'd
 defense preparation—Cont'd
 statement of position, **11:101**
 subpoenas, **11:104**
 employer's contest policy, **11:89**
 expedited proceedings, **11:118**
 federal court, appeal to, **11:117**
 filing of petition for review, **11:114**
 granting of attorney fees and costs, **11:116**
 granting of petition for review, **11:115**
 hearing
 generally, **11:109 to 11:113**
 administrative law judge, **11:110**
 burden of proof, **11:111**
 format of hearing, **11:112**
 participants in review commission proceedings, **11:109**
 posthearing briefs, **11:113**
 initial considerations, **11:89 to 11:93**
 party status and intervention, **11:92**
 prehearing matters
 generally, **11:94 to 11:99**
 amendment of pleadings, **11:96**
 answer, **11:95**
 complaint, **11:95**
 mandatory mediation, **11:99**
 notice of contest, **11:94**
 prehearing conference, **11:97**
 prehearing order, **11:98**
 relationship of OSHA to other litigation by employees, **11:121**
 settlement, **11:93**
 simplified proceedings, **11:119**
 statutory claims, **11:123**
 Management, **11:39 to 11:43**
 Mandatory mediation, **11:99**
 Maritime employment, **11:20**
 Mediation, **11:99**
 Mining employment, **11:21**
 Modification or change, **11:76**
 Monitoring, **11:65**
 Motions, **11:103**
 Multiemployer work-site, **11:52**
 National institute, **11:7**
 Note taking, **11:64**
 Notice and knowledge, **11:83, 11:85, 11:94**

OCCUPATIONAL SAFETY AND HEALTH—Cont'd

Nuclear Regulatory Commission (NRC), **11:17**
 Obligation of employer, generally, **11:22 to 11:54**
 Occupational Safety and Health Act (OSHA)
 generally, **1:15 to 1:20, 11:1 et seq.**
 access to employer safety audits, **11:42**
 Administration. Occupational Safety and Health Administration, below
 approved plans, **11:4**
 citations, defenses to, **1:20**
 compliance officers, dealing with, **1:19**
 defenses, above
 discrimination, nondiscrimination obligations, **1:18**
 enforcement, above
 general duty clause, **1:15**
 general industry and vertical standards, **1:16**
 nondiscrimination obligations, **1:18**
 recordkeeping requirements, **1:17**
 union unfair labor practices, **14:63**
 Opening conference, **11:61**
 Order, **11:98**
 OSHA. Occupational Safety and Health Act (OSHA), above
 Other-than-serious violation, **11:82**
 Participants, **11:109**
 Parties, **11:92**
 Penalties, **11:87**
 Personal injury, **11:120**
 Personal liability, **11:88**
 Petition, **11:115**
 Photographs, **11:65, 11:105**
 Pleadings, **11:96**
 Posting, **11:73**
 Preemption, **11:9**
 Other federal agencies, **11:14**
 Prehearing matters. Litigation, above
 Prima facie showing by OSHA, undermining, **11:54**
 Privacy concerns, **11:39**
 Proper service, **11:72**
 Recordkeeping and reporting requirements, **11:34**
 Medical treatment beyond first aid, **11:36**

INDEX

OCCUPATIONAL SAFETY AND HEALTH—Cont'd

- Recordkeeping and reporting requirements, **11:34—Cont'd**
 - Recordable work-related injury or illness, **11:35**
- Records and recording
 - generally, **11:35 to 11:38**
 - enforcement, **11:38, 11:64**
 - filing of petition for review, **11:114**
 - injuries, recordable, **11:35**
 - obligations, **11:37**
 - recordable injuries, **11:35**
- Repeated violation, **11:79**
- Reports. Records and recording, above
- Responding to questions, **11:67**
- Review commission, **11:6**
- Safety and health management, **11:39 to 11:43**
- Samples, inspection, **11:65**
- Section 6(a) standards, **11:11**
- Section 6(b) standards, **11:12**
- Section 6(c) standards, **11:13**
- Serious violation, **11:78**
- Service of process, **11:72**
- Settlement, **11:119**
- Simplified proceedings, **11:119**
- Special provisions, **11:30**
- Standards, generally, **11:10 to 11:13**
- State enforcement of administration-approved plans, **11:8**
- Statement of position, **11:101**
- Statutory claims, **11:123**
- Subpoenas, **11:104**
- Targeted inspection programs, **11:56**
- Tour of workplace. Enforcement, above
- Toxic and hazardous substances, **11:28**
- Trade secrets, **11:66**
- Transportation, Department of, **11:15**
- Union unfair labor practices, **14:63**
- Unlawful discrimination, **11:44**
- Unpreventable employee misconduct defense, **11:53**
- Variances under OSHA, **11:46**
- Voluntary protection programs, **11:43**
- Warrants, **11:58**
- Willful violation, **11:80, 11:81**
- Workplace. Enforcement, above
- Work-site, **11:52**

OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA)

- Occupational Safety and Health** (this index)

OFF-DUTY EMPLOYEES

- Marijuana, legal use of, **10:39**
- Privacy, **10:37 to 10:42**
- Unfair labor practices, **13:44**

OFFERING EMPLOYMENT

- Generally, **2:54, 2:55**

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS (OFCCP)

- Affirmative Action** (this index)
- Recruiting, **2:11**

OFFICIALS AND MANAGERS

- Affirmative action, **3:50**

OHIO

- Generally, **App. 36**

OKLAHOMA

- Generally, **App. 37**

OLDER WORKERS BENEFIT PROTECTION ACT (OWBPA)

- Generally, **1:42, 1:43**
- Adjustments to severance at time of layoff, **1:45**
- Age discrimination, **9:17, 9:18**
- Betts decision, **1:43 to 1:46**
- Congress reinstatement of EEOC rule, **1:44**
- Disability benefits, coordination of, **1:46**
- EEOC, **1:44**
- Layoff, **1:45**
- Overruling, **1:43**
- Reinstatement, **1:44**
- Release, **1:47**
- Settlement and release of claims, **1:47**
- Severance, **1:45**
- Title I, **1:43**
- Title II, **1:47**

ON-CALL TIME

- Compensation, **16:51**

ONE-YEAR MARRIED RULE

- Retirement and other benefit plans, **17:27**

ONGOING INVESTIGATIONS

Privacy, **10:19**

ON-SITE TRAINING

Generally, **7:8**

ON-THE-JOB

Civil Rights Act of 1991, **1:53**

OPENING CONFERENCE

Occupational safety and health, **11:61**

OPERATIVES

Affirmative action, **3:56**

OPINIONS

Family and Medical Leave Act (FMLA),
4:62

OPTICAL DEVICES

Unfair labor practices, **13:57**

OPTIONS

Wages, Salary, and Other Compensation (this index)

ORAL CONTRACTS

Employment at will and employment
contracts, **8:2**

ORDERS

Labor Management Relations Act
(LMRA), **12:73 (Form)**
Occupational safety and health, **11:98**
Retirement and other benefit plans, **17:28**
Unfair Labor Practices (this index)

OREGON

Generally, **App. 38**

ORGANIZATION

Trends in union-organizing efforts,
12:102

ORGANIZATIONAL PROFILE

Affirmative Action (this index)

OSHA

Occupational Safety and Health (this
index)

OTHER-THAN-SERIOUS VIOLATION

Occupational safety and health, **11:82**

OUTSIDE BARGAINING UNIT

Union unfair labor practices, **14:39**

**OUTSIDE POLITICAL AND OTHER
ACTIVITIES**

Privacy, **10:41**

OUTSIDE SALES

Wages, salary, and other compensation,
16:24

OUTSOURCING

Retirement and other benefit plans, **17:56**

OVERFUNDED PENSION PLANS

Termination of plan, **17:54**

OVERTIME

Wages, Salary, and Other Compensation (this index)

PARALLEL BARGAINING

Generally, **15:21**

PARAMEDICS

Wages, salary, and other compensation,
16:28

PARENTAL OR CHILD-CARE LEAVE

Generally, **4:43**

PARENT AND SON OR DAUGHTER

Family and Medical Leave Act (FMLA),
4:55

PARTIAL CLOSINGS

Collective bargaining, **15:11**

PARTICIPATION

Affirmative action, **3:29**
Occupational safety and health, **11:109**
Performance appraisals, **6:15**
Retirement and other benefit plans, **17:47**
Target-date funds under ERISA, **17:48**
Unfair labor practices, **13:80**

PARTIES

Occupational safety and health, **11:92**
Unfair labor practices, **13:3, 13:103**

**PATIENT PROTECTION AND
AFFORDABLE CARE ACT**

Generally, **17:63**

PATTERNS

Collective bargaining, **15:20**

**PATTERSON V. MCLEAN CREDIT
UNION**

Civil Rights Act of 1991, **1:52, 1:53**

INDEX

PAYCHECKS

Deductions, **16:73**

PAYDAYS

Generally, **16:72**

PAYMENTS

Fair Labor Standards Act (FLSA), **16:12**

Family and Medical Leave Act (FMLA),
4:59

Union unfair labor practices, **14:34**

PAY PERIODS

Generally, **16:72**

PAYROLL ADMINISTRATION

Generally, **16:72 to 16:75**

PENALTIES

Hiring, **2:51**

Occupational safety and health, **11:87**

PENNSYLVANIA

Generally, **App. 39**

PENSIONS

Retirement and Other Benefit Plans
(this index)

PERCEIVED DISABILITY

Americans with Disabilities Act (ADA),
5:6

PERFORMANCE

Americans with Disabilities Act (ADA),
5:33

Appraisals. **Performance Appraisals**
(this index)

Employment at will and employment
contracts, **8:27**

Labor Management Relations Act
(LMRA), **12:94**

PERFORMANCE APPRAISALS

Generally, **6:1 et seq.**

Age discrimination, **6:7**

Alternative to annual appraisals, **6:17**

Auditing appraisal results, **6:18**

Behavior-based rating scales
generally, **6:26**

Causes of action, **6:8**

Charges of disparate treatment and
disparate impact, **6:3, 6:4**

Checklists, **6:31**

Competency-based performance manage-
ment, **6:23**

PERFORMANCE APPRAISALS

—Cont'd

Continuous feedback, **6:21**

Conventional rating scales, **6:25**

Courts, **6:5, 6:6**

Critical incidents, **6:28**

Description of job, **6:11**

Design, **6:9**

Developing system

generally, **6:10 to 6:18**

appraisal review, **6:14**

auditing appraisal results, **6:18**

discrimination, general safeguards
against charges of, **6:10**

employee feedback, **6:15**

implementing system, **6:19**

job descriptions/job analyses, **6:11**

objection procedures, **6:16**

preevaluation employee input, **6:12**

training supervisors, **6:13**

Disability, **6:5**

Discrimination, **6:5, 6:7, 6:10**

Disparate impact, **6:3, 6:4**

Disparate treatment, **6:3, 6:4**

Essays, **6:29**

Evaluation, **6:12**

Feedback, **6:15**

Forms

initial placement, probation, **2:80**
(**Form**)

Implementing system, **6:19**

Initial placement, probation, **2:80 (Form)**

Job descriptions/job analyses, **6:11**

Judgment, **6:27**

Legal challenges, **6:2**

Management by objectives, **6:24**

Method of appraisal, generally, **6:20 to**
6:31

Objection procedures, **6:16**

Objective judgment quotient, **6:27**

Objectives, **6:24**

Preevaluation employee input, **6:12**

Race, **6:5**

Ranking, **6:30**

Rating scales

behavior-based rating scales, above
conventional rating scales, **6:25**

Secondary review, **6:14**

Sex, **6:5**

Supervisor, **6:13**

PERFORMANCE APPRAISALS

—Cont'd

360-degree appraisals, **6:22**

Training supervisors, **6:13**

Validation of system design, **6:9**

PERMANENT UMPIRE

Collective bargaining, **15:66**

PERMISSIBLE INQUIRIES

Hiring, **2:34**

**PERMISSIBLE MANDATORY
RETIREMENT**

Age discrimination, **9:16**

PERSONAL CHARACTERISTICS

Hiring (this index)

PERSONAL INJURY

Occupational safety and health, **11:120**

PERSONAL LEAVES

Wages, Salary, and Other Compensation (this index)

PERSONAL SERVICES CONTRACTS

Collective bargaining, **15:28**

PERSONNEL ASSIGNMENTS

Union unfair labor practices, **14:102**

PETITION

Labor Management Relations Act (LMRA) (this index)

Occupational safety and health, **11:114, 11:115**

PHOTOGRAPHS

Occupational safety and health, **11:65, 11:105**

PHYSICAL ABILITY TESTS

Hiring, **2:64**

PHYSICAL DEXTERITY TESTS

Hiring (this index)

PHYSICAL EXAMINATIONS

Hiring (this index)

PHYSICAL VIOLENCE

Union unfair labor practices, **14:4, 14:5**

PHYSICIAN'S CERTIFICATION

Family and Medical Leave Act (FMLA), **4:61**

PICKETING

Union Unfair Labor Practices (this index)

PLANT CLOSURE OR RELOCATION

Closure or Relocation of Plant (this index)

PLEADINGS

Occupational safety and health, **11:96**

POLICE

Wages, salary, and other compensation, **16:28**

POLITICS

Privacy, **10:41**

Union unfair labor practices, **14:34**

POLLS AND POLLING

Labor Management Relations Act (LMRA), **12:26, 12:66**

POLYGRAPHS

Employee Polygraph Protection Act (EPPA), **1:37**

Hiring, **2:66**

Privacy, **10:20**

PORTAL-TO-PORTAL ACT

Preliminary and postliminary activities, **16:47**

Wages, salary, and other compensation, **16:47**

POSTING

Family and Medical Leave Act (FMLA), **4:72**

Occupational safety and health, **11:73**

Unfair labor practices, **13:18, 13:119**

PRECAUTIONS

Privacy, **10:30, 10:38**

PREEMPTION

Employment at will and employment contracts, **8:42**

Retirement and other benefit plans, **17:9 to 17:11**

PREEXISTING CONDITIONS

Retirement and other benefit plans, **17:61**

PREFERENTIAL TREATMENT

Sexual harassment, **4:29**

INDEX

PREGNANCY

- Generally, **4:39 to 4:49**
- Abortion, **4:45**
- Benefits, **4:46**
- Child-care leave, **4:43**
- Corporate policy on pregnancy and childbirth, **4:49**
- Dependents' benefits, **4:46**
- Discrimination, **4:41**
- Discrimination, **4:39**
- Employer and insurer, liability of, **4:44**
- Health care benefits, **4:44**
- Insurance, **4:44**
- Leave policies, **4:41 to 4:43**
- Leave policies, mandatory leave, **4:41**
- Mandatory leave, **4:41**
- Marriage, **4:47**
- Medical leave, **4:42**
- Parental or child-care leave, **4:43**
- Pregnant Workers Fairness Act, **4:40**
- State laws, **4:48**
- Unmarried women, **4:47**

PREHEARING MATTERS

- Occupational Safety and Health** (this index)

PREHIRE AGREEMENTS

- Labor Management Relations Act (LMRA), **12:47**

PRELIMINARY AND POSTLIMINARY ACTIVITIES

- Portal-to-portal act, **16:47**

PRELIMINARY INVESTIGATION

- Unfair labor practice, **13:12**

PRESERVATION OF WORK

- Union unfair labor practices, **14:83**

PRESUMPTIONS

- Collective Bargaining** (this index)

PRIMA FACIE TORT

- Employment at will and employment contracts, **8:38**

PRIORITIZING CLAIMS

- Collective bargaining, **15:51**

PRIVACY

- Generally, **10:1 et seq.**
- Access. Monitoring employees at workplace, below

PRIVACY—Cont'd

- Actionable conduct, **10:47**
- ADEA, **10:52**
- Affirmative action records, **10:49 to 10:51**
- AIDS testing, **10:15 to 10:17**
- Alcohol and drugs, **10:12 to 10:14**
- Americans with Disabilities Act (ADA), **10:17**
- Application, **10:50**
- Authority, **10:28**
- Background investigations, **10:23**
- Biochemical testing, **10:11**
- Coronavirus, testing, **10:10**
- Court, **10:29**
- COVID-19 testing, **10:10**
- Definition of privacy, **10:2**
- Disabilities, **10:17**
- Disciplining employees, **10:21**
- Drug and alcohol testing, **10:12 to 10:14**
- Economic loss, **10:19**
- Electronic mail access. Monitoring employees at workplace, below
- Employee dating, **10:40**
- Employer dilemmas generally, **10:3 to 10:7**
- Equal employment records, **10:49 to 10:51**
- Equal Pay Act, recordkeeping requirements under, **10:54**
- Evaluating information about employees, **10:24**
- FLSA, **10:52**
- Genetic and biochemical testing, **10:11**
- Hiring
 - generally, **10:8 to 10:24**
 - AIDS testing, **10:15 to 10:17**
 - Americans with Disabilities Act (ADA), **10:17**
 - background investigations, **10:23**
 - drug and alcohol testing, **10:12 to 10:14**
 - evaluating information about employees, **10:24**
 - genetic and biochemical testing, **10:11**
 - lie detector tests
 - generally, **10:18 to 10:22**
 - content and administration of polygraph tests, **10:20**
 - disciplining employees, **10:21**

PRIVACY—Cont'd

Hiring—Cont'd
 lie detector tests—Cont'd
 ongoing investigations of economic loss, **10:19**
 state limitations, **10:22**
 LMRA considerations, **10:12**
 medical screening and information, **10:9**
 private-sector employers, **10:14**
 public-sector employers, **10:13**
 Rehabilitation Act of 1973, **10:17**
 tests
 AIDS testing, **10:15 to 10:17**
 drug and alcohol testing, **10:12 to 10:14**
 genetic and biochemical testing, **10:11**
 lie detector tests, above this group
 personal characteristics, **2:63**
 Intrusions, **10:35**
 Investigation, **10:7, 10:19, 10:23**
 Job applicant log, **10:50**
 Legislation, **10:27**
 Lie detector tests. Hiring process, above
 Lifestyle and off-duty conduct of employee, regulating, **10:37 to 10:42**
 Limitations and restrictions, **10:7, 10:22**
 LMRA considerations, **10:12**
 Mail. Monitoring employees at workplace, below
 Medical screening and information, **10:9**
 Monitoring employees at workplace
 generally, **10:25 to 10:36**
 biometric privacy legislation, **10:36**
 electronic mail access
 generally, **10:27 to 10:30**
 employer authority, **10:28**
 precautions for employers, **10:30**
 relevant legislation, **10:27**
 rulings, **10:29**
 internet, **10:31, 10:32**
 no recording policies, **10:33**
 surveillance, searches, and other intrusions, **10:34, 10:35**
 telephone calls, **10:26**
 No recording policies, **10:34**
 Off-duty conduct of employee, **10:37 to 10:42**
 Ongoing investigations of economic loss, **10:19**

PRIVACY—Cont'd

 Outside political and other activities, **10:41**
 Pay history and transparency laws, **10:5**
 Personnel recordkeeping
 generally, **10:48 to 10:56**
 ADEA, **10:52**
 affirmative action records, **10:49 to 10:51**
 equal employment records, **10:49 to 10:51**
 Equal Pay Act, recordkeeping requirements under, **10:54**
 files of personnel, **10:56**
 FLSA, **10:53**
 job applicant log, **10:50**
 retention of record, **10:51**
 Politics, **10:41**
 Polygraph tests, **10:20**
 Precautions, **10:30, 10:38**
 Private-sector employers, **10:14**
 Public disclosure of private facts, **10:46**
 Public-sector employers, **10:13**
 Recordkeeping, generally, **10:1 et seq.**
 Rehabilitation Act of 1973, **10:17**
 Relevant legislation, **10:27**
 Retention of record, **10:51**
 Searches, **10:35**
 Social media activity, restricting, **10:42**
 State limitations, **10:22**
 Statutes, **10:17**
 Surveillance, **10:34**
 Telephone calls, **10:26**
 Tests. Hiring, above
 Theft or disclosure of employee data, **10:43 to 10:45**
 Wrongful acts of employees, liability for, **10:4**

PRIVATE PROPERTY

 Union unfair labor practices, **14:92**

PRIVATE-SECTOR EMPLOYERS

 Privacy, **10:14**

PROBATION

 Discipline, termination, and layoffs, **9:38**
 Initial Placement (this index)

PROCEDURAL ARBITRABILITY

 Collective bargaining, **15:71**

INDEX

PROFESSIONAL EXEMPTION

Wages, salary, and other compensation, **16:23**

PROFESSIONALS

Affirmative action, **3:51**
Compensation, **16:18**
Labor Management Relations Act (LMRA), **12:41**

PROFITS

Collective bargaining, **15:31**

PROFIT-SHARING PLANS

Retirement and other benefit plans, **17:58**

PROGRESSIVE DISCIPLINE POLICY

Discipline, Termination, and Layoffs (this index)

PROMISES AND GRANTS OF BENEFITS

Unfair labor practices, **13:37**
Union unfair labor practices, **14:6**

PROMISSORY ESTOPPEL

Employment at will and employment contracts, **8:11**

PROMOTION

Generally, **7:1 to 7:4, 7:15 to 7:23**
Affirmative action, **7:22**
Continuing violations, **7:15, 7:16**
Establishing practices, **7:23**
Gender issues, **7:18**
Safeguards, **7:20**
Selection procedures, **7:17, 7:19, 7:20**
Suggested selection procedures, **7:19**
Terms, **7:21**
Value of procedural safeguards, **7:20**

PROPER SERVICE

Occupational safety and health, **11:72**

PROTECTED CHARACTERISTICS

Employment at will and employment contracts, **8:31**

PROTECTED CONDUCT

Unfair labor practices, **13:101**

PSYCHIATRIC DISABILITIES

Americans with Disabilities Act (ADA) (this index)

PUBLIC POLICY

Employment At Will and Employment Contracts (this index)

PUBLIC-SECTOR EMPLOYERS

Privacy, **10:13**

QUALIFICATION

Age discrimination, **9:20**
Americans with Disabilities Act (ADA), **5:23**
Retirement and other benefit plans, **17:26, 17:28, 17:58**

RACE DISCRIMINATION

Performance appraisals, **6:5**
Union unfair labor practices, **14:18**

RACE/ETHNIC IDENTIFICATION

Affirmative action, **3:46**

RACE NORMING

Civil Rights Act of 1991, **1:61**

RACIAL AND NATIONAL ORIGIN HARASSMENT

Generally, **4:13 to 4:19**
Accents, **4:19**
Avoiding harassment claims, **4:16**
Civil Rights Act of 1866, coverage under, **4:15**
Criminal records, **4:17**
Employer liability, **4:14**
 harassment, race or national origin, **4:14**
 race or national origin discrimination, **4:14**
Harassment, race or national origin, employer liability, **4:14**
Hostile working environment, **4:15**
Language, speak-English-only rules, **4:18**
Race or national origin discrimination, employer liability, **4:14**
Speak-English-only rules, **4:18**
Speaking, manner of, **4:19**
Statutes, coverage under Civil Rights Act of 1866, **4:15**

RACIAL DIVISIVENESS

Union unfair labor practices, **14:8**

RACIAL ISSUES

Labor Management Relations Act (LMRA), **12:61**

RAIDING

Employment at will and employment contracts, **8:22**

RANKING

Performance appraisals, **6:30**

RATING SCALES

Performance Appraisals (this index)

REACQUISITION

Union unfair labor practices, **14:85**

REASONABLE ACCOMMODATION

Affirmative action, **3:15 to 3:18**

Americans with Disabilities Act (ADA)
(this index)

Recruiting, **2:6**

Types, **3:12**

RECAPTURE

Union unfair labor practices, **14:85**

RECERTIFICATION

Family and Medical Leave Act (FMLA),
4:63

RECOGNITION

Collective bargaining, **15:19**

Labor Management Relations Act
(LMRA), **12:23 to 12:25, 12:52**

Unfair labor practices, **13:24, 13:26, 13:87, 13:88**

Union unfair labor practices, **14:91**

RECOMMENDATIONS

Training, **7:5 (Form)**

RECONCILIATION

Retirement and other benefit plans, **17:59**

RECORDS AND RECORDING

Age discrimination, **9:3 to 9:6**

Compensation, **16:11**

Discipline, Termination, and Layoffs
(this index)

Hiring (this index)

Labor Management Relations Act
(LMRA), **12:31 to 12:34**

Occupational Safety and Health (this index)

Privacy (this index)

Unfair Labor Practice (this index)

RECRUITING

Generally, **2:1 to 2:22**

RECRUITING—Cont'd

See also **Hiring; Initial Placement** (this index)

Accommodation, **2:6**

Advertising, **2:15, 2:16**

Affirmative action, **2:10 to 2:13**

Applications, **2:20**

Contracts and agreements, **2:11, 2:19**

Description of job, **2:7**

Disabilities, affirmative action for
individuals with, **2:13**

Discrimination, **2:3 to 2:5**

Disparate impact, **2:4**

Disparate treatment, **2:5**

Employer liability for third parties, **2:18**

Essential functions, **2:9**

Federal program requirements, **2:11**

Goal setting, **2:12**

Guidelines for procedures, **2:23**

Informal methods, **2:22**

Job description, **2:7**

List of duties, **2:8**

Office of federal contract compliance
programs requirements, **2:11**

Procedures, generally, **2:14 to 2:22**

Reasonable accommodation, **2:6**

Representations, **2:21**

Resumes, **2:20**

Setting goals, **2:12**

Subjective criteria and informal methods,
2:22

Third parties, **2:18**

Unsolicited applications or resumes, **2:20**

Word-of-mouth recruitment, **2:17**

RECRUITMENT

Investigation, privacy, **10:7**

REDUCED SCHEDULE

Family and Medical Leave Act (FMLA),
4:58

REDUCTIONS IN WORKFORCE

Discipline, Termination, and Layoffs
(this index)

REEMPLOYMENT

Employment contracts, covenant not to
seek reemployment, **8:23**

REFERENCES

Hiring (this index)

INDEX

REGRESSIVE BARGAINING

Unfair labor practices, **13:72**

REGULAR RATE OF PAY

Calculating, **16:75**

REHABILITATION ACT OF 1973

Affirmative Action (this index)

Privacy, **10:17**

REIMBURSEMENT

Training, **7:13**

Transfers, **7:29**

REINSTATEMENT

Discipline, termination, and layoffs, **9:32**

Older Workers Benefit Protection Act (OWBPA), **1:44**

Unfair Labor Practices (this index)

RELEASE

Age discrimination, **9:17, 9:18**

Hiring, **2:48 (Form)**

Older Workers Benefit Protection Act (OWBPA), **1:47**

RELEVANT INFORMATION, DUTY TO PROVIDE

Collective Bargaining (this index)

RELEVANT LEGISLATION

Privacy, **10:27**

RELIGIOUS ACCOMMODATION

Generally, **4:2 to 4:12**

Challenges, **4:11**

Collective bargaining, **4:9**

Constitutional law, **4:11**

Dues, **4:10**

Establishing policy, **4:12**

Exemptions, **4:3**

First Amendment challenges, **4:11**

Notice requirement, **4:5**

information-sharing process, **4:6**

reasonableness, **4:7**

undue hardship, **4:8**

Religion beliefs and practices, **4:4**

Union dues, **4:10**

RELIGIOUS DISCRIMINATION

Affirmative action, **3:43**

RELIGIOUS DIVISIVENESS

Union unfair labor practices, **14:8**

RELIGIOUS OBJECTIONS

Union unfair labor practices, **14:34**

RELIGIOUS ORGANIZATION

EMPLOYEES

Labor Management Relations Act (LMRA), **12:9**

RELOCATION OF PLANT

Closure or Relocation of Plant (this index)

RELOCATION OR REMOVAL OF UNIT WORK

Collective bargaining, **15:9 to 15:12**

RELOCATION POLICIES

Transfers, **7:28 to 7:30**

REMOVAL

Collective bargaining, **15:9 to 15:12**

REPEATED VIOLATION

Occupational safety and health, **11:79**

REPLACEMENT

Age discrimination, **9:8**

Union unfair labor practices, **14:56**

REPORTS AND REPORTING

Affirmative action, **3:40**

Collective bargaining, **15:63 (Form), 15:64 (Form)**

Employee Retirement Income Security Act (ERISA), **1:22**

Employment at will and employment contracts, **8:30**

Forms

collective bargaining

grievance initiation and report (union shop), **15:63 (Form)**

report of union employee complaint or grievance discussion, **15:64 (Form)**

Labor Management Relations Act (LMRA), **12:38**

Occupational Safety and Health (this index)

Retirement and other benefit plans, **17:13 to 17:15, 17:65, 17:88**

Union unfair labor practices, **14:21**

REPRESENTATION

Labor Management Relations Act (LMRA), **12:32, 12:87 (Form)**

REPRESENTATION—Cont'd

Recruiting, **2:21**
 Unfair labor practices, **13:25, 13:61**
Union Unfair Labor Practices (this index)

REPRISAL, THREATS OF

Unfair Labor Practices (this index)

RESERVED GATE

Union unfair labor practices, **14:76**

RESIDENCE

Compensation, **16:38, 16:39, 16:58**

RESIDENTS OF HOSPITAL

Labor Management Relations Act (LMRA), **12:15 to 12:18**

RESIGNATION

Generally, **9:40**
 Union unfair labor practices, **14:20**

RESPONSE

Civil Rights Act of 1964, Title VII, EEOC charges, **1:6**
 Collective bargaining, **15:50**
 Labor Management Relations Act (LMRA), **1:31**
 Occupational safety and health, **11:67**
 Sexual harassment, **4:25**

RESPONSIBILITY OF IMPLEMENTATION

Affirmative action, **3:38**

REST PERIODS

Compensation, **16:52**

RESTRAINT

Unfair Labor Practices (this index)
Union Unfair Labor Practices (this index)

RESTRICTIONS

Limitations and Restrictions (this index)

RESTRICTIVE COVENANTS

Employment At Will and Employment Contracts (this index)

RESUMES

Recruiting, **2:20**

RETALIATION

Age discrimination, **9:11**
 Civil Rights Act, **9:27**

RETALIATION—Cont'd

Unfair labor practices, **13:67, 13:100 to 13:103**

RETENTION OF RECORD

Privacy, **10:51**

RETIREMENT AND OTHER BENEFIT PLANS

Accountability, **17:60 to 17:65**
 Additional participation requirement, **17:20**
 Administration checklist for benefit plan, **17:88**
 Age, minimum, **17:17**
 Age discrimination, **9:14 to 9:16**
 Amendments, **17:53, 17:55**
 Americans with Disabilities Act, **17:80**
 Annuities, **17:26**
 Appeal and review, **17:74**
 Automatic survivor benefits under Retirement Equity Act (REA)
 generally, **17:25 to 17:31**
 distributions, **17:31**
 election to waive receipt of benefits, **17:29**
 explanation of benefits, **17:30**
 one-year married rule, **17:27**
 qualified domestic relations orders, **17:28**
 qualified joint and survivor and qualified preretirement survivor annuities, **17:26**
 Business decisions vs. fiduciary acts, **17:44**
 Cafeteria plans, **17:70**
 Checklists, **17:89**
 Civil Rights Act, Title VII, **17:78**
 Claims procedures, checklist, **17:89**
 Communications. Director of human resources, role of, below
 Compensation, maximum, **17:35**
 Conditions, preexisting, **17:61**
 Consolidated Omnibus Budget Reconciliation Act and continued health insurance, **17:59**
 Contingent workers, coverage for, **17:19**
 Continued health insurance, **17:59**
 Contributions, **17:24**
 Counseling, **17:85**
 Coverage, generally, **1:21, 17:18, 17:19**
 Dependent care assistance plans, **17:69**

RETIREMENT AND OTHER BENEFIT PLANS—Cont'd

Descriptions or summaries of benefits in employee handbooks, **17:77**

Director of human resources, role of generally, **17:71 to 17:87**

Americans with Disabilities Act, **17:80**

Civil Rights Act, Title VII, **17:78**

communications, generally, **17:72 to 17:85**

descriptions or summaries of benefits in employee handbooks, **17:77**

effective employee communications, generally, **17:72 to 17:85**

employee counseling, **17:85**

ERISA, **17:78, 17:86**

Family and Medical Leave Act (FMLA), **17:83**

identifying potential ERISA problems, generally, **17:74 to 17:84**

potentially troublesome situations, **17:75**

review of prior problem areas, **17:74**

Securities law requirements, **17:82**

termination of retiree welfare benefits, **17:76**

Uniformed Services Employment and Reemployment Rights Act, **17:84**

welfare plan administrators, deferral to, ERISA claims procedure, **17:87**

wrongful discharge actions, **17:79**

Discharge, **17:79**

Disclosure

generally, **1:22**

reporting and disclosure, **17:88**

reporting and disclosure, ERISA, **17:13 to 17:15, 17:65**

Welfare and Pension Plans Disclosure Act (WPPDA), **17:7**

Discrimination

health plans, nondiscrimination rules applicable to, **17:62**

restrictions against, **17:34**

welfare benefits, below

Distributions, **17:31, 17:58**

Domestic relations, **17:28**

Downsizing, **17:56**

Election, **17:29**

Employee Retirement Income Security Act (ERISA), generally, **1:21 to 1:25, 17:8, 17:12 to 17:57**

COBRA, **1:25**

RETIREMENT AND OTHER BENEFIT PLANS—Cont'd

Exclusions, **17:61**

Explanation of benefits, **17:30**

Family and Medical Leave Act (FMLA), **17:83**

Federal regulation, generally, **17:4 to 17:7**

Fiduciary standards, **1:23, 17:37**

Liability and penalties, **17:38**

Waiver of class action relief, **17:39**

Fiduciary standards under ERISA, **17:36 to 17:45**

401(k) plans, **17:32**

457 plans, **17:33**

Fund investments, performance, and fees, **17:40**

Government administration of ERISA, **17:57**

Group term insurance, **17:68**

Handbook, **17:77**

Health insurance, **17:59, 17:67**

Health Insurance Portability and Accountability Act (HIPAA) of 1996, **1:24, 17:60 to 17:65**

Health plans, **17:62**

HMOs and fiduciary duty, **17:45**

Identification. Director of human resources, role of, above

Internal Revenue Code (IRC), **17:5**

Joint acts and matters, **17:26**

Limitations and restrictions, **17:24, 17:61**

LMRA, **17:6**

Mandatory disclosures under ERISA, **17:50**

Marriage, **17:27**

Maximum compensation, **17:35**

Medical plans, self-insured, **17:67**

Mental Health Parity and Addiction Equity Act, **17:81**

Minimum age and service rules, **17:17**

Minimum standards of ERISA, generally, **17:16 to 17:31**

Modification or change, **17:22, 17:53, 17:55**

Multiemployer Pension Plan Amendments Act, **17:55**

Nondiscrimination rules applicable to health plans under HIPPA, **17:62**

No Surprises Act, **17:64**

One-year married rule, **17:27**

Orders, **17:28**

RETIREMENT AND OTHER BENEFIT PLANS—Cont'd

- Outsourcing, **17:56**
- Overfunded pension plans, **17:54**
- Participant-directed accounts under ERISA, **17:47**
- Participants' claims, assertion of ERISA claims, **17:51**
- Patient Protection and Affordable Care Act, **17:63**
- Pension plans, **17:2**
- Preemption of state regulation, **17:9 to 17:11**
- Preexisting conditions, **17:61**
- Prior acts and matters, **17:74**
- Profit-sharing plans, **17:58**
- Prohibited transactions under ERISA, **17:49**
- Qualification, **17:26, 17:28, 17:58**
- Reconciliation, **17:59**
- Reporting and disclosure, **1:22, 17:13 to 17:15, 17:65, 17:88**
- Retirement Equity Act (REA). Automatic survivor benefits under Retirement Equity Act (REA), above
- Schedule, **17:21**
- Self-insured medical plans, **17:67**
- Service rules, **17:17**
- Single Employer Pension Plan Amendments Act, **17:53**
- State regulations, **17:9 to 17:11**
- Statutes
 - Automatic survivor benefits under Retirement Equity Act (REA), above
 - Consolidated Omnibus Budget Reconciliation Act and continued health insurance, **17:59**
 - director of human resources, role of Family and Medical Leave Act (FMLA), **17:83**
 - Director of human resources, role of Americans with Disabilities Act, **17:80**
 - ERISA, generally, **1:21 to 1:25, 17:8, 17:12 to 17:57**
 - Health Insurance Portability and Accountability Act of 1996, **17:60 to 17:65**
 - Mental Health Parity and Addiction Equity Act, **17:81**

RETIREMENT AND OTHER BENEFIT PLANS—Cont'd

- Statutes—Cont'd
 - termination of plan
 - Multiemployer Pension Plan Amendments Act, **17:55**
 - Single Employer Pension Plan Amendments Act, **17:53**
 - Welfare and Pension Plans Disclosure Act (WPPDA), **17:7**
- Summaries, **17:77**
- Survivors. Automatic survivor benefits under Retirement Equity Act (REA), above
- Target-date funds under ERISA, **17:48**
- Tax treatment of distributions from qualified pension or profit-sharing plans, **17:58**
- Termination of benefits or plan
 - generally, **17:52 to 17:56**
 - director of human resources, role of, **17:76**
 - downsizing, **17:56**
 - Multiemployer Pension Plan Amendments Act, **17:55**
 - outsourcing, **17:56**
 - overfunded pension plans, **17:54**
 - Single Employer Pension Plan Amendments Act, **17:53**
- Top-heavy plans, **17:23**
- Types of employee benefits plan arrangements, **17:1 et seq.**
- Uniformed Services Employment and Reemployment Rights Act, **17:84**
- Vesting, **17:21**
- Vesting schedule, **17:21**
- Waiver, **17:29**
- Welfare and Pension Plans Disclosure Act (WPPDA), **17:7**
- Welfare benefits
 - generally, **17:66 to 17:70**
 - cafeteria plans, **17:70**
 - dependent care assistance plans, **17:69**
 - director of human resources, role of termination of retiree welfare benefits, **17:76**
 - group term insurance, **17:68**
 - nondiscrimination requirements for, generally, **17:66 to 17:70**
 - self-insured medical plans, **17:67**

INDEX

RETIREMENT AND OTHER BENEFIT PLANS—Cont'd

- Welfare plan administrators, deferral to, ERISA claims procedure, **17:87**
- Welfare plans, **17:3**
- Wrongful discharge actions, **17:79**
- Wrong without a remedy cases, **17:11**

RETIREMENT EQUITY ACT (REA)

- Retirement and Other Benefit Plans** (this index)

RETURN TO WORK

- Family and Medical Leave Act (FMLA), **4:64, 4:67**
- Union unfair labor practices, **14:33**

REVERSAL

- Civil Rights Act of 1991, **1:51**

RHODE ISLAND

- Generally, **App. 40**

RIVALS

- Union unfair labor practices, **14:7**

SAFEGUARDS

- Promotion, **7:20**

SAFE HARBOR PROVISIONS

- Wages, salary, and other compensation, **16:31**

SAFETY

- Collective bargaining, **15:26**
- Occupational Safety and Health** (this index)
- Union Unfair Labor Practices** (this index)

SALARY

- Wages, Salary, and Other Compensation** (this index)

SALARY BASIS TEST

- Wages, salary, and other compensation, **16:30, 16:89**

SALARY COMPRESSION

- Equal Pay Act, **16:86**

SALARY INVERSION

- Equal Pay Act, **16:86**

SALES

- Affirmative action, **3:53**
- Collective bargaining, **15:12, 15:31**

SALES—Cont'd

- Wages, salary, and other compensation, **16:24**
- Worker adjustment and retraining notification act (WARNA), **9:63**

SAME ESTABLISHMENT

- Wages, salary, and other compensation, **16:79**

SAME SEX HARASSMENT

- Generally, **4:28**

SANCTIONS

- Union unfair labor practices, **14:5**

SATURDAYS AND SUNDAYS

- Compensation, **16:67**

SCHEDULE

- Family and Medical Leave Act (FMLA), **4:58**
- Vesting, retirement and other benefit plans, **17:21**

SCHOOLS, EDUCATION, AND TRAINING

- Generally, **7:1 to 7:13**
- Administration, **7:7 to 7:11**
- Compensation, **16:6, 16:51**
- Compensation of trainees, **7:12**
- Costs, **7:13**
- Disparate impact, **7:4**
- Disparate treatment, **7:3**
- Employer-assisted programs, **7:9**
- Family and Medical Leave Act (FMLA), **4:68**
- Federal statutes, **7:13**
- Forms
 - interviewer training form, **2:42 (Form)**
 - supervisor's recommendations for training, **7:5 (Form)**
- Hiring, **2:42 (Form)**
- Labor Management Relations Act (LMRA), **12:19, 12:95**
- Mandatory training programs, **7:11**
- Non-academic student workers, **12:20**
- On-site training, **7:8**
- Performance appraisals, **6:13**
- Recommendations, **7:5 (Form)**
- Reimbursement from employees for training costs, **7:13**
- Selection procedures, **7:6**
- Statutes, **7:13**

SCHOOLS, EDUCATION, AND TRAINING—Cont'd

Supervisors and supervision, **6:13, 7:5, 12:93**

Voluntary programs, **7:10**

Worker Adjustment and Retraining Notification Act (WARN), **1:36**

SEARCH

Collective bargaining, **15:87**

Privacy, **10:35**

SECOND AND THIRD OPINIONS

Family and Medical Leave Act (FMLA), **4:62**

SECONDARY BOYCOTTS

Union Unfair Labor Practices (this index)

SECTION 6(C) STANDARDS

Occupational safety and health, **11:13**

SECURITIES LAW

Antitrust issues in hiring, **2:26**

Requirements, **17:82**

SECURITY

Screenings, compensable time, **16:49**

Union Unfair Labor Practices (this index)

SELECTION

Collective bargaining, **15:15, 15:67**

Discipline, Termination, and Layoffs (this index)

Hiring, **2:25**

Labor Management Relations Act (LMRA) (this index)

Promotion, **7:17, 7:19, 7:20**

Training, **7:6**

Transfers, **7:25 to 7:27**

SELECTIVE ENFORCEMENT

Civil Rights Act, **9:22**

SELF-INSURED MEDICAL PLANS

Welfare benefits, nondiscrimination requirements for, **17:67**

SENIORITY

Civil Rights Act of 1991, **1:56**

Family and Medical Leave Act (FMLA), **1:65**

Initial placement, **2:75**

SERIOUS VIOLATION

Occupational safety and health, **11:78**

SERVANTS

Labor Management Relations Act (LMRA), **12:11**

SERVICE CONTRACT ACT OF 1965 (MCNAMARA-O'HARA ACT)

Compensation, **16:42, 16:43**

SERVICE OF PROCESS

Occupational safety and health, **11:72**

SERVICE WORKERS

Affirmative action, **3:58**

Retirement and other benefit plans, **17:17**

SETTING ASIDE

Collective bargaining, **15:72**

SETTLEMENT

Occupational safety and health, **11:119**

Older Workers Benefit Protection Act (OWBPA), **1:47**

Unfair labor practice, **13:16 to 13:20**

Wrongful discharge claims, **8:49 to 8:52**

SEVERANCE

Older Workers Benefit Protection Act (OWBPA), **1:45**

SEX

Affirmative action, **3:42**

Performance appraisals, **6:5**

Union unfair labor practices, **14:18**

SEXUAL HARASSMENT

Generally, **4:20 to 4:38**

Based on sex

EEOC guidelines, **4:24**

quid pro quo, **4:22**

sexual orientation or gender identity, **4:21**

Claims by employees disciplined for harassing other employees, **4:30**

Complaint, **4:25, 4:37**

Consensual relationships, **4:27**

Consensual sexual partners, **4:29**

Corporate policy, **4:35 to 4:38**

Employee use of complaint procedure, **4:26**

Employer's response to complaints, **4:25**

Evidentiary questions, **4:31**

Guidelines, EEOC, **4:24**

INDEX

SEXUAL HARASSMENT—Cont'd

- Hostile working environment, **4:23**
- Liability issues, **4:32**
- NLRA, claims under, **4:33**
- Preferential treatment of consensual sexual partners, liability for, **4:29**
- Prohibition, **4:36**
- Responses, **4:25**
- Same sex harassment, **4:28**
- Statement of policy, **4:35**
- Tangible employment actions, **4:20**
- Tort claims, **4:34**

SHOPPING

- Union unfair labor practices, **14:90**

SICK TIME

- Compensation, **16:69**

SIGNATURE

- Employment at will and employment contracts, **8:32**
- Union unfair labor practices, **14:86**

SIMILAR WORKING CONDITIONS

- Compensation, **16:84**

SIMPLIFIED PROCEEDINGS

- Occupational safety and health, **11:119**

SINGLE EMPLOYER PENSION PLAN AMENDMENTS ACT

- Plan termination, **17:53**
- Retirement and other benefit plans, **17:53**

SINGLE INCIDENT

- Discipline, termination, and layoffs, **9:41**

SKILLS AND SKILLED WORKERS

- Affirmative action, **3:55, 3:56**
- Compensation, **16:81**

SLEEPING TIME

- Compensation, **16:55 to 16:58**

SLOWDOWNS AND WORK STOPPAGES

- Union unfair labor practices, **14:66**

SOCIAL MEDIA ACTIVITY, RESTRICTING

- Privacy, **10:42**
- Unfair labor practices, **13:48**

SOLICITATION

- Employment at will and employment contracts, **8:22**
- Unfair labor practices, **13:38, 13:40, 13:42**

SOUTH CAROLINA

- Generally, **App. 41**

SOUTH DAKOTA

- Generally, **App. 42**

SOVEREIGN IMMUNITY

- Wages, salary, and other compensation, **16:90**

SPEAK-ENGLISH-ONLY RULES

- Racial and national origin harassment, **4:18**

SPEAKING, MANNER OF

- Racial and national origin harassment, **4:19**

SPIES

- Unfair labor practices, **13:56**

SPOUSE

- Family and Medical Leave Act (FMLA), **4:54**
- Labor Management Relations Act (LMRA), **12:12**

ST. CLARE'S HOSPITAL

- Labor Management Relations Act (LMRA), **12:17**

STAFFING PLAN

- Union unfair labor practices, **14:105 (Form)**

STATE ACTS AND MATTERS

- Enforcement, occupational safety and health, **11:8**
- Pregnancy, **4:48**
- Privacy, limitations, **10:22**
- Statutes** (this index)

STATEMENT OF POSITION

- Occupational safety and health, **11:101**

STATE REGULATIONS

- Retirement and other benefit plans, **17:9 to 17:11**

STATES

Employment at will and employment contracts, **8:33**

STATE TORT CLAIMS

Employment at will and employment contracts, **8:42**

STATISTICS

Discipline, termination, and layoffs, **9:51**

STATUTE OF LIMITATIONS

Fiduciary breach, **17:46**

STATUTES

Generally, **1:1 et seq.**

Affirmative Action (this index)

Age Discrimination in Employment Act (ADEA). **Age Discrimination** (this index)

Americans with Disabilities Act (ADA), **1:38 to 1:41**

Civil Rights Act (this index)

Compensation. **Wages, Salary, and Other Compensation** (this index)

Consolidated Omnibus Budget Reconciliation Act (COBRA), **17:59**

Drug-Free Workplace Act (DFWA), **1:35**

Employee Polygraph Protection Act (EPPA), **1:37**

Employee protection, federal laws governing, generally, **1:1**

Employee Retirement Income Security Act (ERISA). Retirement and Other Benefit Plans (this index)

Employment at will and employment contracts, **8:28, 8:36**

Fair Labor Standards Act, **1:70 to 1:73**

Family and Medical Leave Act (FMLA) (this index)

Hiring (this index)

Immigration Reform and Control Act (IRCA), **1:33, 1:34**

Labor Management Relations Act (LMRA) (this index)

Labor Management Reporting and Disclosure Act, **14:21**

Local law, **1:3**

Occupational Safety and Health Act (OSHA). **Occupational Safety and Health** (this index)

Older Workers Benefit Protection Act (OWBPA) (this index)

STATUTES—Cont'd

Rehabilitation Act of 1973 (this index)

Retirement and Other Benefit Plans (this index)

Salary. **Wages, Salary, and Other Compensation** (this index)

State laws governing employee protection, generally, **1:2**

Training, **7:13**

Unfair labor practices, **13:11, 13:66**

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), **1:67 to 1:69**

Wages, Salary, and Other Compensation (this index)

Whistleblower protection, **1:74**

Worker Adjustment and Retraining Notification Act (WARN Act), **1:36**

STIPULATED ELECTION AGREEMENT

Labor Management Relations Act (LMRA), **12:70 (Form)**

STOPPAGES

Union unfair labor practices, **14:66**

STRAIGHT-LINE OPERATIONS

Union unfair labor practices, **14:71**

STRIKES

Unfair Labor Practices (this index)

SUBCONTRACTING

Collective bargaining, **15:10, 15:27**

Unfair labor practices, **13:96**

SUBJECTIVE CRITERIA AND INFORMAL METHODS

Recruiting, **2:22**

SUBPOENAS

Occupational safety and health, **11:104**

SUBSTANTIAL IMPAIRMENT

Americans with Disabilities Act (ADA), **5:5**

SUBSTANTIAL LIMITATION

Americans with Disabilities Act (ADA), **5:30**

SUBSTANTIVE ARBITRABILITY

Collective bargaining, **15:70**

INDEX

SUCCESSORS

- Collective bargaining, **15:57**
- Collective Bargaining** (this index)
- Labor Management Relations Act (LMRA), **12:55**
- Unfair labor practices, **13:26**

SUGGESTED SELECTION PROCEDURES

- Promotion, **7:19**

SUMMARIES

- Collective bargaining, **15:58**
- Retirement and other benefit plans, **17:77**

SUMMARY JUDGMENT

- Age discrimination, **9:10**

SUPERSENIORITY PROVISIONS

- Union unfair labor practices, **14:27**

SUPERVISORS AND SUPERVISION

- Compensation, **16:16**
- Employment at will and employment contracts, **8:45**
- Labor Management Relations Act (LMRA), **12:4, 12:62, 12:93, 12:95**
- Performance appraisals, **6:13**
- Training, **7:5**
- Unfair labor practices, **13:31, 13:62, 13:80**

SUPPORT OF COMMUNITY ACTION PROGRAMS

- Affirmative action, **3:41**

SUPREME COURT

- Collective bargaining, **15:49**

SURFACE BARGAINING

- Good faith, **15:41**

SURVEILLANCE

- Privacy, **10:34, 10:35**
- Unfair Labor Practices** (this index)

SURVEY

- Union unfair labor practices, **14:104 (Form)**

SURVIVORS

- Retirement and Other Benefit Plans** (this index)

SYMPATHY STRIKES

- Union unfair labor practices, **14:58, 14:59**

TACTICAL ERRORS

- Labor Management Relations Act (LMRA), **12:100**

TAKING NOTES

- Hiring, **2:39**
- Occupational health and safety, **11:64**

TALLY OF BALLOTS

- Labor Management Relations Act (LMRA), **12:86 (Form)**

TANGIBLE EMPLOYMENT ACTIONS

- Sexual harassment, **4:20**

TARGET-DATE FUNDS

- Participation, **17:48**

TAXATION

- Relocations, **7:30**
- Retirement and other benefit plans, **17:58**

TECHNICAL WORKERS

- Affirmative action, **3:52**

TELECOMMUTING TIME SHEET

- Compensation, **16:39**

TELEPHONE CALLS

- Privacy, **10:26**

TEMPORARY ARBITRATOR

- Collective bargaining, **15:67**

TEMPORARY OR INTERMITTENT DISABILITIES

- Americans with Disabilities Act (ADA), **5:7**

TENNESSEE

- Generally, **App. 43**

TENURE

- Unfair Labor Practices** (this index)

TERMINATION OF ARRANGEMENTS

- Union Unfair Labor Practices** (this index)

TERMINATION OF BENEFITS

- Retirement and other benefit plans, **17:76**

TERMINATION OF EMPLOYMENT

- Discipline, Termination, and Layoffs** (this index)

TESTS AND TESTING

- Affirmative action, **3:68**

TESTS AND TESTING—Cont'd

Collective bargaining, **15:87**

Hiring (this index)

Privacy (this index)

TEXAS

Generally, **App. 44**

THEFT

Employee data, theft or disclosure of,
10:43 to 10:45

THIRD PARTIES

Affirmative action, **3:13**

Hiring, **2:45 (Form)**

Recruiting, **2:18**

Unfair labor practices, **13:45**

THREATS

Americans with Disabilities Act (ADA),
5:34

Unfair Labor Practices (this index)

Union unfair labor practices, **14:5**

360-DEGREE APPRAISALS

Generally, **6:22**

TIME

Civil Rights Act of 1991 (this index)

Collective bargaining, **15:16 to 15:19**

Compensation. **Wages, Salary, and
Other Compensation** (this index)

**Labor Management Relations Act
(LMRA)** (this index)

Salary. **Wages, Salary, and Other
Compensation** (this index)

Unfair labor practice, **13:6**

Union unfair labor practices, **14:31**

Wages, Salary, and Other Compensation
(this index)

TIMELINESS

Affirmative action, **3:27**

TIME SHEET

Compensation, telecommuting time sheet,
16:39

TITLE I

Americans with Disabilities Act (this
index)

TOP-HEAVY PLANS

Retirement and other benefit plans, **17:23**

TORTS

Employment at will and employment
contracts, **8:34, 8:35, 8:38, 8:42**

Sexual harassment, **4:34**

TOUR OF WORKPLACE

Occupational Safety and Health (this
index)

**TOXIC AND HAZARDOUS
SUBSTANCES**

Heat injury and illness, **11:29**

Occupational safety and health, **11:28**

Other safety standards, **11:31**

Special industries, **11:30**

TRACKING APPLICANT

Affirmative action, **3:25**

TRADE SECRETS

Clauses, employment at will and employ-
ment contracts, **8:18**

Occupational safety and health, **11:66**

TRAINING

Schools, Education, and Training (this
index)

TRANSFERS

Generally, **7:1 to 7:4, 7:24 to 7:30**

Expenses, **7:29**

Policies, **7:28**

Reasons for transfer, **7:26**

Reimbursable expenses, **7:29**

Relocation policies, **7:28 to 7:30**

Selection procedures, **7:25 to 7:27**

TRANSPORTATION

Occupational safety and health, **11:15**

TRAVEL TIME

Compensation, **16:59 to 16:61**

TRIGGERING OBLIGATION

Americans with Disabilities Act (ADA),
5:21

24-HOUR RULE

Labor Management Relations Act
(LMRA), **12:64**

**TWO-STANDARD-DEVIATION (SD)
ANALYSIS**

Affirmative action, **3:69**

INDEX

TWO-STANDARD-DEVIATION TEST

Affirmative action, **3:68**

UMPIRE

Collective bargaining, **15:66**

UNDOCUMENTED ALIENS

Unfair labor practices, **13:117**

UNDUE HARDSHIP

Affirmative action, **3:11**

Americans with Disabilities Act (ADA),
5:24

UNEMPLOYMENT COMPENSATION

Discipline, termination, and layoffs, **9:45**

Unfair labor practices, **13:67**

UNFAIR LABOR PRACTICES

Generally, **13:1 et seq.**

Actual surveillance, **13:54**

Affirmative requirements, **13:120**

Agents, **13:10**

Aliens, **13:117**

Appeal and review, **13:29**

Arbitration, mandatory arbitration and
employer restrictions on class action
claims, **13:49**

Assistance. Domination and unlawful
support of labor organizations, below

Attorneys, **13:108 to 13:111, 13:121**

Back pay. Reinstatement with back pay,
below

Bargain from scratch, **13:35**

Bargaining orders

generally, **13:105 to 13:111**

category I cases, **13:110**

category II cases, **13:111**

challenges, **13:107**

general counsel's guidelines, **13:108 to
13:111**

Gissel decision, **13:109**

grounds for issuance, **13:106**

Bargaining over surveillance, **13:60**

Benefits, **13:37**

Blacklisting employees, **13:68**

Campaign, **13:23, 13:92**

Cease and desist orders, **13:118**

Challenges, **13:107**

Checklist, **13:122**

Civil action, **13:71**

Class actions, mandatory arbitration and
employer restrictions on, **13:49**

UNFAIR LABOR PRACTICES—Cont'd

Close or relocate plant, **13:33, 13:94**

Clothing, **13:43**

Coercion. Interference, restraint, or coer-
cion, below

Communications, **13:69**

Compensation, **13:67, 13:98, 13:121**

Competing unions seeking recognition,
13:88

Complaint, **13:28**

Conditions, **13:96, 13:97 to 13:99**

Confidentiality, nondisparagement and
noncompetition provisions, **13:20**

Confidentiality policies, **13:47**

Consequences, generally, **13:104 to
13:121**

Contracts and agreements, **13:11, 13:16
to 13:20, 13:27, 13:96**

Cooperation, **13:100 to 13:103**

Dealing, **13:99**

Deferral of charge, **13:15**

Desist orders, **13:118**

Direct dealing, **13:99**

Discharge from employment. Termination
of employment, below

Discrimination

encourage or discourage union
membership

generally, **13:89 to 13:99**

direct dealing, **13:99**

elements of violations, **13:90**

hiring, **13:91**

merit pay increases, **13:98**

tenure

generally, **13:92 to 13:95**

discharge of strikers, **13:93**

discharge of union activists during
organizational campaigns,
13:92

plant closure, **13:94**

plant relocation, **13:94, 13:95**

subcontracting, **13:96**

terms and conditions of employment,
13:97 to 13:99

federal statutes, exercising rights under,
13:66

NLRA rights, employees exercising,
13:65

Dismissal from employment. Termination
of employment, below

Dismissal of charges, **13:13 to 13:14**

UNFAIR LABOR PRACTICES—Cont'd

Distribution, **13:41, 13:42**
 Domination and unlawful support of labor organizations
 generally, **13:78 to 13:88**
 assistance or support, generally, **13:79 to 13:86**
 competing unions seeking recognition, **13:88**
 domination, **13:79**
 financial assistance, **13:83**
 indirect financial aid, **13:84**
 indirect support, **13:86**
 nonfinancial assistance, **13:85**
 participation of supervisors, **13:81**
 recognition of minority union, **13:87**
 Electronic mail, **13:46, 13:69**
 Electronic or optical devices, **13:57**
 Federal statutes, **13:66**
 Filing charge
 generally, **13:2 to 13:11**
 charges, generally, **13:8 to 13:11**
 employer, charges against, **13:9**
 items to file, **13:7**
 joint employers, **13:8**
 labor organization or agents, charges against, **13:10**
 method of filing, **13:5**
 parties, **13:3**
 place, **13:4**
 statutory prohibition against hot-cargo agreement, charge of violation of, **13:11**
 time, **13:6**
 Financial aid or assistance, **13:83**
 Formal settlement agreements, **13:19**
 Front pay, **13:121**
 General counsel's guidelines, **13:108 to 13:111, 13:121**
 Gissel decision, **13:109**
 Grievances, **13:38**
 Hearing, **13:28**
 Hiring, **13:91**
 Hot-cargo agreement, **13:11**
 Impression of surveillance, creating, **13:59**
 Inciting anti-union activity, **13:64**
 Incumbent, **13:24**
 Indirect financial aid, **13:84**
 Indirect support, **13:86**

UNFAIR LABOR PRACTICES—Cont'd

Informal settlement agreements, **13:17, 13:18**
 Insignia, **13:43**
 Interference, restraint, or coercion
 generally, **13:30 to 13:77**
 generally, **13:30 to 13:77**
 blacklisting employees, **13:68**
 determinants of coercive interrogation, **13:51**
 discharging supervisors for union activity, **13:62**
 discrimination against employees for exercising NLRA rights, **13:65**
 discrimination for exercising rights under other federal statutes, **13:66**
 dismissal for filing civil action, **13:71**
 electronic mail communications, **13:69**
 inciting anti-union activity, **13:64**
 interrogating employees about union activity, **13:50 to 13:52**
 investigatory interview, denying union representation at, **13:61**
 legitimate grounds for interrogation, **13:52**
 limitations. Restricting employee activity, below this group
 mandatory arbitration and employer restrictions on class action claims, **13:49**
 mandatory subjects of bargaining, **13:73**
 miscellaneous provisions of
 noninterference provisions, **13:63**
 negotiations, impasse in, **13:76**
 NLRA Section 10(j) procedure, **13:23**
 promises and grants of benefits, **13:37**
 refusal to bargain as means of challenging representation election, **13:77**
 refusal to supply information, **13:70**
 regressive bargaining, **13:72**
 reprisal. Threats of reprisal, below this group
 restricting employee activity
 generally, **13:39 to 13:52**
 e-mail, use of, **13:46**
 no-distribution rules, **13:41**
 nonemployee activity on employer property, restricting, **13:45**
 no-solicitation rules, **13:40**

INDEX

UNFAIR LABOR PRACTICES—Cont'd

- Interference, restraint, or coercion
 - Cont'd
 - restricting employee activity—Cont'd
 - off-duty employee activity on employer property, restricting, **13:44**
 - overly broad no-solicitation/no-distribution rules, **13:42**
 - social media, employer restrictions on, **13:48**
 - wearing union insignia, **13:43**
 - retaliation for pursuing unemployment or workers' compensation claims, **13:67**
 - social media, employer restrictions on, **13:48**
 - solicitation of grievances, **13:38**
 - supervisor, **13:31**
 - surveillance of employees' union activities
 - generally, **13:53 to 13:60**
 - actual surveillance, **13:54**
 - bargaining over, **13:60**
 - electronic or optical devices, **13:57**
 - enlisting spies, **13:56**
 - impression of surveillance, creating, **13:59**
 - method of observation, **13:55 to 13:58**
 - recording, **13:58**
 - threats of reprisal
 - generally, **13:32 to 13:36**
 - bargain from scratch, **13:35**
 - close or relocate plant, **13:33**
 - litigation, **13:36**
 - strikes and loss of jobs, unionization leads to, **13:34**
 - unilateral changes in terms of condition of employment, mandatory subjects of bargaining, **13:73**
 - unlawful acts of supervisors, **13:31**
- Interrogating employees about union activity, **13:50 to 13:52**
- Interview, **13:61**
- Investigation, **13:12, 13:61**
- Items to file, **13:7**
- Joint employers, **13:8**
- Judicial review of NLRB orders, **13:29**
- Labor Management Relations Act (LMRA), **1:28, 12:101, 13:103**

UNFAIR LABOR PRACTICES—Cont'd

- Legitimate grounds for interrogation, **13:52**
- Limitations and restrictions. Interference, restraint, or coercion, above
- Litigation, **13:36**
- Mail, electronic, **13:46, 13:69**
- Majority, **13:23**
- Mandatory arbitration and employer restrictions on class action claims, **13:49**
- Mandatory subjects of bargaining, **13:73**
- Membership. Discrimination, above
- Memorandum, **13:121**
- Merit pay increases, **13:98**
- Method of filing, **13:5**
- Method of observation, **13:55 to 13:58**
- Midterm contract modification, **13:74**
- Minority union, **13:87**
- Negotiations, **13:27, 13:76**
- NLRA Section 10(j) cases
 - generally, **13:21 to 13:27**
 - interfering with organizing campaign (majority), **13:23**
 - interfering with organizing campaign (no majority), **13:23**
- NLRA Section 10(j) procedure
 - contract negotiations, conduct during, **13:27**
 - successor refusal to recognize and bargain, **13:26**
 - undermining bargaining representative, **13:25**
 - withdrawal of recognition from incumbent, **13:24**
- Nonfinancial assistance, **13:85**
- Notice and knowledge, **13:119**
- Off-duty employee activity on employer property, restricting, **13:44**
- Optical devices, **13:57**
- Orders
 - bargaining orders, above
 - cease and desist orders, **13:118**
 - judicial review of NLRB orders, **13:29**
- Participation of supervisors, **13:81**
- Parties, **13:3, 13:103**
- Plant closure or relocation, **13:94, 13:95**
- Postings, **13:18, 13:119**
- Preliminary investigation, **13:12**
- Procedure, generally, **13:1 to 13:29**
- Prohibited employer conduct, **13:102**

UNFAIR LABOR PRACTICES—Cont'd

- Promises and grants of benefits, **13:37**
- Protected conduct, **13:101**
- Recognition, **13:24, 13:26, 13:87, 13:88**
- Records and recording
 - filing charge, above
 - interference, restraint, or coercion, **13:58, 13:71**
 - reinstatement with back pay, **13:112**
- Refusal, **13:26, 13:70, 13:77**
- Regressive bargaining, **13:72**
- Reinstatement with back pay
 - generally, **13:112 to 13:117**
 - displaced employees, **13:116**
 - general requirements, **13:113**
 - records and recording, **13:112**
 - salting, **13:114**
 - strikers, **13:115**
 - undocumented aliens, **13:117**
- Relocation or closure of plant, **13:33, 13:94, 13:95**
- Representation, **13:25, 13:61**
- Restraint. Interference, restraint, or coercion, above
- Retaliation, **13:67, 13:100 to 13:103**
- Salting, **13:114**
- Settlement agreements, **13:16 to 13:20**
- Social media, employer restrictions on, **13:48**
- Solicitation, **13:38, 13:40, 13:42**
- Spies, **13:56**
- Statutes, **13:11, 13:66**
- Strikes
 - generally, **13:34, 13:93, 13:115**
 - Union Unfair Labor Practices** (this index)
- Subcontracting, **13:96**
- Successor refusal to recognize and bargain, **13:26**
- Supervisors, **13:31, 13:62, 13:81**
- Surveillance of employees' union activities. Interference, restraint, or coercion, above
- Tenure. Discrimination, above
- Termination of employment
 - civil action, dismissal for filing, **13:71**
 - reinstatement with back pay, **13:117**
 - strikers, **13:93**
 - supervisors, discharging for union activity, **13:62**

UNFAIR LABOR PRACTICES—Cont'd

- Termination of employment—Cont'd
 - threats of reprisal, **13:34**
 - union activists, discharge during organizational campaigns, **13:92**
- Third persons, **13:45**
- Threats of reprisal. Interference, restraint, or coercion, above
- Time, **13:6**
- Undermining bargaining representative, **13:25**
- Undocumented workers, **13:117**
- Unemployment compensation, **13:67**
- Unilateral changes in terms of condition of employment, mandatory subjects of bargaining, **13:73**
- Union Unfair Labor Practices** (this index)
- Unlawful support. Domination and unlawful support of labor organizations, above
- Withdrawal, **13:14, 13:24**
- Workers' compensation, **13:67**

UNFAIR LABOR PRACTICES, STRIKES, AND BOYCOTTS

Generally, **14:1 et seq.**

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994 (USERRA)

- Generally, **1:67 to 1:69**
- Affirmative action, **3:18**
- Family and Medical Leave Act (FMLA) and, **1:69**
- Regulations, **1:68**
- Retirement and other benefit plans, **17:84**

UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Generally, **2:25**

UNILATERAL CONTRACT CASES

- Employment at will and employment contracts, **8:7**

UNION

- Collective Bargaining** (this index)
- Dues, religious accommodation, **4:10**
- Forms
 - Collective Bargaining** (this index)

INDEX

UNION—Cont'd

Forms—Cont'd

- union unfair labor practices
request for unit's strike staffing plan,
14:105 (Form)
- survey of section heads on problems
anticipated during strike,
14:104 (Form)

Labor Management Relations Act (LMRA) (this index)

Union Unfair Labor Practices (this index)

UNION UNFAIR LABOR PRACTICES

- Abnormally dangerous conditions, protect
of, **14:64**
- Access, **14:19, 14:23**
- Acquisition, **14:84, 14:85**
- Affinity group shopping, **14:90**
- Agency shop, **14:44**
- Agents, union responsibility for acts of,
14:2
- Ally doctrine, **14:69**
- Ambulatory picketing, **14:77**
- Anticipation, **14:104 (Form)**
- Arbitration, **14:15**
- Assignment of personnel, **14:102**
- Authorization and deauthorization, **14:41,**
14:43
- Benefits, **14:6**
- Boycotts. Secondary boycotts, below
- Certification and decertification, **14:13,**
14:40
- Checkoff, **14:42, 14:43**
- Coercion. Restraint or coercion, below
- Common situs picketing. Secondary
boycotts, below
- Compensation during strike, **14:57**
- Complaints, **14:61**
- Conditions, **14:64**
- Construction industry proviso, **14:88**
- Construction site, **14:74**
- Consumer picketing and handbilling,
14:78 to 14:81
- Contact with strikers, **14:107**
- Contracts and agreements, **14:38, 14:85,**
14:89
- Controlling unlawful strikes and second-
ary boycotts, **14:94 to 14:98**
 - Norris-LaGuardia Act
bannering, **14:98**

UNION UNFAIR LABOR PRACTICES

—Cont'd

- Controlling unlawful strikes and second-
ary boycotts, **14:94 to 14:98**
 - Cont'd
- Norris-LaGuardia Act—Cont'd
 - injunctions, **14:95**
 - just and proper, **14:96**
 - reasonable cause, **14:96**
 - secondary boycotts, **14:97**
 - Section 10(1), **14:95 to 14:98**
- preparing for strike
 - prestrike activities
 - general activities, **14:100**
- Security
 - facility, **14:101**
- Strikes
 - preparation
 - generally, **14:99 to 14:109**
 - prestrike activities, generally,
14:100 to 14:105
 - security for facilities, **14:101**
- Dangerous conditions, **14:64**
- Discipline, **14:9**
- Disclosure, **14:21**
- Discrimination
 - excessive or discriminatory member-
ship fees, below
 - fair representation, duty of, generally,
14:11 to 14:25
 - good faith, duty of
 - generally, **14:12 to 14:16**
 - decertification, **14:13**
 - hiring halls, **14:16**
 - judicial enforcement of arbitration
awards, **14:15**
 - security provisions, **14:14**
 - inducing unlawful discrimination by
employer, below
 - internal union affairs
 - generally, **14:17 to 14:24**
 - access to grievance procedure, rules
restricting, **14:23**
 - access to NLRB, rules restricting,
14:19
 - concerted activities, right to refrain
from, **14:24**
 - distribution of materials adverse to
union by membership, **14:22**
 - Labor Management Reporting and
Disclosure Act, rules restricting

UNION UNFAIR LABOR PRACTICES

—Cont'd

Discrimination—Cont'd
 internal union affairs—Cont'd
 employee rights under, **14:21**
 race, rules restricting membership on basis of, **14:18**
 resignations, rules banning or restricting, **14:20**
 sex, rules restricting membership on basis of, **14:18**
 representation, duty of, generally, **14:11 to 14:25**
 Distribution of materials adverse to union by membership, **14:22**
 Dues, **14:34, 14:42, 14:43**
 Economic sanctions, **14:5**
 Economic strikes, **14:55**
 Economic weaponry
 joint ventures, liability in, **14:93**
 private property, **14:92**
 recognitional and organizational picketing, **14:91**
 secondary boycotts, below
 strikes, below
 Enforcement, **14:15, 14:89**
 Excessive or discriminatory membership fees
 membership fines, **14:51**
 Excessive or discriminatory union membership fees, **14:47 to 14:51**
 discriminatory fees, **14:50**
 excessive fees, **14:49**
 fees covered, **14:48**
 Expiration of contract, **14:38**
 Facilities, **14:103 to 14:105, 14:109**
 Fair representation, duty of. Discrimination, above
 Fees
 excessive or discriminatory membership fees, above
 inducing unlawful discrimination by employer, **14:33**
 Financial core membership, **14:32**
 Fines, **14:51**
 Forms
 request for unit's strike staffing plan, **14:105 (Form)**
 survey of section heads on problems anticipated during strike, **14:104 (Form)**

UNION UNFAIR LABOR PRACTICES

—Cont'd

Good faith, duty of. Discrimination, above
 Grace period, **14:31**
 Grievances, **14:23**
 consequences of restricting access to, **14:25**
 rules restricting access to, **14:23**
 Group strikes, **14:60**
 Handbilling, **14:78 to 14:81**
 Hiring halls, **14:16, 14:46**
 Hot-cargo clauses. Secondary boycotts, below
 Individual complaints, **14:61**
 Individual walkouts, **14:62**
 Inducing unlawful discrimination by employer
 generally, **14:26 to 14:46**
 limitations and restrictions. Security provisions, below this group
 security provisions
 generally, **14:28 to 14:46**
 agency shop, **14:44**
 deauthorization, **14:41**
 decertification, **14:40**
 dues checkoff, **14:42**
 dues checkoff authorization, **14:43**
 expiration of contract, **14:38**
 financial core membership, **14:32**
 grace period, **14:31**
 hiring halls, **14:46**
 initiation fees for returning strikers, **14:33**
 maintenance of membership, **14:45**
 majority union, **14:30**
 nature of arrangements, **14:28**
 notice, **14:35, 14:37**
 outside bargaining unit, employees working, **14:39**
 political and religious objections to payment of union dues, **14:34**
 restrictions on arrangements, generally, **14:29 to 14:35**
 termination of arrangements, generally, **14:36 to 14:41**
 superseniority provisions, **14:27**
 termination of arrangements. Security provisions, above this group
 Initiation fees for returning strikers, **14:33**
 Interference with rival union activity, **14:7**

INDEX

UNION UNFAIR LABOR PRACTICES

—Cont'd

- Internal union affairs. Discrimination, above
- Joint ventures, liability in, **14:93**
- Judicial enforcement of arbitration awards, **14:15**
- Labor Management Reporting and Disclosure Act, rules restricting employee rights under, **14:21**
- Limitations and restrictions
 - discrimination, internal union affairs, **14:18, 14:20, 14:23**
 - inducing unlawful discrimination by employer, above
- Maintenance of membership, **14:45**
- Majority union, **14:30**
- Management, **14:21**
- Membership
 - discrimination, internal union affairs, **14:18, 14:20, 14:22**
 - excessive or discriminatory membership fees, above
 - inducing unlawful discrimination by employer, security provisions, **14:32, 14:37, 14:45**
- Morale of nonstrikers, **14:106**
- Moving personnel in and out of facility, **14:109**
- NLRB, **14:19**
- Notice and knowledge, **14:35, 14:37**
- Objections, **14:34**
- OSHA, **14:63**
- Outside bargaining unit, employees working, **14:39**
- Payments, **14:34**
- Personnel assignments, **14:102**
- Physical violence, **14:4, 14:5**
- Picketing
 - picket line provisions, **14:87**
 - recognitional and organizational picketing, **14:91**
 - secondary boycotts, below
- Picket lines
 - preparing for a strike, **14:108**
- Plant, secondary boycotts, **14:73**
- Political and religious objections to payment of union dues, **14:34**
- Preparation
 - prestrike activities
 - personnel assignments, **14:102**

UNION UNFAIR LABOR PRACTICES

—Cont'd

- Preservation of work, **14:83**
- Private property, **14:92**
- Promises and grants of benefits, **14:6**
- Protected expression, secondary boycotts, **14:81**
- Race, **14:8, 14:18**
- Reacquisition, **14:85**
- Recapture, **14:85**
- Recognitional and organizational picketing, **14:91**
- Religion, **14:8**
- Religious objections, **14:34**
- Replacement of strikers, **14:56**
- Reports and reporting, **14:21**
- Representation, duty of. Discrimination, above
- Request for unit's strike staffing plan, **14:105 (Form)**
- Reserved gate, **14:76**
- Resignations, rules banning or restricting, **14:20**
- Restraint or coercion
 - coercion of employers in selection of representatives, **14:10**
 - fostering racial or religious divisiveness, **14:8**
 - interference with rival union activity, **14:7**
 - physical violence, **14:4**
 - promises and grants of benefits, **14:6**
 - representatives, employers restrain in selection of, **14:10**
 - threats of physical violence or economic sanctions, **14:5**
- Returning strikers, **14:33**
- Rivals, **14:7**
- Safety strikes. Strikes, below
- Sanctions, economic, **14:5**
- Secondary boycotts
 - generally, **14:68 to 14:90**
 - affinity group shopping, **14:90**
 - common situs picketing
 - generally, **14:72 to 14:77**
 - ambulatory picketing, **14:77**
 - construction site, **14:74**
 - plant, **14:73**
 - reserved gate, **14:76**
 - standards, **14:75**
 - construction industry proviso, **14:88**

UNION UNFAIR LABOR PRACTICES

—Cont'd

Secondary boycotts—Cont'd

consumer picketing and handbilling,
14:78 to 14:81

controlling unlawful strikes and secondary boycotts, **14:94 to 14:98**

enforcement of agreements, **14:89**
handbilling, **14:80**

hot-cargo clauses

generally, **14:82 to 14:87**

picket line provisions, **14:87**

signatory vs. standards clauses,
14:86

standards

signatory vs. standards clauses,
14:86

work acquisition clauses, **14:84**

work preservation clauses, **14:83**

work reacquisition or recapture
agreements, **14:85**

picketing. Common situs picketing,
above this group

protected expression, **14:81**

straight-line operations, **14:71**

Security

discrimination, duty of good faith,
14:14

inducing unlawful discrimination by
employer, above

Seniority, **14:27**

Sex, rules restricting membership on basis
of, **14:18**

Shopping, **14:90**

Signatory vs. standards clauses, **14:86**

Single employer, **14:70**

Slowdowns and work stoppages, **14:66**

Staffing plan, **14:105 (Form)**

Statutes, **14:21**

Stoppages, **14:66**

Straight-line operations, **14:71**

Strikes

compensation during strike, **14:57**

controlling unlawful strikes and secondary boycotts, **14:9**

initiation fees for returning strikers,
14:33

misconduct, **14:67**

preparation

conduct during strike, **14:106,**
14:107

UNION UNFAIR LABOR PRACTICES

—Cont'd

Strikes—Cont'd

preparation—Cont'd

contact with strikers, **14:107**

facility preparation, **14:103 to**
14:105

morale of nonstrikers, **14:106**

moving personnel in and out of facility,
14:109

request for unit's strike staffing plan,
14:105 (Form)

survey of section heads on problems
anticipated during strike,
14:104 (Form)

preparing for a strike

picket lines, **14:108**

replacement of strikers, **14:56**

safety strikes

generally, **14:60 to 14:64**

abnormally dangerous conditions,
protect of, **14:64**

group strikes, **14:60**

individual complaints, **14:61**

individual walkouts, **14:62**

walkouts, individual, **14:62**

walkouts protected by OSHA, **14:63**

slowdowns and work stoppages, **14:66**

sympathy strikes, **14:58, 14:59**

unprotected strikes, generally, **14:65 to**
14:67

waiver of right to engage in sympathy
strikes, **14:59**

Strikes and secondary boycotts, **14:52 to**
14:93

generally, **14:53 to 14:67**

Ally doctrine, **14:69**

economic strikes, **14:55**

protected strikes, generally, **14:53 to**
14:55

single employer, **14:70**

unfair labor practices strikes, **14:54**

unprotected strikes, generally, **14:53**

Superseniority provisions, **14:27**

Survey of section heads on problems
anticipated during strike, **14:104**
(Form)

Sympathy strikes, **14:58, 14:59**

Termination of arrangements. Inducing
unlawful discrimination by
employer, above

INDEX

UNION UNFAIR LABOR PRACTICES

—Cont'd

Threats of physical violence or economic sanctions, **14:5**

Time, **14:31**

Unfair labor practices, strikes, and boycotts, **14:1 et seq.**

Union restraint or coercion, **14:3 to 14:10**

Violence, **14:4, 14:5**

Waiver, **14:59**

Walkouts, **14:62, 14:63**

Work acquisition clauses, **14:84**

Work preservation clauses, **14:83**

Work reacquisition or recapture agreements, **14:85**

UNIT CLARIFICATION

Labor Management Relations Act (LMRA), **12:59**

UNIT WORK

Collective bargaining, **15:9 to 15:12**

UNIVERSITY GRADUATE ASSISTANTS

Labor Management Relations Act (LMRA), **12:19**

UNMARRIED WOMEN

Pregnancy, **4:47**

UNPREVENTABLE EMPLOYEE MISCONDUCT DEFENSE

Occupational safety and health, **11:53**

UNSOLICITED APPLICATIONS OR RESUMES

Recruiting, **2:20**

U.S. SUPREME COURT DECISION

Collective bargaining, **15:49**

UTAH

Generally, **App. 45**

UTILIZATION ANALYSIS

Affirmative Action (this index)

VACATION

Compensable time

employer's option, **16:63**

sample vacation policy, **16:63 (Form)**

VALIDITY AND VALIDATION

Hiring, **2:60**

Performance appraisals, **6:9**

VALUE AND VALUATION

Compensation, **16:87**

Promotion, **7:20**

VARIANCES

OSHA, **11:46**

VERDICT

Age discrimination, **9:10**

VERMONT

Generally, **App. 46**

VESTING

Schedules, **17:21**

VETERANS

Affirmative action, **App. 3:1, 3:15**

VIOLENCE

Union unfair labor practices, **14:4, 14:5**

VIRGINIA

Generally, **App. 47**

VOLUNTARY AND INVOLUNTARY ACTS AND MATTERS

Age discrimination, **9:14, 9:15**

Discipline, termination, and layoffs, **9:40**

Hiring, **2:33, 2:38**

Labor Management Relations Act (LMRA), **12:24, 12:25, 12:52**

Occupational safety and health, **11:43**

Training, **7:10**

VOTES AND VOTING

Labor Management Relations Act (LMRA) (this index)

WAGE DISCRIMINATION AND EQUAL PAY FOR EQUAL WORK

Wages, Salary, and Other Compensation (this index)

WAGES, SALARY, AND OTHER COMPENSATION

Generally, **16:1 et seq.**

Administration, **16:17**

Administrative exemption, **16:22**

Affirmative action, **3:24**

Avoiding unwanted hours worked, **16:35**

Blue collar workers, **16:27**

Booting up

computers, **16:50**

Business travel, **16:61**

**WAGES, SALARY, AND OTHER
COMPENSATION—Cont'd**

Calculating employee's regular rate of pay for purposes of calculating overtime pay, **16:75**

Changing clothes and protective gear, **16:48**

Child labor provisions, **16:36**

Collective bargaining, **15:29, 16:29, 16:48**

Comparable worth, **16:87**

Compensable time

- generally, **16:46 to 16:71**
- business travel, **16:61**
- changing clothes and protective gear, **16:48**
- duty of 24 hours, **16:57**
- employer's option
 - generally, **16:63 to 16:71**
 - holidays, **16:67, 16:68**
 - jury duty, **16:65**
 - maternity time, **16:69**
 - personal leaves, generally, **16:68 to 16:71**
 - sample holiday policy, **16:68 (Form)**
 - sample jury duty policy, **16:65 (Form)**
 - sample personal leave policy, **16:71 (Form)**
 - sample vacation policy, **16:63 (Form)**
- Saturdays and Sundays, **16:67**
- sick time, **16:69**
- vacations, **16:63**
- weekends, **16:67**
- home to work, **16:60**
- less than 24-hour duty, **16:56**
- living on premises, **16:58**
- meal periods, **16:54**
- options. Employer's option, above this group
- rest periods, **16:52**
- security and health screenings, **16:49**
- sleeping time, **16:55 to 16:58**
- training time, **16:62**
- travel, business, **16:61**
- travel time, **16:59 to 16:61**
- waiting time and on-call time, **16:51**

Computer employees, **16:25**

Computers

- Generally, **16:50**

**WAGES, SALARY, AND OTHER
COMPENSATION—Cont'd**

Computers—Cont'd

- booting up, **16:50**
- shutting down, **16:50**

Conditions, **16:84**

Contracts and agreements, **16:33, 16:40, 16:41**

Davis-Bacon Act, **16:44, 16:45**

Deductions from pay, **16:31**

Deductions from paychecks, **16:73**

Defenses of employer to Equal Pay Act suit, **16:85**

Definition of hours worked, **16:34**

Discipline, termination, and layoffs, **9:30**

Discrimination. Wage discrimination and equal pay for equal work, below

Effort, equal, **16:82**

Employee Retirement Income Security Act (ERISA), **1:21 to 1:25**

Employees covered, **16:5**

Employees exempt from overtime only, **16:32**

Employers covered, **16:3**

Equal effort, **16:82**

Equal employment. Wage discrimination and equal pay for equal work, below

Equal pay. Wage discrimination and equal pay for equal work, below

Equal Pay Act. Wage discrimination and equal pay for equal work, below

Equal responsibility, **16:83**

Equal skill, **16:81**

Equal work. Wage discrimination and equal pay for equal work, below

Establishments covered, **16:4**

Executive exemption, **16:21**

Executives, **16:14**

Exempt employees

- minimum wage and overtime provisions
 - generally, **16:13 to 16:33**
 - administrative, **16:17**
 - executives, **16:14**
 - independent contractors, **16:33**
 - management, **16:15**
 - professional, **16:18**
 - salaried employees, **16:19**
 - working supervisors, **16:16**
- overtime. Minimum wage and overtime provisions, above this group

INDEX

WAGES, SALARY, AND OTHER COMPENSATION—Cont'd

Exempt employees—Cont'd

White collar exemptions, Fair Labor
Standards Act, **16:20**

Administrative exemption, **16:22**

Executive exemption, **16:21**

White collar exemptions, Fair Labor
Standards Act proposed revisions

deductions from pay, **16:31**

Executive exemption, **16:31**

Highly compensated employee,
16:26

Professional exemption, **16:23**

safe harbor provisions, **16:31**

salary basis test, **16:30**

Failure to gather information, **10:6**

Fair Labor Standards Act (FLSA)

generally, **1:70 to 1:73, 16:2 to 16:39**

coverage, generally, **16:3 to 16:7**

determining hours worked, **1:72**

employees covered, **16:5**

employers covered, **16:3**

enforcement, **1:73**

establishments covered, **16:4**

hours worked, determining, **1:72**

maximum hour and overtime provi-
sions, **16:9**

minimum wage, **1:71, 16:8**

payment, time of, **16:12**

Privacy, personnel recordkeeping,
10:53

records, **16:11**

time, wage and hour provisions, gener-
ally, **16:8 to 16:12**

trainees covered, **16:6**

wage and hour provisions, generally,
16:8 to 16:12

White collar exemptions, Fair Labor
Standards Act

generally, **16:20**

Administrative exemption, **16:22**

Executive exemption, **16:21**

White collar exemptions, Fair Labor
Standards Act proposed revisions

generally, **16:31**

Blue collar workers, **16:27**

collective bargaining agreements,
16:29

Computer employees, **16:25**

deductions from pay, **16:31**

WAGES, SALARY, AND OTHER COMPENSATION—Cont'd

Fair Labor Standards Act (FLSA)

—Cont'd

White collar exemptions, Fair Labor
Standards Act proposed revisions

—Cont'd

fire fighters, **16:28**

First Responder, **16:28**

Highly compensated employee,
16:26

Outside sales exemption, **16:24**

paramedics, **16:28**

police, **16:28**

Professional exemption, **16:23**

safe harbor provisions, **16:31**

salary basis test, **16:30**

salespeople, **16:24**

workweek, **1:71, 16:10**

Federal statutes, generally, **16:2 to 16:45**

Fire fighters, **16:28**

First responders, **16:28**

Forms

compensable time, employer's option

holiday policy, sample, **16:68**
(Form)

jury duty policy, sample, **16:65**
(Form)

personal leave policy, sample, **16:71**
(Form)

vacation policy, sample, **16:63**
(Form)

garnishment of wages, sample notice to
employee of, **16:74 (Form)**

Garnishment, **16:74 (Form)**

Highly compensated employee exemp-
tion, **16:26**

Holidays, **16:67**

Home, work at, **16:38, 16:39**

Home to work, **16:60**

Independent contractors, **16:33**

Initial placement, **2:76**

Jury duty, **16:65**

Leaves. Compensable time, above

Living on premises, **16:58**

Management, **16:15**

Market forces, **16:86**

Maternity time, **16:69**

Maximum hour and overtime provisions,
16:9

McNamara-O'Hara Act, **16:42, 16:43**

**WAGES, SALARY, AND OTHER
COMPENSATION—Cont'd**

Meal periods, **16:54**
 Minimum wage, **16:8, 16:26**
 Notice and knowledge, **16:74 (Form)**
 On-call time, **16:51**
 Options. Compensable time, above
 Outside salespeople, **16:24**
 Overtime
 calculating employee's regular rate of
 pay for purposes of calculating
 overtime pay, **16:75**
 Davis-Bacon Act, **16:45**
 exempt employees, above
 Fair Labor Standards Act (FLSA), **16:9**
 Service Contract Act of 1965
 (McNamara-O'Hara Act), **16:43**
 Walsh-Healey Public Contracts Act,
 16:41
 Paramedics, **16:28**
 Paychecks, **16:73**
 Paydays, **16:72**
 Pay history and transparency laws, **10:5**
 Payment, time of, **16:12**
 Pay periods, **16:72**
 Payroll administration, **16:72 to 16:75**
 Personal leaves. Compensable time,
 above
 Police, **16:28**
 Portal-to-Portal Act, **16:47**
 Professional, **16:18**
 Professional exemption, **16:23**
 Records, **16:11**
 Regular rate of pay, **16:75**
 Regulatory and enforcement develop-
 ments, **16:78**
 Residence, **16:38, 16:39, 16:58**
 Rest periods, **16:52**
 Retirement and other benefit plans, **17:35**
 Safe harbor provisions, **16:31**
 Salaried employees, **16:19**
 Salary basis test, **16:30, 16:89**
 Salary compression, **16:86**
 Salary inversion, **16:86**
 Salespeople, **16:24**
 Same establishment, **16:79**
 Sample holiday policy, **16:68 (Form)**
 Sample jury duty policy, **16:65 (Form)**
 Sample notice to employee of garnish-
 ment of wages, **16:74 (Form)**

**WAGES, SALARY, AND OTHER
COMPENSATION—Cont'd**

Sample personal leave policy, **16:71**
 (Form)
 Sample vacation policy, **16:63 (Form)**
 Saturdays and Sundays, **16:67**
 Section 7(k) exemptions, **16:88**
 Security and health screenings, **16:49**
 Service Contract Act of 1965
 (McNamara-O'Hara Act), **16:42,**
 16:43
 Shutting down
 computers, **16:50**
 Sick time, **16:69**
 Similar working conditions, **16:84**
 Skill, equal, **16:81**
 Sleeping time, **16:55 to 16:58**
 Sovereign immunity, **16:90**
 Statutes
 generally, **16:2 to 16:45**
 Davis-Bacon Act, **16:45**
 Equal Pay Act. Wage discrimination
 and equal pay for equal work,
 below
 Fair Labor Standards Act (FLSA),
 above
 Service Contract Act of 1965
 (McNamara-O'Hara Act), **16:42,**
 16:43
 wage discrimination and equal pay for
 equal work, below
 Walsh-Healey Public Contracts Act,
 16:40, 16:41
 Supervisors, **16:16**
 Telecommuting time sheet, **16:39**
 Time
 compensable time, above
 Fair Labor Standards Act (FLSA),
 above
 pay periods or paydays, **16:72**
 Time sheet, **16:39**
 Trainees covered, **16:6**
 Training, **16:51**
 Travel, business, **16:61**
 Travel time, **16:59 to 16:61**
 Unemployment Compensation (this
 index)
 Unfair labor practices, **13:67, 13:98,**
 13:121
 Union unfair labor practices, **14:57**
 Vacation, **16:63**

INDEX

WAGES, SALARY, AND OTHER COMPENSATION—Cont'd

Value, comparable worth, **16:87**

Wage discrimination and equal pay for
equal work

generally, **16:77 to 16:90**

comparable worth, **16:87**

defenses of employer to Equal Pay Act
suit, **16:85**

equal effort, **16:82**

Equal Pay Act

generally, **16:77 to 16:90**

recordkeeping requirements under,
10:54

equal responsibility, **16:83**

equal skill, **16:81**

equal work, **16:80**

market forces, **16:86**

Regulatory and enforcement develop-
ments, **16:78**

salary basis test, **16:89**

salary compression, **16:86**

salary inversion, **16:86**

same establishment, **16:79**

section 7(k) exemptions, **16:88**

similar working conditions, **16:84**

sovereign immunity, **16:90**

Waiting time, **16:51**

Walsh-Healey Public Contracts Act,
16:40, 16:41

Weekends, **16:67**

White collar exemptions, Fair Labor Stan-
dards Act

generally, **16:20**

Administrative exemption, **16:22**

Executive exemption, **16:21**

White collar exemptions, Fair Labor Stan-
dards Act proposed revisions

generally, **16:31**

Blue collar workers, **16:27**

collective bargaining agreements,
16:29

Computer employees, **16:25**

deductions from pay, **16:31**

fire fighters, **16:28**

First Responder, **16:28**

Highly compensated employee, **16:26**

Outside sales exemption, **16:24**

paramedics, **16:28**

police, **16:28**

WAGES, SALARY, AND OTHER COMPENSATION—Cont'd

White collar exemptions, Fair Labor Stan-
dards Act proposed revisions

—Cont'd

Professional exemption, **16:23**

safe harbor provisions, **16:31**

salary basis test, **16:30**

salespeople, **16:24**

Work at home, **16:38, 16:39**

Workers' Compensation, unfair labor
practices, **13:67**

Working supervisors, **16:16**

Workweek, **16:10**

WAITING TIME

Compensable time, **16:51**

WAIVER

Age discrimination, **9:17, 9:18**

Collective bargaining, **15:38**

Retirement and other benefit plans, **17:29**

Union unfair labor practices, **14:59**

WALKOUTS

Union unfair labor practices, **14:62, 14:63**

WALSH-HEALEY PUBLIC CONTRACTS ACT

Compensation, **16:40, 16:41**

WARDS COVE PACKING CO. V. ATONIO

Civil Rights Act of 1991, **1:50, 1:51**

WARRANTS

OSHA, **11:58**

WASHINGTON

Generally, **App. 48**

WEEKENDS

Compensable time, **16:67**

WEIGHTS

Hiring, **2:65**

WELFARE AND PENSION PLANS DISCLOSURE ACT (WPPDA)

Generally, **17:7**

WELFARE BENEFITS

Retirement and Other Benefit Plans
(this index)

WELFARE PLAN ADMINISTRATORS

Retirement and other benefit plans,
ERISA claims procedure, **17:87**

WEST VIRGINIA

Generally, **App. 49**

WHISTLEBLOWER PROTECTION

Generally, **1:74**

WILLFUL VIOLATION

OSHA, **11:80, 11:81**

WISCONSIN

Generally, **App. 50**

WITHDRAWAL OF RECOGNITION

Collective bargaining, **15:19**
Unfair labor practices, **13:24**

WITHDRAWAL REQUEST

Unfair labor practice, **13:14**

WITNESSES

Civil Rights Act of 1991, **1:59**

WORD-OF-MOUTH RECRUITMENT

Generally, **2:17**

WORK ACQUISITION CLAUSES

Union unfair labor practices, **14:84**

WORK ASSIGNMENTS

Initial placement, **2:73 to 2:75**

WORK AT HOME

Compensation, **16:38, 16:39**

**WORKER ADJUSTMENT AND
RETRAINING NOTIFICATION
ACT (WARN)**

Generally, **9:58 to 9:65**
Defenses, **9:62**
Definitions, **9:60**
Enforcement, **9:65**
Exemptions to notice requirement, **9:61**
Good faith defense, **9:62**
Notice and knowledge, **9:61, 9:64**
Sale of facility, **9:63**

**WORKER ADJUSTMENT AND
RETRAINING NOTIFICATION
ACT (WARN)—Cont'd**

Statutes, **1:36**

WORKERS' COMPENSATION

Unfair labor practices, **13:67**

WORK FORCE MAJORITY

Collective bargaining, **15:53**

WORKING SUPERVISORS

Compensation, **16:16**

WORKPLACE

Occupational Safety and Health (this
index)

WORK PRESERVATION CLAUSES

Union unfair labor practices, **14:83**

**WORK REACQUISITION OR
RECAPTURE AGREEMENTS**

Union unfair labor practices, **14:85**

WORK-SITE

OSHA, **11:52**

WORKWEEK

Fair Labor Standards Act (FLSA), **1:71,**
16:10

WRITINGS

Employment at will and employment
contracts, **8:15**

WRONGFUL ACTS AND MATTERS

**Employment At Will and Employment
Contracts** (this index)

Privacy, **10:4**

Retirement and other benefit plans, **17:79**

**WRONG WITHOUT A REMEDY
CASES**

Retirement and other benefit plans, **17:11**

WYOMING

Generally, **App. 51**