Index

ACCRUAL PRINCIPALS

Enforcement, 6:5

ADMINISTRATION OF TESTS

Disability discrimination, 4:16

ADMINISTRATIVE PROCEEDINGS

Enforcement, 6:16

ADMINISTRATIVE PROCESS

EEOC, Equal pay act, 8:2

ADVERSE ACTIONS

Generally, 1:2

Retaliation, 1:4

AFFIRMATIVE ACTION

Disability discrimination, 4:14

AFTER ACQUIRED EVIDENCE

Remedies, 12:10

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967 (ADEA)

Generally, 3:1-3:19

Age Discrimination, App. C

Bona fide executives and policymakers, 3:14

Bona fide occupational qualification, 3:16

Bona fide seniority systems, benefit plans, and retirement plans, 3:18

Coverage, 3:4-3:10

Covered employees, 3:5

Defenses, 3:16-3:19

Disparate impact, 3:11

Disparate treatment, 3:11

Economic necessity, 3:17

Eleventh Amendment immunity, 3:8

Employee, defined, 3:5

Employment agencies, 3:10

Enforcement, 6:4, 6:11, 9:7

Exemptions and exclusions, 3:12-3:15

Factors other than age, **3:17**

Federal government, 3:7

Firefighters, 3:15

Introduction, 3:4

Labor organizations, 3:9

Law enforcement officers, 3:15

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967 (ADEA)

-Cont'd

Ministerial exception, 3:12

Native Americans, 3:15

Physical limitations, 3:17

Private employers, 3:6

Protection, 3:3

Releases, effect, 3:19

Religious institutions, 3:12

Remedies, 12:3, 12:11

RFRA, 3:12

State and local governments, 3:8

State and local laws, relationship with, 3:2

State elected officials, 3:13

Statutory employee minimum, 3:4

Statutory minimum, 3:4

Waivers, effect, 3:19

AGENTS

Age Discrimination in Employment Act (ADEA)

ALTERNATIVE DISPUTE RESOLUTION

Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, App. T

AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

Generally, 4:3

Disabilities, App. E

Disability discrimination, 4:20-4:23

Enforcement, 6:10

Rehabilitation Act 1973, App. D

Remedies, 12:2

ANALYTICAL FRAMEWORKS

Disability discrimination, 4:4

APPLICATIONS

Title VII, 2:8

ARBITRATION

Appeals from arbitrator's awards, 9:10

Collective bargaining agreements

generally, **8A:2**, **8A:3**

court review of awards, 8A:3

enforceability, 8A:2

Discrimination disputes, non-federal cases

generally, **8A:1-8A:13**

collective bargaining agreements

generally, **8A:2**, **8A:3**

court review of awards, 8A:3

enforceability, 8A:2

```
ARBITRATION—Cont'd
  Discrimination disputes, non-federal cases—Cont'd
    individual agreements
       generally, 8A:4-8A:13
       appeal, orders, 8A:10
       attorney's fees, 8A:13
       class action waivers, 8A:9
       consent, 8A:9
       correction of award, 8A:11
       costs, 8A:12
       court, 8A:7
       delegation clauses, 8A:7
       Federal Arbitration Act, 8A:5
       interlocutory order, appeals, 8A:10
       jurisdiction, 8A:5
       modification of award, 8A:11
       mutuality, 8A:9
       questions of arbitrability, 8A:7, 8A:8
       stay, 8A:10
       transportation workers, 8A:6
       vacatur, 8A:11
       waiver of right to compel, 8A:9
  Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of
       2021, App. T
  Enforcement, federal sector, 9:5, 9:10
  Individual agreements
    generally, 8A:4-8A:13
    appeal, orders, 8A:10
    attorney's fees, 8A:13
    class action waivers, 8A:9
    consent, 8A:9
    correction of award, 8A:11
    costs, 8A:12
    court, 8A:7
    delegation clauses, 8A:7
    Federal Arbitration Act, 8A:5
    interlocutory order, appeals, 8A:10
    jurisdiction, 8A:5
    modification of award, 8A:11
    mutuality, 8A:9
    questions of arbitrability, 8A:7, 8A:8
    stay, 8A:10
    transportation workers, 8A:6
    vacatur, 8A:11
    waiver of right to compel, 8A:9
```

ASSOCIATIONAL DISCRIMINATION

Disability discrimination, 4:13

ATTORNEY'S FEES

Remedies (this index)

AT-WILL EMPLOYEES

Constitutional rights and reconstruction era civil rights act, 10:6

BACK PAY

Remedies, 12:8

BASES FOR EMPLOYER LIABILITY

Generally, 1:18-1:19

BIVENS ACTIONS

Constitutional and statutory rights, 10:2

BONA FIDE EXECUTIVES AND POLICYMAKERS

Age discrimination in employment act of 1967, 3:14

BONA FIDE OCCUPATIONAL QUALIFICATION

Age discrimination in employment act of 1967, **3:16** Disparate treatment, defense, **1:11**

BURDEN OF PROOF

Evidence and Burden of Proof (this index)

Retaliation, 1:4

CALCULATION OF FEE AMOUNT

Agreements, 13:5

Attorney's fees, remedies, 13:5

Awards in cases involving multiple parties, 13:5

Determination of lodestar, 13:5

Lodestar, enhancement and reduction, 13:5

Postjudgment interest, 13:5

Settlement of case, 13:5

CAUSAL LINK

Retaliation, 1:4

CERTIFICATES AND CERTIFICATION

Family and Medical Leave Act, qualifying leave, 15:9

CIVIL ACTIONS

Enforcement (this index)

CIVIL RIGHTS ACT OF 1964

Current employees, 2:4

Extraterritoriality, 2:3

Federal state, local governments, 2:3

Former employees, 2:4

Interference with employment opportunities, 2:4

Job applicants, 2:4

Non-government employers, 2:3

Protected individuals, 2:4

CIVIL RIGHTS ACT OF 1964—Cont'd

Title VII

particular applications, 2:8 race, color, 2:7

CIVIL RIGHTS ACTS

Reconstruction-era, 1866, 1870, and 1871, **App. B**

CIVIL RIGHTS ATTORNEY8217S FEES AWARDS ACT OF 1976

Attorney8217s Fees, App. N

CIVIL SERVICE REFORM ACT OF 1978

Service, App. M

CLASS ACTIONS

Civil action enforcement, 6:14

Enforcement, 6:14

Waiver, arbitration, 8A:9

COERCION

Disability discrimination, 4:19

COMPENSATORY DAMAGES

Remedies, 12:11

COMPLAINTS

Enforcement (this index)

CONCILIATION

Enforcement, 6:8

CONDUITS

Bases for employer liability, 1:18

CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Accountability, App. I

Text, App. I

CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS

Constitutional and Statutory Rights (this index)

CONSTITUTIONAL AND STATUTORY RIGHTS

Generally, 11:1-11:12

Bivens actions, 10:2

Burden of proof, 10:9

Cause of action

generally, 10:1 to 10:15

Conspiracy to interfere with civil rights

generally, 10:11

Definition of racial discrimination, 10:8

Eleventh amendment, 10:13

Evidence, 10:5

Exhaustion of remedies, 10:5

Federal government, actions against, 10:2

CONSTITUTIONAL AND STATUTORY RIGHTS—Cont'd Immunities, 10:12-10:15 Jury trial, right to, 10:9 Local governments and their officials acting, 10:14 Pleadings, 10:9 Procedure, 10:5 Qualified immunity, 10:15 Racial discrimination, 10:6-10:15 Section 1981, 10:7 Section 1981 and Title VII, Relationship, 10:10 Standing, 10:5, 10:9 State and local governments, actions against, 10:3-10:5 Statute of limitations, 10:5, 10:9 Under color of law, 10:4 Waiver, 10:9 CONSTITUTIONAL BASE Title VII, 2:2 CONSTITUTIONAL RIGHTS AND RECONSTRUCTION ERA CIVIL **RIGHTS ACTS** At-will employees, 10:6 Definition of racial discrimination, 10:9 Deprivation of property interest, due process, 11:5 Due process generally, 11:3-11:6 deprivation of property interest, 11:5 liberty interests, 11:6 Occupation, 11:6 property interests, 11:4 Entities liable, 10:7 Equal protection, 11:2 First amendment rights generally, 11:7-11:12 affiliations, protected, 11:9 freedom of association, 11:10 freedom of religion, 11:11 petitioning government, right, 11:12 political beliefs, 11:9 protected political beliefs, 11:9 protected speech, 11:8 right to petition government, 11:12 scheme of proof, 11:7 Freedom of association, 11:10 Freedom of religion, 11:11 Liberty interests, 11:6 Occupation, 11:6

Petitioning government, first amendment right, 11:12

Political beliefs, 11:9

CONSTITUTIONAL RIGHTS AND RECONSTRUCTION ERA CIVIL RIGHTS ACTS—Cont'd

Property interests, **11:4**Protected political beliefs, **11:9**

Protected speech, 11:8

Racial discrimination, 10:6

Right to petition government, 11:12

Scheme of proof, 11:7

Statute of limitations, 10:11

Under color of law, 10:4

CONSTRUCTIVE DISCHARGE

Generally, 1:3

CONTAGIOUS DISEASES

Disability discrimination, 4:10

CORPORATE DIRECTORS

Employment relationship, 1:17

COSTS

Arbitration, 8A:12

COVERAGE

Age discrimination in employment act of 1967, 3:4-3:10

Disability discrimination, 4:5-4:13

Family and Medical Leave Act

generally, 15:2-15:3

Title VII, 2:2-2:6

Wage discrimination: Equal Pay Act of 1963, 5:2

COVERED EMPLOYEES

Age discrimination in employment act of 1967, 3:5

DAMAGES

Remedies, 12:11-12:15

DEFENSES

Age discrimination in employment act of 1967, **3:16-3:19**

Disparate treatment, bona fide occupational qualification, 1:11

Remedies, 12:10

Title VII, 2:11

Wage discrimination: Equal Pay Act of 1963, 5:5

DEFERRAL STATES

Enforcement, 6:3

DISABILITY DISCRIMINATION

Generally, **4:1-4:23**

Administration of tests, 4:16

Affirmative action, **4:14**

Analytical frameworks, 4:4

Associational discrimination, 4:13

DISABILITY DISCRIMINATION—Cont'd

Burden of proof, 4:4

Coercion, 4:19

Contagious diseases, 4:10

Covered employees

generally, 4:5-4:13

Drug and alcohol abusers, 4:12

Essential functions of job, 4:9

Evidence, 4:4

HIV or AIDS, 4:11

Individuals with disabilities, 4:5

Insurance benefits, 4:18

Medical examinations and inquiries, 4:17

Non-discrimination, 4:14

Prior inconsistent statements, 4:9

Protected individuals

generally, 4:5-4:13

Qualification standards, 4:15

Qualified individuals, 4:9

Reasonable accommodation, 4:20-4:23

Record of disability, 4:7

Regarded as having a disability, 4:8

Requirements and prohibitions, 4:14-4:19

Retaliation, 4:19

Substantially limits one or more major life activities, 4:6

Tests, 4:15, 4:16

DISCRIMINATION

Family and Medical Leave Act, 15:12

DISPARATE IMPACT

Generally, 1:12-1:13

Age discrimination in employment act of 1967, 3:11

Burden of proof, 1:13

Griggs v. Duke Power Co., 1:12

Smith v. City of Jackson, 1:12

DISPARATE TREATMENT

Generally, 1:9 to 1:11

Age discrimination in employment act of 1967, 3:11

Analytical structure, 1:9

BFOQ defense, 1:11

Bona fide occupational qualification defense, 1:11

"But for" theory of liability, 1:9

Causation standard, 1:10

Causation standards, 1:9

Claims, 1:10

Defense of bona fide occupational qualification, 1:11

Motivating factor, 1:10

DRESS AND GROOMING CODES

Title VII, 2:11

DRUG AND ALCOHOL ABUSERS

Disability discrimination, 4:12

DUE PROCESS

Constitutional and Statutory Rights (this index)

ECONOMIC NECESSITY

Age discrimination in employment act of 1967, 3:17

EEOC CHARGES

Enforcement (this index)

ELEVENTH AMENDMENT

Americans with Disabilities (ADA), **4:3** Constitutional and statutory rights, **10:13**

ELIGIBLE EMPLOYEES

Family and Medical Leave Act, defined, 15:3

EMPLOYEE, DEFINED

Age discrimination in employment act of 1967, 3:5

EMPLOYEE ENTITLEMENTS

Family and Medical Leave Act, 15:4

EMPLOYEE NOTICE

Family and Medical Leave Act, 15:7

EMPLOYEES

Employment relationship, 1:15

EMPLOYER INTERFERENCE

Family and Medical Leave Act, 15:11

EMPLOYER NOTICE

Family and Medical Leave Act, 15:8

EMPLOYMENT AGENCIES

Age discrimination in employment act of 1967, **3:10** Title VII, **2:6**

EMPLOYMENT RELATIONSHIP

Generally, 1:14-1:17

ENDING FORCED ARBITRATION OF SEXUAL ASSAULT AND SEXUAL HARASSMENT ACT OF 2021

2021, **App. T**

ENFORCEMENT

Generally, 9:1-9:10

Accrual principals, 6:5

Administrative proceedings, 6:16

Age Discrimination in Employment Act, 6:4

```
ENFORCEMENT—Cont'd
  Agency procedures, 9:2-9:5
  Americans with Disabilities Act, 6:10
  Arbitration procedures, 9:5
  Civil actions
    generally, 6:9-6:14
    Generally, 9:6-9:7
     Age Discrimination in Employment Act, 6:11
     Americans with Disabilities Act, 6:10
     Americans with Disabilities Act, requirements, 6:10
    class actions, 6:14
    complaint, 6:13
    Equal pay act, 8:3
    exhaustion of administrative and state remedies, 6:11
    exhaustion of administrative remedies, 6:10
    Family and Medical Leave Act, 15:13
    like or reasonably related rule, 6:13
    pattern or practice, 6:14
    single filing rule, 6:12
    time limitations, 6:10
    Title VII, 6:10
  Class actions, 6:14
  Complaints
    generally, 6:13
    section 503 of the Rehabilitation Act, 7:1
     section 504 of the Rehabilitation Act, 7:2
  Conciliation, 6:8
  Content of EEOC charges, 6:6
  Court
    accrual, 8:4
    Civil actions, 8:3
    Time limitations, 8:4
  Deferral states, 6:3
  EEOC charges, 9:3
    generally, 6:1-6:17
    accrual principals, 6:5
     Age Discrimination in Employment Act, 6:4
    conciliation, 6:8
    content, 6:2
    deferral states, 6:3
    filing time limits, 6:3
    nondisclosure of discussions, 6:8
    recordkeeping requirements, 6:6
    relation back, 6:2
    standing to sue, 6:9
    subpoenas, 6:7
    Title VII. 6:3
```

```
ENFORCEMENT—Cont'd
  EEOC charges, 9:3—Cont'd
    tolling principals, 6:5
    verification, 6:2
  Equal pay act
    accrual, 8:4
    Civil actions, 8:3
    Time limitations, 8:4
  Equal Pay Act, 8:1
  Exhaustion of administrative remedies, 6:10
  Family and Medical Leave Act, 15:13
  Federally assisted programs, 7:2, 7:4
  Federal sector
    generally, 9:1-9:10
    Age Discrimination in Employment Act, 9:7
    agency procedures, 9:2-9:5
    appeals from Agency and EEOC decisions, 9:8
    appeals from arbitrators awards, 9:10
    appeals from MSPB decisions, 9:9
    arbitration procedures, 9:5
    EEOC charges, 9:3
    grievance procedures, 9:5
    Merit Systems Protections Board, 9:4
    Rehabilitation Act, 9:6
    Title VII, 9:6
  Filing time limits, EEOC charges, 6:3, 6:4
  Government contracts, 7:1
  Grievance procedures, 9:5
  Judicial enforcement of section 503 of the Rehabilitation Act, 7:3
  Judicial enforcement of section 504 of the Rehabilitation Act, 7:4
  Like or reasonably related rule, 6:13
  Merit Systems Protections Board, 9:4
  Reconstruction era statutes and modern, relationship, 6:17
  Recordkeeping requirements, 6:6
  Rehabilitation Act, 9:6
    generally, 7:1-7:4
    complaints under section 503, 7:1
    complaints under section 504, 7:2
    federally assisted programs, 7:2
    government contracts, 7:1
    judicial enforcement of 503, 7:3
    judicial enforcement of 504, 7:4
  Release, 6:15
  Single filing rule, 6:12
  Standing to sue, 6:9
  State court judgments, 6:16
  Subpoenas, 6:7
```

ENFORCEMENT—Cont'd

Time limitations, 6:10

Title VII, 6:3

Tolling principals, 6:5

Waiver, 6:15

EQUAL PAY ACT OF 1963

Generally, **5:1-5:7**

Court enforcement

accrual, 8:4

Civil Actions, 8:3

Time limitations, 8:4

Coverage, 5:2

Defenses, affirmative, 5:5

EEOC, Administrative process, 8:2

Equal work requirement, 5:4

Evidentiary, 5:6

Exceptions, 5:5

Overview

Generally, 8:1-8:4

Pay, App. F

Remedies, 12:3

Similarities and differences between Title VII and EPA, 5:7

Unlawful practices, 5:3-5:5

EQUAL PROTECTION

Constitutional rights and reconstruction era civil rights act, 11:2

EQUAL WORK REQUIREMENT

Wage discrimination: Equal Pay Act of 1963, 5:4

ESSENTIAL FUNCTIONS OF JOB

Disability discrimination, 4:9

EVIDENCE AND BURDEN OF PROOF

Constitutional and statutory rights, 10:5

Disability discrimination, 4:4

Disparate impact, 1:13

EVIDENTIARY BURDENS

Wage discrimination: Equal Pay Act of 1963, 5:6

EXCEPTIONS

Wage discrimination: Equal Pay Act of 1963, 5:5

EXECUTIVE ORDER

Order 11246, App. J

Order 11478, App. K

Order 12067, App. Q

Order 13145, App. R

Order 13706, **App. P**

EXEMPTIONS AND EXCLUSIONS

Age discrimination in employment act of 1967, **3:12-3:15** Title VII, **2:3**

EXHAUSTION OF REMEDIES

Constitutional and statutory rights, **10:5** Enforcement, **6:10**

EXPENSES

Attorneys' fees, 13:6

FACTORS OTHER THAN AGE

Age discrimination in employment act of 1967, 3:17

FAMILY AND MEDICAL LEAVE ACT (FMLA)

Generally, **15:1-15:16**

Attorney's fees, 15:15

Civil actions, 15:13

Collective bargaining, 15:16

Consequences for failure to follow, 15:7

Definitions

eligible employees, 15:3

Eligible employees, 15:3

Employee certification of need for leave, 15:9

Employee entitlements, 15:4

Employee notice requirements, 15:7

Employer notice requirements, 15:8

Intermittent leave, defined, 15:4

Leave, 15:4

Recertification, 15:9

Relationship to other law, 15:16

Remedies, 15:14

Restoration to position after leave, 15:6

Serious health condition, 15:5

FAMILY AND MEDICAL LEAVE ACT OF 1993

Leave, App. G

FEDERAL GOVERNMENT

Constitutional and statutory rights, 10:2

FEDERAL GOVERNMENTS

Age discrimination in employment act of 1967, 3:7

FEDERALLY ASSISTED PROGRAMS

Enforcement, 7:2

Remedies, 12:4

FEDERAL SECTOR

Enforcement (this index)

FILING TIME LIMITS, EEOC CHARGES

Enforcement, **6:3**

FIRST AMENDMENT RIGHTS

Constitutional and Statutory Rights (this index)

FREEDOM OF ASSOCIATION

Constitutional rights and reconstruction era civil rights act, 11:10

FREEDOM OF RELIGION

Constitutional rights and reconstruction era civil rights act, 11:11

FRONT PAY

Remedies, 12:7

GOVERNMENT CONTRACTS

Enforcement, 7:1

Remedies, 12:5

GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991

Employee rights, App. H

GRIEVANCE PROCEDURES

Enforcement, 9:5

GRIGGS V. DUKE POWER CO.

Disparate impact, 1:12

HARASSMENT

Generally, 1:5

Title VII, 2:13

HIV OR AIDS

Disability discrimination, 4:11

IMMUNITIES

Constitutional and statutory rights, 10:12-10:15

Individual capacity suits

Equal Pay Act of 1963, 10:15

IMMUNITY

Americans with Disabilities Act (AD), Eleventh Amendment, 4:3

INDEPENDENT CONTRACTORS

Employment relationship, 1:15

INDIVIDUAL CAPACITY SUITS

Immunities, 10:15

INJUNCTIONS

Remedies, 12:17

INSTATEMENT OR REINSTATEMENT

Remedies, 12:6

INSURANCE BENEFITS

Disability discrimination, 4:18

INTEGRATED ENTERPRISES

Employment relationship, 1:16

INTERACTIVE PROCESS

Reasonable accommodation, 4:21

INTERFERENCE

Family and Medical Leave Act, 15:11

Regulations, statutory provisions and Department of Labor, 15:10

INTERFERENCE BY EMPLOYER

Regulations, statutory provisions and Department of Labor, 15:10

INTERMITTENT LEAVE

Family and Medical Leave Act, 15:4

JOINT EMPLOYERS

Employment relationship, 1:16

JURY TRIAL

Constitutional and statutory rights, 10:9

LABOR ORGANIZATIONS

Age discrimination in employment act of 1967, 3:9

National Labor Relations Act (this index)

LACHES

Remedies, 12:10

LEAVE

Family and Medical Leave Act (this index)

LIBERTY INTERESTS

Constitutional rights and reconstruction era civil rights act, 11:6

LIKE OR REASONABLY RELATED RULE

Enforcement, 6:13

LILLY LEDBETTER FAIR PAY ACT OF 2009

Pay, **App. S**

LOCAL GOVERNMENT

Constitutional and statutory rights, 10:14

MEDICAL EXAMINATIONS AND INQUIRIES

Disability discrimination, 4:17

MERIT SYSTEMS PROTECTIONS BOARD

Enforcement, 9:4

MINISTERIAL EXEMPTION

Title VII, 2:18

MITIGATION

Remedies, 12:10

NATIONAL LABOR RELATIONS ACT

Generally, 14:1

NATIONAL ORIGIN

Title VII (this index)

NEGLIGENCE

Bases for employer liability, 1:18

NOMINAL DAMAGES

Remedies, **12:13**

NON-DISCRIMINATION

Disability discrimination, 4:14

OCCUPATION

Constitutional rights and reconstruction era civil rights act, 11:6

OCCUPATIONAL LIBERTY INTERESTS

Generally, 11:6

OFFSETS

Remedies, 12:10

OLDER WORKERS BENEFIT PROTECTION ACT

Benefit, Workers, App. L

PARTNERS

Employment relationship, 1:17

PERMANENT INJUNCTIVE

Remedies, **12:18**

PETITIONS

Constitutional rights and reconstruction era civil rights acts, right to petition government, 11:12

PHYSICAL LIMITATIONS

Age discrimination in employment act of 1967, 3:17

PLEADINGS

Constitutional and statutory rights, 10:9

POLITICAL BELIEFS

Constitutional rights and reconstruction era civil rights act, 11:9

PREEMPLOYMENT INQUIRIES

Generally, 1:6

Title VII, 2:11

PREEMPTION

Title VII, 2:2

PREGNANCY

Title VII, 2:14

PREJUDGMENT INTEREST

Remedies, 12:9

PREVAILING DEFENDANTS

Remedies, 13:4

PREVAILING PLAINTIFFS

Remedies, 13:3

PRIOR INCONSISTENT STATEMENTS

Disability discrimination, 4:9

PRIVATE EMPLOYERS

Age discrimination in employment act of 1967, 3:6

PROCEDURE

Constitutional and statutory rights, 10:5

PROHIBITIONS

Age discrimination in employment act of 1967, 3:3

PROPERTY INTERESTS

Constitutional rights and reconstruction era civil rights act, 11:4 Deprivation of, procedural due process, 11:5 Employment, 11:4

PROTECTED INDIVIDUALS

Retaliation, 1:4

PROTECTED POLITICAL BELIEFS

Constitutional rights and reconstruction era civil rights act, 11:9

PROTECTED SPEECH

Constitutional rights and reconstruction era civil rights act, 11:8

PROTECTION

Age discrimination in employment act of 1967, 3:3

PUNITIVE DAMAGES

Remedies, 12:12

QUALIFICATION STANDARDS

Disability discrimination, 4:15

QUALIFIED IMMUNITY

Constitutional and statutory rights, 10:15

QUALIFIED INDIVIDUALS

Disability discrimination, 4:9

RACIAL DISCRIMINATION

Constitutional and statutory rights, 10:6-10:10

Constitutional rights and reconstruction era civil rights act, **10:6 Title VII** (this index)

REASONABLE ACCOMMODATION

Disability discrimination, 4:20-4:23 Examples, 4:23 Interactive process, 4:21

Scheme of proof, 4:22

Title VII, 2:16

RECERTIFICATION

Family and medical leave act, 15:9

RECONSTRUCTION ERA CIVIL RIGHTS ACTS

Constitutional and Statutory Rights (this index)

Remedies, 12:1

RECOVERABLE EXPENSES

Attorneys' fees, 13:6

REHABILITATION ACT

Generally, 4:2

Disability discrimination, 4:20-4:23

Enforcement, 9:6

Enforcement (this index)

Rehabilitation Act Amendments of 1973, App. D

Remedies, 12:2

REHABILITATION ACT 1973

Rehabilitation Act, App. D

REINSTATEMENT

Remedies, 12:6

RELEASE

Enforcement, 6:15

RELIGION AND RELIGIOUS INSTITUTIONS

Age discrimination in employment act of 1967, **3:12** Americans with Disabilities Act (ADA), **4:3**

Title VII (this index)

RELIGIOUS DISCRIMINATION

Reasonable accommodation, 2:16

RELIGIOUS FREEDOM RESTORATION ACT OF 1993

Text, App. O

REMEDIES

Generally, 12:1-12:19

Affirmative action relief, 12:19

After acquired evidence, 12:10

Age Discrimination in Employment Act, 12:3

Americans with Disabilities Act, 12:2

Attorney's fees

generally, 13:1-13:8

REMEDIES—Cont'd Attorney's fees-Cont'd agreements, 13:5 arbitration, 8A:13 awards in cases involving multiple parties, 13:5 calculation of fee amount, 13:5 determination of lodestar, 13:5 expenses, 13:6 Family and Medical Leave Act, 15:14 lodestar, enhancement and reduction, 13:5 postjudgment interest, 13:5 prevailing defendants, 13:4 prevailing plaintiff, 13:3 recoverable expenses, 13:6 settlement of case, 13:5 statutory provisions, 13:2 waiver, 13:7 Back pay, 12:8 Calculation of fee amount, 13:5 Compensatory damages, 12:11 Damages, 12:11-12:15 Defenses, 12:10 Equal Pay Act, 12:3, 12:14 Expenses, 13:6 Family and Medical Leave Act, 15:14 Federally assisted programs, 12:4 Front pay, 12:7 Government contracts, 12:5 Injunctions, 12:17 Instatement or reinstatement, 12:6 Laches, 12:10 Liquidated damages, 12:14 Mitigation, 12:10 Nominal damages, 12:13 Offsets, 12:10 Permanent injunctive relief, 12:18 Prejudgment interests, 12:9 Prevailing defendants, 13:4 Prevailing plaintiffs, 13:3 Punitive damages, 12:12 Reconstruction era civil rights acts, 12:1 Recoverable expenses, 13:6 Rehabilitation Act, 12:2 Sanctions, 13:8 Statutory basis for injunction, 12:16 Statutory provisions, 13:2 generally, 12:1-12:5

REMEDIES—Cont'd

Statutory provisions, 13:2—Cont'd
Age Discrimination in Employment Act, 12:3
americans with Disabilities Act, 12:2
Equal Pay Act, 12:3
federally assisted programs, 12:4
government contracts, 12:5
reconstruction era civil rights acts, 12:1
rehabilitation Act, 12:2
Rehabilitation Act, 12:4
title VII, 12:2
Tax considerations, 12:15
Temporary or preliminary relief, 12:17
Title VII, as amended by the 1991 civil rights act, 12:2
Tolling, 12:10
Waiver, 13:7

REQUIREMENTS AND PROHIBITIONS

Disability discrimination, 4:14-4:19

RESTORATION TO POSITION AFTER LEAVE

Family and Medical Leave Act, 15:6

RETALIATION

Generally, 1:4
Adverse action, 1:4
Burdens of proof, 1:4
Causal link, 1:4
Disability discrimination, 4:19
Family and Medical Leave Act, 15:12
Protected activity, 1:4
Protected individuals, 1:4
Regulations, statutory provisions and Department of Labor, 15:10
Statutory provisions, 1:4

RIGHT TO PETITION GOVERNMENT

Constitutional rights and reconstruction era civil rights acts, 11:12

SANCTIONS

Overview, 13:8

SCHEME OF PROOF

Constitutional rights
First amendment rights, 11:7
Reasonable accommodation, 4:22

SECTION 1981

Constitutional and statutory rights, 10:7

SELECTION CRITERIA AND TESTS

Generally, 1:7

SENIORITY SYSTEMS

Generally, 1:8

SERIOUS HEALTH CONDITIONS

Family and Medical Leave Act, 15:5

SEX

Title VII (this index)

SEXUAL ASSAULT

Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, App. T

SEXUAL HARASSMENT

Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, App. T

SHAREHOLDER DIRECTORS

Employment relationship, 1:17

SINGLE EMPLOYERS

Employment relationship, 1:16

SINGLE FILING RULE

Enforcement, 6:12

SMITH V. CITY OF JACKSON

Disparate impact, 1:12

STANDING

Constitutional and statutory rights, **10:5** Enforcement, **6:9**

Title VII, 2:2

STATE AND LOCAL GOVERNMENTS

Age discrimination in employment act of 1967, **3:8** Constitutional and statutory rights, **10:3-10:5**

STATE AND LOCAL LAWS

Age discrimination in employment act of 1967, 3:2

STATE COURT JUDGMENTS

Enforcement, 6:16

STATE GOVERNMENTS

Age Discrimination in Employment Act (ADEA)

STATUTE OF LIMITATIONS

Constitutional and statutory rights, 10:5

Constitutional rights and reconstruction era civil rights act, 10:11

STATUTORY PROVISIONS

Remedies (this index)

STAY

Arbitration pending, 8A:10

SUBPOENAS

Enforcement, 6:7

SUCCESSORSHIP LIABILITY

Bases for employer liability, 1:19

TAX CONSIDERATIONS

Remedies, 12:15

TEMPORARY OR PRELIMINARY RELIEF

Remedies, 12:17

TESTING

Disability discrimination, **4:15** Selection criteria, **1:7**

THEORIES OF LIABILITY

Generally, 1:1

TIME LIMITATIONS

Enforcement, 6:10

TITLE VII

Generally, 2:1-2:18

Applications, 2:8

Civil Rights Act of 1991, amended by, App. A

Constitutional base, 2:2

Coverage, 2:2-2:6

Defenses, 2:11

Dress and grooming codes, 2:11

Employment agencies, 2:6

Enforcement, 6:3

Exemptions, 2:3

Extraterritoriality, 2:3

Harassment, 2:13

Height requirements, 2:10

Ministerial exemption, 2:18

National origin

generally, 2:9-2:10

height requirements, 2:10

treaties, 2:10

weight requirements, 2:10

Non-government employers, 2:3

Overview, 2:1

Preemployment inquiries, 2:11

Preemption, 2:2

Pregnancy, 2:14

Race

applications, 2:8

Race, color

generally, 2:7-2:8

TITLE VII—Cont'd Race, color—Cont'd Overview, 2:7 Particular applications, 2:8 Reasonable accommodation, 2:16 Religion generally, 2:15-2:18 exemption, 2:17 ministerial exemption, 2:18 reasonable accommodation, 2:16 Remedies, 12:2 Sex generally, 2:11 defenses, 2:11 dress and grooming codes, 2:11 EPA considerations, 2:12 harassment, 2:13 preemployment inquiries, 2:11 pregnancy, 2:14 unequal pay, 2:12 Standing, 2:2 Treaties rights, 2:10 Unequal pay sex, 2:12 Unions, 2:5 Weight requirements, 2:10 **TOLLING** Enforcement, 6:5 Remedies, 12:10 **TREATIES** Title VII, 2:10 UNDER COLOR OF LAW Constitutional and statutory rights, 10:4 **UNIONS National Labor Relations Act** (this index) Title VII, 2:5 UNLAWFUL PRACTICES Wage discrimination: Equal Pay Act of 1963, 5:3-5:5 **VACATUR** Arbitration award, 8A:11 VICARIOUS LIABILITY Bases for employer liability, 1:18 **VOLUNTEERS** Employment relationship, 1:15

WAGE DISCRIMINATION

Equal Pay Act of 1963 (this index)

WAIVERS

Arbitration, class action, **8A:9**Attorneys' fees, **13:7**Constitutional and statutory rights, **10:9**Enforcement, **6:15**

WEIGHT REQUIREMENTS

Title VII, **2:10**

WORK SHARING AGREEMENTS

Enforcement, 6:3