Index

ABNORMALLY DANGEROUS WORKING CONDITIONS
Economic action, strikes, **4:17, 4:18**

ABSENTEE VOTING
Elections, **13:30**

ACADEMIC EMPLOYEES
Organizing, **1:25**

ACCELERATED VESTING UNDER TOP HEAVY RULES
Pensions and other employee benefits, **9:26**

ACCESS
Elections, lists of members, **13:19, 13:20**
Organizing, bargaining unit employees' names and addresses, **1:84**

ACCESSIBILITY
Disabilities, **7:90**

ACCOMMODATIONS
Disabilities, **7:68 to 7:75, 7:90**

ACQUIESCENCE
Collective bargaining, **3:11**

ACTIVISTS AND OUTSIDE ORGANIZERS
Organizing, **1:83**

ADMINISTRATION
WARN Act, **10:2**

ADMINISTRATIVE CAPACITY
Fair Labor Standards Act, **8:15**

ADMINISTRATIVE EXPENSES
Bankruptcy, **14:8 to 14:15**

ADMINISTRATIVE REQUIREMENTS AND EXHAUSTION
Disabilities, **7:30, 7:31**

ADVISORY PROCEDURES
Rights of union members within union, **12:14**

AFTER-ACQUIRED EVIDENCE
Disabilities, **7:103**

AGRICULTURAL EMPLOYEES
Fair Labor Standards Act, **8:18**
Organizing, **1:29**

AIRLINES
Fair Labor Standards Act, **8:28**

ALCOHOL USE
Disabilities, **7:101**

ALLY DOCTRINE
Economic action, **4:33 to 4:36**

ALTER EGOS
Collective bargaining, **3:13, 3:13.30**
Construction workers, rights of, **5:66**
Disabilities, **7:19**
Economic action, **4:31**

AMBIGUITY
Economic action, **4:76**

AMBULATORY PICKETING
Economic action, **4:38, 4:46**

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA)
COBRA subsidy, **9:71**

AMERICANS WITH DISABILITIES ACT
Disabilities (this index)

ANTITRUST RESTRICTIONS
Economic action, **4:58 to 4:60**

ANTI-UNION ANIMUS
Economic action, **x:107**

ANTI-UNION TACTICS OF EMPLOYER
Organizing (this index)

APPEALS
Rights of union members within union, **12:44, 12:45**

APPLICANT
Construction workers, rights of, **5:41, 5:55**

APPRENTICES
Fair Labor Standards Act, **8:19, 8:21**

ARBITRARY CONDUCT
Fair representation, duty of, **11:6**

ARBITRARY OR IRRELEVANT CRITERIA
Construction workers, rights of, **5:52**

ARBITRATION
Bankruptcy, **14:37**
Construction workers, rights of, **5:70**
Disabilities, **7:32, 7:92 to 7:94**
Discriminatory Discharges, Opposing (this index)
Economic action, **4:83, 4:84, 4:97**
Pensions and other employee benefits, ERISA litigation, **9:53**

ARRA (AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009)
COBRA subsidy, **9:71**

ASSESSMENTS
Rights of union members within union, **12:25 to 12:29**

ASSOCIATIONAL DISCRIMINATION
Disabilities, **7:28**

ASSOCIATION HEALTH PLANS
Generally, **9:91**

ASSUMPTION
Bankruptcy, **14:32**

ATTENDANCE
Disabilities, **7:55, 7:72**

ATTORNEY'S FEES
Disabilities, **7:119**
Employment discrimination, **6:136 to 6:140**
Fair Labor Standards Act, **8:65**
Fair representation, duty of, **11:33**
Pensions and other employee benefits, ERISA litigation, **9:52**
Rights of union members within union, **12:82**

AUTOMATIC ENROLLMENT
Health care reform, **9:82**

AUTOMATIC STAY
Bankruptcy, **14:35 to 14:37**

AVERAGE BENEFIT TEST
Pensions and other employee benefits, **9:17**

AWARDS
Disabilities, conflicts between ADA and arbitration awards, **7:93**

BACK PAY AND WAGES
Bankruptcy, **14:6, 14:12**
Disabilities, **7:113**
Fair Labor Standards Act, **8:60**
Fair representation, duty of, **11:29**

BAD FAITH
Bargaining, economic action, **x:105**
Fair representation, duty of, **11:8**

BALANCING EQUITIES
Bankruptcy, **14:30**

BALANCING TEST FOR FREE SPEECH RIGHTS
Discriminatory discharges, opposing, **2:13**

BALLOTING SAFEGUARDS
Elections, secret ballot, **13:29 to 13:31**

BANKRUPTCY
Generally, **14:1 to 14:45**
Administrative expenses, **14:8 to 14:15**
Arbitration, **14:37**
Assumption, **14:32**

BANKRUPTCY—Cont'd
Automatic stay, **14:35 to 14:37**
Back pay, **14:6, 14:12**
Balancing equities, **14:30**
Benefit plan contributions, **14:14**
Bildisco case, **14:20, 14:21**
Chapter 11 process, conclusion, **14:45**
Collective bargaining agreement rejection, **14:19 to 14:30**
Commissions, **14:3**
Creditors' committee, **14:16 to 14:18, 14:43**
Defending motion to reject collective bargaining agreement, **14:24**
Disclosure statement, **14:44**
Duty to bargain, **14:25**
Employee benefit plan contributions, **14:14**
Employee claims, **14:2**
Fringe benefits, **14:7**
Good cause to reject proposal, **14:29**
Interim relief, **14:31**
Meeting of creditors, **14:41**
NLRB proceedings, **14:36**
Participation, **14:39**
Payroll deductions, **14:10**
Postpetition wages, **14:9**
Prepetition claims, **14:3 to 14:7**
Proposal, **14:28**
Rejection, **14:27, 14:33**
Representation on creditor's committee, **14:16 to 14:18**
Resources, **14:38**
Retiree benefits, **14:34**
Salaries, **14:3**
Section 1113, **14:22**
Section 1113(f), **14:23**
Severance pay, **14:5, 14:11**
Strike, right to, **14:26**
Tactical considerations, **14:38 to 14:45**
Vacation pay, **14:4**
Wages, **14:3**
WARN, **10:15**
WARN Act, **14:13**
Withdrawal liability, **14:15**

BANNERING
Economic action, **4:47.50**

BARGAINING ORDERS
Organizing, **1:51**

BARGAINING UNIT
Collective bargaining, **3:2**
Construction workers, rights of, **5:5 to 5:7, 5:65**
Organizing, **1:11 to 1:29**
generally, **1:11 to 1:29**

BELO PLANS
Fair Labor Standards Act, **8:44**

BENEFIT PLAN CONTRIBUTIONS
Bankruptcy, **14:14**

BENEFITS
Disabilities, receipt or acceptance of benefits, **7:65**
Economic action, **4:7, 4:8**
Pensions and Other Employee Benefits (this index)

BEST EFFORTS DOCTRINE
Economic action, **4:93**

BIASED TRIBUNALS
Rights of union members within union, **12:41**

BILDISCO CASE
Bankruptcy, **14:20, 14:21**

BLOCKING CHARGES
Organizing, **1:46**

BOYCOTTS, SECONDARY
Economic action, **4:29 to 4:54**

BOYS MARKETS INJUNCTIONS
Economic action, **4:81 to 4:90**

BREACH
Contract, construction workers, rights of, lawsuits, **5:71**
Employment contracts, discriminatory discharges, opposing, **2:22**
No strike clause, economic action, **4:12, 4:19 to 4:24, 4:27**
Privacy, disabilities, **7:25**

BREAK-IN-SERVICE RULE
Pensions and other employee benefits, **9:63**

BREAKS IN SERVICE
Pensions and other employee benefits, **9:28**

BULLETIN BOARDS
Organizing, **1:76**

BURDEN OF PROOF
Disabilities, **7:76**
Fair Labor Standards Act, **8:57**

BUSINESS ENTERPRISE
WARN Act, **10:3**

BUSINESS NECESSITY
Disabilities, **7:109**

BUTTONS
Organizing, union insignia, **1:69 to 1:75**

BYLAWS
Elections, **13:33**

CAMPAIGN
Elections, union funds, safeguards, **13:25 to 13:28**
Organizing, propaganda and tactics, **1:36 to 1:38**

CARD CHECK AGREEMENTS
Organizing, **1:92, 1:94**

CASH OR DEFERRED ARRANGEMENTS
Pensions and other employee benefits, **9:8 to 9:10**

CASUAL WORKERS
Organizing, **1:14, 1:17**

CAUSATION
Disabilities, **7:77**

CERTIFICATION OF WINNERS
Elections, **13:62, 13:63**

CERTIFICATION REQUIREMENTS
Disabilities, **7:57**

CITIZENSHIP
Immigrant Workers (this index)

CIVIL RIGHTS ACTIONS
Economic action, **4:77**

CLAIM PRECLUSION
Disabilities, **7:107**

CLAIMS
Fair representation, duty of, **11:10 to 11:19**

CLASS ACTIONS
Disabilities, **7:15**

COBRA
Pensions and Other Employee Benefits (this index)

COERCION
Economic action, **4:47.50**

COLLECTIVE BARGAINING
Generally, **3:1 to 3:16**
Acquiescence, **3:11**
Agreement
bankruptcy, rejection, **14:19 to 14:30**
disabilities, **7:86**
right to copies, rights of union members within union, **12:51**
Alter egos, **3:13, 3:13.30**
Americans with Disabilities Act. **Disabilities** (this index)
Bargaining unit, **3:2**
Direct dealing, **3:9**
Exclusive representation, **3:1**
Failure to provide information, **3:8**
Formation of agreement, **3:10**
Good faith, duty to bargain in, **3:4**
Illegal subjects of bargaining, **3:3**
Impasse, nonmandatory subjects, **3:7**
Joint employers, **3:13.70**
Mandatory subjects of bargaining, **3:3 to 3:9**
Negotiations, fair representation, duty of, **11:12**
Permissive subjects of bargaining, **3:3 to 3:9**
Per se violations, **3:5 to 3:9**
Plant closings, **3:15**

COLLECTIVE BARGAINING —Cont'd
Relocation of unit work, **3:15**
Remedies, **3:16**
Reopening of agreement, **3:10**
Single employers, **3:13.50**
Subcontracting, **3:15**
Successorship, **3:14**
Termination of agreement, **3:10**
Unilateral changes, **3:6**
Waiver, **3:11**
Withdrawal of recognition, **3:12**

COLLUSIVE VIOLATIONS
Elections, **13:61**

COLLYER CASE
Disabilities, **7:85**

COMMERCE AND DOLLAR TESTS
Fair Labor Standards Act, **8:8**

COMMISSIONS
Bankruptcy, **14:3**

COMMON BUSINESS PURPOSE
Fair Labor Standards Act, **8:7**

COMMON SITUS
Economic action, **4:38 to 4:46**

COMPENSATORY DAMAGES
Disabilities, **7:117**

COMPENSATORY TIME OFF
Fair Labor Standards Act, public employees, **8:45**
Meetings and trainings, **8:51**

COMPLAINT
Elections, secretary of labor, **13:41 to 13:45**

COMPLIANCE TIMELINE
Health care reform, **9:90**

CONFIDENTIAL EMPLOYEES
Organizing, **1:24**

CONFIDENTIALITY
Disabilities, **7:25**

CONNELL DECISION
Construction workers, rights of, **5:27**

CONSPIRACY
Rights of union members within union, **12:78**

CONSTITUTION OF UNION
Elections, **13:33**
Rights of union members within union, **12:46**

CONSTRUCTION WORKERS, RIGHTS OF
Generally, **5:1 to 5:77**
Action to obtain or enforce secondary subcontracting clause, **5:30**
Alter ego doctrine, **5:66**
Applicant availability, **5:41**
Applicant's access to information and records, **5:55**
Arbitrary or irrelevant criteria, **5:52**
Arbitration procedure, **5:70**
Bargaining unit, **5:5 to 5:7, 5:65**
Breach of contract lawsuits, **5:71**
Changes in rules and criteria, **5:54**
Choosing approach, **5:3**
Connell decision, **5:27**
Construction industry proviso, **5:26, 5:28**
Contractual grievance or arbitration procedure, **5:70**
Deklewa decision, **5:10**
Double breasted operations in the building trades
generally, **5:62 to 5:72**
alter ego doctrine, **5:66**
arbitration procedure, **5:70**
bargaining unit, appropriateness, **5:65**
breach of contract lawsuits, **5:71**
contractual grievance or arbitration procedure, **5:70**
forums available for challenging, **5:68 to 5:72**
grievance procedure, **5:70**
information gathering, **5:67**
National Labor Relations Act, **5:69**
single employer doctrine, **5:63 to 5:65**

CONSTRUCTION WORKERS, RIGHTS OF—Cont'd
Double breasted operations in the building trades—Cont'd
trust fund enforcement, **5:72**
Elections, NLRB, **5:4 to 5:15**
Employer liability, **5:61**
Enforceability of prehire agreement, **5:11 to 5:13**
Enforcement, exclusive hiring halls, **5:57 to 5:61**
Exclusive hiring halls
generally, **5:35 to 5:62**
applicant availability, **5:41**
applicant's access to information and records, **5:55**
arbitrary or irrelevant criteria, **5:52**
changes in rules and criteria, **5:54**
compliance with priority rules, **5:40**
creation of, **5:36**
employer liability, **5:61**
employer's duty to use, **5:38**
enforcement, **5:57 to 5:61**
exercise of protected rights, **5:50**
exhaustion of administrative remedies, **5:59**
experience, minimum, **5:43**
financial delinquencies, **5:51**
financing, **5:37**
good conduct, **5:48**
impermissible priority criteria, **5:49 to 5:52**
length of service, **5:44**
name referrals by union, **5:47**
name requests, **5:46**
permissible priority criteria, **5:42 to 5:48**
priority of referral, criteria, **5:39**
remedies, **5:57 to 5:61**
residency, **5:45**
rules and criteria, **5:53, 5:54**
statute of limitations, **5:58**
stewards, **5:47**
training, minimum, **5:43**
Exercise of protected rights, exclusive hiring halls, **5:50**

CONSTRUCTION WORKERS, RIGHTS OF—Cont'd
Exhaustion of administrative remedies, **5:59**
Experience, minimum, **5:43**
Expiration of prehire agreement, **5:13**
Financial delinquencies, **5:51**
Financing, **5:37**
Good conduct, **5:48**
Grievance procedure, **5:70**
Information gathering, **5:67**
Jurisdictional disputes
generally, **5:31 to 5:34**
Section 8(b)(4)(ii)(D), **5:33**
Section 10(k), **5:34**
settlement, **5:32**
Length of service, **5:44**
Name referrals by union, **5:47**
Name requests, **5:46**
National Labor Relations Act, **5:69**
Neutral employment policy defense, **5:19**
NLRB elections, **5:4 to 5:15**
Organizing
generally, **5:2 to 5:19**
bargaining unit, **5:5 to 5:7**
choosing approach, **5:3**
Deklewa decision, **5:10**
elections, NLRB, **5:4 to 5:15**
enforceability of prehire agreement, **5:11 to 5:13**
expiration of prehire agreement, **5:13**
neutral employment policy defense, **5:19**
NLRB elections, **5:4 to 5:15**
picketing, **5:12**
prehire agreement, **5:6, 5:7, 5:9 to 5:15**
refusal to hire, **5:18**
repudiation of prehire agreement, **5:14**
salting, **5:17 to 5:19**
Section 9(a) status, **5:15**
voluntary recognition, **5:16**
voter eligibility, **5:7**

CONSTRUCTION WORKERS, RIGHTS OF—Cont'd
Permissible priority criteria, exclusive hiring halls, **5:42 to 5:48**
Picketing, **5:12**
Prehire agreement, **5:6, 5:7, 5:9 to 5:15, 5:28**
Primary clauses, **5:21, 5:22 to 5:24**
Refusal to hire, **5:18**
Remedies, exclusive hiring halls, **5:57 to 5:61**
Repudiation of prehire agreement, **5:14**
Residency, **5:45**
Salting, **5:17 to 5:19**
Secondary clauses, **5:21, 5:25 to 5:30**
Section 8(b)(4)(ii)(D), **5:33**
Section 10(k), **5:34**
Section 9(a) status, **5:15**
Settlement, **5:32**
Single employer doctrine, **5:63 to 5:65**
Statute of limitations, **5:58**
Stewards, **5:47**
Subcontracting clauses
generally, **5:20 to 5:30**
action to obtain or enforce secondary subcontracting clause, **5:30**
Connell decision, **5:27**
construction industry proviso, **5:26, 5:28**
prehire agreements, **5:28**
primary clauses, **5:21, 5:22 to 5:24**
secondary clauses, **5:21, 5:25 to 5:30**
test for determining primary status, **5:23**
Test for determining primary status, **5:23**
Training, minimum, **5:43**
Trust fund enforcement, **5:72**
Voluntary recognition, **5:16**
Voter eligibility, **5:7**

CONSUMER BOYCOTTS
Economic action, **4:50 to 4:52**

CONSUMER OPERATED AND ORIENTED PLANS (CO-OPS)
Health care reform, **9:89**

CONTEMPT
Economic action, **4:79, 4:90**

CONTINGENT WORKERS
Organizing, **1:18**

CONTINUING VIOLATIONS
Disabilities, **7:130**

CONTRACTS
Fair Representation, Duty of (this index)
Rights of union members within union, **12:11**

CONTRACTUAL GRIEVANCE OR ARBITRATION PROCEDURE
Construction workers, rights of, **5:70**

CONTRIBUTION
Disabilities, union, **7:89**

CONVENTIONS
Elections, **13:32**

COPIES OF COLLECTIVE BARGAINING AGREEMENTS
Rights of union members within union, **12:51**

COSTS
Disabilities, **7:120**
Fair Labor Standards Act, **8:65**

COUNSEL
Disabilities, right to appointment of, **7:128**

COUNTERCLAIMS
Economic action, **4:77**
Rights of union members within union, **12:75**

CRAFT UNITS
Organizing, **1:27**

CREDITORS' COMMITTEE
Bankruptcy, **14:16 to 14:18, 14:43**

CROSS-INJUNCTIONS
Economic action, **4:77**

CROSS TRAINING
Disabilities, **7:56**

DAMAGES
Economic action, **4:80**
Rights of union members within union, **12:79**

DAY RATES AND JOB RATES
Fair Labor Standards Act, **8:42**

DECLARATORY RELIEF
Disabilities, **7:112**

DEFENDING UNION AND STRIKERS IN FEDERAL COURT
Economic Action (this index)

DEFENDING UNION AND STRIKERS IN STATE COURT
Economic Action (this index)

DEFENSES
Disabilities (this index)
Fair Labor Standards Act, **8:66**
Respondents, organizing, **1:26**
Rights of union members within union, **12:39**

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)
Immigrant workers, **15:8**

DEFERRED COMPENSATION PLANS
Pensions and other employee benefits, **9:2 to 9:43**

DEFINED BENEFIT PLANS
Pensions and other employee benefits, **9:7**

DEFINED CONTRIBUTION PLANS
Pensions and other employee benefits, **9:3 to 9:6**

DEKLEWA DECISION
Construction workers, rights of, **5:10**

DEMAND FOR RECOGNITION AND BARGAINING
Organizing, **1:5**

DEMOTIONS
Organizing, **1:89**

DE NOVO REVIEW
Rights of union members within union, **12:45**

DIRECT DEALING
Collective bargaining, **3:9**

DIRECT THREAT
Disabilities, **7:99**

DISABILITIES
Generally, **7:1 to 7:140**
Accessibility, **7:90**
Accommodations, **7:90**
Administrative requirements and exhaustion, **7:30, 7:31**
After-acquired evidence, **7:103**
Alcohol use, **7:101**
Alter ego, **7:19**
Americans with Disabilities Act
generally, **7:2, 7:11 to 7:33**
administrative requirements and exhaustion, **7:30**
agency issues, **7:18**
alter ego, **7:19**
arbitration agreements, **7:32**
associational discrimination, **7:28**
breach of privacy, **7:25**
choosing, **7:12**
class actions, **7:15**
collective bargaining. collective bargaining and the Americans with Disabilities Act, below
comparison, **7:17**
confidentiality, **7:25**
examination and inquiry of employees, **7:24**
exclusions, **7:14, 7:15**
harassment, **7:27**
individual defendants, **7:20**
integrated enterprises, **7:19**
interference, **7:26**
postoffer medical examination, **7:23**

DISABILITIES—Cont'd
Americans with Disabilities Act —Cont'd
preemployment inquiries, **7:22**
prohibited practices, **7:21 to 7:29**
regulations and interpretations, **7:8**
relationship with Rehabilitation Act, **7:11**
remedies, **7:111 to 7:121, 7:125**
retaliation, **7:26**
Section 504, **7:5**
successorship, **7:19**
who can be sued, **7:16 to 7:20**
who can bring suit, **7:13**
Arbitration, **7:92 to 7:94**
Arbitration agreements, **7:32**
Assessment, **7:36**
Associational discrimination, **7:28**
Attendance, **7:55, 7:72**
Attorney's fees, **7:119**
Awards, conflicts between ADA and arbitration awards, **7:93**
Back pay, **7:113**
Benefits, receipt or acceptance of, **7:65**
Breach of privacy, **7:25**
Burden of proof, **7:76**
Business necessity, **7:109**
Causation, **7:77**
Certification requirements, **7:57**
Claim preclusion, **7:107**
Class actions, **7:15**
Collective bargaining agreements, **7:86**
Collective bargaining and the Americans with Disabilities Act
generally, **7:79 to 7:96**
accessibility, **7:90**
accommodations, **7:90**
analytical approach, **7:2**
arbitration, **7:92 to 7:94**
awards, conflicts between ADA and arbitration awards, **7:93**
choosing ADA or grievance arbitration, **7:92**
collective bargaining agreements, unlawful, **7:86**
Collyer, **7:85**

DISABILITIES—Cont'd
Collective bargaining and the Americans with Disabilities Act —Cont'd
contribution, union, **7:89**
direct dealing with represented employees, prohibition, **7:87**
EEOC and NLRB procedural memorandum of understanding, **7:96**
fair representation, duty of, **7:88 to 7:91**
good faith, duty to bargain in, NLRA, **7:80 to 7:83**
NLRB and EEOC procedural memorandum of understanding, **7:96**
NLRB general counsel advice memorandum, **7:82**
privacy rights, **7:83**
seniority systems, conflicts, **7:84**
state law remedies, **7:95**
statutory analysis, **7:81**
unions as employer, **7:91**
Collyer, **7:85**
Compensatory damages, **7:117**
Confidentiality, **7:25**
Continuing violations, **7:130**
Contribution, union, **7:89**
Costs, **7:120**
Counsel, right to appointment of, **7:128**
Cross training, **7:56**
Declaratory relief, **7:112**
Defenses
generally, **7:97 to 7:109**
after-acquired evidence, **7:103**
alcohol use, **7:101**
business necessity, **7:109**
claim preclusion, **7:107**
conflict with other laws, **7:100, 7:104**
direct threat, **7:99**
drug use, **7:101**
eleventh amendment, **7:106**
estoppel, **7:100**
good faith accommodation, **7:102**
issue preclusion, **7:107**

DISABILITIES—Cont'd
Defenses—Cont'd
Rooker/Feldman doctrine, **7:108**
undue hardship, **7:98**
waiver, **7:105**
Direct threat, **7:99**
Disclosure of disability, **7:69**
Discrimination
Evidence, **7:78**
Pretext evidence, **7:78**
Proving a claim
pretext evidence, **7:78**
Drug use, **7:101**
Duration of impairment, **7:40**
EEOC and NLRB procedural memorandum of understanding, **7:96**
Eleventh amendment, **7:106**
Episodic impairments, **7:41**
Equitable tolling, **7:131**
Essential functions of job, **7:51**
Estoppel, **7:100**
Examination and inquiry of employees, **7:24**
Exclusions, **7:14, 7:15**
Failure to provide accommodation, **7:59**
Fair representation, duty of, **7:88 to 7:91**
Family and medical leave act
Comparison of the FMLA with the ADA and Rehabilitation Act, **7:140**
coverage, **7:137**
leave benefits, **7:139**
potential interactions with the ADA and the Rehabilitation Act, **7:136**
Serious health conditions, **7:138**
Family and Medical Leave Act
generally, **7:6**
Flexible leave, **7:72**
Front pay, **7:115**
Good faith, duty to bargain in, NLRA, **7:80 to 7:83**
Good faith accommodation, **7:102**
Harassment, **7:27**
HIV status, **7:47**
Impact of impairment, **7:40**

DISABILITIES—Cont'd
Impairment, definition, **7:37**
Individual defendants, **7:20**
Injunctive relief, **7:112**
Insurance benefits, application for, **7:58 to 7:67**
Integrated enterprises, **7:19**
Interest, **7:121**
Interference, **7:26**
Issue preclusion, **7:107**
Job restructuring, **7:73**
Judicial estoppel, **7:66**
Learning disabilities, **7:45, 7:49**
Major life activity, **7:38**
Mental health disabilities, **7:48**
Multiple impairments, **7:42**
NLRB and EEOC procedural memorandum of understanding, **7:96**
NLRB general counsel advice memorandum, **7:82**
Nominal damages, **7:116**
100% healed policies, **7:75**
Other federal statues, **7:7**
Overtime, **7:54**
Perceived disability, **7:46**
Physical requirements, **7:52 to 7:57**
Postoffer medical examination, **7:23**
Preemployment inquiries, **7:22**
Privacy rights, **7:83**
Procedure
generally, **7:127 to 7:135**
continuing violations, **7:130**
counsel, right to appointment of, **7:128**
equitable tolling, **7:131**
statute of limitations, **7:129 to 7:131**
survival of actions, **7:132**
Production standards, **7:53**
Prohibited practices, **7:21 to 7:29**
Proving a claim
generally, **7:34 to 7:78**
assessment, **7:36**
attendance, **7:55**
attendance policies, **7:72**
benefits, receipt or acceptance of, **7:65**
burden of proof, **7:76**

DISABILITIES—Cont'd
Proving a claim—Cont'd
causation, **7:77**
certification requirements, **7:57**
cross training, **7:56**
differences in definition of disability, **7:64**
disclosure of disability, **7:69**
duration of impairment, **7:40**
elements, **7:34**
essential functions of job, **7:51**
failure to provide accommodation, **7:59**
flexible leave, **7:72**
HIV status, **7:47**
impact of impairment, **7:40**
impairment, definition, **7:37**
individual with a disability, **7:35 to 7:49**
insurance benefits, application for, **7:58 to 7:67**
interactive process, **7:70**
job restructuring, **7:73**
judicial estoppel, **7:66**
major life activity, **7:38**
mental health disabilities, **7:48**
multiple impairments, **7:42**
100% healed policies, **7:75**
perceived disability, **7:46**
physical requirements, **7:52 to 7:57**
production standards, **7:53**
qualified plaintiff, **7:50 to 7:67**
qualified vs. absolute statements of disability, **7:60**
reasonable accommodation, **7:68 to 7:75**
reassignment, **7:74**
record of disability, **7:45**
relevant condition, **7:63**
relevant time frame, **7:62**
request for accommodation, **7:69**
rotating shifts, **7:56**
specificity of plaintiff's allegations, **7:61**
substantially limits, **7:39 to 7:43**
unsworn statements, **7:67**
work activities, **7:43**

DISABILITIES—Cont'd
Punitive damages, **7:118**
Qualification standards, **7:29**
Qualified plaintiff, **7:50 to 7:67**
Qualified vs. absolute statements of disability, **7:60**
Reasonable accommodation, **7:68 to 7:75**
Reassignment, **7:74**
Record of disability, **7:45**
Regulations and interpretations, **7:8**
Rehabilitation Act
generally, **7:11 to 7:33, 7:122 to 7:124**
administrative requirements and exhaustion, **7:31**
alter ego, **7:19**
arbitration agreements, **7:32**
associational discrimination, **7:28**
breach of privacy, **7:25**
choosing, **7:12**
class actions, **7:15**
comparison, **7:17**
confidentiality, **7:25**
examination and inquiry of employees, **7:24**
exclusions, **7:14, 7:15**
harassment, **7:27**
individual defendants, **7:20**
integrated enterprises, **7:19**
interference, **7:26**
other considerations, **7:33**
postoffer medical examination, **7:23**
preemployment inquiries, **7:22**
prohibited practices, **7:21 to 7:29**
relationship with Americans With Disabilities Act, **7:11**
retaliation, **7:26**
Section 501, **7:3**
Section 504, **7:3 to 7:5**
successorship, **7:19**
who can be sued, **7:16 to 7:20**
who can bring suit, **7:13**
Reinstatement, **7:114**
Relationship with Rehabilitation Act, **7:11**
Relevant condition, **7:63**

DISABILITIES—Cont'd
Relevant time frame, **7:62**
Remedies
generally, **7:110 to 7:126**
Americans with Disabilities Act, **7:111 to 7:121, 7:125**
attorney's fees, **7:119**
back pay, **7:113**
compensatory damages, **7:117**
costs, **7:120**
declaratory relief, **7:112**
front pay, **7:115**
injunctive relief, **7:112**
interest, **7:121**
punitive damages, **7:118**
Rehabilitation Act, **7:122 to 7:124**
reinstatement, **7:114**
state law, **7:126**
Remission, impairment in, **7:41**
Request for accommodation, **7:69**
Retaliation, **7:26**
Rights of persons with, **7:10**
Rooker/Feldman doctrine, **7:108**
Rotating shifts, **7:56**
Seniority systems, conflicts, **7:84**
Standards for qualification, **7:29**
State law
generally, **7:9, 7:126**
remedies, **7:95**
Statute of limitations, **7:129 to 7:131**
Substantially limits, **7:39 to 7:43**
Successorship, **7:19**
Survival of actions, **7:132**
Teleworking, **7:71**
Undue hardship, **7:98**
Unions as employer, **7:91**
Unsworn statements, **7:67**
Virtually always recognized disabilities, **7:44**
Waiver, **7:105**
Work activities, **7:43**

DISCHARGE
Discriminatory discharges, opposing, breach of employment contracts, **2:22**
Economic action, replacement, **4:4**
Organizing, **1:19, 1:88**

DISCIPLINARY SAFEGUARDS
Rights of Union Members within Union (this index)

DISCIPLINE
Discriminatory discharges, opposing, right to have a representative at, **2:9**
Economic action, **4:101 to 4:103, 4:117**
Organizing, **1:89**
Strike, introduction, **4:101**

DISCLOSURE
Bankruptcy, **14:44**
Disabilities, **7:69**
Pensions and other employee benefits, **9:44 to 9:46**

DISCOVERY
Rights of union members within union, **12:76**

DISCRIMINATION
Disabilities (this index)
Discriminatory Discharge, Opposing (this index)
Employment Discrimination (this index)
Fair representation, duty of, **11:7**
Internal union organizers or salts, **1:91**
Organizing (this index)
Pensions and other employee benefits, **9:65**

DISCRIMINATORY DISCHARGES, OPPOSING
Generally, **2:1 to 2:45**
Activities for mutual aid or protection under Section 7, **2:4**
Arbitration, **2:37**
deferral of LMRA claims, **2:37**
deferral under Spielberg, **2:38**
discharge claims under individual employment agreements, **2:36**
grievances, **2:33**
Spielberg case, **2:38**
statutory claims under collective bargaining agreement, **2:35**

DISCRIMINATORY DISCHARGES, OPPOSING—Cont'd
Balancing test for free speech rights, **2:13**
Breach of employment contracts, **2:22**
Bringing a case, **2:3**
Concerted activities under Section 7, **2:5**
Deferral of LMRA claims, **2:37**
Deferral under Spielberg, **2:38**
Discharge in breach of employment contracts, **2:22**
Discharge in violation of public policy, **2:23 to 2:34**
Disciplinary interview, right to have a representative at, **2:9**
Drug testing, **2:20**
Due process, **2:17, 2:18**
Energy Reorganization Act (ERA), **2:27**
False Claims Act, **2:32**
Federal Labor Relations Act, **2:29**
Federal Mine Health and Safety Act, **2:30**
Freedom of association, **2:16**
Free speech, **2:11 to 2:15**
Grievances, **2:33**
Individual presentation of grievances under collective bargaining agreement, **2:34**
Intent, proving under Sections 8(a)(3) and 8(a)(4), **2:8**
Liberty interests, **2:18**
Longshore and Harbor Workers' Compensation Act, **2:31**
NLRA, **2:41**
Occupational Health and Safety Act of 1970 (OSHA), **2:25**
Preemption
claims against unions, **2:42**
ERISA, **2:43**
NLRA, **2:41**
other statutes, **2:44**
state wrongful termination claims under Section 301 of the LMRA, **2:39, 2:40**
Privacy, **2:19, 2:20**
Property rights, **2:17**

DISCRIMINATORY DISCHARGES, OPPOSING—Cont'd
Protection of speech, **2:12**
Public employees right to free speech, **2:11**
Public policy, **2:23, 2:24**
Relief for denial of free speech rights, **2:15**
Remedies, **2:10**
Retaliation for free speech rights, **2:14**
Screening and shaping the case, **2:2**
Searches, **2:19**
Section 7, **2:4, 2:5**
Section 8(a)(4), **2:7**
Sections 8(a)(3) and 8(a)(4), **2:8**
Self-incrimination, **2:21**
Spielberg case, **2:38**
Statutory claims, **2:35**
Surface Transportation Assistance Act (STAA), **2:26**
Unprotected activity, **2:6**
Weingarten rights, **2:9**
Whistleblower Protection Act, **2:28**
Whistleblower statutes, **2:24 to 34**

DISLOCATED WORKERS
WARN Act, **10:16**

DISTRIBUTION OF LITERATURE, UNION PUBLICATIONS AND MEMBERSHIP LISTS
Elections, **13:17 to 13:24**

DISTRIBUTIONS FROM QUALIFIED PLANS
Pensions and other employee benefits, **9:37 to 9:42**

DOUBLE BREASTED OPERATIONS IN THE BUILDING TRADES
Construction Workers, Rights of (this index)

DRUG TESTING
Discriminatory discharges, opposing, **2:20**

DRUG USE
Disabilities, **7:101**

DUAL FUNCTION WORKERS
Organizing, **1:15**

DUE PROCESS
Discriminatory discharges, opposing, **2:17, 2:18**

DUES
Fair representation, duty of, **11:16**
Rights of union members within union, **12:25 to 12:29, 12:36**

DURATION OF IMPAIRMENT
Disabilities, **7:40**

EARLY WITHDRAWALS
Pensions and other employee benefits, **9:40**

ECONOMIC ACTION
Generally, **4:1 to 4:117**
Abnormally dangerous working conditions strikes, **4:17, 4:18**
Actions unions may take against members, **4:103**
Ally doctrine, **4:33 to 4:36**
Alter egos, **4:31**
Ambiguity, **4:76**
Ambulatory picketing, **4:38, 4:46**
Antitrust restrictions, **4:58 to 4:60**
Anti-union animus, **x:107**
Arbitration, **4:83, 4:84, 4:97**
Arranged by primary employer, **4:35**
Bad faith bargaining, **x:105**
Bannering, **4:47.50**
Benefits, **4:7, 4:8**
Best efforts doctrine, **4:93**
Boycotts, secondary, **4:29 to 4:54**
Boys Markets injunctions, **4:81 to 4:90**
Breach of no strike clause, **4:12, 4:19 to 4:24, 4:27**
Civil rights actions, **4:77**
Classification of dispute under Railway Labor Act
right to strike, **4:113 to 4:114**
Coercion, **4:47.50**
Common situs, **4:38 to 4:46**
Consumer boycotts, **4:50 to 4:52**
Contacting employees away from site, **4:69**

ECONOMIC ACTION—Cont'd
Contempt, **4:79, 4:90**
Contesting preliminary or temporary injunctions, **4:70**
Contractual obligation to arbitrate, **4:83**
Counterclaims, **4:77**
Cross-injunctions, **4:77**
Damage actions, **4:80**
Defending union and strikers disciplined for unprotected strike activity or strike misconduct in arbitration, **4:25 to 4:28**
Defending union and strikers in federal court
arbitration, **4:83, 4:84, 4:97**
best efforts doctrine, **4:93**
Boys Markets injunctions, **4:81 to 4:90**
contempt, **4:90**
contractual obligation to arbitrate, **4:83**
equity, **4:85**
financial liability under Section 301, **4:93 to 4:96**
individual liability of union members, **4:92**
injunction actions, equity, **4:85**
management willingness to arbitrate, **4:84**
mass action doctrine, **4:94**
ostensible authority, **4:95**
prerequisites for issuance of Boys Markets injunction, **4:82 to 4:86**
procedure, **4:88**
ratification, **4:96**
Section 10(1), **4:99**
Section 301, **4:91 to 4:97**
Section 303, **4:98**
union responsibility for strike, **4:86**
Defending union and strikers in state court
ambiguity, **4:76**
contacting employees away from site, **4:69**
contempt, **4:79**

ECONOMIC ACTION—Cont'd
Defending union and strikers in state court—Cont'd
contesting preliminary or temporary injunctions, **4:70**
counterclaims, **4:77**
cross-injunctions, **4:77**
damage actions, **4:80**
federal preemption, **4:75**
harassment, **4:68**
hearing, **4:73**
injunction actions, **4:62 to 4:69**
intervention, NLRB, **4:78**
libel, **4:68**
Little Norris-LaGuardia acts, **4:74 to 4:76**
location and conduct of pickets, **4:67**
mass picketing, **4:64**
name calling, **4:68**
notice, **4:71**
picketing and picket lines
conduct of pickets, **4:67**
contacting employees away from site, **4:69**
harassment, **4:68**
libel, **4:68**
location, **4:67**
mass, **4:64**
name calling, **4:68**
residential, **4:66**
pre-strike preparations, **4:70**
removal, **4:72**
residential picketing, **4:66**
specificity, **4:76**
state court, defending union and strikers in, **4:61 to 4:80**
terms of injunction, **4:74**
trespass, **4:65**
vagueness, **4:76**
violence, **4:63**
Discharge v. replacement, **4:4**
Discipline, **4:101 to 4:103, 4:117**
Equity, **4:85**
Federal law restrictions on right to strike, **4:55 to 4:60**
Federal preemption, **4:75**

ECONOMIC ACTION—Cont'd
Financial liability under Section 301, **4:93 to 4:96**
Guerilla theater, **4:47.50**
Harassment, **4:68**
Hearing, **4:73**
Hearst doctrine, **4:32**
Hot cargo clauses, **4:49**
Indirect economic interest, **4:109**
Individual liability of union members, **4:92**
Individual striker's rights, **4:2 to 4:28**
Inflated rats, **4:47.50**
Injunction actions, **4:62 to 4:69, 4:85**
Intervention, NLRB, **4:78**
Intimidation, **4:47.50**
Joint employers, **4:31**
Jurisdictional picketing, **4:56**
Libel, **4:68**
Little Norris-LaGuardia acts, **4:74 to 4:76**
Lobbying, **4:53**
Location and conduct of pickets, **4:67**
Lockouts, **x:104 to x:110**
Management willingness to arbitrate, **4:84**
Mass action doctrine, **4:94**
Mass picketing, **4:64**
Minority strikes, **4:21**
Misconduct, **4:5, 4:26**
Mock funerals, **4:47.50**
Name calling, **4:68**
National emergency strikes, **4:57**
Nonmandatory subjects of bargaining, **x:106**
No strike clauses, **4:12**
Notice, **4:71**
Ostensible authority, **4:95**
Overview of strikes and other actions, **4:1**
Partial lockouts, **x:108**
Partial strikes, **4:22, 4:27**
Picketing and picket lines
business, employer engaged in, **4:42**
common site, **4:40 to 4:45**
conduct of pickets, **4:67**
consumer boycotts, **4:50**

ECONOMIC ACTION—Cont'd
Picketing and picket lines—Cont'd
contacting employees away from site, **4:69**
employer present, **4:41**
employer's site, **4:39**
libel, **4:68**
location, **4:67**
mass, **4:64**
misconduct, **4:26**
name calling, **4:68**
picket signs, **4:44**
premises, **4:14, 4:15**
provisions governing the right to respect, **4:16**
reserved gates, **4:43**
residential, **4:66**
Political boycotts, **4:53**
Prerequisites for issuance of Boys Markets injunction, **4:82 to 4:86**
Pre-strike preparations, **4:70**
Procedure, **4:88**
Publicity other than picketing, **4:47, 4:47.50, 4:52**
Railway Labor Act, **4:111 to 4:117**
Railway Labor Act, strikes, **4:111**
other restrictions on right to, **4:111**
Ratification, **4:96**
Rats, inflated, **4:47.50**
Recognitional picketing, **4:55**
Reinstatement rights, **4:3 to 4:9, 4:11**
Removal, **4:72**
Replacement of locked out employees, **4:110**
Replacement of strikers, **4:117**
Replacement vs. discharge, **4:4**
Reserved gates, **4:38 to 4:46**
Residential picketing, **4:66**
Restraining behavior, **4:47.50**
Restrictions on right to replace strikers, **4:9**
Right to strike
major disputes, Railway Labor Act, **4:113, 4:114**
minor disputes, Railway Labor Act, **4:114, 4:115**
Safety strikes, **4:17, 4:18**
Secondary, who is, **4:30 to 4:37**

ECONOMIC ACTION—Cont'd
Secondary boycotts, **4:29 to 4:54, 4:115**
Secondary strikes, **4:115**
Section 10(1), **4:99**
Section 301, **4:91 to 4:97**
Section 303, **4:98**
Settlement agreements, **4:6**
Single employers, **4:31**
Sit-down strikes, **4:20**
Specificity, **4:76**
State court, defending union and strikers in, **4:61 to 4:80**
Statutory limitations on discipline of union members, **4:102**
Statutory notice periods, strikes during, **4:23**
Street theater, **4:47.50**
Strike, right to, **4:1 to 4:117**
Strike discipline, introduction, **4:101**
Struck work, performance of, **4:34**
Sympathy strikes, **4:13, 4:28**
Threatening behavior, **4:47.50**
Threats of secondary activity, **4:48**
Trespass, **4:65**
Unfair labor practice strikes, **4:10 to 4:16**
Union responsibility for strike, **4:86**
Unprotected strikes, **4:19 to 4:28**
Vagueness, **4:76**
Violence, **4:63**

ECONOMIC DAMAGES
Fair representation, duty of, **11:29**

EJECTION OF ACTIVISTS AND OUTSIDE ORGANIZERS
Organizing, **1:83**

ELECTIONS
Generally, **13:1 to 13:66**
Absentee voting, **13:30**
Access to lists of members, **13:19, 13:20**
Administration of balloting, **13:31**
Balloting safeguards, secret ballot, **13:29 to 13:31**
Bylaws, **13:33**
Campaign.**Organizing** (this index)

ELECTIONS—Cont'd
Campaign safeguards, union funds, **13:25 to 13:28**
Certification of winners, **13:62, 13:63**
Collusive violations, **13:61**
Complaint to secretary of labor, **13:41 to 13:45**
Constitution, **13:33**
Construction workers, rights of, NLRB, **5:4 to 5:15**
Control of the union, **13:50**
Conventions, **13:32**
Delays in supervised election, **13:60**
Discrimination in distribution, **13:23**
Distribution of literature, union publications and membership lists, **13:17 to 13:24**
Eligibility to vote and run for office, **13:5 to 13:16**
Employer funds, **13:26**
Employment at trade, **13:7 to 13:12**
Exhaustion of remedies, **13:36 to 13:40**
Filing complaint, **13:42 to 13:44**
Frequency and elections covered, **13:4**
Funds, union, **13:25 to 13:28**
Good standing, **13:7 to 13:12**
Installed, right to be, **13:34**
Interference, improper, **13:28**
Intermediate organizations, **13:3**
Internal union protests, **13:37**
Intervening elections, **13:55**
Investigation of secretary of labor, **13:46, 13:47**
Literature, **13:17 to 13:24**
Litigation
generally, **13:48 to 13:66**
certification of winners, **13:62, 13:63**
collusive violations, **13:61**
control of the union, **13:50**
delays in supervised election, **13:60**
intervening elections, **13:55**
mootness of action, **13:56**
parties, **13:48, 13:49**
rebutting prima facie case, **13:54**

ELECTIONS—Cont'd
Litigation—Cont'd
relief, **13:52 to 13:54**
remedies, **13:58 to 13:61**
removal of officers, **13:66**
secretary of labor's rejection of complaints, **13:64**
settlement, **13:57**
suits by union members, **13:65**
supervised elections, **13:62, 13:63**
Local organizations, **13:3**
Meeting attendance, **13:8**
Membership in certain branch or group, **13:10**
Membership lists, **13:17 to 13:24**
Mootness of action, **13:56**
National labor organizations, **13:3**
Nomination, **13:14, 13:16**
Notice, **13:15, 13:27**
Office holding, **13:9**
Opportunity to vote, **13:30**
Overview of union elections, **13:1**
Parties, **13:48, 13:49**
Probable cause, secretary of labor, **13:46, 13:47**
Procedures
generally, **13:35 to 13:47**
complaint to secretary of labor, **13:41 to 13:45**
exhaustion of remedies, **13:36 to 13:40**
filing complaint, **13:42 to 13:44**
internal union protests, **13:37**
investigation of secretary of labor, **13:46, 13:47**
nominating, **13:14**
probable cause, secretary of labor, **13:46, 13:47**
secretary of labor, complaint to, **13:41 to 13:45**
violations, **13:38, 13:39**
Publications, union, **13:17 to 13:24**
Rebutting prima facie case, **13:54**
Relief, **13:52 to 13:54**
Remedies, **13:58 to 13:61**
Removal of officers, **13:66**
Secretary of labor
complaint to, **13:41 to 13:45**

ELECTIONS—Cont'd
Secretary of labor—Cont'd
rejection of complaints, **13:64**
Secret ballot, **13:29 to 13:31**
Sections 502 and 504, **13:11**
Settlement, **13:57**
Substantive standards
generally, **13:4 to 13:34**
absentee voting, **13:30**
access to lists of members, **13:19, 13:20**
administration of balloting, **13:31**
balloting safeguards, secret ballot, **13:29 to 13:31**
bylaws, **13:33**
campaign safeguards, union funds, **13:25 to 13:28**
constitution, **13:33**
conventions, **13:32**
discrimination in distribution, **13:23**
distribution of literature, union publications and membership lists, **13:17 to 13:24**
eligibility to vote and run for office, **13:5 to 13:16**
employer funds, **13:26**
employment at trade, **13:7 to 13:12**
frequency and elections covered, **13:4**
funds, union, **13:25 to 13:28**
good standing, **13:7 to 13:12**
installed, right to be, **13:34**
interference, improper, **13:28**
literature, **13:17 to 13:24**
meeting attendance, **13:8**
membership in certain branch or group, **13:10**
membership lists, **13:17 to 13:24**
nomination, **13:14, 13:16**
notice, **13:15, 13:27**
office holding, **13:9**
opportunity to vote, **13:30**
procedures, nominating, **13:14**
secret ballot, **13:29 to 13:31**
Sections 502 and 504, **13:11**
union publications, **13:17 to 13:24**

ELECTIONS—Cont'd
Suits by union members, **13:65**
Supervised elections, **13:62, 13:63**
Title IV enforcement actions, introduction, **13:35**
Union officers, **13:2**
Violations, **13:38, 13:39**

ELEVENTH AMENDMENT
Disabilities, **7:106**

E-MAIL
Organizing, company restrictions on use, **1:81**

EMOTIONAL DISTRESS
Fair labor standards act, **8:61**
Fair representation, duty of, **11:31**

EMPLOYEE STOCK OWNERSHIP PLANS
Pensions and other employee benefits, **9:36**

EMPLOYER-ARRANGED MEETINGS
Organizing, **1:45**

EMPLOYER MANDATES
Health care reform, **9:77**

EMPLOYMENT DISCRIMINATION
Generally, **6:1 to 6:140**
Affirmative defense, **6:84 to 6:86**
Age, **6:47 to 6:55**
Age Discrimination in Employment Act, **6:11 to 6:14**
Americans with Disabilities Act, **6:23**
Association with members of protected class, **6:31**
Attorney's fees, **6:136 to 6:140**
Benefits, Older Workers Benefit Protection Act, **6:51**
Bona fide occupational qualification defense, **6:38, 6:48**
Citizenship, **6:35**
Civil Rights Act of 1991, **6:6 to 6:10**
Color, **6:32**
Combined race and other factors, **6:30**
Constitutions of states, **6:28**

EMPLOYMENT DISCRIMINATION—Cont'd
Contract claims, **6:27**
Coverage under Age Discrimination in Employment Act, **6:12**
Coverage under Title VII, **6:3**
Direct method, proving, **6:63**
Disability, **6:56**
English, ability to speak, **6:34**
Equal Pay Act, **6:15 to 6:17**
ERISA, **6:55**
Evidence
generally, **6:115 to 6:118**
after acquired evidence, **6:122**
comments. discriminatory, **6:120**
current employees, **6:117**
ex parte contact with employees, **6:115 to 6:118**
former employees, **6:116**
immigration status, **6:123**
intimidation of witnesses, **6:118**
others, discrimination against, **6:119**
relevance of sexual conduct or history, **6:124**
self-serving testimony, **6:121**
Executive, **6:49**
Exemptions under Title VII, **6:46**
42 U.S.C.A § 1981, **6:19**
42 U.S.C.A § 1983, **6:20 to 6:22**
Gender identity, **6:42**
Immigration Reform and Control Act, **6:36**
Indirect method, proving, **6:64**
National origin, **6:33 to 6:36**
Older Workers Benefit Protection Act, **6:50 to 6:54**
Patterson v. McLean, **6:8**
Policymaker, **6:49**
Pregnancy, **6:39**
Pregnancy discrimination, **6:18**
Procedure
generally, **6:99 to 6:107**
Age Discrimination in Employment Act, **6:14**
appealability of arbitration decisions, **6:107**

EMPLOYMENT DISCRIMINATION—Cont'd
Procedure—Cont'd
arbitration, exhaustion of remedies, **6:104 to 6:107**
collective bargaining agreement, **6:105**
continuing violations doctrine, **6:108 to 6:110**
equitable estoppel, **6:109**
equitable tolling, **6:109**
exhaustion of administrative remedies, **6:99 to 6:103**
forum, **6:111 to 6:114**
grievance procedures, exhaustion of remedies, **6:104 to 6:107**
individual arbitration agreements, **6:106**
Labor Management Relations Act, **6:113**
preemption by Labor Management Relations Act, **6:113**
preemption by Workers' Compensation, **6:114**
Section 1983, **6:101**
state agencies, exhaustion of remedies, **6:102**
statute of limitations, **6:108 to 6:110**
supplementary jurisdiction, **6:112**
Title VII, **6:4**
Title VII, exhaustion of remedies, **6:100**
tort claims, exhaustion of remedies, **6:103**
waiver, **6:110**
Workers' Compensation, **6:114**
Protected activity, retaliation, **6:92**
Protected categories, **6:29 to 6:57**
Race, protected category, **6:29 to 6:31**
Reasonable accommodation, **6:45**
Rehabilitation Act, **6:24**
Relief
generally, **6:125 to 6:139**
amount of award, **6:133**
attorney's fees, **6:136 to 6:140**
back pay, **6:126**

EMPLOYMENT DISCRIMINATION—Cont'd
Relief—Cont'd
compensatory damages, **6:129, 6:130**
computation, attorney's fees, **6:139**
front pay, **6:127**
injunctive relief, **6:128**
liquidated damages, **6:131**
mitigation of damages, **6:134**
prevailing party, attorney's fees, **6:138**
psychological damages, **6:130**
punitive damages, **6:132**
taxability of attorney's fees, **6:140**
taxability of damage awards, **6:135**
Relief, Age Discrimination in Employment Act, **6:13**
Relief, Civil Rights Act of 1991, **6:7**
Relief, Equal Pay Act, **6:17**
Relief, Title VII, **6:5**
Religion, **6:43 to 6:46**
Retaliation, **6:57, 6:92 to 6:96**
Retirement, Older Workers Benefit Protection Act, **6:52**
Retroactive application, **6:10**
Settlement, Older Workers Benefit Protection Act, **6:54**
Severance agreement, Older Workers Benefit Protection Act, **6:54**
Sex, **6:37 to 6:40**
Sexual orientation, **6:41**
State antidiscrimination claims, **6:25 to 6:28**
Statute of limitations, 42 U.S.C.A § 1983, **6:22**
Stereotyping, sex, **6:40**
Tangible employment action, **6:81**
Taxability of attorneys' fee awards, **6:140**
Theories for proving
generally, **6:58 to 6:98**
adverse actions, **6:95**
affirmative defense, **6:84 to 6:86**
burden of proof, **6:73, 6:75**
but for, **6:70.70**
but-for test, **6:72**

EMPLOYMENT DISCRIMINATION—Cont'd
Theories for proving—Cont'd
Civil Rights Act of 1991, **6:75, 6:77**
common statutory terms, disparate treatment, **6:59 to 6:61**
conduct need not be sexual, **6:90**
direct evidence, **6:66**
direct method, **6:63**
disparate impact, **6:72 to 6:78**
disparate treatment, **6:58 to 6:73**
duty to prevent and remedy harassment, **6:85**
harassment, **6:80 to 6:83**
hostile work environment, **6:82**
indirect method, **6:64**
liability for conduct of co-worker, **6:89**
methods of proof, **6:62**
mixed motive, **6:70.30**
motivating factor test, **6:71**
pattern or practice, **6:71**
plaintiff's conduct, **6:88**
pretext, **6:65 to 6:69**
reasonable accommodation, **6:97**
reasonable belief, **6:94**
reasonable woman, **6:83**
retaliation, **6:92 to 6:96**
same sex sexual harassment, **6:91**
seniority systems, **6:79**
similarly situated employees, **6:67**
statistics, **6:68, 6:78**
subjective employment practices, **6:74**
tangible employment action, **6:81**
temporal proximity, **6:96**
wage discrimination, **6:98**
Wards Cove case, **6:76**
Title VII, **6:2 to 6:5**
Torts, **6:27**
Wards Cove Packing v. Atonio, **6:9**
Who can be sued, Equal Pay Act, **6:16**

ENERGY REORGANIZATION ACT (ERA)
Discriminatory discharges, opposing, **2:27**

ENFORCEABILITY
Construction workers, rights of, prehire agreement, **5:11 to 5:13**

ENFORCEMENT
Construction workers, rights of, exclusive hiring halls, **5:57 to 5:61**
Fair Labor Standards Act (this index)
Organizing, **1:27**
Rights of Union Members within Union (this index)
WARN Act, **10:2**

ENTERPRISE COVERAGE
Commerce, employee, and dollar requirements, **8:8**
Employees working for covered enterprises, **8:5**
Fair Labor Standards Act, **8:5**

EPISODIC IMPAIRMENTS
Proving disability claims, **7:41**

EQUAL RIGHT TO PARTICIPATE IN GOVERNING
Rights of Union Members within Union (this index)

EQUITABLE RELIEF
Rights of union members within union, **12:80, 12:81**

EQUITABLE TOLLING
Disabilities, **7:131**

EQUITY
Economic action, **4:85**

ERISA LITIGATION
Pensions and other employee benefits, **9:48 to 9:53**

ESSENTIAL FUNCTIONS OF JOB
Disabilities, **7:46**

ESTOPPEL
Disabilities, **7:100**

EVIDENCE
Discrimination, **7:78**
Fair representation, duty of, **11:27**

EXAMINATION AND INQUIRY OF EMPLOYEES
Disabilities, **7:24**

EXCELSIOR LIST
Organizing, **1:84**

EXCLUSION OF CLASSES OF MEMBERS
Rights of union members within union, **12:15**

EXCLUSIONS
Disabilities, **7:14, 7:15**
Fair Labor Standards Act, Portal to Portal Act, **8:52**

EXCLUSIVE BENEFIT RULE
Pensions and other employee benefits, **9:13**

EXCLUSIVE HIRING HALLS
Construction Workers, Rights of (this index)

EXCLUSIVE REPRESENTATION
Collective bargaining, **3:1**
Fair representation, relationship to, **11:2**

EXECUTIVE CAPACITY
Fair Labor Standards Act, **8:14**

EXEMPTIONS
Fair Labor Standards Act (this index)

EXHAUSTION OF REMEDIES
Construction workers, rights of, **5:59**
Elections, **13:36 to 13:40**
Fair Representation, Duty of (this index)
Pensions and other employee benefits, ERISA litigation, **9:48**
Rights of union members within union, **12:56 to 12:65**

EXPEDITED ELECTIONS
Organizing, **1:7**

EXPERIENCE
Construction workers, rights of, **5:43**

EXPIRATION OF PREHIRE AGREEMENT
Construction workers, rights of, **5:13**

FAIR LABOR STANDARDS ACT
Generally, **8:1 to 8:69**
Administrative capacity, employment in, **8:15**
Agricultural employees, **8:18**
Airlines, **8:28**
Apprentices, **8:19, 8:21**
Attorney's fees, **8:65**
Back wages, **8:60**
Belo plans, **8:44**
Burden of proof, **8:57**
Commerce and dollar tests, **8:8**
Common business purpose, **8:7**
Compensable time under FLSA and Portal to Portal Act, **8:46 to 8:43**
Compensatory time off for public employees, **8:45**
meetings and trainings, **8:51**
Cost of suit, **8:65**
Coverage
generally, **8:4 to 8:11**
commerce and dollar tests, **8:8**
common business purpose, **8:7**
enterprise coverage, **8:5**
independent contractors, **8:10**
individual coverage, **8:4**
related activities, **8:6**
state and local government employers, **8:9**
Day rates and job rates, **8:42**
Defenses, **8:66**
Determination of regular rate, **8:39 to 8:43**
Duties test for employment in bona fide administrative capacity, **8:15**
Duties test for employment in bona fide executive capacity, **8:14**
Duties test for employment in bona fide professional capacity, **8:16**
Emotional distress, **8:61**
Enforcement
generally, **8:55 to 8:55**
attorney's fees, **8:65**
back wages, **8:60**

FAIR LABOR STANDARDS ACT —Cont'd
Enforcement—Cont'd
burden of proof, **8:57**
cost of suit, **8:65**
Defendant's, **8:56**
emotional distress, **8:61**
employer defenses, **8:66**
liquidated damages, **8:62**
Mandatory arbitration, **8:67**
Plaintiff's, **8:55**
prejudgment interest, **8:64**
punitive damages, **8:63**
remedies, **8:58**
statute of limitations, **8:68**
Enterprise coverage, **8:5**
Exceptions to time and a half rule, **8:44**
Exclusions, Portal to Portal Act, **8:52**
Executive capacity, employees employed in, **8:14**
Exemptions
generally, **8:12 to 8:31**
administrative capacity, employment in, **8:15**
agricultural employees, **8:18**
airlines, **8:28**
apprentices, **8:19, 8:21**
duties test for employment in bona fide administrative capacity, **8:15**
duties test for employment in bona fide executive capacity, **8:14**
duties test for employment in bona fide professional capacity, **8:16**
executive capacity, employees employed in, **8:14**
learners, **8:19 to 8:21**
local delivery, **8:29**
minimum wage guarantee on contracts, **8:41**
motor carriers, **8:26**
outside salespeople, **8:17**
overtime principles, **8:39 to 8:45**
partial overtime exemption, **8:31**
professional capacity, employment in, **8:16**

FAIR LABOR STANDARDS ACT —Cont'd
Exemptions—Cont'd
railroads, **8:27**
retail overtime exemptions, **8:23**
salary basis, **8:13**
seamen, **8:25**
service overtime exemptions, **8:23**
taxi drivers, **8:30**
transportation industry overtime exemptions, **8:24 to 8:31**
white collar exemptions, **8:12 to 8:17**
Gap time, minimum wage, **8:35**
Hourly rates, **8:40**
Independent contractors, **8:10**
Individual coverage, **8:4**
Injunctions, **8:59**
Job rates, **8:42**
Learners, **8:19 to 8:21**
Liquidated damages, **8:62**
Local delivery, **8:29**
Mandatory arbitration, enforcement, **8:67**
Meal periods, **8:49**
Minimum wage
generally, **8:2, 8:32 to 8:37**
day rates, **8:42**
Gap time, **8:35**
hourly rates, **8:40**
job rates, **8:42**
Overtime, below, **8:43**
payroll deductions, **8:34**
piece rates, **8:41**
regular rate determination, **8:39 to 8:43**
reimbursement of employer expenses, **8:34**
salaried employees, **8:43**
student trainees and interns, **8:37**
tipped employees, **8:36**
Motor carriers, **8:26**
On-call time, **8:48**
Outside salespeople, **8:17**
Overtime
generally, **8:3, 8:39 to 8:45**
Belo plans, **8:44**

FAIR LABOR STANDARDS ACT —Cont'd
Overtime—Cont'd
compensatory time off for public employees, **8:45**
day rates and job rates, **8:42**
determination of regular rate, **8:39 to 8:43**
exceptions to time and a half rule, **8:44**
hourly rates, **8:40**
piece rates, **8:41**
salaried employees, **8:43**
Overtime principles, **8:39 to 8:45**
Partial overtime exemption, **8:31**
Piece rates, **8:41**
Prejudgment interest, **8:64**
Professional capacity, employment in, **8:16**
Punitive damages, **8:63**
Railroads, **8:27**
Recordkeeping, **8:53**
Regular rate determination, **8:39 to 8:43**
Remedies, **8:58**
Rest periods, **8:49**
Retail overtime exemptions, **8:23**
Retaliation and discrimination, **8:54**
Salaried employees, **8:43**
Salary basis, **8:13**
Seamen, **8:25**
Service overtime exemptions, **8:23**
Settlement, **8:69**
Sleep time, **8:50**
State and local government employers, **8:9**
Statute of limitations, **8:68**
Student trainees and interns, minimum wage, **8:37**
Taxi drivers, **8:30**
Tipped employees, minimum wage, **8:36**
Transportation industry overtime exemptions, **8:24 to 8:31**
Waiting, **8:48**
White collar exemptions, **8:12 to 8:17**

FAIR REPRESENTATION, DUTY OF
Generally, **11:1 to 11:34**
Arbitrary conduct, **11:6**
Attempting to plead
six-month limitations period in the hybrid case, **11:23**
Attorney's fees, **11:33**
Back pay, **11:29**
Bad faith conduct, **11:8**
Causation requirement, **11:9**
Choice of forum, **11:20**
Claims, **11:10 to 11:19**
Claims, other, **11:19**
Collective bargaining negotiations, **11:12**
Contracts
contract administration, **11:11**
exhaustion of contractual remedies, **11:24**
Disabilities, **7:88 to 7:91**
Discharges, union-caused, **11:18**
Discriminatory conduct, **11:7**
Dues, **11:16, 11:17**
Economic damages, **11:29**
Emotional distress, **11:31**
Evidence
late discovered, **11:34**
post judgment, **11:34**
Evidentiary issues, **11:27**
Exclusive representation, relationship to, **11:2**
Exhaustion of remedies
contractual remedies, **11:24**
internal union remedies, **11:25**
Grievance handling, **11:11**
Hiring hall, **11:14**
Jurisprudential status, **11:5**
Jury trial, **11:28**
Limitations period, **11:22**
NLRB imposition, **11:4**
NLRB remedies, **11:35**
Procedure, **11:20 to 11:33**
Proper parties, **11:21**
Punitive damages, **11:32**
Reinstatement, **11:30**
Relief, **11:29 to 11:33**
Standard, **11:6**

FAIR REPRESENTATION, DUTY OF—Cont'd
Strike activities, **11:13**
Supreme Court cases, **11:3**
Union security, **11:18**
Union security and what unions may require, **11:15**

FALSE CLAIMS ACT
Discriminatory discharges, opposing, **2:32**

FAMILY AND MEDICAL LEAVE ACT (FMLA)
Disabilities (this index)
Pensions and other employee benefits, **9:73**

FEDERAL LABOR RELATIONS ACT
Discriminatory discharges, opposing, **2:29**

FEDERAL MINE HEALTH AND SAFETY ACT
Discriminatory discharges, opposing, **2:30**

FEDERAL PREEMPTION
Economic action, **4:75**

FIDUCIARY RESPONSIBILITY
Pensions and other employee benefits, **9:55 to 9:59**

FILING COMPLAINT
Elections, **13:42 to 13:44**

FINANCIAL DELINQUENCIES
Construction workers, rights of, **5:51**

FINANCING
Construction workers, rights of, **5:37**

FIVE YEAR CLIFF
Pensions and other employee benefits, **9:25**

FLEXIBLE LEAVE
Disabilities, **7:72**

FORFEITURES
Pensions and other employee benefits, **9:29, 9:64**

FOUR MONTH LIMITATION
Rights of union members within union, **12:58**

401(K) PLANS
Pensions and other employee benefits, **9:9**

FREE CHOICE VOUCHERS
Health care reform, **9:81**

FREEDOM OF ASSOCIATION
Discriminatory discharges, opposing, **2:16**

FREEDOM OF SPEECH AND ASSEMBLY
Discriminatory discharges, opposing, **2:11 to 2:15**
Rights of union members within union, **12:64**
Rights of Union Members within Union (this index)

FRINGE BENEFITS
Bankruptcy, **14:7**

FRONT PAY
Disabilities, **7:115**

FUNDS
Elections, **13:25 to 13:28**

FUNERALS, MOCK
Economic action, **4:47.50**

FUTILITY
Rights of union members within union, **12:61**

GOOD FAITH
Collective bargaining, **3:4**
Disabilities, **7:80 to 7:83, 7:102**

GOOD STANDING
Elections, **13:7 to 13:12**

GRANDFATHERED HEALTH PLANS
Health care reform, **9:75**

GRIEVANCES
Discriminatory discharges, opposing, **2:33**
Fair representation, duty of, **11:11**

GRIEVANCES—Cont'd
Procedure, construction workers, rights of, **5:70**

GUARDS
Organizing, **1:28**

GUERILLA THEATER
Economic action, **4:47.50**

HARASSMENT
Disabilities, **7:27**
Economic action, **4:68**

HEALTH BENEFIT EXCHANGES
Health care reform, **9:88**

HEALTH CARE INSTITUTIONS
Organizing, **1:80**

HEALTH CARE REFORM
Generally, **9:74 et seq.**
Automatic enrollment, **9:82**
Compliance timeline, **9:90**
Consumer Operated and Oriented Plans (CO-OPs), **9:89**
Dependent coverage, **9:76**
Employer mandates, **9:77**
Extention of dependent coverage, **9:76**
External review procedures, **9:86**
Free choice voucher, **9:81**
Grandfathered health plans, **9:75**
Health benefit exchanges, **9:88**
Internal claims and appeals, **9:86**
Lifetime and annual limits, **9:78**
Medical loss ratios, **9:79**
Nondiscrimination in benefits, **9:85**
Patient protections, **9:78**
Preexisting conditons, **9:78**
Premium increases, unreasonable, **9:83**
Rescissions, **9:78**
Retiree subsidy and reinsurance programs, **9:80**
Small business tax credit, **9:84**
Uniform summary explanation of benefits, **9:87**

HEALTH INSURANCE
COBRA. **Pensions and Other Employee Benefits** (this index)

HEARINGS
Economic action, **4:73**
Rights of union members within union, **12:40 to 12:43**

HEARST DOCTRINE
Economic action, **4:32**

HIPAA
Pensions and Other Employee Benefits (this index)

HIRING HALL
Fair representation, duty of, **11:14**

HIV STATUS
Disabilities, **7:47**

HOT CARGO CLAUSES
Economic action, **4:49**

HOURLY RATES
Fair Labor Standards Act, **8:40**

ILLEGAL SUBJECTS OF BARGAINING
Collective bargaining, **3:3 to 3:9**

IMMIGRANT WORKERS
Generally, **15:1 to 15:35**
Constitutional rights, **15:16 to 15:20**
Deferred Action for Childhood Arrivals (DACA), **15:8**
Employer obligation to comply with immigration laws, **15:24 to 15:35**
E-Verify, **15:27**
H-2A visa program, **15:4**
H-2B visa program, **15:5**
I-9 audits, workplace enforcement, **15:33**
Juveniles, Special Immigrant, **15:10**
Labor investigation-based deferred action, **15:11**
Lawful permanent resident status, **15:2**
National origin and citizenship status discrimination, **15:34, 15:35**
Public charge rule, **15:13**
Questioning, detention, and arrest at workplace, **15:21 to 15:23**
Raids and worksite enforcement, **15:16 to 15:20**

IMMIGRANT WORKERS—Cont'd
Social Security Administration, "no match" letters, **15:26**
Special Immigrant Juveniles, **15:10**
Status, **15:1 to 15:13**
Substantive rights
discoverability of information, **15:14**
remedies available, **15:14**
Temporary protected status, **15:7**
Temporary work authorization, **15:6**
Temporary work visas, **15:3 to 15:5**
U and T visas, **15:9**
Undocumented workers, **15:12**
Verification of identity, employer's obligation, **15:24 to 15:27**

IMPASSE
Collective bargaining, nonmandatory subjects, **3:7**

INDEPENDENT CONTRACTORS
Fair Labor Standards Act, **8:10**
Organizing, **1:13**

INDEPENDENT UNIONS
Organizing, **1:32**

INDIRECT ECONOMIC INTEREST
Economic action, **4:109**

INFLATED RATS
Economic action, **4:47.50**

INFORMATION GATHERING
Construction workers, rights of, **5:67**

INITIATION FEES
Rights of union members within union, **12:25 to 12:28**

INJUNCTIONS AND INJUNCTIVE RELIEF
Disabilities, **7:112**
Economic action, **4:62 to 4:69, 4:85**
Fair Labor Standards Act, **8:59**

IN-PLANT REPRESENTATION
Organizing, union building tool, **1:39**

INQUIRIES
Disabilities, **7:22, 7:24**

INSIGNIA
Union Insignia (this index)

INSTALLED
Elections, right to be installed, **13:34**

INSURANCE
COBRA. **Pensions and Other Employee Benefits** (this index)

INSURANCE BENEFITS
Disabilities, **7:58 to 7:67**

INTEGRATED ENTERPRISES
Disabilities, **7:19**

INTEGRATION
Pensions and other employee benefits, **9:31**

INTEREST
Disabilities, **7:121**

INTERFERENCE
Disabilities, **7:26**
Elections, **13:28**

INTERIM RELIEF
Bankruptcy, **14:31**

INTERNS
Minimum wage, **8:37**

INTERRELATION WITH OTHER STATUTES
FMLA
Comparison of the FMLA with the ADA and Rehabilitation Act, **7:140**
coverage, **7:137**
leave benefits, **7:139**
potential interactions with the ADA and the Rehabilitation Act, **7:136**
Serious health conditions, **7:138**

INTERROGATION OF EMPLOYEES
Organizing, **1:87**

INTERVENING ELECTIONS
Elections, **13:55**

INTERVENTION
Economic action, NLRB, **4:78**

INTIMIDATION
Economic action, **4:47.50**

INVESTIGATION
Elections, secretary of labor, **13:46, 13:47**

ISSUE PRECLUSION
Disabilities, **7:107**

JOB RATES
Fair Labor Standards Act, **8:42**

JOB RESTRUCTURING
Disabilities, **7:73**

JOINT EMPLOYERS
Collective bargaining, **3:13.70**
Economic action, **4:31**
Organizing, **1:30**

JUDICIAL ESTOPPEL
Disabilities, **7:66**

JURISDICTION
Construction Workers, Rights of (this index)
Economic action, picketing, **4:56**
Rights of union members within union, **12:54**

JURY TRIALS
Disabilities, **7:133 to 7:135**
Fair representation, duty of, **11:28**
Pensions and other employee benefits, ERISA litigation, **9:51**
Rights of union members within union, **12:74**
Right to a jury trial, **7:134**
The jury charge, **7:135**

KEOGH PLANS
Pensions and other employee benefits, **9:34**

LAWYER'S ROLE
Organizing, **1:1, 1:34**

LAYOFF
Organizing, **1:19**

LEARNERS
Fair Labor Standards Act, **8:19 to 8:21**

LEARNING DISABILITIES
Disabilities, **7:49**
Proving disability claims, **7:45**

LEAVE
Organizing, **1:19**

LECHMERE DECISION
Organizing, **1:82**

LEVIED DUES
Rights of union members within union, **12:27**

LIBEL
Economic action, **4:68**

LIBERTY INTERESTS
Discriminatory discharges, opposing, **2:18**

LIFETIME AND ANNUAL LIMITS
Health care reform, **9:78**

LIMITATIONS PERIOD
Fair representation, duty of, **11:22**

LIQUIDATED DAMAGES
Fair Labor Standards Act, **8:62**

LITERATURE
Elections, **13:17 to 13:24**
Organizing, **1:68**

LITIGATION
Elections (this index)
Rights of union members within union, **12:53**

LITTLE NORRIS-LAGUARDIA ACTS
Economic action, **4:74 to 4:76**

LOANS
Pensions and other employee benefits, **9:43**

LOBBYING
Economic action, **4:53**

LOCAL DELIVERY
Fair Labor Standards Act, **8:29**

LOCAL ORGANIZATIONS
Elections, **13:3**

LOCKOUTS
Economic action, **x:104 to x:110**

LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT
Discriminatory discharges, opposing, **2:31**

LUNCH AND REST PERIODS
Organizing, **1:58**

MAJOR LIFE ACTIVITY
Disabilities, **7:38**

MANAGEMENT
Economic action, willingness to arbitrate, **4:84**
Organizing, **1:22**

MANDATORY SUBJECTS OF BARGAINING
Collective bargaining, **3:3 to 3:9**

MASS ACTION DOCTRINE
Economic action, **4:94**

MASS LAYOFF
Number of affected employees, WARN Act, **10:5**
WARN Act, **10:5**

MASS PICKETING
Economic action, **4:64**

MEAL PERIODS
Fair Labor Standards Act, **8:49**

MEDICAL LOSS RATIOS
Health care reform, **9:79**

MEETING OF CREDITORS
Bankruptcy, **14:41**

MEETINGS
Elections, attendance, **13:8**
Rights of union members within union, **12:16**

MEMBERSHIP LISTS
Elections, **13:17 to 13:24**

MENTAL HEALTH DISABILITIES
Disabilities, **7:48**

MINIMUM COVERAGE TEST
Pensions and other employee benefits, **9:16, 9:17**

MINIMUM FUNDING STANDARDS
Pensions and other employee benefits, **9:32**

MINIMUM PARTICIPATION TEST
Pensions and other employee benefits, **9:15**

MINIMUM STANDARDS LITIGATION
Pensions and other employee benefits, **9:62 to 9:65**

MINIMUM WAGE
Fair Labor Standards Act, **8:2**

MINIMUM WAGE GUARANTEE AND CONTRACTS
Fair Labor Standards Act (this index)

MINORITY STRIKES
Economic action, **4:21**

MISCONDUCT
Economic action, **4:5, 4:26**

MOCK FUNERALS
Economic action, **4:47.50**

MONEY PURCHASE PENSION PLANS
Pensions and other employee benefits, **9:6**

MOOTNESS OF ACTION
Elections, **13:56**

MOTOR CARRIERS
Fair Labor Standards Act, **8:26**

MULTIPLE IMPAIRMENTS
Disabilities, **7:42**

NAME CALLING
Economic action, **4:68**

NAME REFERRALS BY UNION
Construction workers, rights of, **5:47**

NAME REQUESTS
Construction workers, rights of, **5:46**

NATIONAL EMERGENCY STRIKES
Economic action, **4:57**

NATIONAL LABOR ORGANIZATIONS
Elections, **13:3**

NATIONAL LABOR RELATIONS ACT
Construction workers, rights of, **5:69**
Discriminatory discharges, opposing, **2:41**

NATIONAL LABOR RELATIONS BOARD (NLRB)
Bankruptcy proceedings, **14:36**
Construction workers, rights of elections, **5:4 to 5:15**
Fair representation, duty of, remedies, **11:35**
Organizing, **1:6 to 1:8**

NECESSARY PARTIES
Rights of union members within union, **12:69**

NEUTRAL EMPLOYMENT POLICY DEFENSE
Construction workers, rights of, **5:19**

NEUTRALITY AGREEMENTS
Organizing, **1:93, 1:94**

NOMINATION
Elections, **13:14, 13:16**

NONDISCRIMINATION IN BENEFITS
Health care reform, **9:85**

NO STRIKE CLAUSES
Economic action, **4:12**

NO-TALK RULES
Organizing, **1:74**

NOTICE
Economic action, **4:71**
Elections, **13:15, 13:27**

NOTICE—Cont'd
No notice required, WARN Act, **10:10**
Rights of union members within union, **12:38, 12:39**
WARN Act, **10:8 to 10:10**

NOTICE OF HEARING
Organizing, **1:8**

OCCUPATIONAL HEALTH AND SAFETY ACT OF 1970 (OSHA)
Discriminatory discharges, opposing, **2:25**

OFFENSIVE CONTENT
Organizing, union insignia, **1:70**

OFFICE HOLDING
Elections, **13:9**

OFFICERS
Union, elections, **13:2**

ON-CALL TIME
Fair Labor Standards Act, **8:48**

100% HEALED POLICIES
Disabilities, **7:75**

ORGANIZING
Generally, **1:1 et seq.**
Academic employees, **1:25**
Access to bargaining unit employees' names and addresses, **1:84**
Agricultural employees, **1:29**
Anti-union tactics of employer
generally, **1:40 to 1:47**
blocking charges, **1:46**
company union, **1:47**
control of business, **1:40 to 1:47**
control of the business, **1:41**
election campaign, employer destruction of, **1:48 to 1:55**
employer-arranged meetings, **1:45**
psychological techniques, **1:42**
rival union, **1:47**
spying, **1:44**
supervisory pressure, use of, **1:43**
"vote no" committees, **1:44**
Bargaining orders, **1:51**

ORGANIZING—Cont'd
Bargaining unit, appropriate, **1:11 to 1:29**
Beginning to organize, **1:4**
Blocking charges, **1:46**
Bulletin boards, organizer's access to, **1:76**
Buttons, union insignia, **1:69 to 1:75**
Campaign propaganda and tactics, laws governing, **1:36, 1:37**
Card check agreements, **1:92, 1:94**
Casual workers, **1:17**
Clarification of overbroad rules, **1:62**
Company union, **1:47**
Confidential employees, **1:24**
Construction Workers, Rights of (this index)
Contingent workers, **1:18**
Control of business, **1:40 to 1:47**
Control of the business, **1:41**
Craft units, **1:27**
Defenses of respondents, **1:26**
Demand for recognition and bargaining, **1:5**
Demotions, **1:89**
Discharge, **1:19, 1:88**
Discipline, **1:89**
Discrimination, **1:91**
enforcement, **1:65**
internal union organizers, **1:91**
rival union, **1:66**
salts and salting, **1:91**
Dual function workers, **1:15**
Early stages of organizing process
generally, **1:3 to 1:32**
academic employees, **1:25**
agricultural employees, **1:29**
bargaining unit, appropriate, **1:11 to 1:29**
beginning to organize, **1:4**
casual workers, **1:14, 1:17**
confidential employees, **1:24**
contingent workers, **1:18**
craft units, **1:27**
demand for recognition and bargaining, **1:5**
discharged employees, **1:19**
dual function workers, **1:15**

ORGANIZING—Cont'd
Early stages of organizing process —Cont'd
expedited elections, **1:7**
formal hearing, **1:10**
guards, **1:28**
independent contractors, **1:13**
independent unions, **1:32**
layoff, employees on, **1:19**
leave, employees on, **1:19**
managerial employees, **1:22**
NLRB petition, **1:6 to 1:8**
notice of hearing, **1:8**
part-time workers, **1:14, 1:15**
prehearing conference, **1:9**
professional employees, **1:25**
recognition strikes, **1:7**
relatives of management, **1:23**
salts, **1:21**
seasonal workers, **1:14, 1:17**
stall, organizing during, **1:31**
statement of position, **1:8**
strike replacement, **1:20**
strikers, **1:20**
student employees, **1:25**
supervisors, **1:12**
technical employees, **1:26**
temporary workers, **1:14, 1:16**
Ejection of activists and outside organizers, **1:83**
Election ampaign propaganda and tactics, laws governing, **1:38**
Election campaign
generally, **1:33 to 1:38, 1:48 to 1:55**
bargaining orders, **1:51**
campaign propaganda and tactics, laws governing, **1:36 to 1:38**
employer destruction of, **1:48 to 1:55**
extraordinary remedies, employer destruction of campaign, **1:52**
lawyer, role of, **1:34**
litigation to defend worker's rights, **1:54**
objections to elections, **1:55**
organizer, role of, **1:34**
section 10(j) relief, **1:50**

ORGANIZING—Cont'd
Election campaign—Cont'd
striking for recognition, **1:53**
tactical considerations, **1:48**
unfair labor practice, charges, **1:49**
union conduct in organizing, **1:35**
E-mail use, company restrictions on, **1:81**
Employer-arranged meetings, **1:45**
Enforcement, burden of, **1:27**
Equal rights to communicate, **1:57**
Excelsior list, **1:84**
Exceptions, **1:78 to 1:80**
Existence of rule, **1:63**
Expedited elections, **1:7**
Favoritism towards another union, **1:47**
Filing charges, **1:90**
Formal hearing, **1:10**
Guards, **1:28**
Health care institutions, exception, **1:80**
Historical development of labor law, **1:2**
Independent contractors, **1:13**
Independent unions, **1:32**
In-plant representation as union building tool, **1:39**
Interrogation of employees, **1:87**
Joint employers, **1:30**
Lawyer's role, **1:1, 1:34**
Layoff, employees on, **1:19**
Leave, employees on, **1:19**
Lechmere decision, **1:82**
Literature, content of, **1:68**
Litigation to defend worker's rights, **1:54**
Lunch and rest periods, **1:58**
Managerial employees, **1:22**
Neutrality agreements, **1:93, 1:94**
NLRB petition, **1:6 to 1:8**
Nonenforcement of rules, **1:61**
No solicitation or distribution except as provided by law, **1:59**
No solicitation or distribution without approval, **1:60**
No-talk rules, union insignia, **1:74**
Notice of hearing, **1:8**

ORGANIZING—Cont'd
Objections to elections, **1:55**
Offensive content, union insignia, **1:70**
Organizer, role of, **1:34**
Peace ordinances, **1:95**
Prehearing conference, **1:9**
Procedure for requesting subpoenas, **1:24**
Professional employees, **1:25**
Project labor agreements, **1:95**
Property rights of employer, union insignia, **1:73**
Psychological techniques, anti-union tactics, **1:42**
Public image of employer, union insignia, **1:71**
Reading of literature, union insignia, **1:75**
Recognition strikes, **1:7**
Relatives of management, **1:23**
Relevance of subpoenaed documents, **1:25**
Remedies, extraordinary, **1:52**
Restriction on access by off-duty employees, **1:77**
Retail stores, exception, **1:79**
Retaliation by employer
generally, **1:85 to 1:91**
demotions, **1:89**
discharge, **1:88**
discipline, **1:89**
filing charges, **1:90**
interrogation of employees, **1:87**
supervisor threats, **1:86**
threats by supervisor, **1:86**
transfers, **1:89**
Safety and job performance, union insignia, **1:72**
Salts, **1:21**
Seasonal workers, **1:17**
Section 10(j) relief, **1:50**
Signs, union insignia, **1:69 to 1:75**
Solicitation and distribution rights of employee organizers
generally, **1:56 to 1:81**
bulletin boards, organizer's access to, **1:76**

ORGANIZING—Cont'd
Solicitation and distribution rights of employee organizers—Cont'd
buttons, union insignia, **1:69 to 1:75**
clarification of overbroad rules, **1:62**
discrimination against rival union, **1:66**
discrimination in rule enforcement, **1:65**
e-mail use, company restrictions on, **1:81**
equal rights to communicate, **1:57**
exceptions, **1:78 to 1:80**
existence of rule, **1:63**
health care institutions, exception, **1:80**
literature, content of, **1:68**
lunch and rest periods, **1:58**
nonenforcement of rules, **1:61**
no solicitation or distribution except as provided by law, **1:59**
no solicitation or distribution without approval, **1:60**
no-talk rules, union insignia, **1:74**
offensive content, union insignia, **1:70**
property rights of employer, union insignia, **1:73**
public image of employer, union insignia, **1:71**
reading of literature, union insignia, **1:75**
restriction on access by off-duty employees, **1:77**
retail stores, exception, **1:79**
safety and job performance, union insignia, **1:72**
signs, union insignia, **1:69 to 1:75**
t-shirts, union insignia, **1:69 to 1:75**
union insignia, **1:69 to 1:75**
valid rule for illegal purpose, **1:64**
waiver of organizational rights by union, **1:67**
Solicitation and distribution rights of outside organizers
generally, **1:82 to 1:84**

ORGANIZING—Cont'd
Solicitation and distribution rights of outside organizers—Cont'd
access to bargaining unit employees' names and addresses, **1:84**
ejection of activists and outside organizers, **1:83**
Excelsior list, **1:84**
Lechmere decision, **1:82**
Source of labor law, **1:2, 1:3**
Spying, **1:44**
Stall, organizing during, **1:31**
Statement of position, **1:8**
Strike replacement, **1:20**
Strikers, **1:20**
Striking for recognition, **1:53**
Student employees, **1:25**
Supervisors
anti-union tactics, **1:43**
bargaining unit, **1:12**
threats, **1:86**
Tactical considerations, **1:48**
Technical employees, **1:26**
Temporary workers, **1:16**
Threats by supervisor, **1:86**
Transfers, **1:89**
T-shirts, union insignia, **1:69 to 1:75**
Unfair labor practice, **1:49**
Union busting consultants, legal response to
defenses of respondents, **1:26**
enforcement, burden of, **1:27**
procedure for requesting subpoenas, **1:24**
relevance of subpoenaed documents, **1:25**
witnesses, protecting, **1:28**
Union conduct in organizing, **1:35**
Union insignia, **1:69 to 1:75**
Voluntary recognition
access, **1:93**
card check agreements, **1:92, 1:94**
contract provisions, **1:93**
National Labor Relations Board, **1:94**
neutrality agreements, **1:93, 1:94**
peace ordinances, **1:95**

ORGANIZING—Cont'd
Voluntary recognition—Cont'd
project labor agreements, **1:95**
worker centers, **1:96**
Witnesses, protecting, **1:28**

OSTENSIBLE AUTHORITY
Economic action, **4:95**

OUTSIDE SALESPEOPLE
Fair Labor Standards Act, **8:17**

OVERTIME
Disabilities, **7:54**
Fair Labor Standards Act (this index)

PARTIAL LOCKOUTS
Economic action, **x:108**

PARTIAL OVERTIME EXEMPTION
Fair Labor Standards Act, **8:31**

PARTIAL STRIKES
Economic action, **4:22, 4:27**

PARTIES
Elections, **13:48, 13:49**
Fair representation, duty of, **11:21**
Rights of union members within union, **12:66 to 12:70**

PART-TIME WORKERS
Organizing, **1:14, 1:15**

PATIENT PROTECTIONS
Health care reform, **9:78**

PAYROLL DEDUCTIONS
Bankruptcy, **14:10**

PEACE ORDINANCES
Organizing, **1:95**

PENSIONS AND OTHER EMPLOYEE BENEFITS
Generally, **9:1 to 9:73**
Accelerated vesting under top heavy rules, **9:26**
American Recovery and Reinvestment Act of 2009 (ARRA), COBRA subsidy, **9:71**
Arbitration, ERISA litigation, **9:53**

PENSIONS AND OTHER EMPLOYEE BENEFITS —Cont'd
ARRA (American Recovery and Reinvestment Act of 2009), COBRA subsidy, **9:71**
Association health plans, **9:91**
Attorney's fees, ERISA litigation, **9:52**
Average benefit test, **9:17**
Best plan for rank and file employees, **9:11**
Break-in-service rule, **9:63**
Breaks in service, **9:28**
Cash or deferred arrangements, **9:8 to 9:10**
COBRA
American Recovery and Reinvestment Act of 2009 subsidy, **9:71**
ARRA subsidy, **9:71**
benefits provided by, **9:69**
election requirements, **9:70**
Family Medical Leave Act (FMLA), **9:73**
major changes in business, **9:72**
notice requirements, **9:70**
qualifying event, **9:68**
sale or shutdown of business, **9:72**
subsidy under ARRA, **9:71**
Coverage requirements, **9:14 to 9:23**
Deferred compensation plans, **9:2 to 9:43**
Defined benefit plans, **9:7**
Defined contribution plans, **9:3 to 9:6**
Disclosure requirements, **9:44 to 9:46**
Discrimination, **9:65**
Distributions from qualified plans, **9:37 to 9:42**
Early withdrawals, **9:40**
Employee stock ownership plans, **9:36**
Enforcing promises of lifetime benefits, **9:61**
ERISA litigation, **9:48 to 9:53**
Exclusive benefit rule, **9:13**
Exhaustion of plan remedies, ERISA litigation, **9:48**

PENSIONS AND OTHER EMPLOYEE BENEFITS —Cont'd
Family Medical Leave Act (FMLA), **9:73**
Federal regulation, **9:1**
Fiduciary responsibility, **9:55 to 9:59**
Five year cliff, **9:25**
Forfeitures, **9:29, 9:64**
401(k) plans, **9:9**
HIPAA
privacy rights, **9:67**
protections, **9:66**
Impact of vesting requirements, **9:30**
Integration, **9:31**
Jury trials, ERISA litigation, **9:51**
Keogh plans, **9:34**
Loans, **9:43**
Mandatory disaggregation of plan, **9:19**
Minimum coverage test, **9:16, 9:17**
Minimum funding standards, **9:32**
Minimum participation test, **9:15**
Minimum standards litigation, **9:62 to 9:65**
Money purchase pension plans, **9:6**
Nondiscrimination, **9:18 to 9:23**
Notice requirements, COBRA, **9:70**
Privacy rights, **9:67**
Profit sharing plans, **9:4**
Prohibited transactions, **9:58**
Promised, but not owed benefits, **9:54**
Promises of lifetime benefits, enforcing, **9:61**
Protections under HIPAA, **9:66**
Qualification and disqualification of plan, **9:12**
Qualifying event, COBRA, **9:68**
Ratio percentage test, **9:16**
Remedies
breach of fiduciary duty, **9:59**
inadequate or misleading disclosure in summary plan, **9:45**
Required distributions, **9:41**
Required reports for disclosure, **9:44**
Retirement plans, **9:35**

PENSIONS AND OTHER EMPLOYEE BENEFITS —Cont'd
Sale or shutdown of business, COBRA, **9:72**
Seven year graded vesting, **9:25**
SIMPLE plans, **9:10**
Social investments, **9:60**
Standard of review, ERISA litigation, **9:49**
Stock bonus plans, **9:5**
Subsidy (COBRA) under ARRA, **9:71**
Summary plan, **9:45**
Suspension of benefits, **9:42, 9:64**
Tax-free rollovers, **9:39**
Ten percent tax on early withdrawals, **9:40**
Terminations, **9:47**
Testing by rate groups, **9:20**
Types of plans, **9:2 to 9:12**
Union negotiated plans, **9:33**
Venue, ERISA litigation, **9:50**
Vesting, **9:24 to 9:30**
Year of service, **9:27**

PERCEIVED DISABILITY
Disabilities, **7:46**

PERMISSIVE SUBJECTS OF BARGAINING
Collective bargaining, **3:3 to 3:9**

PER SE VIOLATIONS
Collective bargaining, **3:5 to 3:9**

PHYSICAL REQUIREMENTS
Disabilities, **7:52 to 7:57**

PICKETING AND PICKET LINES
Construction workers, rights of, **5:12**
Economic Action (this index)

PIECE RATES
Fair Labor Standards Act, **8:41**

PLANT CLOSINGS
Collective bargaining, **3:15**
Number of affected employees, WARN Act, **10:5**
WARN Act, **10:5**

POLITICAL BOYCOTTS
Economic action, **4:53**

POSTOFFER MEDICAL EXAMINATION
Disabilities, **7:23**

POSTPETITION WAGES
Bankruptcy, **14:9**

PREELECTION SUITS
Rights of union members within union, **12:9**

PREEMPLOYMENT INQUIRIES
Disabilities, **7:22**

PREEMPTION
Discriminatory Discharges, Opposing (this index)
Economic action, **4:75**

PREEXISTING CONDITONS
Health care reform, **9:78**

PREHEARING CONFERENCE
Organizing, **1:9**

PREHIRE AGREEMENT
Construction workers, rights of, **5:6, 5:7, 5:9 to 5:15, 5:28**

PREJUDGMENT INTEREST
Fair Labor Standards Act, **8:64**

PRELIMINARY RELIEF
Rights of union members within union, **12:81**

PREMIUM INCREASES
Health care reform, **9:83**

PRE-STRIKE PREPARATIONS
Economic action, **4:70**

PRETEXT EVIDENCE
Discrimination, **7:78**

PRIMARY CLAUSES
Construction workers, rights of, **5:21, 5:22 to 5:24**

PRIVACY
Disabilities, **7:83**
Discriminatory discharges, opposing, **2:19, 2:20**

PRIVACY—Cont'd
Pensions and other employee benefits, **9:67**

PROBABLE CAUSE
Elections, secretary of labor, **13:46, 13:47**

PROCEDURE
Disabilities (this index)
Economic action, **4:88**
Elections (this index)
Fair representation, duty of, **11:20 to 11:33**
Organizing, requesting subpoenas, **1:24**
Rights of union members within union, **12:42, 12:47**

PRODUCTION STANDARDS
Disabilities, **7:53**

PROFESSIONAL EMPLOYEES
Fair Labor Standards Act, **8:16**
Organizing, **1:25**

PROFIT SHARING PLANS
Pensions and other employee benefits, **9:4**

PROHIBITED PRACTICES
Disabilities, **7:21 to 7:29**

PROHIBITED TRANSACTIONS
Pensions and other employee benefits, **9:58**

PROJECT LABOR AGREEMENTS
Organizing, **1:95**

PROMISES
Pensions and other employee benefits
lifetime benefits, enforcing, **9:61**
promised but not owed benefits, **9:54**

PROPER PARTIES
Fair representation, duty of, **11:21**

PROPERTY RIGHTS
Discriminatory discharges, opposing, **2:17**
Organizing, **1:73**

PROTECTION OF SPEECH
Discriminatory discharges, opposing, **2:12**

PSYCHOLOGICAL TECHNIQUES
Organizing, anti-union tactics, **1:42**

PUBLICATIONS
Elections, union publications, **13:17 to 13:24**

PUBLIC EMPLOYEES RIGHT TO FREE SPEECH
Discriminatory discharges, opposing, **2:11**

PUBLIC IMAGE OF EMPLOYER
Organizing, union insignia, **1:71**

PUBLICITY OTHER THAN PICKETING
Economic action, **4:47, 4:52**

PUBLIC POLICY
Discriminatory discharges, opposing, **2:23, 2:24**

PUNITIVE DAMAGES
Disabilities, **7:118**
Fair labor standards act, **8:63**
Fair representation, duty of, **11:32**

QUALIFICATION STANDARDS
Disabilities, **7:29**

QUALIFIED PLAINTIFF
Disabilities, **7:50 to 7:67**

RAILROADS
Fair Labor Standards Act, **8:27**

RAILWAY LABOR ACT
Economic action, **4:111 to 4:117**
Strikes, economic action, **4:111**

RATIFICATION
Economic action, **4:96**

RATIO PERCENTAGE TEST
Pensions and other employee benefits, **9:16**

RATS, INFLATED
Economic action, **4:47.50**

REASONABLE ACCOMMODATION
Disabilities, **7:68 to 7:75**
Teleworking, **7:71**

REASSIGNMENT
Disabilities, **7:74**

RECOGNITIONAL PICKETING
Economic action, **4:55**

RECOGNITION STRIKES
Organizing, **1:7**

RECORDKEEPING
Fair Labor Standards Act, **8:53**

RECORD OF DISABILITY
Disabilities, **7:45**

REFORM
Healt Care Reform (this index)

REFUSAL TO HIRE
Construction workers, rights of, **5:18**

REGULAR RATE DETERMINATION
Fair Labor Standards Act, **8:39 to 8:43**

REHABILITATION ACT
Disabilities (this index)

REINSTATEMENT
Disabilities, **7:114**
Economic action, **4:3 to 4:9, 4:11**
Fair representation, duty of, **11:30**

RELATIVES OF MANAGEMENT
Organizing, **1:23**

RELIEF
Elections, **13:52 to 13:54**
Fair representation, duty of, **11:29 to 11:33**
Rights of union members within union, **12:48**

RELOCATION OF UNIT WORK
Collective bargaining, **3:15**

REMEDIES
Collective bargaining, **3:16**

REMEDIES—Cont'd
Construction workers, rights of exclusive hiring halls, **5:57 to 5:61**
Disabilities (this index)
Discriminatory discharges, opposing, **2:10**
Elections, **13:58 to 13:61**
Fair Labor Standards Act, **8:58, 8:59**
Organizing, **1:52**
Pensions and Other Employee Benefits (this index)
Rights of union members within union, **12:79**
WARN Act, **10:13**

REMISSION
Proving disability claims, **7:41**

REMOVAL
Economic action, **4:72**

REMOVAL OF OFFICERS
Elections, **13:66**

REOPENING OF AGREEMENT
Collective bargaining, **3:10**

REPLACEMENT
Economic action, locked out employees, **4:110**
Economic action, strikers, **4:117**

REQUEST FOR ACCOMMODATION
Disabilities, **7:69**

RESCISSIONS
Health care reform, **9:78**

RESERVED GATES
Economic action, **4:38 to 4:46**

RESIDENCY
Construction workers, rights of, **5:45**

RESIDENTIAL PICKETING
Economic action, **4:66**

REST PERIODS
Fair Labor Standards Act, **8:49**

RESTRAINING SECONDARY BOYCOTTS
Economic action, **4:47.50**

RETAIL
Fair Labor Standards Act, overtime exemptions, **8:23**
Organizing, **1:79**

RETALIATION
Disabilities, **7:26**
Discriminatory discharges, opposing, free speech rights, **2:14**
Employer, organizing
generally, **1:85 to 1:91**
demotions, **1:89**
discharge, **1:88**
discipline, **1:89**
filing charges, **1:90**
interrogation of employees, **1:87**
supervisor threats, **1:86**
threats by supervisor, **1:86**
transfers, **1:89**
Employment discrimination, **6:57, 6:92 to 6:96**
Fair Labor Standards Act, **8:54**
Organizing the Unorganized (this index)

RETIREE BENEFITS
Bankruptcy, **14:34**

RETIREE SUBSIDY AND REINSURANCE PROGRAMS
Health care reform, **9:80**

RETIREMENT PLANS
Pensions and other employee benefits, **9:35**

RIGHTS OF UNION MEMBERS WITHIN UNION
Generally, **12:1 to 12:82**
Advisory procedures, fairness of, **12:14**
Appeals, review of, **12:44, 12:45**
Assembly. freedom of speech and assembly, below
Assessments, **12:25 to 12:29**
Attorney's fees, **12:82**
Biased tribunals, **12:41**
Bill of rights, **12:6**
Collective bargaining agreements, right to copies of, **12:51**
Conspiracy, alleging, **12:78**

RIGHTS OF UNION MEMBERS WITHIN UNION—Cont'd
Constitution of union, **12:46**
Contracts, right to vote on, **12:11**
Copies of collective bargaining agreements, right to, **12:51**
Counterclaims, abusive, **12:75**
Damages, **12:79**
Defense, reasonable time to prepare, **12:39**
Definitions
employee, **12:4**
employer, **12:4**
labor organization, **12:5**
union member, **12:3**
De novo review, **12:45**
Disciplinary safeguards
generally, **12:33 to 12:48**
actions related to employment, **12:35**
appeals, review of, **12:44, 12:45**
biased tribunals, **12:41**
constitution of union, **12:46**
defense, reasonable time to prepare, **12:39**
de novo review, **12:45**
dues, nonpayment of, **12:36**
fair determinations, **12:43**
hearing, full and fair, **12:40 to 12:43**
internal union review of trials and appeals, **12:44, 12:45**
notice, **12:38, 12:39**
prehearing requirement of notice, **12:38, 12:39**
procedure, **12:42, 12:47**
provisions, covered by, **12:34 to 12:37**
relief, **12:48**
treatment of union entities and officers, **12:37**
waiver of procedural rights, **12:47**
Discovery, **12:76**
Dues, **12:25 to 12:29, 12:36**
Employer assistance to litigation, **12:32**
Employers, defendants, **12:70**

RIGHTS OF UNION MEMBERS WITHIN UNION—Cont'd
Enforcement
generally, **12:53 to 12:79**
conspiracy, alleging, **12:78**
counterclaims, abusive, **12:75**
discovery, **12:76**
employers, defendants, **12:70**
exceptions to exhaustion requirement, **12:61 to 12:65**
exhaustion of remedies, **12:56 to 12:65**
four month limitation, **12:58**
free speech, **12:64**
futility, **12:61**
individuals as defendants, **12:68**
irreparable injury, **12:62**
jurisdiction, **12:54**
jury trial, **12:74**
litigation, **12:53**
necessary parties, defendants, **12:69**
parties, **12:66 to 12:70**
plaintiffs, **12:66**
representation of union during litigation, **12:77**
satisfactory exhaustion, **12:59**
service of process, **12:72**
statute of limitations, **12:71**
union entities as defendants, **12:67 to 12:69**
union initiated action, **12:65**
venue, **12:55**
void action, **12:63**
waiver of rights, **12:73**
Equal right to participate in governing
generally, **12:7 to 12:16**
advisory procedures, fairness of, **12:14**
contracts, right to vote on, **12:11**
direct and indirect attacks, **12:10**
exclusion of classes of members, **12:15**
fair decision making procedures, **12:13**
meetings, right to have and attend, **12:16**

RIGHTS OF UNION MEMBERS WITHIN UNION—Cont'd
Equal right to participate in governing—Cont'd
preelection suits, **12:9**
restrictions on scope of Section 101(a)(1), **12:8 to 12:10**
votes implemented, right to have, **12:12**
Equitable relief, **12:80, 12:81**
Exceptions to exhaustion requirement, **12:61 to 12:65**
Exclusion of classes of members, **12:15**
Exhaustion of remedies, **12:56 to 12:65**
Fair decision making procedures, **12:13**
Fair determinations, **12:43**
Four month limitation, **12:58**
Freedom of speech and assembly
generally, **12:17 to 12:24**
acts that may violate Section 101(a)(2), **12:20**
defenses to Section 101(a)(2) claims, **12:21**
officers, **12:24**
types of expression protected, **12:18**
Free speech, **12:64**
Futility, **12:61**
Hearing, full and fair, **12:40 to 12:43**
Increased dues, initiation fees, assessments, **12:27**
Individuals as defendants, **12:68**
Information to union members about provisions of act, **12:52**
Initiation fees, **12:25 to 12:28**
Internal union review of trials and appeals, **12:44, 12:45**
Irreparable injury, **12:62**
Jurisdiction, **12:54**
Jury trial, **12:74**
Levied dues, initiation fees, assessments, **12:27**
Litigation, **12:53**
Meetings, right to have and attend, **12:16**
Necessary parties, defendants, **12:69**

RIGHTS OF UNION MEMBERS WITHIN UNION—Cont'd
Notice, **12:38, 12:39**
Overlap between Title I and other legal protections, **12:49, 12:50**
Parties, **12:66 to 12:70**
Plaintiffs, **12:66**
Preelection suits, **12:9**
Prehearing requirement of notice, **12:38, 12:39**
Preliminary relief, **12:81**
Procedure, **12:42, 12:47**
Relief, **12:48**
Relief from initiation fees, assessments, dues, **12:29**
Remedies, **12:79**
Representation of union during litigation, **12:77**
Restrictions on right to sue, **12:31**
Satisfactory exhaustion, **12:59**
Service of process, **12:72**
Statute of limitations, **12:71**
Sue, right to, **12:30 to 12:32**
Tactical considerations in the use of LMRDA, **12:2**
Treatment of union entities and officers, **12:37**
Union entities as defendants, **12:67 to 12:69**
Union initiated action, **12:65**
Venue, **12:55**
Void action, **12:63**
Votes implemented, right to have, **12:12**
Waiver of rights, **12:47, 12:73**

ROOKER/FELDMAN DOCTRINE
Disabilities, **7:108**

ROTATING SHIFTS
Disabilities, **7:56**

SAFETY AND JOB PERFORMANCE
Organizing, union insignia, **1:72**

SAFETY STRIKES
Economic action, **4:17, 4:18**

SALARIES
Bankruptcy, **14:3**

SALARIES—Cont'd
Fair Labor Standards Act, **8:13, 8:43**

SALTS AND SALTING
Construction workers, rights of, **5:17 to 5:19**
Discrimination against internal union organizers, **1:91**
Organizing, **1:21**

SEAMEN
Fair Labor Standards Act, **8:25**

SEARCHES
Discriminatory discharges, opposing, **2:19**

SEASONAL WORKERS
Organizing, **1:14, 1:17**

SECONDARY BOYCOTTS
Economic action, **4:29 to 4:54, 4:115**

SECONDARY CLAUSES
Construction workers, rights of, **5:21, 5:25 to 5:30**

SECONDARY STRIKES
Economic action, **4:115**

SECRETARY OF LABOR
Elections (this index)

SECRET BALLOT
Elections, **13:29 to 13:31**

SECTION 7
Discriminatory discharges, opposing, **2:4, 2:5**

SECTION 8(A)(4)
Discriminatory discharges, opposing, **2:7**

SECTION 8(B)(4)(II)(D)
Construction workers, rights of, **5:33**

SECTION 10(1)
Economic action, **4:99**

SECTION 10(K)
Construction workers, rights of, **5:34**

SECTION 301
Economic action, **4:91 to 4:97**

SECTION 303
Economic action, **4:98**

SECTION 1113
Bankruptcy, **14:22**

SECTION 1113(f)
Bankruptcy, **14:23**

SECTION 10(J) RELIEF
Organizing, **1:50**

SECTIONS 8(A)(3) AND 8(A)(4)
Discriminatory discharges, opposing, **2:8**

SECTIONS 502 AND 504
Elections, **13:11**

SECTION 9(A) STATUS
Construction workers, rights of, **5:15**

SELF-INCRIMINATION
Discriminatory discharges, opposing, **2:21**

SELF-SERVING TESTIMONY
Employment discrimination, **6:121**

SENIORITY SYSTEMS, CONFLICTS
Disabilities, **7:84**

SERVICE OF PROCESS
Rights of union members within union, **12:72**

SERVICE OVERTIME EXEMPTIONS
Fair Labor Standards Act, **8:23**

SETTLEMENT
Construction workers, rights of, **5:32**
Economic action, **4:6**
Elections, **13:57**
Fair Labor Standards Act, **8:69**

SEVEN YEAR GRADED VESTING
Pensions and other employee benefits, **9:25**

SEVERANCE PAY
Bankruptcy, **14:5, 14:11**

SIGNS
Organizing, union insignia, **1:69 to 1:75**

SIMPLE PLANS
Pensions and other employee benefits, **9:10**

SINGLE EMPLOYERS
Collective bargaining, **3:13, 3:13.50**
Construction workers, rights of, **5:63 to 5:65**
Economic action, **4:31**

SINGLE SITE REQUIREMENT
WARN Act, **10:6**

SIT-DOWN STRIKES
Economic action, **4:20**

SLEEP TIME
Fair Labor Standards Act, **8:50**

SMALL BUSINESS TAX CREDIT
Health care reform, **9:84**

SOCIAL INVESTMENTS
Pensions and other employee benefits, **9:60**

SOCIAL SECURITY ADMINISTRATION
Immigrant workers, **15:26**

SOLICITATION AND DISTRIBUTION RIGHTS OF EMPLOYEE ORGANIZERS
Organizing (this index)

SOLICITATION AND DISTRIBUTION RIGHTS OF OUTSIDE ORGANIZERS
Organizing (this index)

SPECIFICITY
Economic action, **4:76**

SPIELBERG CASE
Discriminatory discharges, opposing, **2:38**

SPYING
Organizing, **1:44**

STALL
Organizing, **1:31**

STANDARDS FOR QUALIFICATION
Disabilities, **7:29**

STATE AND LOCAL GOVERNMENT EMPLOYERS
Fair Labor Standards Act, **8:9**

STATE COURT
Economic action, defending union and strikers, **4:61 to 4:80**

STATE LAW
Disabilities (this index)

STATEMENT OF POSITION
Organizing, **1:8**

STATUTE OF LIMITATIONS
Construction workers, rights of, **5:58**
Disabilities, **7:129 to 7:131**
Fair labor standards act, **8:68**
Fair representation, duty of, **11:22**
Rights of union members within union, **12:71**

STATUTORY CLAIMS
Discriminatory discharges, opposing, **2:35**

STEWARDS
Construction workers, rights of, **5:47**

STOCK BONUS PLANS
Pensions and other employee benefits, **9:5**

STREET THEATER
Economic action, **4:47.50**

STRIKE
Bankruptcy, **14:26**
Economic Action (this index)
Fair representation, duty of, **11:13**
Organizing, **1:20, 1:53**

STRUCK WORK
Economic action, **4:34**

STUDENT EMPLOYEES
Organizing, **1:25**

STUDENT TRAINEES
Minimum wage, **8:37**

SUBCONTRACTING
Collective bargaining, **3:15**
Construction Workers, Rights of (this index)

SUBSIDIES
COBRA subsidy under ARRA, **9:71**

SUBSTANTIALLY LIMITS
Disabilities, **7:39 to 7:43**

SUBSTANTIVE STANDARDS
Elections (this index)

SUCCESSORSHIP
Collective bargaining, **3:14**
Disabilities, **7:19**

SUMMARY PLAN
Pensions and other employee benefits, **9:45**

SUPERVISED ELECTIONS
Elections, **13:62, 13:63**

SUPERVISORS
Organizing (this index)

SURFACE TRANSPORTATION ASSISTANCE ACT (STAA)
Discriminatory discharges, opposing, **2:26**

SURVIVAL OF ACTIONS
Disabilities, **7:132**

SUSPENSION OF BENEFITS
Pensions and other employee benefits, **9:42, 9:64**

SYMPATHY STRIKES
Economic action, **4:13, 4:28**

TACTICAL CONSIDERATIONS
Organizing, **1:48**

TAX-FREE ROLLOVERS
Pensions and other employee benefits, **9:39**

TAXI DRIVERS
Fair Labor Standards Act, **8:30**

TECHNICAL EMPLOYEES
Organizing, **1:26**

TELEWORKING
Disabilities, **7:71**

TEMPORARY WORKERS
Organizing, **1:14, 1:16**

TEN PERCENT TAX ON EARLY WITHDRAWALS
Pensions and other employee benefits, **9:40**

TERMINATION OF AGREEMENT
Collective bargaining, **3:10**

TERMINATIONS
Pensions and other employee benefits, **9:47**

TESTING BY RATE GROUPS
Pensions and other employee benefits, **9:20**

THREATENING SECONDARY BOYCOTTS
Economic action, **4:47.50**

THREATS BY SUPERVISOR
Organizing, **1:86**

THREATS OF SECONDARY ACTIVITY
Economic action, **4:48**

TITLE IV
Enforcement actions, Introduction, elections, **13:35**

TRAINING
Construction workers, rights of, **5:43**

TRANSFERS
Organizing, **1:89**

TRANSPORTATION INDUSTRY OVERTIME EXEMPTIONS
Fair Labor Standards Act, **8:23 to 8:31**

TRESPASS
Economic action, **4:65**

TRUST FUND ENFORCEMENT
Construction workers, rights of, **5:72**

T-SHIRTS
Organizing, union insignia, **1:69 to 1:75**

UNDOCUMENTED WORKERS RIGHT TO ORGANIZE
Organizing (this index)

UNDUE HARDSHIP
Disabilities, **7:98**

UNFAIR LABOR PRACTICE
Economic action, strikes, **4:10 to 4:16**
Organizing, **1:49**

UNIFORM SUMMARY EXPLANATION OF BENEFITS
Health care reform, **9:87**

UNILATERAL CHANGES
Collective bargaining, **3:6**

UNION
Disabilities, union as employer, **7:91**
Elections (this index)
Fair representation, duty of, security and what unions may require, **11:15**
Organizing
insignia, **1:69 to 1:75**
Pensions and other employee benefits negotiated plans, **9:33**
Union busting consultants **Organizing the Unorganized** (this index)

UNPROTECTED STRIKES
Economic action, **4:19 to 4:28**

UNSWORN STATEMENTS
Disabilities, **7:67**

VACATION PAY
Bankruptcy, **14:4**

VAGUENESS
Economic action, **4:76**

VENUE
Pensions and other employee benefits, ERISA litigation, **9:50**
Rights of union members within union, **12:55**

VESTING
Pensions and other employee benefits, **9:24 to 9:30**

VIOLATIONS
Elections, **13:38, 13:39**

VIOLENCE
Economic action, **4:63**

VISAS
Immigrant Workers (this index)

VOID ACTION
Rights of union members within union, **12:63**

VOLUNTARY RECOGNITION
Construction workers, rights of, **5:16**
Organizing (this index)

"VOTE NO" COMMITTEES
Organizing, **1:44**

VOTING
Construction workers, rights of, eligibility, **5:7**
Rights of union members within union, implementation of votes, **12:12**

WAGES
Bankruptcy, **14:3**

WAITING
Fair Labor Standards Act, **8:48**

WAIVER
Collective bargaining, **3:11**
Disabilities, **7:105**
Rights of union members within union, **12:47**

WARN ACT
Generally, **10:1 to 10:16**
Administration, **10:2**
Bankruptcy, **10:15**
Business enterprise, **10:3**
Claims, bankruptcy, **14:13**
Definition of employer, **10:3, 10:4**
Dislocated workers, **10:16**
Enforcement, **10:2**

WARN ACT—Cont'd
Federal laws providing benefits for dislocated workers, **10:16**
Introduction, **10:1**
Less than 60 days notice, **10:9**
Mass layoff, **10:5**
Mass layoff, number of affected employees, **10:5**
Notice requirements, **10:8 to 10:10**
Number of employees, **10:4**
Plant closing, **10:5**
Reduction of employer liability, **10:14**
Remedies, **10:13**
Requirement of employment loss, **10:7**
Single site requirement, **10:6**
When to sue, **10:11**
Where to sue, **10:13**

WEINGARTEN RIGHTS
Discriminatory discharges, opposing, **2:9**

WHISTLEBLOWER PROTECTION ACT
Discriminatory discharges, opposing, **2:28**

WHISTLEBLOWER STATUTES
Discriminatory discharges, opposing, **2:24 to 2:34**

WHITE COLLAR EXEMPTIONS
Fair Labor Standards Act, **8:12 to 8:17**

WITHDRAWAL LIABILITY
Bankruptcy, **14:15**

WITHDRAWAL OF RECOGNITION
Collective bargaining, **3:12**

WITNESSES
Organizing, **1:28**

WORK ACTIVITIES
Disabilities, **7:43**

WORKERS' COMPENSATION
Disabilities (this index)