

# Index

## ACQUISITION

- Agreements, 2:4
- Amendments, 2:4, 2:15
- Disability, 2:4, 2:15, 2:65, 3:12, 3:22
- Disabled employees, 2:4, 2:15, 3:22
- ERISA, 3:22
- Health benefits, 3:22
- Leaves of absence, 2:4
- Modification, 2:4, 2:15
- Termination, 2:4, 3:22

## ACTIVE DUTY

- Family and Medical Leave Act, 2:1

## ADA AMENDMENTS ACT OF 2008

- Americans with Disabilities Act, 2:2

## ADMINISTRATIVE PROCEEDINGS

- Discovery, 5:5, 7:4
- Labor relations, 7:4

## ADVERSE EMPLOYMENT ACTION

- Americans with Disabilities Act, 2:15

## AFFIRMATIVE ACTION

- Classifications, 2:4, 4:4
- Compliance, 2:20, 2:27, 2:33, 7:4
- Coverage, 2:1, 2:4, 2:20, 4:4
- Disabled persons, 2:4
- Discovery, 7:4
- Enforcement, 2:24, 2:33
- Evidence, 2:4, 2:33, 7:4

## AFFIRMATIVE ACTION

### —Cont'd

- Good faith, 2:15, 7:4
- Notice, 2:4, 2:27, 7:4
- Proof, 2:4, 2:33, 7:4
- Public sector, 2:1
- Recruitment, 2:4, 2:33
- Reverse discrimination, 2:4, 2:15, 2:21
- Sex discrimination, 2:1, 2:4
- Waivers, 2:20
- Women, 2:1

## AGE

- Group insurance, 2:4

## AGE DISCRIMINATION

- Agencies, 7:25
- Compensation, 7:25
- Complaint, 7:25
- Damages, 7:25
- Jurisdiction, 7:25
- Knowing and voluntary, 7:25
- Parties, 7:25
- Prima facie case, 7:25
- Reinstatement, 7:25
- Waivers, 7:25

## AGE DISCRIMINATION IN EMPLOYMENT ACT

- Attorneys, 7:25
- Conciliation, 7:25
- Counsel, 7:25
- Date, 7:25
- Evidence, 7:25
- Jurisdiction, 7:25
- Parties, 7:25
- Terms, 7:25

## DISABILITY DISCRIMINATION IN EMPLOYMENT

### AIDS

Alcohol, 2:4  
Amendment, 2:4  
Analysis, 2:4  
Arbitration, 8:1  
Arrangements, 2:4  
Assignments, 2:4  
Assistance, 2:4, 3:19  
Attendance, 2:4  
Awards, 8:1  
Ban, 2:4  
Bargaining, 2:4, 8:1  
Behavior, 2:4  
Benefits, 2:4  
Breaks, 2:4  
Building, 2:4  
Business, 2:4  
Care, 2:4  
Characteristics, 2:4  
Claims, 8:1  
Collective bargaining, 2:4, 8:1  
Collective bargaining agreements, 2:4  
Compensation, 8:1  
Compliance, 3:4, 8:1  
Concerns, 2:4  
Conditions, 2:4, 3:4, 3:19, 8:1  
Contractors, 3:4  
Coordination, 2:4  
Costs, 2:4  
Coverage, 2:4, 8:1  
Current employees, 2:4  
Decrease, 3:19  
Definitions, 2:4  
Disadvantages, 2:4  
Discipline, 2:4  
Discrimination, 2:4, 3:4, 8:1  
Diseases, 3:19  
Drivers, 2:4  
Drug-Free Workplace Act, 2:4  
Drugs, 2:4, 8:1  
Duration, 2:4  
Election, 8:1  
Elements, 2:4, 8:1

### AIDS—Cont'd

Emergency, 2:4  
Employment agencies, 8:1  
Erisa, 8:1  
Essential functions, 2:4, 8:1  
Evaluation, 2:4, 8:1  
Evidence, 2:4, 8:1  
Examination, 2:4  
Exclusions, 2:4  
Exercise, 2:4  
Experience, 2:4  
Facilities, 2:4, 8:1  
Factors, 2:4  
Fairness, 3:4  
Family, 2:4, 8:1  
Fees, 8:1  
Files, 2:4  
Fitness, 2:4, 8:1  
Fmla, 3:4  
Food, 3:19  
Forms, 2:4  
Frequency, 2:4  
Fringe benefits, 2:4  
Funding, 2:4  
Groups, 3:4  
Guidelines, 2:4  
Handling, 2:4, 3:19  
Harassment, 2:4  
Hazards, 8:1  
Health, 2:4, 3:19  
Heart disease, 2:4  
Identification, 2:4  
Illnesses, 3:4  
Importance, 2:4  
Information, 2:4, 8:1  
Injuries, 8:1  
Inquiry, 2:4, 8:1  
Insurance, 2:4  
Issues, 2:4  
Job analysis, 2:4  
Job descriptions, 2:4  
Job performance, 2:4  
Keeping, 2:4  
Laws, 3:4, 3:19, 8:1

## INDEX

### **AIDS—Cont'd**

- Leaves of absence, 2:4
- Legal, 8:1
- Liability, 2:4
- Lists, 2:4
- Making, 2:4
- Merit, 8:1
- Methods, 2:4, 3:19
- Minimum, 2:4, 8:1
- Misclassification, 2:4
- Misconduct, 2:4
- Model, 8:1
- Modification, 2:4
- Motivation, 8:1
- Needs, 2:4
- Notice, 2:4
- Number, 2:4, 8:1
- Operation, 2:4
- Organizations, 8:1
- Paid, 2:4
- Parties, 2:4, 8:1
- Pay, 2:4
- Performance, 2:4, 3:19
- Place, 2:4
- Plans, 2:4
- Policies, 2:4
- Posting, 2:4
- Practices, 2:4
- Preparation, 3:19
- Programs, 8:1
- Proof, 2:4
- Protection, 2:4, 3:4, 8:1
- Questions, 2:4
- Rates, 2:4
- Rating, 2:4
- Records, 2:4
- Recruitment, 2:4
- Regulation, 2:4, 3:19
- Rehabilitation, 2:4, 3:4, 8:1
- Requests, 2:4
- Response, 2:4
- Restrictions, 2:4, 8:1
- Rights, 2:4
- Safety, 2:4, 3:19, 8:1

### **AIDS—Cont'd**

- Sales, 2:4
- Schedules, 2:4
- Selection, 2:4
- Seniority, 2:4, 8:1
- Services, 3:19
- Sex discrimination, 2:4, 3:4, 8:1
- Short, 2:4, 8:1
- Skills, 2:4
- Sleeping, 2:4
- Standards, 2:4, 8:1
- State, 2:4, 3:19, 8:1
- Statistics, 2:4
- Statutes, 2:4, 3:4, 3:19, 8:1
- Stress, 2:4
- Substance abuse, 2:4, 8:1
- Support, 2:4
- Systems, 2:4
- Termination, 2:4
- Time, 2:4, 3:19, 8:1
- Time off, 2:4
- Training, 2:4, 8:1
- Transportation, 2:4
- Trends, 2:4
- Types, 2:4, 8:1
- Use, 2:4
- Voluntary, 2:4, 3:4

### **ALABAMA**

- Compensation, 3:20, 5:5, 8:1
- Conditions, 3:20, 5:5, 8:1
- Permits, 3:20
- Remedies, 5:5, 8:1
- Sanctions, 5:5
- State statutes, 8:1
- Unemployment compensation, 5:5

### **AMERICANS WITH DISABILITIES ACT**

- Accommodations, 2:15, 3:20, 4:4
- Adverse employment action, 2:15
- Backpay, 2:1
- Bankruptcy, 2:3
- Cancer, 2:2
- Cerebral palsy, 4:4

## DISABILITY DISCRIMINATION IN EMPLOYMENT

### AMERICANS WITH DISABILITIES ACT

#### —Cont'd

Compensatory damages, 2:1  
Complaints, 2:21  
Confidentiality requirements, 3:20  
Covered entities, 2:3, 3:20  
Damages, 2:1  
Determination, 2:15, 3:20, 4:4  
Diabetes, 4:4  
Direct threat, 3:20, 4:4  
Disability, 1:1, 2:1 to 2:3, 2:15,  
2:21, 2:58, 3:20, 4:4  
Disability benefits, 3:20  
Disclosures, 3:20  
Discrimination, 1:1, 2:1 to 2:3,  
2:15, 2:21, 3:20  
Documentation, 4:4  
Drug testing, 2:1  
Employers, 1:1, 2:1 to 2:3, 2:15,  
2:21, 3:20, 4:4  
Employment agencies, 2:1, 2:3  
Enforcement, 3:20  
Essential job functions, 4:4  
Federal contractors, 2:1, 2:21  
Homosexuality, 2:15, 2:21  
Illegal drugs, 2:15, 2:21, 3:20  
Insurance, 2:1, 2:3, 4:4  
Job analysis, 2:15  
Job restructuring, 2:15, 4:4  
Leave policies, 4:4  
Major life activities, 2:2, 2:21  
Mental impairment, 2:2, 2:15,  
2:21, 4:4  
Modified work schedules, 2:15,  
4:4  
Multiple sclerosis, 4:4  
Notice, 3:20  
Parties, 2:3, 4:4  
Physical impairment, 2:15, 2:21  
Pregnancy, 2:1, 4:4  
Private employers, 2:1  
Proceedings, 1:1, 3:20  
Public employers, 2:1

### AMERICANS WITH DISABILITIES ACT

#### —Cont'd

Punitive damages, 2:1  
Qualified individuals, 2:3, 2:21  
Reasonable accommodation, 1:1,  
2:3, 2:15, 2:21, 3:20, 4:4  
Reassignment, 2:15, 2:21, 4:4  
Rehabilitation act, 1:1, 2:1 to 2:3,  
2:15, 2:21, 2:58, 3:20, 4:4  
Remedies, 1:1, 2:1, 2:58  
Request, 2:21, 3:20, 4:4  
Retaliation, 2:1, 2:3, 2:15, 2:21  
Risk, 2:3, 2:15, 4:4  
Substance abuse, 3:20  
Substantially limits, 2:2, 2:15,  
2:21, 4:4  
Transportation, 2:21, 4:4  
Treatment, 3:20, 4:4  
Undue hardship, 1:1, 2:1, 2:15,  
2:21, 4:4  
Unions, 2:3  
Workplace violence, 3:20

### ARBITRATION

Agreements, 2:5, 2:61, 2:62, 5:4  
Arbitration provisions, 2:62  
Awards, 2:61, 5:4, 8:1  
Backpay, 2:61, 5:4, 8:1  
Binding arbitration, 5:4  
Collective bargaining agreements,  
2:61  
Consideration, 2:62, 5:4  
Contracts, 2:62  
Defenses, 8:1  
Discharge cases, 2:61  
Discovery, 2:5, 2:62  
Double recovery, 2:62  
Evidence, 5:4, 8:1  
Federal Arbitration Act, 2:62  
Judicial review, 8:1  
Jurisdiction, 2:47  
Liquidated damages, 2:47  
Litigation, 2:62, 5:4, 8:1  
Process, 2:5

## INDEX

### **ARBITRATION—Cont'd**

Qualification, **8:1**  
Rehabilitation Act, **2:5, 2:62, 5:4, 8:1**  
Remedies, **2:5, 2:47, 2:61, 2:62, 5:4, 8:1**  
Title VII, **2:5**

### **ASSOCIATIONS**

Unions, **2:3**

### **ATTENDANCE**

Absenteeism, **2:4, 2:45, 6:5**  
Collective bargaining agreements, **2:4**  
Discipline, **2:4, 2:45, 4:2**

### **ATTORNEYS**

Discovery, **5:5, 6:5, 7:2, 7:4**  
Title VII actions, **5:5**

### **BACKPAY**

Americans with Disabilities Act, **2:1**  
Arbitration awards, **2:61**  
Collective bargaining agreements, **2:61**  
Defenses, **2:7, 5:5, 7:3, 8:1**  
Discipline, **2:32**  
Front pay, **2:60, 5:5**  
Good faith, **2:7, 2:18, 2:32, 2:36, 5:5, 7:4, 8:1**  
Interest, **2:7, 2:18, 2:32, 2:56, 2:60, 5:5, 7:4**  
Interim employment, **5:5**  
Liquidated damages, **2:1, 2:32**  
Post-judgment interest, **2:7**  
Prejudgment interest, **2:18, 2:32, 5:5**  
Reasonable diligence, **5:5**  
Recovery period, **7:4**  
Title VII, **2:1, 2:7, 2:18, 2:32, 2:35, 2:36, 2:60, 2:68, 5:5, 6:5**

### **BANKRUPTCY**

Arbitration, **5:4**

### **BANKRUPTCY—Cont'd**

Fringe benefits, **5:5**

### **BENEFITS**

Computers, **4:4**  
Publications, **4:4, 7:8**  
Transportation, **2:4, 4:3, 4:4**

### **BONA FIDE OCCUPATIONAL QUALIFICATIONS**

Business Necessity, **2:6, 2:35**  
Evidence, **2:6**  
Title VII, **2:6, 2:35**

### **BUMPING**

Collective bargaining agreements, **2:4**

### **BUSINESS NECESSITY**

Evidence, **2:4, 2:6, 4:2, 6:4**

### **CALIFORNIA**

Compensation, **8:1**  
Conditions, **8:1**  
Employment agencies, **8:1**  
Evidence, **8:1**  
Medical exams, **8:1**  
Pregnancy, **8:1**  
Remedies, **8:1**  
Sex discrimination, **8:1**  
State statutes, **8:1**  
Training programs, **8:1**

### **CAUSATION**

Rehabilitation Act, **3:14, 6:5**  
Title VII cases, **6:5**

### **CHAIN OF CUSTODY**

Drug testing procedures, **3:10**

### **CIRCUMSTANTIAL EVIDENCE**

Discipline, **6:4**  
Evidence, **2:33, 6:1, 6:3 to 6:5**

### **CIVIL RIGHTS**

Unions, **2:3, 2:36, 7:3**

### **CIVIL RIGHTS ACT**

Arbitration agreements, **2:5**

## DISABILITY DISCRIMINATION IN EMPLOYMENT

### **CIVIL RIGHTS ACT—Cont'd**

- Employment agencies, **2:1, 2:3, 2:35, 7:3**
- Employment practices, **2:1, 2:3, 2:5**

### **CLASS ACTIONS**

- Administrative charge, **2:20**
- Commonality, **5:3**
- Putative class members, **5:3**
- Requirements, **2:3, 2:20**
- Review, **5:3**
- Title VII, **2:3, 2:14, 5:3**

### **COLLECTIVE BARGAINING**

- Agreement, **2:4, 2:15, 2:20, 2:32, 2:37, 2:40, 2:43, 2:44, 2:61, 2:62, 3:8, 3:9, 3:14, 3:22, 4:2, 4:4, 5:4, 7:21, 7:25, 8:1**
- Americans with Disabilities Act, **2:15, 4:4**
- Bankruptcy, **5:4**
- Bargaining unit, **2:61**
- Disabilities, **2:4, 2:15, 2:32, 3:14, 3:22, 4:4, 5:4, 8:1**
- Fair representation, **4:4**
- Good faith, **2:15, 2:32, 3:14, 8:1**
- Remedies, **2:32, 2:37, 2:40, 2:43 to 2:45, 2:52, 2:54, 2:61, 2:62, 3:9, 5:4, 8:1**
- Waiver, **2:20, 2:45, 7:25**

### **COLLECTIVE BARGAINING AGREEMENTS**

- Access, **2:4**
- Alcohol, **2:4**
- Amendment, **2:4, 2:54**
- Arbitration, **2:61**
- Awards, **2:61**
- Backpay, **2:61**
- Bargaining unit, **2:61**
- Benefits, **2:4**
- Bumping, **2:4**
- Business, **2:4**
- Changes, **2:4**
- Conditions, **2:4**

### **COLLECTIVE BARGAINING AGREEMENTS—Cont'd**

- Date, **2:4**
- Description, **2:4**
- Determinations, **2:4, 2:61**
- Discipline, **2:4**
- Drugs, **2:4**
- Duties, **2:4**
- Evaluation, **2:4**
- Evidence, **2:4**

### **COLORADO**

- Compensation, **8:1**
- Conditions, **8:1**
- Evidence, **8:1**
- Pregnancy discrimination, **8:1**
- Remedies, **8:1**
- Retaliation, **8:1**
- Sex discrimination, **8:1**
- State statutes, **8:1**
- Training programs, **8:1**

### **COMPENSATION**

- ADEA, **3:22**
- Affirmative action plans, **2:33, 7:4**
- Americans With Disabilities Act, **3:20**
- Defenses, **2:7, 5:5, 6:7, 7:3, 8:1**
- Disciplinary action, **2:40**
- Discrimination, **2:7, 2:32, 2:33, 2:35, 2:43, 2:44, 3:14, 3:18, 3:20, 3:22, 5:4, 5:5, 6:7, 7:3, 7:4, 7:6, 7:14, 7:25, 8:1**
- ERISA, **2:68, 3:22, 5:4, 8:1**
- Establishment, **7:10**
- Family and Medical Leave Act, **3:12, 3:20**
- FMLA, **2:35, 2:38, 2:40, 2:43, 2:44, 2:47, 2:48, 3:12, 3:14, 3:18, 3:20, 3:22**
- Longevity, **2:32, 3:14**
- Machine operators, **3:14**
- Managers, **2:38, 3:20**
- Merit system, **8:1**
- OWBPA, **3:22**

## INDEX

### COMPENSATION—Cont'd

- Seniority system, 5:5, 6:7, 8:1
- Service, 2:32, 2:33, 2:38, 2:40, 3:18, 3:22, 5:5, 6:7, 7:6, 8:1
- Sex discrimination, 2:35, 8:1
- State laws, 2:35, 3:14, 3:18, 3:20, 7:3, 8:1
- Supervisors, 2:32, 2:38, 3:12, 3:20
- Title VII, 2:7, 2:32, 2:35, 2:43, 2:68, 3:22, 5:5, 6:7, 7:25

### COMPLAINTS

- Americans with Disabilities Act, 2:21
- Relief, 2:33, 2:47
- Retaliation, 2:21, 2:33

### COMPLIANCE

- Generally, 3:7
- Unions, 2:20, 7:3

### COMPUTERS

- Benefits, 4:4

### CONCILIATION

- Enforcement, 2:33, 7:25
- Rehabilitation Act, 2:33, 7:25

### CONFIDENTIALITY

- Age Discrimination in Employment Act, 7:25
- Rehabilitation Act, 2:27, 3:11, 3:12, 3:20, 7:4, 7:25

### CONNECTICUT

- Compensation, 8:1
- Conditions, 8:1
- Employment agencies, 8:1
- Evidence, 8:1
- Pregnancy discrimination, 8:1
- Remedies, 8:1
- Sex discrimination, 8:1
- State statutes, 8:1
- Training programs, 8:1

### CONSIDERATION

- Settlements, 5:5

### COORDINATION

- Disability benefits, 3:20

### COURTS

- Collective bargaining agreements, 2:4
- Labor relations, 7:4

### COVERAGE

- Medical benefits, 3:22

### DAMAGES

- Accommodation, 2:7, 2:32, 2:35, 2:36, 2:40, 5:5, 5:6, 6:4, 7:3, 7:5, 7:8, 7:25, 8:1
- Age discrimination, 7:25
- Americans with Disabilities Act, 2:1
- Backpay, 2:1, 2:7, 2:18, 2:30, 2:32, 2:35, 2:36, 2:56, 2:60, 2:68, 5:5, 6:5, 7:3, 8:1
- Benefits, 2:1, 2:7, 2:32, 2:35, 2:38, 2:40, 2:56, 5:5, 6:4, 7:5, 7:8
- Compensation, 2:7, 2:32, 2:35, 2:38, 2:40, 2:47, 2:48, 2:56, 2:68, 5:5, 7:3, 7:8, 7:25, 8:1
- Defined, 2:40, 2:56, 8:1
- Disability discrimination, 2:1, 5:5, 5:6, 6:4, 6:5, 7:3, 7:5, 7:25, 8:1
- Emotional distress, 2:1, 2:56, 2:60, 5:5
- Employment discrimination, 7:25, 8:1
- Family and Medical Leave Act, 2:1
- Federal government, 2:1
- Fringe benefits, 2:32, 5:5
- Front pay, 2:60, 5:5
- Good faith efforts, 2:7, 2:18, 5:5
- Government employers, 2:38
- Intentional discrimination, 2:1, 2:18, 2:30, 2:35, 2:59, 5:5
- Liquidated damages, 2:1, 2:32, 2:47, 2:48
- Period, 2:32, 2:40, 5:5, 7:25, 8:1

## DISABILITY DISCRIMINATION IN EMPLOYMENT

### DAMAGES—Cont'd

Prejudgment interest, 2:18, 2:32, 5:5  
Punitive damages, 2:1, 2:7, 2:13, 2:18, 2:30, 2:35, 2:36, 2:60, 5:5, 6:5, 8:1  
Rehabilitation Act, 2:1, 2:30, 2:32, 2:35, 2:40, 5:5, 5:6, 6:4, 6:5, 7:3, 7:25, 8:1  
Reinstatement, 2:1, 2:7, 2:18, 2:30, 2:32, 2:35, 2:56, 2:60, 5:5, 6:5, 7:3, 7:25, 8:1  
Remedies, 2:1, 2:7, 2:13, 2:18, 2:30, 2:32, 2:35, 2:36, 2:38, 2:40, 2:47, 2:48, 2:56, 2:59, 2:60, 2:68, 5:5 to 6:5, 7:3, 8:1  
Restrictions, 6:4, 7:8, 7:25, 8:1  
Tax, 2:1, 8:1  
Title VII, 2:1, 2:7, 2:18, 2:32, 2:35, 2:36, 2:59, 2:60, 2:68, 5:5, 6:4, 6:5, 7:25  
Total, 2:1, 2:7, 2:32, 2:38, 2:40, 5:5, 6:5

### DEFENSES

Bona Fide Occupational Qualifications, 2:6  
Bona fide occupational qualifications, 2:6  
Business Necessity, 2:6  
Compensation, 2:7, 5:5, 6:7, 7:3, 8:1  
Disability discrimination, 2:6, 5:5, 6:1, 6:2, 6:7, 7:3, 8:1  
Disparate treatment, 2:6, 2:7, 5:5, 6:1 to 7:3, 8:1  
Equal Pay Act, 5:5  
Legitimate nondiscriminatory reason, 2:6  
Qualifications, 2:6, 5:5, 6:2, 7:3, 8:1  
Reinstatement, 2:7, 5:5, 7:3, 8:1  
Retaliation, 2:6, 2:7, 6:1, 8:1  
Training programs, 8:1

### DEFENSES—Cont'd

Undue hardship, 2:6, 5:5, 6:2, 7:3, 8:1

### DEGREE

Violation, 2:4, 2:32

### DELAWARE

Compensation, 8:1  
Employment agencies, 8:1  
Pregnancy discrimination, 8:1  
Remedies, 8:1  
Retaliation, 8:1  
Sex discrimination, 8:1  
State statutes, 8:1  
Training programs, 8:1

### DEPARTMENT OF LABOR

Employment Standards Administration, 2:47  
Solicitor of Labor, 2:47

### DEPENDENTS

Medical benefits, 3:22

### DISABILITIES

Accessibility, 4:4  
Accommodations, 2:4, 2:6, 2:15, 3:14, 3:20, 4:4  
After-acquired evidence, 6:7, 8:1  
Age, 2:4, 2:6, 2:22, 3:4 to 4:4  
Alcohol use, 2:27  
Americans with Disabilities Act, 1:1, 2:1 to 2:3, 2:15, 2:21, 2:58, 3:20, 4:4  
Arbitration, 5:4, 8:1  
Assessment, 3:12, 3:14, 4:4, 6:7  
Associational discrimination, 3:22  
Attendance, 2:4, 2:27  
Awards, 5:4, 8:1  
Benefits, 2:1, 2:3, 2:4, 2:6, 2:15, 2:27, 2:32, 3:20, 3:22, 4:4, 5:4  
Burden of proof, 2:4, 2:6  
Business necessity, 2:2, 2:4, 2:6, 2:21, 2:27, 3:11, 3:12, 3:20, 3:21, 4:4



## INDEX

### DISABILITIES—Cont'd

Causation, 3:14  
Certification requirements, 3:20  
Choosing, 2:4  
Class actions, 2:3  
Collective bargaining agreements, 2:4  
Compensatory damages, 2:1, 8:1  
Confidentiality, 2:27, 3:11, 3:12, 3:20  
Costs, 2:4, 2:32, 3:22  
Defenses, 2:6, 6:7, 8:1  
Direct threat, 2:4, 2:6, 2:27, 3:14, 3:17, 3:20, 4:4, 6:7  
Drug use, 2:4, 2:27, 3:12  
Eleventh amendment, 6:7  
Estoppel, 2:6  
Evidence, 2:4, 2:6, 2:22, 2:23, 2:32, 3:5, 3:14, 3:22, 5:4, 6:7, 8:1  
Examinations, 2:4, 2:15, 3:11  
Exclusions, 2:4, 3:22  
Fair representation, 4:4  
Family and Medical Leave Act, 2:1, 3:12, 3:20  
Harassment, 2:4, 2:15  
Health insurance, 2:1, 2:4, 3:22  
Hearings, 2:22  
Immunity, 2:32, 3:20, 6:7, 8:1  
Impairment, 2:1, 2:2, 2:4, 2:15, 2:21, 2:27, 3:4, 3:5, 3:12, 3:17, 3:21, 4:4, 5:4, 8:1  
Injunctive relief, 2:1  
Inquiries, 2:3, 2:4, 2:15, 2:27, 3:11, 3:12, 3:14, 3:17, 3:20, 3:21  
Insurance, 2:1, 2:3, 2:4, 3:22, 4:4  
Interactive process, 2:4, 4:4  
Interest, 2:32  
Interference, 2:3  
Investigations, 3:12  
Issue preclusion, 2:6  
Job restructuring, 2:4, 2:15, 2:27, 4:4  
Judicial estoppel, 2:6

### DISABILITIES—Cont'd

Jury trials, 2:32  
Learning disabilities, 2:4, 2:27, 3:5  
Light duty jobs, 4:4  
Major life activity, 2:2, 2:4, 2:15, 2:27, 2:32, 3:5, 4:4, 5:4, 8:1  
Multiple impairments, 2:4  
Notices, 2:4  
Perceived disability, 2:3, 2:4  
Preemployment inquiries, 2:27, 3:11  
Procedure, 2:4, 2:22, 2:27, 2:32, 5:4, 8:1  
Punitive damages, 2:1, 8:1  
Qualification standards, 2:4, 3:21  
Reasonable accommodation, 1:1, 2:3, 2:4, 2:6, 2:15, 2:21, 2:27, 2:32, 3:5, 3:12, 3:14, 3:20 to 3:22, 4:4, 5:4, 6:7, 8:1  
Reassignment, 2:4, 2:15, 2:21, 2:27, 2:32, 4:4  
Rehabilitation Act, 1:1, 2:1 to 2:4, 2:6, 2:15, 2:21, 2:27, 2:32, 2:58, 3:4, 3:5, 3:11, 3:12, 3:14, 3:20, 4:4, 5:4, 6:7, 6:10, 8:1  
Reinstatement, 2:1, 2:32, 3:22, 4:4, 8:1  
Remedies, 1:1, 2:1, 2:6, 2:32, 2:58, 5:4, 6:7, 8:1  
Remission, 2:2, 2:4  
Request for accommodation, 2:4  
Retaliation, 2:1, 2:3, 2:4, 2:6, 2:15, 2:21, 2:27, 6:10, 8:1  
Seniority, 2:1, 2:4, 2:6, 2:15, 2:32, 3:22, 4:4, 6:7, 8:1  
Serious health condition, 2:1, 3:17, 3:20, 3:22, 4:4  
Substantially limits, 2:2, 2:4, 2:15, 2:21, 2:27, 3:5, 4:4, 5:4  
Undue hardship, 1:1, 2:1, 2:4, 2:6, 2:15, 2:21, 2:23, 2:27, 2:32, 4:4, 8:1  
Waiver, 2:21, 6:7

## DISABILITY DISCRIMINATION IN EMPLOYMENT

### DISABILITY BENEFITS

Americans with Disabilities Act, 3:20  
Compensation, 3:20, 5:4, 7:4, 7:6, 7:8  
Coordination of benefits, 3:20  
Eligibility for benefits, 3:20  
Statute of limitations, 7:4

### DISCIPLINE

Backpay, 2:32  
Burden of proof, 2:4  
Compensation, 2:32, 2:40, 2:43  
Customers, 4:4  
Disability discrimination laws, 4:2  
Evidence, 2:4, 2:32, 4:2, 6:4  
Harassment, 2:4  
Performance standards, 4:2  
Prima facie case, 2:32, 2:45, 6:4  
Remedies, 2:32, 2:40, 2:43, 2:45  
Retaliation, 2:4, 2:45  
State law, 2:40, 4:4  
Uniformed Services Employment and Reemployment Rights Act, 2:32

### DISCLOSURES

Americans with Disabilities Act, 3:20  
Rehabilitation Act, 2:4, 3:20  
Title VII, 2:4

### DISCOVERY

Admissibility, 7:4  
Affirmative action plans, 7:4  
Burdensome, 7:4  
Defenses, 5:5, 7:3, 7:11  
Depositions, 2:22, 5:5, 7:4, 7:5, 7:11  
Discharge cases, 5:5  
Expert testimony, 5:5, 7:4, 7:7  
Expert witnesses, 7:4  
Interrogatories, 2:22, 7:4, 7:11  
Names, 7:5  
Privilege, 7:4, 7:11

### DISCOVERY—Cont'd

Production of documents, 7:4, 7:6, 7:11  
Relevance, 7:2  
Relief, 2:62, 5:1, 5:5, 6:5, 7:2, 7:3  
Sanctions, 5:5, 7:4, 7:11  
Scope of discovery, 7:11  
Summary judgment, 2:22, 7:6  
Time limitations, 5:5  
Written discovery, 2:22, 7:4

### DISCRIMINATION

Alabama, 3:20, 5:5, 8:1  
California, 8:1  
Colorado, 8:1  
Connecticut, 8:1  
Delaware, 8:1  
District of Columbia, 1:1, 2:50, 8:1  
Georgia, 3:7, 8:1  
Hawaii, 3:17  
Idaho, 8:1  
Iowa, 2:35, 8:1  
Kentucky, 8:1  
Louisiana, 3:20, 8:1  
Massachusetts, 8:1  
Michigan, 8:1  
Minnesota, 8:1  
Mississippi, 8:1  
Missouri, 2:35, 6:4, 8:1  
Montana, 3:17  
Nevada, 8:1  
New Jersey, 8:1  
New York, 6:4  
North Carolina, 8:1  
North Dakota, 8:1  
Ohio, 8:1  
Oklahoma, 8:1  
Oregon, 8:1  
Pennsylvania, 8:1  
Tennessee, 3:20  
Texas, 3:20, 7:4  
Virginia, 8:1  
Washington, 8:1

## INDEX

### **DISCRIMINATION—Cont'd**

West Virginia, 8:1  
Wisconsin, 5:3, 8:1  
Wyoming, 8:1

### **DISCRIMINATORY**

#### **DISCHARGE**

Intent, 5:5, 6:5  
Remedies, 5:5, 6:5

### **DISPARATE IMPACT**

Adverse employment action, 2:6,  
2:17, 2:29, 2:53, 2:57, 3:7,  
6:1, 6:4  
Affirmative action, 2:4, 2:33  
Civil Rights Act, 2:6, 2:7, 2:26,  
2:35, 6:4, 6:6, 7:3  
Disability discrimination, 2:6,  
2:33, 3:7, 6:1, 6:2, 6:4, 6:6,  
6:7, 7:3, 8:1  
Generally, 3:7  
Harassment, 2:4  
Insurance, 2:4, 2:26, 2:35, 6:1  
Performance, 2:4, 2:6, 2:7, 2:35,  
3:7, 6:1, 6:2, 6:4  
Pretext, 2:6, 2:33, 2:57, 2:59, 6:4  
Rehabilitation Act, 2:4, 2:6, 2:17,  
2:26, 2:33, 2:35, 6:2, 6:4,  
6:6, 6:7, 7:3, 8:1  
Remedies, 2:6, 2:7, 2:26, 2:33,  
2:35, 2:53, 2:57, 2:59, 2:67,  
6:6, 6:7, 7:3, 8:1  
Retaliation, 2:4, 2:6, 2:7, 2:33,  
6:1, 8:1  
Tests, 2:4, 2:6, 3:7, 6:7

### **DISPARATE TREATMENT**

Allocation of burdens, 6:2  
Bona fide occupational qualifica-  
tions, 2:6, 2:35  
Civil Rights Act, 2:6, 2:7, 2:35,  
5:5, 6:4, 6:5, 6:9, 7:3  
Damages, 2:7, 2:32, 2:35, 5:5,  
6:4, 6:5, 7:3, 8:1  
Defenses, 2:6, 2:7, 5:5, 6:1 to 7:3,  
8:1

### **DISPARATE TREATMENT**

#### **—Cont'd**

Disability discrimination, 2:6,  
2:33, 5:5, 6:1, 6:2, 6:4, 6:5,  
7:3, 8:1  
Harassment, 2:4  
Hiring, 2:4, 2:35, 3:22, 5:5, 8:1  
Intentional discrimination, 2:35,  
5:5  
Pretext, 2:6, 2:32, 2:33, 2:57, 6:3  
to 6:5  
Prima facie case, 2:6, 2:29, 2:32,  
2:33, 2:35, 2:57, 5:5, 6:1 to  
6:5, 7:3  
Protected class, 6:4  
Punitive damages, 2:7, 2:35, 5:5,  
6:5, 8:1  
Rehabilitation Act, 2:4, 2:6, 2:17,  
2:32, 2:33, 2:35, 5:5, 6:2,  
6:4, 6:5, 7:3, 8:1  
Remedies, 2:6, 2:7, 2:32, 2:33,  
2:35, 2:53, 2:57, 2:67, 5:5,  
6:5, 7:3, 8:1  
Retaliation, 2:4, 2:6, 2:7, 2:33,  
6:1, 6:9, 8:1

### **DISTRICT OF COLUMBIA**

Compensation, 8:1  
Employment agencies, 8:1  
Evidence, 8:1  
Health, 2:14  
Pregnancy discrimination, 8:1  
Private rights, 2:50  
Remedies, 1:1, 2:14, 2:49, 2:50,  
8:1  
Retaliation, 8:1  
Sex discrimination, 8:1

### **DRUGS**

Testing, 2:4, 3:7, 3:10, 3:12, 8:1

### **DUE PROCESS**

Punitive damages, 2:60

### **DURATION**

Collective bargaining agreements,  
2:4, 2:20

## DISABILITY DISCRIMINATION IN EMPLOYMENT

### **DURESS**

Settlements, 7:25

### **EMPLOYEE BENEFITS**

Exclusions, 3:22

Nondiscrimination, 3:22

Tax, 2:3

### **EMPLOYMENT AGENCIES**

Americans with Disabilities Act,  
2:1, 2:3

Employer, 2:1, 2:3, 2:20, 2:35,  
2:65, 7:2, 7:3, 8:1

Genetic Information Nondiscrimi-  
nation Act, 2:1, 2:64, 2:65

Hiring, 2:3, 2:35, 8:1

Title VII, 2:1, 2:3, 2:35

### **EMPLOYMENT**

#### **DISCRIMINATION**

Age, 2:4, 7:25

Age discrimination in Employ-  
ment Act, 7:25

Arbitration, 2:61, 8:1

Burden of proof, 2:4

Civil Rights Act, 2:34, 7:25

Collective bargaining agreement,  
2:4, 2:61, 7:25, 8:1

Compensatory damages, 8:1

Current employees, 2:4

Disability, 2:4, 2:34, 2:61, 7:25,  
8:1

Disparate impact, 2:4, 8:1

Disparate treatment, 2:4, 8:1

ERISA, 8:1

Evidence, 2:4, 7:25, 8:1

Forum, 2:61

Gender identity, 2:4

Harassment, 2:4

Hostile work environment, 2:4

Liability, 2:4, 7:25

Mitigation of damages, 7:25

Preemption, 8:1

Pregnancy, 2:4, 2:34, 8:1

Procedure, 2:4, 2:61, 8:1

Punitive damages, 8:1

### **EMPLOYMENT**

#### **DISCRIMINATION—Cont'd**

Race, 2:34

Reasonable accommodation, 2:4,  
2:34, 8:1

Reasonable belief, 2:4

Rehabilitation Act, 2:4, 7:25, 8:1

Relief, 7:25, 8:1

Retaliation, 2:4, 8:1

Sex, 2:4, 2:34, 8:1

Statistics, 2:4

Tax, 2:4, 8:1

Waiver, 7:25

### **EMPLOYMENT PRACTICES**

Business necessity, 2:21

Commerce, 2:3

Compensatory damages, 2:1

Exceptions, 2:3, 2:5

Family and Medical Leave Act,  
2:1

Federal constitution, 2:1

Federal contractors, 2:1, 2:21

Former employees, 2:3

Intentional discrimination, 2:1

Joint employer liability, 2:3

Number of employees, 2:5, 2:11

Person, 2:1, 2:3, 2:5, 2:21

Remedies, 2:1, 2:5, 2:11

### **EMPLOYMENT STANDARDS**

#### **ADMINISTRATION**

Department of Labor, 2:47

### **ENFORCEMENT**

Arbitration, 2:47, 2:61, 2:62

Cause of action, 3:20

Criminal penalties, 3:20

ERISA, 2:68

Settlement, 7:25

Statute of limitations, 2:47

### **EQUAL EMPLOYMENT**

#### **OPPORTUNITY**

#### **COMMISSION**

Investigation, 2:66

## INDEX

### **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION—Cont'd**

Remedies, 2:66

### **EQUAL PAY ACT**

Compensation, 5:5  
Defenses, 5:5  
Differentials, 5:5  
Evidence, 5:5  
Experience, 5:5  
Fringe benefits, 5:5  
Intervention, 5:5  
Jurisdiction, 5:5  
Parties, 5:5  
Prima facie case, 5:5  
Proceedings, 5:5  
Remedies, 5:5  
Shift differentials, 5:5

### **ERISA**

Enforcement, 2:68

### **ESSENTIAL FUNCTIONS**

Job descriptions, 2:4, 2:6, 2:15,  
4:2

### **EVIDENCE**

Admissibility, 2:32, 7:4, 7:25  
Affidavits, 5:4  
Affirmative action plans, 2:33, 7:4  
Bona fide occupational qualifications defense, 2:6  
Burden of establishing, 2:29, 6:2  
Burden of Proof, 2:4, 2:6, 2:29,  
2:33, 2:57, 6:1 to 6:3, 6:5,  
7:3  
Business necessity, 2:4, 2:6, 4:2,  
6:4  
Comparators, 7:4, 7:6  
Compromise, 3:5, 7:11  
Cross-examination, 5:5  
Damages, 2:32, 2:56, 2:59, 2:60,  
5:5, 6:4, 6:5, 7:3, 7:5, 7:25,  
8:1  
Defenses, 2:6, 2:59, 5:5, 6:1, 6:2,  
6:7, 7:3, 7:11, 8:1

### **EVIDENCE—Cont'd**

Direct evidence, 2:23, 2:29, 2:32,  
2:33, 2:57, 6:1, 6:5, 7:3  
Discovery, 2:22, 5:5, 6:5, 7:2 to  
7:7, 7:11  
Disparate treatment, 2:4, 2:6,  
2:23, 2:29, 2:32, 2:33, 2:57,  
3:22, 5:5, 6:1 to 6:5, 7:3, 8:1  
Education, 2:4, 2:6, 3:5, 4:2, 6:4,  
7:6, 7:7  
Employment agency, 2:4, 3:22  
Executive Order 11246, 2:22  
Exhibits, 2:22  
Expert testimony, 5:5, 7:4, 7:7  
Expert witnesses, 7:4  
Group insurance, 2:4  
Legitimate, 2:4, 2:6, 2:32, 2:33,  
2:56, 2:57, 3:14, 3:22, 4:2,  
5:5, 6:3 to 6:5, 7:4  
Objections, 2:22, 7:11  
Plaintiff, 2:4, 2:6, 2:23, 2:29,  
2:32, 2:56, 2:57, 2:59, 2:60,  
3:5, 3:22, 4:2, 5:4, 5:5, 6:1  
to 6:5, 6:7, 7:3 to 7:7, 7:25,  
8:1  
Pretext, 2:6, 2:32, 2:33, 2:57,  
2:59, 6:3 to 6:5  
Prima facie case, 2:6, 2:29, 2:32,  
2:33, 2:57, 5:5, 6:1 to 6:5,  
7:3, 7:25  
Privileges, 2:4, 3:22, 7:4  
Railway Labor Act, 6:7  
Remarks, 6:4 to 7:5  
Retaliation, 2:4, 2:6, 2:33, 6:1,  
8:1  
Sanctions, 2:33, 5:5, 7:4, 7:11  
Scientific evidence, 3:22  
Similarly situated employees, 2:4,  
6:2, 7:4, 7:5  
State law, 2:56, 2:59, 3:14, 3:22,  
5:4, 6:7, 7:3, 7:7, 8:1  
Stray remarks, 6:5  
Summary judgment, 2:22, 2:56,  
3:22, 7:6

## DISABILITY DISCRIMINATION IN EMPLOYMENT

### **EVIDENCE—Cont'd**

Title VII, 2:4, 2:6, 2:32, 2:59,  
2:60, 3:22, 5:5, 6:4, 6:5, 6:7,  
7:25  
Weight, 2:4, 5:4, 6:2  
Witnesses, 2:22, 7:4, 7:6  
Work history, 3:14, 6:2, 7:5 to 7:7

### **EXECUTIVE ORDER 11246**

Briefs, 2:22  
Depositions, 2:22  
Discovery, 2:22  
Evidence, 2:22  
Hearings, 2:22  
Interrogatories, 2:22  
Motions, 2:22  
Notice, 2:22  
Objections, 2:22  
Offers of proof, 2:22  
Parties, 2:22  
Summary judgment, 2:22  
Witnesses, 2:22

### **EXHAUSTION OF REMEDIES**

Rehabilitation Act, 2:16

### **EXHIBITS**

Administrative hearings, 2:22

### **EXPERT**

Costs, 5:5  
Discovery, 5:5, 7:4, 7:6, 7:7  
Selection, 4:3, 5:5, 6:4, 7:4, 7:26  
Witness, 2:7, 5:5, 7:4, 7:6, 7:10

### **EXTENT**

Unions, 2:3

### **FAIR REPRESENTATION**

Claims, 4:4  
Disabilities, 4:4  
Reinstatement, 4:4  
Standard, 4:4

### **FAMILY AND MEDICAL LEAVE**

#### **ACT**

50 employees, 2:37  
Benefits, 2:1, 3:20

### **FAMILY AND MEDICAL LEAVE**

#### **ACT—Cont'd**

Certification, 3:12, 3:20  
Compensation, 3:12, 3:20  
Coverage, 2:1, 2:37  
Damages, 2:1  
Department of Labor, 2:37  
Disability, 2:1, 2:31, 2:37, 3:12,  
3:20, 4:2  
Discrimination, 2:1, 2:31, 3:20,  
4:2  
Duration, 2:1, 3:12  
Effective date, 2:37  
Employees, 2:1, 2:31, 2:37, 3:12,  
3:20, 4:2  
Employers, 2:1, 3:12, 3:20, 4:2  
Enforcement, 3:20  
Evidence, 4:2  
Federal government, 2:1  
Group health plan, 3:20  
Health benefits, 2:1  
Health conditions, 2:1  
Immunity, 3:20  
Notice, 3:20  
Overtime, 4:2  
Paid leave, 3:20  
Purpose, 3:12, 3:20  
Recertification, 3:20  
Recordkeeping, 3:20  
Reemployment rights, 2:1, 2:31  
Regulations, 2:1, 2:37, 3:12, 3:20,  
4:2  
Regulatory provisions, 3:20  
Reinstatement, 2:1  
Remedies, 2:1, 2:31, 2:37  
Requirements, 3:12, 3:20, 4:2  
Retaliation, 2:1  
Seniority and other rights, 2:1  
Serious health condition, 2:1,  
2:31, 3:20  
Serious health conditions, 2:1  
Sick leave, 3:12, 3:20  
State laws, 3:20  
Substance abuse, 3:20

## INDEX

### FEDERAL CONTRACTORS

Employment practices, **2:1, 2:21**

### FEDERAL EMPLOYMENT

Amendment, **2:2**

Availability, **2:2**

Courts, **2:2**

Date, **2:2**

Decisions, **2:2**

Discrimination, **2:2, 2:18**

Fees, **2:18**

Issues, **2:2**

Proof, **2:2**

Protection, **2:2**

Record, **2:2**

Regulations, **2:2**

Remedies, **2:18**

Requests, **2:2**

Rights, **2:18**

### FEDERAL RULES OF CIVIL PROCEDURE

Administrative proceedings, **7:4**

### FEDERAL STATUTES

Affirmative defenses, **2:6, 2:59, 6:1, 6:7**

Americans with Disabilities Act, **1:1, 2:1 to 2:3, 2:15, 2:21, 2:58**

Arbitration, **2:5, 2:47, 2:61, 2:62**

Choice of federal claim, **2:1**

Collective bargaining agreement, **2:4, 2:15, 2:20, 2:32, 2:37, 2:40, 2:43, 2:44, 2:61, 2:62**

Color of state law, **2:1, 2:5, 2:31, 2:50, 2:54, 2:58**

Commencing the action, **2:11, 2:16, 2:22, 2:28, 2:47, 2:52, 2:66**

Due process, **2:50 to 2:53, 2:55, 2:56, 2:59, 2:60**

Equal protection, **2:1, 2:50, 2:51, 2:53, 2:55, 2:57**

Family and Medical Leave Act, **2:1, 2:31, 2:37**

### FEDERAL STATUTES—Cont'd

Notice obligations, **2:46**

Parties, **2:3, 2:4, 2:7, 2:9, 2:14, 2:16, 2:20, 2:22, 2:26, 2:36, 2:38, 2:50, 2:57, 2:61, 2:62, 2:64, 5:5, 6:2**

Pregnancy discrimination, **2:1, 2:31, 2:34 to 2:36, 5:5, 6:4**

Preleave certification, **2:46**

Prohibited discrimination, **2:4, 6:4**

Prohibited practices, **2:65**

Proof burdens, **2:4, 2:6, 2:12, 2:17, 2:23, 2:29, 2:35, 2:53, 2:54, 2:67, 6:1, 6:2, 6:4, 6:7**

Protected conditions, **2:2, 2:10, 2:15, 2:21, 2:27, 2:39, 2:51**

Recordkeeping, **2:33, 2:38, 2:39, 2:46**

Rehabilitation Act, **1:1, 2:1 to 2:6, 2:9, 2:15 to 2:17, 2:19, 2:21, 2:26, 2:27, 2:30, 2:32, 2:33, 2:35, 2:40, 2:50, 2:58, 2:62, 5:5, 6:2, 6:4, 6:7**

Remedies, **1:1, 2:1, 2:5 to 2:8, 2:11, 2:13, 2:14, 2:16, 2:18, 2:24 to 2:26, 2:28, 2:30 to 2:68, 5:5, 6:7**

Restoration, **2:2, 2:32, 2:38 to 2:40, 2:43, 2:44, 2:46**

Uniformed Services Employment and Reemployment Rights Act, **2:32**

Veterans, **2:1, 2:31 to 2:33**

### FEES

Collective bargaining agreements, **2:61**

### FORMER EMPLOYEES

Employment practices, **2:3**

Retaliation, **2:3**

### FRINGE BENEFITS

Collective bargaining agreement provisions, **2:32**

Equal Pay Act, **5:5**

Rehabilitation Act, **2:4, 2:32, 5:5**

## DISABILITY DISCRIMINATION IN EMPLOYMENT

### **FRINGE BENEFITS—Cont'd**

Title VII, 2:4, 2:32, 5:5

### **FRONT PAY**

Backpay, 2:60, 5:5

Compensatory damages, 2:60, 5:5

Reinstatement, 2:60, 5:5

### **GENERAL DUTY CLAUSE**

OSHA, 3:14

### **GEORGIA**

Compensation, 8:1

Remedies, 8:1

State statutes, 8:1

### **GOOD CAUSE**

Discipline, 6:4

### **GOOD FAITH**

Affirmative action plans, 7:4

Backpay, 2:7, 2:18, 2:32, 2:36,  
5:5, 7:4, 8:1

Civil penalties, 3:20

Preemption, 6:7, 8:1

Retaliation, 2:6, 2:7, 2:15, 2:36,  
8:1

### **GOVERNMENT**

#### **EMPLOYMENT**

Damages, 2:32

Federal, 2:32

Federal employers, 2:32

Rehabilitation Act, 2:32

Remedies, 2:32

State, 2:32

### **GRIEVANCE PROCEDURES**

Title VII, 2:52

### **GROUP INSURANCE**

Age, 2:4

Coverage, 2:4

Health insurance, 2:4

Notice, 2:4

### **HAWAII**

Health, 3:17

Pregnancy discrimination, 3:17

### **HEALTH CARE**

Industry, 3:22, 4:4

### **HEALTH INSURANCE**

#### **PORTABILITY AND**

#### **ACCOUNTABILITY ACT**

Discrimination, 2:65

Notice, 2:65

### **HIRING**

Affirmative action, 2:4, 3:12

Agencies, 2:3, 2:4, 2:35, 8:1

Business necessity, 2:4, 2:35, 3:12

Defenses, 5:5, 8:1

Disability discrimination law, 5:5

Employment agencies, 2:3, 2:35,  
8:1

Employment agency, 2:4, 3:22

Evidence, 2:4, 3:22, 5:4 to 7:5,  
8:1

Genetic Information Nondiscrimi-  
nation Act, 3:12

Genetic testing, 8:1

Impairments, 2:4, 3:12, 5:4

Insurance, 2:3, 2:4, 2:35, 3:22,  
5:5

Medical examinations, 2:4

Pre-employment, 8:1

Prima facie case, 2:35, 2:45, 5:5

Qualification standards, 2:4

Reasonable accommodation, 2:3,  
2:4, 2:35, 3:12, 3:22, 5:4 to  
7:5, 8:1

Recruitment, 2:4

Reinstatement, 2:35, 3:22, 5:5,  
8:1

Remedies, 2:35, 2:45, 5:4, 5:5,  
8:1

Screening criteria, 3:22

Sex discrimination, 2:4, 2:35, 8:1

Standing, 2:4, 3:22

Statistics, 2:4, 2:35

Testimony, 2:4, 5:4, 5:5

Title VII, 2:3, 2:4, 2:35, 3:22, 5:5



## INDEX

### HIV

- Alcohol, 2:4
- Amendment, 2:4
- Analysis, 2:4, 3:14
- Arbitration, 8:1
- Arrangements, 2:4
- Assessment, 3:14, 3:18
- Assignments, 2:4
- Assistance, 2:4, 3:19
- Attendance, 2:4, 3:18
- Attorneys, 7:4
- Availability, 3:18
- Awards, 8:1
- Ban, 2:4
- Bargaining, 2:4, 3:14, 3:22, 8:1
- Behavior, 2:4
- Benefits, 2:4, 3:18, 3:22, 7:4
- Breaks, 2:4
- Building, 2:4, 3:14
- Business, 2:4, 3:18
- Care, 2:4, 3:14, 3:18, 3:22, 7:4
- Change, 3:22
- Characteristics, 2:4
- Checklists, 7:4
- Claims, 3:22, 7:4, 8:1
- Classification, 3:22
- Collective bargaining, 2:4, 3:14, 3:22, 8:1
- Collective bargaining agreements, 2:4
- Common law, 7:4
- Compensation, 3:14, 3:18, 3:22, 7:4, 8:1
- Compliance, 3:4, 3:18, 7:4, 8:1
- Concerns, 2:4, 3:22
- Conditions, 2:4, 3:4, 3:14, 3:18, 3:19, 3:22, 8:1
- Conflicts, 3:14
- Contractors, 3:4
- Coordination, 2:4, 3:14
- Costs, 2:4, 3:22
- Counsel, 3:22, 7:4
- Coverage, 2:4, 3:22, 8:1
- Current employees, 2:4

### HIV—Cont'd

- Data, 3:14, 3:22
- Dealing with, 3:18
- Decrease, 3:19
- Definitions, 2:4
- Dependents, 3:22
- Disadvantages, 2:4
- Discipline, 2:4
- Discrimination, 2:4, 3:4, 3:14, 3:18, 3:22, 7:4, 8:1
- Diseases, 3:18, 3:19
- Documents, 7:4
- Drivers, 2:4
- Drug-Free Workplace Act, 2:4
- Drugs, 2:4, 3:22, 8:1
- Duration, 2:4, 3:14, 3:18
- Duties and responsibilities, 3:22
- Election, 3:22, 8:1
- Elements, 2:4, 3:14, 8:1
- Eligibility, 3:14, 3:18, 3:22
- Emergency, 2:4, 3:18
- Employment agencies, 8:1
- Engineers, 7:4
- Erisa, 3:22, 8:1
- Essential functions, 2:4, 3:14, 3:18, 8:1
- Establishing, 3:22, 7:4
- Evaluation, 2:4, 7:4, 8:1
- Evidence, 2:4, 3:14, 3:22, 7:4, 8:1
- Examination, 2:4, 3:22
- Exclusions, 2:4, 3:22
- Exercise, 2:4
- Experience, 2:4, 3:14, 3:22
- Exposure, 3:18
- Facilities, 2:4, 7:4, 8:1
- Factors, 2:4, 3:14
- Facts, 3:18, 7:4
- Fairness, 3:4
- Family, 2:4, 3:22, 8:1
- Fees, 8:1
- Fighting, 3:14
- Files, 2:4
- Filing, 7:4
- Fitness, 2:4, 3:14, 3:18, 3:22, 8:1

## DISABILITY DISCRIMINATION IN EMPLOYMENT

### HIV—Cont'd

Fmla, 3:4, 3:14, 3:18, 3:22  
Food, 3:18, 3:19  
Forms, 2:4, 3:18, 7:4  
Frequency, 2:4, 3:14  
Fringe benefits, 2:4  
Funding, 2:4  
Gathering, 7:4  
Groups, 3:4, 3:18  
Guidelines, 2:4  
Handling, 2:4, 3:18, 3:19, 7:4  
Harassment, 2:4  
Hazards, 8:1  
Health, 2:4, 3:14, 3:18, 3:19, 3:22, 7:4  
Health care, 3:14, 3:18, 3:22, 7:4  
Heart disease, 2:4  
Hours, 3:22  
Identification, 2:4  
Illnesses, 3:4  
Importance, 2:4, 7:4  
Information, 2:4, 3:14, 3:18, 7:4, 8:1  
Injuries, 3:14, 8:1  
Inquiry, 2:4, 3:14, 7:4, 8:1  
Insurance, 2:4, 3:22  
Insurance industry, 3:22  
Issues, 2:4, 3:14, 3:18, 7:4  
Job analysis, 2:4  
Job descriptions, 2:4, 7:4  
Job performance, 2:4, 3:14, 3:18  
Keeping, 2:4  
Labor relations, 7:4  
Laws, 3:4, 3:14, 3:18, 3:19, 3:22, 8:1  
Leaves of absence, 2:4  
Legal, 3:18, 8:1  
Length of service, 3:22  
Liability, 2:4, 3:14  
Life insurance, 3:22  
Lists, 2:4, 3:14, 7:4  
Machinery, 3:14  
Making, 2:4, 3:18, 3:22  
Management, 7:4

### HIV—Cont'd

Medical records, 7:4  
Merit, 8:1  
Methods, 2:4, 3:19  
Minimum, 2:4, 3:14, 7:4, 8:1  
Misclassification, 2:4  
Misconduct, 2:4  
Model, 8:1  
Modification, 2:4  
Motivation, 8:1  
Needs, 2:4, 3:18, 7:4  
Notice, 2:4, 3:14, 7:4  
Number, 2:4, 3:22, 7:4, 8:1  
Operation, 2:4, 7:4  
Operators, 3:14  
Options, 3:18  
Organizations, 8:1  
Osha, 3:14  
Overtime, 3:22  
Paid, 2:4, 3:18, 3:22  
Parties, 2:4, 7:4, 8:1  
Pay, 2:4, 3:22  
Performance, 2:4, 3:14, 3:18, 3:19  
Place, 2:4, 3:14, 3:18  
Plans, 2:4, 3:22, 7:4  
Points, 7:4  
Policies, 2:4, 3:18, 7:4  
Posting, 2:4  
Power, 3:14  
Practices, 2:4, 3:22  
Preparation, 3:19  
Presentation, 3:14  
Proceedings, 7:4  
Programs, 8:1  
Proof, 2:4, 7:4  
Protection, 2:4, 3:4, 3:18, 3:22, 8:1  
Questions, 2:4, 3:22, 7:4  
Rates, 2:4  
Rating, 2:4  
Records, 2:4, 7:4  
Recruitment, 2:4  
Regulation, 2:4, 3:14, 3:19, 3:22

## INDEX

### HIV—Cont'd

- Rehabilitation, 2:4, 3:4, 3:14, 7:4, 8:1
- Reports, 7:4
- Requests, 2:4, 7:4
- Response, 2:4, 7:4
- Responsibilities, 3:22
- Restrictions, 2:4, 3:14, 3:18, 7:4, 8:1
- Retention, 7:4
- Retirement, 3:22
- Rights, 2:4, 3:22
- Rules, 7:4
- Safety, 2:4, 3:14, 3:18, 3:19, 8:1
- Sales, 2:4, 3:22
- Sanctions, 7:4
- Schedules, 2:4
- Screening, 3:22
- Selection, 2:4, 7:4
- Seniority, 2:4, 3:22, 8:1
- Services, 3:19, 3:22
- Setting, 3:22, 7:4
- Sex discrimination, 2:4, 3:4, 8:1
- Sharing, 3:22, 7:4
- Short, 2:4, 3:22, 8:1
- Skills, 2:4
- Sleeping, 2:4
- Standards, 2:4, 3:14, 3:22, 8:1
- State, 2:4, 3:14, 3:18, 3:19, 3:22, 7:4, 8:1
- Statements, 7:4
- Statistics, 2:4
- Statutes, 2:4, 3:4, 3:14, 3:18, 3:19, 3:22, 7:4, 8:1
- Stress, 2:4
- Studies, 3:14, 3:18
- Style, 7:4
- Substance abuse, 2:4, 8:1
- Support, 2:4
- Systems, 2:4
- Telecommuting, 3:18
- Termination, 2:4, 3:22
- Terms and conditions of employment, 3:22

### HIV—Cont'd

- Time, 2:4, 3:14, 3:18, 3:19, 3:22, 7:4, 8:1
- Time off, 2:4
- Tools, 7:4
- Training, 2:4, 8:1
- Transportation, 2:4
- Trends, 2:4
- Types, 2:4, 3:14, 7:4, 8:1
- Unemployment, 3:18
- Use, 2:4, 7:4
- Violations, 3:22
- Voluntary, 2:4, 3:4
- Wages, 3:22
- Working conditions, 3:22

### HONORABLE DISCHARGE

- Uniformed Services Employment and Reemployment Rights Act, 2:32

### HOSTILE WORK

#### ENVIRONMENT

- Harassment, 2:4

### HOURS

- Unions, 2:3

### IDAHO

- Compensation, 8:1
- Employment agencies, 8:1
- Pregnancy discrimination, 8:1
- Sex discrimination, 8:1
- State statutes, 8:1

### IDENTIFICATION

- Collective bargaining agreements, 2:4

### IMPAIRMENT

- Collective bargaining agreements, 2:4

### INFORMATION

- Railway Labor Act, 6:7

### INSURANCE

- Discrimination claims, 5:5, 6:1

## DISABILITY DISCRIMINATION IN EMPLOYMENT

### **INSURANCE—Cont'd**

Notice requirements, **2:46**  
Unions, **2:3**

### **INTENT**

Rehabilitation Act, **2:32, 3:20, 5:5, 6:4 to 7:4**  
Summary judgment, **3:22, 7:6**  
Title VII, **2:32, 3:22, 5:5, 6:4, 6:5**

### **INTERROGATORIES**

Administrative proceedings, **7:4**  
Executive Order 11246, **2:22**

### **INTERVENTION**

Collective bargaining agreements, **2:4**  
Substance abuse, **2:4**

### **INVESTIGATIONS**

Family and Medical Leave Act, **3:12**

### **INVOLVEMENT**

Collective bargaining agreements, **2:54**

### **IOWA**

Bona fide occupational qualifications, **2:35**  
Compensation, **2:35, 8:1**  
Employment agencies, **2:35, 8:1**  
Evidence, **8:1**  
Federal contractors, **2:35**  
Health, **2:35**  
Pregnancy discrimination, **2:35, 8:1**  
Remedies, **2:35, 8:1**  
Retaliation, **8:1**  
Sex discrimination, **2:35, 8:1**  
State statutes, **8:1**  
Terms, **2:35**  
Training programs, **8:1**  
Unemployment compensation, **2:35**

### **ISSUANCE**

Unions, **2:36**

### **JURISDICTION**

Arbitration, **2:47**  
Complaints, **2:47**  
Investigation, **2:32, 7:2, 7:25**  
Settlements, **5:5, 7:25**

### **KENTUCKY**

Compensation, **8:1**  
Employment agencies, **8:1**  
Evidence, **8:1**  
Pregnancy discrimination, **8:1**  
Remedies, **8:1**  
Sex discrimination, **8:1**  
State statutes, **8:1**  
Training programs, **8:1**

### **LABOR RELATIONS**

Administrative proceedings, **7:4**

### **LIABILITY**

Railway Labor Act, **6:7**

### **LIFE INSURANCE**

Disabled employees, **3:22**  
Payments, **3:22**  
Retirement plans, **3:22**

### **LIKELIHOOD**

Statistics, **2:4**

### **LIQUIDATED DAMAGES**

Backpay, **2:1, 2:32**  
Retaliation, **2:1**

### **LITIGATION**

Accountant, **4:4, 7:9, 7:10**  
Appellate review, **1:1, 5:6**  
Architect, **7:9, 7:10, 7:19, 7:20, 7:24**  
Commencing the action, **5:1**  
Deposition, **7:4 to 7:12, 7:14**  
Discovery, **2:62, 5:1, 5:5, 7:1 to 7:7, 7:11, 7:22**  
Engineer, **7:9, 7:10, 7:24**  
Jury issues, **7:26**  
Limitations period, **1:1, 2:32, 5:1, 5:3, 7:4, 8:1**

## INDEX

### LITIGATION—Cont'd

Parallel proceedings, 1:1, 5:1, 5:4, 7:14, 7:16  
Physician, 2:32, 5:4, 7:2, 7:5 to 7:8, 7:14, 7:16, 7:18, 7:21, 8:1  
Plaintiff, 2:32, 2:56, 5:3 to 5:5, 7:3 to 7:8, 7:16, 7:21, 7:22, 7:25, 7:26, 8:1  
Pleadings, 7:3  
Remedies, 1:1, 2:32, 2:56, 2:62, 5:2, 5:4 to 5:6, 7:2, 7:3, 7:7, 7:13, 8:1  
Settlements, 5:5, 7:25  
Statutory schemes, 1:1, 5:1, 5:2, 5:5, 7:25, 8:1  
Strategy, 1:1, 5:4, 7:1 to 7:26  
Supervisor, 4:4, 5:4, 7:3, 7:5, 7:22, 7:26  
Trial, 2:32, 2:56, 5:4, 5:5, 7:1, 7:2, 7:4, 7:6, 7:7, 7:11, 7:12, 7:15, 7:26, 8:1  
Vocational expert, 7:6, 7:8

### LOANS

Retirement plans, 3:22

### LOUISIANA

Compensation, 3:20, 8:1  
Conditions of employment, 4:4  
Criminal penalties, 3:20  
Disability benefits, 3:20  
Disclosures, 3:20  
Employment agencies, 8:1  
Evidence, 8:1  
Health, 3:20, 4:4  
Notice, 3:20  
Permits, 3:20  
Pregnancy discrimination, 8:1  
Privacy, 3:20  
Remedies, 8:1  
Retaliation, 8:1  
Sex discrimination, 8:1  
Sick leave, 3:20  
State statutes, 4:4, 8:1  
Terms, 4:4

### LOUISIANA—Cont'd

Training programs, 8:1  
Transfers, 4:4

### MACHINE OPERATORS

Compensation, 3:14

### MANAGERS

Compensation, 2:38, 3:20

### MASSACHUSETTS

Compensation, 8:1  
Employment agencies, 8:1  
Evidence, 8:1  
Pregnancy discrimination, 8:1  
Remedies, 8:1  
Sex discrimination, 8:1  
State statutes, 8:1

### MEDICAL BENEFITS

Dependent coverage, 3:22  
Eligibility, 3:22  
For employees, 3:22  
Hmos, 3:22  
Plan, 3:22  
Preexisting conditions, 3:22  
Prescription drugs, 3:22

### MERIT SYSTEM

Compensation, 8:1

### MICHIGAN

Assignments, 4:4  
Compensation, 8:1  
Conditions of employment, 4:4  
Employment agencies, 8:1  
Health, 4:4  
Insurance, 4:4  
Pregnancy discrimination, 8:1  
Remedies, 8:1  
Sex discrimination, 8:1  
State statutes, 4:4, 8:1  
Terms, 4:4  
Training programs, 8:1

### MILITARY SERVICE

Compensation, 2:32, 7:6

## DISABILITY DISCRIMINATION IN EMPLOYMENT

### MINNESOTA

- Assignments, **4:4**
- Compensation, **8:1**
- Conditions of employment, **4:4**
- Damages, **8:1**
- Disclosure, **4:4**
- Employment agencies, **8:1**
- Evidence, **8:1**
- Health, **4:4**
- Hearing, **4:4, 8:1**
- Hiring, **8:1**
- Preference, **4:4**
- Pregnancy discrimination, **8:1**
- Remedies, **8:1**
- Retaliation, **8:1**
- Sex discrimination, **8:1**
- State statutes, **4:4, 8:1**
- Terms, **4:4**

### MISCONDUCT

- Backpay, **2:32**

### MISSISSIPPI

- Compensation, **8:1**
- Remedies, **8:1**
- State statutes, **8:1**

### MISSOURI

- Bona fide occupational qualifications, **2:35**
- Compensation, **2:35, 8:1**
- Employment agencies, **2:35, 8:1**
- Evidence, **6:4, 8:1**
- Health, **2:35, 6:4**
- Pregnancy discrimination, **2:35, 6:4, 8:1**
- Race discrimination, **6:4**
- Remedies, **2:35, 8:1**
- Sex discrimination, **2:35, 8:1**
- State statutes, **8:1**
- Terms, **2:35**
- Unemployment compensation, **2:35**

### MONTANA

- Pregnancy discrimination, **3:17**

### MONTANA—Cont'd

- Room, **3:17**

### NEVADA

- Compensation, **8:1**
- Employment agencies, **8:1**
- Evidence, **8:1**
- Pregnancy discrimination, **8:1**
- Sex discrimination, **8:1**
- State statutes, **8:1**
- Training programs, **8:1**

### NEW JERSEY

- Compensation, **8:1**
- Employment agencies, **8:1**
- Evidence, **8:1**
- Pregnancy discrimination, **8:1**
- Remedies, **8:1**
- Retaliation, **8:1**
- Sex discrimination, **8:1**
- State statutes, **8:1**
- Training programs, **8:1**

### NEW YORK

- Evidence, **6:4**
- Health, **6:4**

### NORTH CAROLINA

- Assignments, **4:4**
- Compensation, **8:1**
- Conditions of employment, **4:4**
- Family, **8:1**
- Health, **4:4**
- Pregnancy discrimination, **8:1**
- Records, **4:4**
- Remedies, **8:1**
- Retaliation, **8:1**
- Sex discrimination, **8:1**
- State statutes, **4:4, 8:1**
- Terms, **4:4**

### NORTH DAKOTA

- Compensation, **8:1**
- Employment agencies, **8:1**
- Pregnancy discrimination, **8:1**
- Remedies, **8:1**

## INDEX

### **NORTH DAKOTA—Cont'd**

Sex discrimination, **8:1**  
State statutes, **8:1**

### **NOTICE**

Affirmative action plans, **7:4**  
Americans with Disabilities Act, **3:20**  
Family and Medical Leave Act, **3:20**  
Overtime, **2:32, 2:40**  
Title VI, **2:28**  
Uniformed Services Employment and Reemployment Rights Act, **2:32**  
Violation, **2:4, 2:22, 2:32, 2:45, 2:46, 3:20**

### **OBLIGATIONS**

Benefits, **2:1, 2:4, 2:33, 2:38 to 2:40, 2:46, 3:18, 3:20, 3:22, 4:4, 6:4**  
Department of Defense, **2:4, 3:7, 3:8**  
Department of Transportation, **2:4, 3:7, 3:9**  
Direct threat, **2:4, 2:33, 3:6, 3:7, 3:13 to 3:15, 3:17 to 3:20, 4:4, 6:4**  
Enforcement, **2:33, 2:40, 3:10, 3:20, 7:25**  
Food handling positions, **3:16**  
Medical records, **3:20**  
Medical tests and inquiries, **3:11 to 3:20**  
Mental impairments, **3:3 to 3:5**  
Physical impairments, **2:4**  
Pregnancy, **2:1, 2:4, 2:40, 3:4, 3:6, 3:16, 3:17, 4:1, 4:4, 6:4, 8:1**  
Protected disability, **2:4, 3:2, 3:4, 3:5, 3:18, 6:4**  
Protection without current impairment, **3:6**  
Safe performance, **3:13**  
Safety standards, **3:13, 3:15, 8:1**

### **OBLIGATIONS—Cont'd**

Substance abuse, **2:4, 2:40, 3:7 to 3:10, 3:20, 8:1**  
Substantial limitations, **3:5**  
Tests, **2:1, 2:4, 3:7 to 3:21, 4:4**

### **OFFERS OF PROOF**

Executive Order 11246, **2:22**

### **OHIO**

Compensation, **8:1**  
Employment agencies, **8:1**  
Evidence, **8:1**  
Pregnancy discrimination, **8:1**  
Remedies, **8:1**  
Sex discrimination, **8:1**  
State statutes, **8:1**  
Training programs, **8:1**

### **OKLAHOMA**

Compensation, **8:1**  
Employment agencies, **8:1**  
Evidence, **8:1**  
Pregnancy discrimination, **8:1**  
Remedies, **8:1**  
Retaliation, **8:1**  
Sex discrimination, **8:1**  
State statutes, **8:1**  
Training programs, **8:1**

### **OREGON**

Collective bargaining agreement, **8:1**  
Compensation, **8:1**  
Employment agencies, **8:1**  
Evidence, **8:1**  
Pregnancy discrimination, **8:1**  
Remedies, **8:1**  
Retaliation, **8:1**  
Sex discrimination, **8:1**  
State statutes, **8:1**  
Training programs, **8:1**

### **PARTICIPATION**

Retaliation, **2:27**

## DISABILITY DISCRIMINATION IN EMPLOYMENT

### **PARTIES**

Age Discrimination in Employment Act, 7:25  
Group insurance, 2:4  
Standing to sue, 2:50  
Title VII actions, 5:5

### **PENALTIES**

Family and Medical Leave Act, 3:20

### **PENNSYLVANIA**

Answers, 4:4  
Assignments, 4:4  
Compensation, 8:1  
Conditions of employment, 4:4  
Employment agencies, 8:1  
Evidence, 8:1  
Pregnancy discrimination, 8:1  
Remedies, 8:1  
Reports, 4:4  
Sex discrimination, 8:1  
State statutes, 4:4, 8:1  
Terms, 4:4  
Training programs, 8:1

### **PENSIONS**

COBRA, 3:22  
Discrimination, 3:22  
Loans, 3:22  
Nondiscrimination, 3:22  
Retirement plans, 3:22  
Vesting, 3:22

### **PERSONALITY**

Discipline, 2:4

### **PLANS**

Collective bargaining agreements, 2:4

### **POST-JUDGMENT INTEREST**

Backpay, 2:7

### **PREEMPTION**

Plan, 6:7, 8:1  
Railway Labor Act, 6:7  
State law, 3:10, 5:4, 6:7, 7:3, 8:1

### **PREJUDGMENT INTEREST**

Backpay, 2:18, 2:32, 5:5

### **PRESCRIPTION DRUGS**

Medical benefits, 3:22

### **PRETEXT**

Retaliation, 2:6, 2:33

### **PRIMA FACIE CASE**

Age discrimination, 7:25  
Basis of sex, 2:35  
Disability discrimination, 2:6, 2:33, 5:5, 6:1, 6:2, 6:4 to 6:6, 7:3, 7:25  
Discipline, 2:32, 2:45, 6:4  
Disparate treatment, 2:6, 2:29, 2:32, 2:33, 2:35, 2:57, 5:5, 6:1 to 6:5, 7:3  
Education, 2:6, 6:4  
Equal Pay Act, 5:5  
Establishment, 6:5  
Hiring, 2:35, 2:45, 5:5  
Hostile environment, 6:4  
Presumption, 2:6, 6:4, 6:5  
Rebuttal, 2:6, 2:35, 5:5, 6:2, 6:6  
Rehabilitation Act, 2:6, 2:32, 2:33, 2:35, 5:5, 6:2, 6:4 to 6:6, 7:3, 7:25  
Retaliation, 2:6, 2:33, 2:45, 6:1

### **PROBABILITY**

Statistics, 2:4

### **PRODUCTION OF DOCUMENTS**

Discovery, 7:4, 7:6, 7:11

### **PROFIT-SHARING**

Compensation, 3:22  
Health benefits, 3:22  
Life insurance, 3:22  
Loans, 3:22

### **PROMOTIONS**

Qualifications, 5:5  
Title VII, 5:5



## INDEX

### PROTECTION

Unions, 2:3, 2:36, 7:3

### PUBLIC ACCOMMODATIONS

Americans with Disabilities Act,  
4:4

### PUBLICATIONS

Benefits, 4:4, 7:8

### PUNITIVE DAMAGES

Americans with Disabilities Act,  
2:1

Rehabilitation Act, 2:1, 2:30,  
2:35, 5:5, 6:5, 8:1

Title VII, 2:1, 2:7, 2:18, 2:35,  
2:36, 2:60, 5:5, 6:5

### QUALIFICATIONS

Collective bargaining agreements,  
2:4

Unions, 7:3

### RACE

Business necessity, 3:21, 6:4, 6:6  
Defenses, 7:3

Evidence, 2:57, 6:4, 6:5, 7:3

Race discrimination, 6:4, 6:6

Remedies, 2:34, 2:51, 2:57, 5:6,  
6:5, 6:6, 7:3

Validation, 3:21

### RAILROAD EMPLOYEES

Railroad, 2:54

### RAILWAY LABOR ACT

Agreements, 2:37

Claims, 6:7

Collective bargaining, 2:37

Compensation, 6:7

Coverage, 2:37

Discrimination, 6:7

Employees, 2:37, 6:7

Evidence, 6:7

Factors, 6:7

Federal preemption, 6:7

Individuals, 6:7

Nature, 6:7

### RAILWAY LABOR ACT—Cont'd

Power, 6:7

Remedies, 2:37, 6:7

State, 6:7

System, 6:7

Time, 2:37, 6:7

Waiver, 6:7

### REASONABLE

#### ACCOMMODATION

Generally, 3:6, 3:7, 3:12, 3:21,  
3:22

### REASONABLE

#### ACCOMMODATIONS

Training, 3:20

### REHABILITATION

Substance abuse policy, 3:20

Unions, 2:3, 7:2, 7:3

### REHABILITATION ACT

Arbitration agreements, 2:5, 2:62,  
5:4

Burden of proof, 2:4, 2:6, 2:33,  
6:2, 6:5, 6:6, 7:3

Causation, 3:14, 6:5

Damages, 2:1, 2:30, 2:32, 2:35,  
2:40, 5:5, 5:6, 6:4, 6:5, 7:3,  
7:25, 8:1

Disabilities, 1:1, 2:1 to 2:4, 2:6,  
2:15, 2:21, 2:27, 2:32, 2:58,  
3:4, 3:5, 3:11, 3:12, 3:14,  
3:20, 4:4, 5:4, 6:7, 6:10, 8:1

Disclosures, 2:4, 3:20

Disparate treatment and disparate  
impact, 2:35

Evidence, 2:4, 2:6, 2:32, 2:33,  
3:5, 3:14, 4:2, 5:4, 5:5, 6:2,  
6:4, 6:5, 6:7, 7:2 to 7:4,  
7:25, 8:1

Exhaustion of remedies, 2:16

Fringe benefits, 2:4, 2:32, 5:5

Hearing, 2:4, 2:15, 2:27, 2:33,  
3:4, 3:5, 4:2, 4:4, 5:2, 8:1

Intent, 2:32, 3:20, 5:5, 6:4 to 7:4

## DISABILITY DISCRIMINATION IN EMPLOYMENT

### REHABILITATION ACT

#### —Cont'd

Notice, 2:4, 2:5, 2:27, 2:32, 2:40, 3:14, 3:20, 7:2, 7:4  
Parties, 2:3, 2:4, 2:9, 2:16, 2:26, 2:50, 2:62, 4:4, 5:4, 5:5, 6:2, 7:2 to 7:4, 7:25, 8:1  
Prima facie case, 2:6, 2:32, 2:33, 2:35, 5:5, 6:2, 6:4 to 6:6, 7:3, 7:25  
Punitive damages, 2:1, 2:30, 2:35, 5:5, 6:5, 8:1  
Regulations, 2:1 to 2:4, 2:6, 2:15, 2:21, 2:26, 2:27, 2:30, 2:33, 2:35, 2:40, 3:4 to 3:6, 3:10, 3:12, 3:14, 3:20, 4:2 to 4:4, 5:4, 5:6, 6:2, 6:4, 6:6, 6:7, 7:4, 8:1  
Retaliation, 2:1, 2:3 to 2:6, 2:15, 2:21, 2:27, 2:33, 6:10, 8:1  
Section 501, 2:15, 2:17  
Section 503, 2:21  
Section 504, 2:1, 2:27  
Seniority systems, 2:6, 5:3

### REINSTATEMENT

Discipline, 2:32, 2:43, 4:4  
Front pay, 2:60, 5:5  
Rehabilitation Act, 2:1, 2:30, 2:32, 2:33, 2:35, 4:4, 5:5, 6:5, 7:3, 7:25, 8:1

### RELIANCE

Railway Labor Act, 6:7

### RELIGION

Unions, 7:3

### REMEDIES

Affirmative action, 2:1, 2:24, 2:30, 2:33  
Arbitration awards, 2:61  
Damages, 2:1, 2:7, 2:13, 2:18, 2:30, 2:32, 2:35, 2:36, 2:38, 2:40, 2:47, 2:48, 2:56, 2:59, 2:60, 2:68, 5:5 to 6:5, 7:3, 8:1  
Equal Pay Act, 5:5

### REMEDIES—Cont'd

Family and Medical Leave Act, 2:1, 2:31, 2:37  
Front pay, 2:60, 5:5  
Generally, 2:1  
Genetic Information Nondiscrimination Act, 2:1, 2:63 to 2:68  
Insurance, 2:1, 2:26, 2:35, 2:42, 2:46, 2:65, 5:5  
Monetary, 2:7, 2:30, 2:46, 2:50, 2:60, 6:5, 7:3  
Motions, 2:7, 5:5  
Pleading, 7:3  
Rehabilitation Act, 1:1, 2:1, 2:5, 2:6, 2:16, 2:26, 2:30, 2:32, 2:33, 2:35, 2:40, 2:50, 2:58, 2:62, 5:2, 5:4 to 5:6, 6:5 to 6:7, 7:2, 7:3, 8:1  
Reinstatement, 2:1, 2:7, 2:18, 2:24, 2:30, 2:32, 2:33, 2:35, 2:43, 2:56, 2:60, 5:5, 6:5, 7:3, 8:1  
Retroactive seniority, 5:5  
Settlement, 2:7, 2:45, 2:48, 5:5  
Tax, 2:1, 8:1  
Unions, 2:36, 7:2, 7:3

### REMOVAL

Unions, 7:3

### RESCHEDULING

Collective bargaining agreements, 2:61

### RETALIATION

Adverse action, 2:4, 2:6, 2:36, 2:45, 6:9  
Americans With Disabilities Act, 2:1, 2:3, 2:15, 2:21  
Americans with Disabilities Act, 2:1, 2:3, 2:15, 2:21  
Applicants, 2:1, 2:3, 2:4, 2:21, 2:27, 2:36, 6:1, 8:1  
Arbitration, 2:5, 8:1  
Disability discrimination, 2:1, 2:6, 2:33, 6:1, 8:1

## INDEX

### RETALIATION—Cont'd

Employees, 2:1, 2:3 to 2:5, 2:15, 2:21, 2:27, 2:33, 2:36, 2:38, 2:45, 2:68, 6:1, 8:1  
Evidence, 2:4, 2:6, 2:33, 6:1, 8:1  
Exhaustion of administrative remedies, 2:1  
Family and Medical Leave Act, 2:1  
Former employees, 2:3  
Genetic Information Nondiscrimination Act, 2:1, 2:68  
Good faith, 2:6, 2:7, 2:15, 2:36, 8:1  
Harassment, 2:4, 2:15, 2:68  
Insurance, 2:1, 2:3, 2:4, 6:1  
Liquidated damages, 2:1  
Participation, 2:27  
Pregnancy, 2:1, 2:4, 2:36, 8:1  
Pretext, 2:6, 2:33  
Questions, 2:4  
Rehabilitation Act, 2:1, 2:3 to 2:6, 2:15, 2:21, 2:27, 2:33, 6:10, 8:1  
Remedies, 2:1, 2:5 to 2:7, 2:33, 2:36, 2:38, 2:45, 2:68, 8:1  
Settlements, 2:7  
Statutory claims, 2:7  
Summary judgment, 2:7  
Title VII, 2:1, 2:3 to 2:7, 2:36, 2:68, 6:9

### RHODE ISLAND

Health, 3:10

### SCHEDULE

Collective bargaining agreements, 2:4  
Evidence, 2:4, 3:22

### SEARCH

Generally, 2:1

### SENIORITY SYSTEMS

Bona fide seniority system, 5:3  
Rehabilitation Act, 2:6, 5:3  
Title VII, 2:6, 5:3

### SETTLEMENT

Charges, 5:5  
Consideration, 5:5  
Costs, 5:5, 7:25  
Counsel, 2:7, 5:5, 7:25  
Discipline, 2:45  
Duress, 7:25  
Enforcement, 7:25  
Equal Pay Act, 5:5  
Evidence, 5:5, 7:25  
Fraud, 7:25  
Hiring, 2:45, 5:5  
Retaliation, 2:7, 2:45

### SEVERANCE

Damages, 2:32

### SEVERANCE PAY

Cause, 2:32  
Discrimination, 2:32  
Language, 2:32  
Plan, 2:32  
Uniformed Services Employment and Reemployment Rights Act, 2:32

### SHIFT DIFFERENTIALS

Compensation, 5:5

### SICK LEAVE

Accrued sick leave, 3:22  
Collective bargaining agreement, 2:40, 3:22  
Disability discrimination, 3:20  
Family or medical leave, 3:22  
Serious health condition, 2:40, 3:20, 3:22  
State law, 2:40, 3:12, 3:20, 3:22

### SOCIAL SECURITY

Backpay, 5:4, 7:3  
Employer, 2:6, 5:4, 7:3, 7:6  
Employment, 2:6, 2:63, 7:3, 7:6

### SOLICITOR OF LABOR

Department of Labor, 2:47

## DISABILITY DISCRIMINATION IN EMPLOYMENT

### SUBPOENAS

Unions, 7:2

### SUGGESTIONS

Benefits, 4:4

### SUMMARY JUDGMENT

Intent, 3:22, 7:6

Retaliation cases, 2:7

### TENNESSEE

Compensation, 3:20

Disclosures, 3:20

Notice, 3:20

Permits, 3:20

Privacy, 3:20

### TERMINATION

Backpay, 2:24, 2:35, 2:56, 6:5

Burden of proof, 2:4, 6:5

Cause, 2:4, 2:56, 4:4, 6:5

Consideration, 2:4, 2:56, 4:4

Customers, 4:4

Damages, 2:35, 2:56, 6:5

Evidence, 2:4, 2:56, 3:22, 6:5

Length of service, 3:22

Level of performance, 4:4

Nominal damages, 2:56

Prima facie case, 2:35, 6:5

Privacy, 2:56

Punitive damages, 2:35, 6:5

Reinstatement, 2:24, 2:35, 2:56, 3:22, 4:4, 6:5

Remedies, 2:24, 2:35, 2:56, 6:5

State law, 2:35, 2:56, 3:22, 4:4

Suspension, 2:56

Tax, 2:4

Timing, 2:4, 6:5

### TERMS OF EMPLOYMENT

Language, 2:32

Services, 2:32

Title VII, 2:32

### TESTS

Disparate impact, 2:4, 2:6, 3:7, 6:7

### TEXAS

Compensation, 3:20, 7:4

Evidence, 7:4

Health, 3:20, 7:4

Notice, 3:20, 7:4

Permits, 3:20

Sanctions, 7:4

Terms, 7:4

### THERAPIST

Generally, 3:6

### TITLE VI

Complaints, 2:28

Notice, 2:28

Parties, 2:26

Rehabilitation Act, 2:26

### TITLE VII

Administration, 2:4, 2:6, 2:32

Age Discrimination in Employment Act, 7:25

Aggrieved individuals, 2:68

Arbitration agreements, 2:5

Attorneys, 5:5, 6:5, 7:25

Backpay, 2:1, 2:7, 2:18, 2:32, 2:35, 2:36, 2:60, 2:68, 5:5, 6:5

Bona fide occupational qualifications, 2:6, 2:35

Bonuses, 3:22

Class actions, 2:3, 2:14, 5:3

Conciliation, 7:25

Confidentiality, 7:25

Continuing violations, 5:3

Counsel, 2:7, 3:22, 5:5, 7:25

Damages, 2:1, 2:7, 2:18, 2:32, 2:35, 2:36, 2:59, 2:60, 2:68, 5:5, 6:4, 6:5, 7:25

Discharge cases, 2:32, 5:5

Disclosures, 2:4

Employment agencies, 2:1, 2:3, 2:35

Equal Employment Opportunity Commission, 2:66

Estoppel, 2:6

## INDEX

### **TITLE VII—Cont'd**

Evidence, 2:4, 2:6, 2:32, 2:59,  
2:60, 3:22, 5:5, 6:4, 6:5, 6:7,  
7:25  
Exhaustion of remedies, 2:16  
Expenses, 2:18, 2:60, 5:5  
Federal agency, 2:1  
Federal employment, 2:18  
Fringe benefits, 2:4, 2:32, 5:5  
Hiring, 2:3, 2:4, 2:35, 3:22, 5:5  
Intervention, 2:4, 5:5  
Jurisdiction, 2:32, 2:35, 5:5, 7:25  
Laches, 2:32, 5:3  
Notice, 2:4, 2:5, 2:32  
Parties, 2:3, 2:4, 2:7, 2:14, 2:16,  
2:36, 5:5, 7:25  
Private employers, 2:1, 2:32, 5:5  
Public employers, 2:1, 2:35  
Punitive damages, 2:1, 2:7, 2:18,  
2:35, 2:36, 2:60, 5:5, 6:5  
Retaliation, 2:1, 2:3 to 2:7, 2:36,  
2:68, 6:9  
Seniority, 2:1, 2:4, 2:6, 2:32,  
2:35, 2:59, 3:22, 5:3, 5:5, 6:7  
Service, 2:1, 2:3 to 2:5, 2:14,  
2:16, 2:32, 3:22, 5:5, 6:7  
Settlements, 2:7, 5:5, 7:25  
State laws, 2:35, 6:4, 6:9  
Terms, 2:3, 2:4, 2:6, 2:32, 2:35,  
2:43, 3:22, 7:25  
Trial, 2:7, 2:16, 2:32, 2:36, 2:59,  
2:60, 3:22, 5:5, 6:5  
Unions, 2:3, 2:36

### **TRANSPORTATION**

Drivers, 2:4

### **TUBERCULOSIS**

Exposure, 3:18

### **UNDERSTANDING**

Absenteeism, 4:4, 7:6

### **UNEMPLOYMENT**

#### **COMPENSATION**

Employment agencies, 2:35

### **USERRA**

Benefits, 2:1, 2:33  
Complaints, 2:33  
Federal government, 2:1  
Retaliation, 2:1, 2:33

### **VIRGINIA**

Compensation, 8:1  
Employment agencies, 8:1  
Evidence, 8:1  
Pregnancy discrimination, 8:1  
Remedies, 8:1  
Sex discrimination, 8:1  
State statutes, 8:1  
Training programs, 8:1

### **WAGES**

Defined, 3:22  
Generally, 3:22

### **WAIVER**

Age Discrimination in Employ-  
ment Act, 7:25  
Motions, 2:7  
Privilege, 7:11

### **WASHINGTON**

Arbitration, 8:1  
Assignments, 4:4  
Compensation, 8:1  
Conditions of employment, 4:4  
Employment agencies, 8:1  
Evidence, 8:1  
Pregnancy discrimination, 8:1  
Remedies, 8:1  
Reports, 4:4  
Sex discrimination, 8:1  
State statutes, 4:4, 8:1  
Terms, 4:4  
Training programs, 8:1

### **WEST VIRGINIA**

Compensation, 8:1  
Employment agencies, 8:1  
Evidence, 8:1  
Pregnancy discrimination, 8:1

DISABILITY DISCRIMINATION IN EMPLOYMENT

**WEST VIRGINIA—Cont'd**

Remedies, **8:1**  
Sex discrimination, **8:1**  
State statutes, **8:1**  
Training programs, **8:1**

**WISCONSIN**

Collective bargaining agreement,  
**8:1**  
Compensation, **8:1**  
Discrimination, **5:3, 8:1**  
Employment agencies, **8:1**  
Evidence, **8:1**  
Pregnancy discrimination, **8:1**  
Remedies, **8:1**

**WISCONSIN—Cont'd**

Retaliation, **8:1**  
Sex discrimination, **8:1**  
State statutes, **8:1**

**WITHHOLDING**

Retaliation, **2:33**

**WYOMING**

Compensation, **8:1**  
Evidence, **8:1**  
Pregnancy discrimination, **8:1**  
Remedies, **8:1**  
Sex discrimination, **8:1**  
State statutes, **8:1**