Index

ACCRUAL PRINCIPALS
Enforcement, **6:5**

ADMINISTRATION OF TESTS
Disability discrimination, **4:16**

ADMINISTRATIVE PROCEEDINGS
Enforcement, **6:16**

ADMINISTRATIVE PROCESS
EEOC, Equal pay act, **8:2**

ADVERSE ACTIONS
Generally, **1:2**
Retaliation, **1:4**

AFFIRMATIVE ACTION
Disability discrimination, **4:14**

AFTER ACQUIRED EVIDENCE
Remedies, **12:10**

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967 (ADEA)
Generally, **3:1-3:19**
Age Discrimination, **App. C**
Bona fide executives and policymakers, **3:14**
Bona fide occupational qualification, **3:16**
Bona fide seniority systems, benefit plans, and retirement plans, **3:18**
Coverage, **3:4-3:10**
Covered employees, **3:5**
Defenses, **3:16-3:19**
Disparate impact, **3:11**
Disparate treatment, **3:11**
Economic necessity, **3:17**
Eleventh Amendment immunity, **3:8**
Employee, defined, **3:5**
Employment agencies, **3:10**
Enforcement, **6:4, 6:11, 9:7**
Exemptions and exclusions, **3:12-3:15**
Factors other than age, **3:17**
Federal government, **3:7**
Firefighters, **3:15**
Introduction, **3:4**
Labor organizations, **3:9**
Law enforcement officers, **3:15**

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967 (ADEA) —Cont'd
Ministerial exception, **3:12**
Native Americans, **3:15**
Physical limitations, **3:17**
Private employers, **3:6**
Protection, **3:3**
Releases, effect, **3:19**
Religious institutions, **3:12**
Remedies, **12:3, 12:11**
RFRA, **3:12**
State and local governments, **3:8**
State and local laws, relationship with, **3:2**
State elected officials, **3:13**
Statutory employee minimum, **3:4**
Statutory minimum, **3:4**
Waivers, effect, **3:19**

AGENTS
Age Discrimination in Employment Act (ADEA)

ALTERNATIVE DISPUTE RESOLUTION
Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, **App. T**

AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)
Generally, **4:3**
Disabilities, **App. E**
Disability discrimination, **4:20-4:23**
Enforcement, **6:10**
Rehabilitation Act 1973, **App. D**
Remedies, **12:2**

ANALYTICAL FRAMEWORKS
Disability discrimination, **4:4**

APPLICATIONS
Title VII, **2:8**

ARBITRATION
Appeals from arbitrator's awards, **9:10**
Collective bargaining agreements
generally, **8A:2, 8A:3**
court review of awards, **8A:3**
enforceability, **8A:2**
Discrimination disputes, non-federal cases
generally, **8A:1-8A:13**
collective bargaining agreements
generally, **8A:2, 8A:3**
court review of awards, **8A:3**
enforceability, **8A:2**

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

ASSOCIATIONAL DISCRIMINATION
Disability discrimination, **4:13**

ATTORNEY'S FEES
Remedies (this index)

AT-WILL EMPLOYEES
Constitutional rights and reconstruction era civil rights act, **10:6**

BACK PAY
Remedies, **12:8**

BASES FOR EMPLOYER LIABILITY
Generally, **1:18-1:19**

BIVENS ACTIONS
Constitutional and statutory rights, **10:2**

BONA FIDE EXECUTIVES AND POLICYMAKERS
Age discrimination in employment act of 1967, **3:14**

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

BURDEN OF PROOF
Evidence and Burden of Proof (this index)
Retaliation, **1:4**

CALCULATION OF FEE AMOUNT
Agreements, **13:5**
Attorney's fees, remedies, **13:5**
Awards in cases involving multiple parties, **13:5**
Determination of lodestar, **13:5**
Lodestar, enhancement and reduction, **13:5**
Postjudgment interest, **13:5**
Settlement of case, **13:5**

CATS PAW THEORY
Of liability
Bases for employer liability, **1:18**

CAUSAL LINK
Retaliation, **1:4**

CERTIFICATES AND CERTIFICATION
Family and Medical Leave Act, qualifying leave, **15:9**

CIVIL ACTIONS
Enforcement (this index)

CIVIL RIGHTS ACT OF 1964
Covered employers
extraterritoriality exemptions, **2:3**
federal, state and local governments, **2:3**
non government employers, **2:3**
Current employees, **2:4**

CIVIL RIGHTS ACT OF 1964—Cont'd
Former employees, **2:4**
Interference with employment opportunities, **2:4**
Job applicants, **2:4**
Protected individuals, **2:4**
Title VII
particular applications, **2:8**
race, color, **2:7**

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

CIVIL RIGHTS ATTORNEY'S FEES AWARDS ACT OF 1976
Attorney's Fees, **App. N**

CIVIL SERVICE REFORM ACT OF 1978
Service, **App. M**

CLASS ACTIONS
Civil action enforcement, **6:14**
Enforcement, **6:14**
Waiver, arbitration, **8A:9**

COERCION
Disability discrimination, **4:19**

COMPENSATORY DAMAGES
Remedies, **12:11**

COMPLAINTS
Enforcement (this index)

CONCILIATION
Enforcement, **6:8**

CONGRESSIONAL ACCOUNTABILITY ACT OF 1995
Accountability, **App. I**
Text, **App. I**

CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS
Constitutional and Statutory Rights (this index)

CONSTITUTIONAL AND STATUTORY RIGHTS
Generally, **11:1-11:12**
Bivens actions, **10:2**
Burden of proof, **10:9**
Cause of action
generally, **10:1 to 10:15**
Conspiracy to interfere with civil rights
generally, **10:11**
Definition of racial discrimination, **10:8**
Eleventh amendment, **10:13**
Evidence, **10:5**

CONSTITUTIONAL AND STATUTORY RIGHTS—Cont'd
Exhaustion of remedies, **10:5**
Federal government, actions against, **10:2**
Immunities, **10:12-10:15**
Jury trial, right to, **10:9**
Local governments and their officials acting, **10:14**
Pleadings, **10:9**
Procedure, **10:5**
Qualified immunity, **10:15**
Racial discrimination, **10:6-10:15**
Section 1981, **10:7**
Section 1981 and Title VII, Relationship, **10:10**
Standing, **10:5, 10:9**
State and local governments, actions against, **10:3-10:5**
Statute of limitations, **10:5, 10:9**
Under color of law, **10:4**
Waiver, **10:9**

CONSTITUTIONAL BASE
Title VII, **2:2**

CONSTITUTIONAL RIGHTS AND RECONSTRUCTION ERA CIVIL RIGHTS ACTS
At-will employees, **10:6**
Definition of racial discrimination, **10:9**
Deprivation of property interest, due process, **11:5**
Due process
generally, **11:3-11:6**
deprivation of property interest, **11:5**
liberty interests, **11:6**
Occupation, **11:6**
property interests, **11:4**
Entities liable, **10:7**
Equal protection, **11:2**
First amendment rights
generally, **11:7-11:12**
affiliations, protected, **11:9**
freedom of association, **11:10**
freedom of religion, ministerial exception, **11:11**
petitioning government, right, **11:12**
political beliefs, **11:9**
protected political beliefs, **11:9**
protected speech, **11:8**
right to petition government, **11:12**
scheme of proof, **11:7**
Freedom of association, **11:10**
Freedom of religion
ministerial exception, **11:11**
Liberty interests, **11:6**

CONSTITUTIONAL RIGHTS AND RECONSTRUCTION ERA CIVIL RIGHTS ACTS—Cont'd
Ministerial exception
freedom of religion, **11:11**
Occupation, **11:6**
Petitioning government, first amendment right, **11:12**
Political beliefs, **11:9**
Property interests, **11:4**
Protected political beliefs, **11:9**
Protected speech, **11:8**
Racial discrimination, **10:6**
Right to petition government, **11:12**
Scheme of proof, **11:7**
Statute of limitations, **10:11**
Under color of law, **10:4**

CONSTRUCTIVE DISCHARGE
Generally, **1:3**

CONTAGIOUS DISEASES
Disability discrimination, **4:10**

CORPORATE DIRECTORS
Employment relationship, **1:17**

COSTS
Arbitration, **8A:12**

COVERAGE
Age discrimination in employment act of 1967, **3:4-3:10**
Disability discrimination, **4:5-4:13**
Family and Medical Leave Act
generally, **15:2-15:3**
Title VII, **2:2-2:6**
Wage discrimination: Equal Pay Act of 1963, **5:2**

COVERED EMPLOYEES
Age discrimination in employment act of 1967, **3:5**

DAMAGES
Remedies, **12:11-12:15**

DEFENSES
Age discrimination in employment act of 1967, **3:16-3:19**
Disparate treatment, bona fide occupational qualification, **1:11**
Remedies, **12:10**
Title VII, **2:11**
Wage discrimination: Equal Pay Act of 1963, **5:5**

DEFERRAL STATES
Enforcement, **6:3**

DISABILITY DISCRIMINATION
Generally, **4:1-4:23**
Administration of tests, **4:16**
Affirmative action, **4:14**
Analytical frameworks, **4:4**
Associational discrimination, **4:13**
Burden of proof, **4:4**
Coercion, **4:19**
Contagious diseases, **4:10**
Covered employees
generally, **4:5-4:13**
Drug and alcohol abusers, **4:12**
Essential functions of job, **4:9**
Evidence, **4:4**
HIV or AIDS, **4:11**
Individuals with disabilities, **4:5**
Insurance benefits, **4:18**
Medical examinations and inquiries, **4:17**
Non-discrimination, **4:14**
Prior inconsistent statements, **4:9**
Protected individuals
generally, **4:5-4:13**
Qualification standards, **4:15**
Qualified individuals, **4:9**
Reasonable accommodation, **4:20-4:23**
Record of disability, **4:7**
Regarded as having a disability, **4:8**
Requirements and prohibitions, **4:14-4:19**
Retaliation, **4:19**
Substantially limits one or more major life activities, **4:6**
Tests, **4:15, 4:16**

DISCRIMINATION
Family and Medical Leave Act, **15:12**

DISPARATE IMPACT
Generally, **1:12-1:13**
Age discrimination in employment act of 1967, **3:11**
Burden of proof, **1:13**
Griggs v. Duke Power Co., **1:12**
Smith v. City of Jackson, **1:12**

DISPARATE TREATMENT
Generally, **1:9 to 1:11**
Age discrimination in employment act of 1967, **3:11**
Analytical structure, **1:9**
BFOQ defense, **1:11**
Bona fide occupational qualification defense, **1:11**
"But for" theory of liability, **1:9**

DISPARATE TREATMENT—Cont'd
Causation standard, **1:10**
Causation standards, **1:9**
Claims, **1:10**
Defense of bona fide occupational qualification, **1:11**
Motivating factor, **1:10**

DRESS AND GROOMING CODES
Title VII, **2:11**

DRUG AND ALCOHOL ABUSERS
Disability discrimination, **4:12**

DUE PROCESS
Constitutional and Statutory Rights (this index)

ECONOMIC NECESSITY
Age discrimination in employment act of 1967, **3:17**

EEOC CHARGES
Enforcement (this index)

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

ELIGIBLE EMPLOYEES
Family and Medical Leave Act, defined, **15:3**

EMPLOYEE, DEFINED
Age discrimination in employment act of 1967, **3:5**

EMPLOYEE ENTITLEMENTS
Family and Medical Leave Act, **15:4**

EMPLOYEE NOTICE
Family and Medical Leave Act, **15:7**

EMPLOYEES
Employment relationship, **1:15**

EMPLOYER INTERFERENCE
Family and Medical Leave Act, **15:11**

EMPLOYER NOTICE
Family and Medical Leave Act, **15:8**

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

EMPLOYMENT RELATIONSHIP
Generally, **1:14-1:17**

ENDING FORCED ARBITRATION OF SEXUAL ASSAULT AND SEXUAL HARASSMENT ACT OF 2021
2021, **App. T**

ENFORCEMENT
Generally, **9:1-9:10**
Accrual principals, **6:5**
Administrative proceedings, **6:16**
Age Discrimination in Employment Act, **6:4**
Agency procedures, **9:2-9:5**
Americans with Disabilities Act, **6:10**
Arbitration procedures, **9:5**
Civil actions
generally, **6:9-6:14**
Generally, **9:6-9:7**
Age Discrimination in Employment Act, **6:11**
Americans with Disabilities Act, **6:10**
Americans with Disabilities Act, requirements, **6:10**
class actions, **6:14**
complaint, **6:13**
Equal pay act, **8:3**
exhaustion of administrative and state remedies, **6:11**
exhaustion of administrative remedies, **6:10**
Family and Medical Leave Act, **15:13**
like or reasonably related rule, **6:13**
pattern or practice, **6:14**
single filing rule, **6:12**
time limitations, **6:10**
Title VII, **6:10**
Class actions, **6:14**
Complaints
generally, **6:13**
section 503 of the Rehabilitation Act, **7:1**
section 504 of the Rehabilitation Act, **7:2**
Conciliation, **6:8**
Content of EEOC charges, **6:6**
Court
accrual, **8:4**
Civil actions, **8:3**
Time limitations, **8:4**
Deferral states, **6:3**
EEOC charges, **9:3**
generally, **6:1-6:17**
accrual principals, **6:5**
Age Discrimination in Employment Act, **6:4**
conciliation, **6:8**
content, **6:2**
deferral states, **6:3**

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

ENFORCEMENT—Cont'd
Rehabilitation Act, **9:6**—Cont'd
judicial enforcement of 503, **7:3**
judicial enforcement of 504, **7:4**
Release, **6:15**
Single filing rule, **6:12**
Standing to sue, **6:9**
State court judgments, **6:16**
Subpoenas, **6:7**
Time limitations, **6:10**
Title VII, **6:3**
Tolling principals, **6:5**
Waiver, **6:15**

EQUAL PAY ACT OF 1963
Generally, **5:1-5:7**
Court enforcement
accrual, **8:4**
Civil Actions, **8:3**
Time limitations, **8:4**
Coverage, **5:2**
Defenses, affirmative, **5:5**
EEOC, Administrative process, **8:2**
Equal work requirement, **5:4**
Evidentiary, **5:6**
Exceptions, **5:5**
Overview
Generally, **8:1-8:4**
Pay, **App. F**
Remedies, **12:3**
Similarities and differences between Title VII and EPA, **5:7**
Unlawful practices, **5:3-5:5**

EQUAL PROTECTION
Constitutional rights and reconstruction era civil rights act, **11:2**

EQUAL WORK REQUIREMENT
Wage discrimination: Equal Pay Act of 1963, **5:4**

ESSENTIAL FUNCTIONS OF JOB
Disability discrimination, **4:9**

EVIDENCE AND BURDEN OF PROOF
Constitutional and statutory rights, **10:5**
Disability discrimination, **4:4**
Disparate impact, **1:13**

EVIDENTIARY BURDENS
Wage discrimination: Equal Pay Act of 1963, **5:6**

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

EXECUTIVE ORDER
Order 11246, **App. J**
Order 11478, **App. K**
Order 12067, **App. Q**
Order 13145, **App. R**
Order 13706, **App. P**

EXEMPTIONS AND EXCLUSIONS
Age discrimination in employment act of 1967, **3:12-3:15**

EXHAUSTION OF REMEDIES
Constitutional and statutory rights, **10:5**
Enforcement, **6:10**

EXPENSES
Attorneys' fees, **13:6**

FACTORS OTHER THAN AGE
Age discrimination in employment act of 1967, **3:17**

FAMILY AND MEDICAL LEAVE ACT (FMLA)
Generally, **15:1-15:16**
Attorney's fees, **15:15**
Civil actions, **15:13**
Collective bargaining, **15:16**
Consequences for failure to follow, **15:7**
Definitions
eligible employees, **15:3**
Eligible employees, **15:3**
Employee certification of need for leave, **15:9**
Employee entitlements, **15:4**
Employee notice requirements, **15:7**
Employer notice requirements, **15:8**
Intermittent leave, defined, **15:4**
Leave, **15:4**
Recertification, **15:9**
Relationship to other law, **15:16**
Remedies, **15:14**
Restoration to position after leave, **15:6**
Serious health condition, **15:5**

FAMILY AND MEDICAL LEAVE ACT OF 1993
Leave, **App. G**

FEDERAL GOVERNMENT
Constitutional and statutory rights, **10:2**

FEDERAL GOVERNMENTS
Age discrimination in employment act of 1967, **3:7**

FEDERALLY ASSISTED PROGRAMS
Enforcement, **7:2**
Remedies, **12:4**

FEDERAL SECTOR
Enforcement (this index)

FILING TIME LIMITS, EEOC CHARGES
Enforcement, **6:3**

FIRST AMENDMENT RIGHTS
Constitutional and Statutory Rights (this index)

FREEDOM OF ASSOCIATION
Constitutional rights and reconstruction era civil rights act, **11:10**

FREEDOM OF RELIGION
Constitutional rights and reconstruction era civil rights act, **11:11**

FRONT PAY
Remedies, **12:7**

GOVERNMENT CONTRACTS
Enforcement, **7:1**
Remedies, **12:5**

GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991
Employee rights, **App. H**

GRIEVANCE PROCEDURES
Enforcement, **9:5**

GRIGGS V. DUKE POWER CO.
Disparate impact, **1:12**

HARASSMENT
Generally, **1:5**
Title VII, **2:13**

HIV OR AIDS
Disability discrimination, **4:11**

IMMUNITIES
Constitutional and statutory rights, **10:12-10:15**
Individual capacity suits
Equal Pay Act of 1963, **10:15**

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

INDEPENDENT CONTRACTORS
Employment relationship, **1:15**

INDIVIDUAL CAPACITY SUITS
Immunities, **10:15**

INJUNCTIONS
Remedies, **12:17**

INSTATEMENT OR REINSTATEMENT
Remedies, **12:6**

INSURANCE BENEFITS
Disability discrimination, **4:18**

INTEGRATED ENTERPRISES
Employment relationship, **1:16**

INTERACTIVE PROCESS
Reasonable accommodation, **4:21**

INTERFERENCE
Family and Medical Leave Act, **15:11**
Regulations, statutory provisions and Department of Labor, **15:10**

INTERFERENCE BY EMPLOYER
Regulations, statutory provisions and Department of Labor, **15:10**

INTERMITTENT LEAVE
Family and Medical Leave Act, **15:4**

JOINT EMPLOYERS
Employment relationship, **1:16**

JURY TRIAL
Constitutional and statutory rights, **10:9**

LABOR ORGANIZATIONS
Age discrimination in employment act of 1967, **3:9**
National Labor Relations Act (this index)

LACHES
Remedies, **12:10**

LEAVE
Family and Medical Leave Act (this index)

LIBERTY INTERESTS
Constitutional rights and reconstruction era civil rights act, **11:6**

LIKE OR REASONABLY RELATED RULE
Enforcement, **6:13**

LILLY LEDBETTER FAIR PAY ACT OF 2009
Pay, **App. S**

LOCAL GOVERNMENT
Constitutional and statutory rights, **10:14**

MEDICAL EXAMINATIONS AND INQUIRIES
Disability discrimination, **4:17**

MERIT SYSTEMS PROTECTIONS BOARD
Enforcement, **9:4**

MINISTERIAL EXEMPTION
Title VII, **2:18**

MITIGATION
Remedies, **12:10**

NATIONAL LABOR RELATIONS ACT
Generally, **14:1**

NATIONAL ORIGIN
Title VII (this index)

NEGLIGENCE
Bases for employer liability, **1:18**

NOMINAL DAMAGES
Remedies, **12:13**

NON-DISCRIMINATION
Disability discrimination, **4:14**

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

OCCUPATIONAL LIBERTY INTERESTS
Generally, **11:6**

OFFSETS
Remedies, **12:10**

OLDER WORKERS BENEFIT PROTECTION ACT
Benefit, Workers, **App. L**

PARTNERS
Employment relationship, **1:17**

PERMANENT INJUNCTIVE
Remedies, **12:18**

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

PHYSICAL LIMITATIONS
Age discrimination in employment act of 1967, **3:17**

PLEADINGS
Constitutional and statutory rights, **10:9**

POLITICAL BELIEFS
Constitutional rights and reconstruction era civil rights act, **11:9**

PREEMPLOYMENT INQUIRIES
Generally, **1:6**

PREEMPLOYMENT INQUIRIES—Cont'd
Title VII, **2:11**

PREEMPTION
Title VII, **2:2**

PREGNANCY
Title VII, **2:14**

PREJUDGMENT INTEREST
Remedies, **12:9**

PREVAILING DEFENDANTS
Remedies, **13:4**

PREVAILING PLAINTIFFS
Remedies, **13:3**

PRIOR INCONSISTENT STATEMENTS
Disability discrimination, **4:9**

PRIVATE EMPLOYERS
Age discrimination in employment act of 1967, **3:6**

PROCEDURE
Constitutional and statutory rights, **10:5**

PROHIBITIONS
Age discrimination in employment act of 1967, **3:3**

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

PROTECTED INDIVIDUALS
Retaliation, **1:4**

PROTECTED POLITICAL BELIEFS
Constitutional rights and reconstruction era civil rights act, **11:9**

PROTECTED SPEECH
Constitutional rights and reconstruction era civil rights act, **11:8**

PROTECTION
Age discrimination in employment act of 1967, **3:3**

PUNITIVE DAMAGES
Remedies, **12:12**

QUALIFICATION STANDARDS
Disability discrimination, **4:15**

QUALIFIED IMMUNITY
Constitutional and statutory rights, **10:15**

QUALIFIED INDIVIDUALS
Disability discrimination, **4:9**

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

REASONABLE ACCOMMODATION
Disability discrimination, **4:20-4:23**
Examples, **4:23**
Interactive process, **4:21**
Scheme of proof, **4:22**
Title VII, **2:16**

RECERTIFICATION
Family and medical leave act, **15:9**

RECONSTRUCTION ERA CIVIL RIGHTS ACTS
Constitutional and Statutory Rights (this index)
Remedies, **12:1**

RECOVERABLE EXPENSES
Attorneys' fees, **13:6**

REHABILITATION ACT
Generally, **4:2**
Disability discrimination, **4:20-4:23**
Enforcement, **9:6**
Enforcement (this index)
Rehabilitation Act Amendments of 1973, **App. D**
Remedies, **12:2**

REHABILITATION ACT 1973
Rehabilitation Act, **App. D**

REINSTATEMENT
Remedies, **12:6**

RELEASE
Enforcement, **6:15**

RELIGION AND RELIGIOUS INSTITUTIONS
Age discrimination in employment act of 1967, **3:12**
Americans with Disabilities Act (ADA), **4:3**
Title VII (this index)

RELIGIOUS DISCRIMINATION
Reasonable accommodation, **2:16**

RELIGIOUS FREEDOM RESTORATION ACT OF 1993
Text, **App. O**

REMEDIES
Generally, **12:1-12:19**
Affirmative action relief, **12:19**
After acquired evidence, **12:10**
Age Discrimination in Employment Act, **12:3**
Americans with Disabilities Act, **12:2**
Attorney's fees
generally, **13:1-13:8**
agreements, **13:5**
arbitration, **8A:13**
awards in cases involving multiple parties, **13:5**
calculation of fee amount, **13:5**
determination of lodestar, **13:5**
expenses, **13:6**
Family and Medical Leave Act, **15:14**
lodestar, enhancement and reduction, **13:5**
postjudgment interest, **13:5**
prevailing defendants, **13:4**
prevailing plaintiff, **13:3**
recoverable expenses, **13:6**
settlement of case, **13:5**
statutory provisions, **13:2**
waiver, **13:7**
Back pay, **12:8**
Calculation of fee amount, **13:5**
Compensatory damages, **12:11**
Damages, **12:11-12:15**
Defenses, **12:10**
Equal Pay Act, **12:3, 12:14**
Expenses, **13:6**
Family and Medical Leave Act, **15:14**
Federally assisted programs, **12:4**
Front pay, **12:7**
Government contracts, **12:5**
Injunctions, **12:17**
Instatement or reinstatement, **12:6**
Laches, **12:10**
Liquidated damages, **12:14**
Mitigation, **12:10**
Nominal damages, **12:13**
Offsets, **12:10**
Permanent injunctive relief, **12:18**
Prejudgment interests, **12:9**
Prevailing defendants, **13:4**
Prevailing plaintiffs, **13:3**
Punitive damages, **12:12**
Reconstruction era civil rights acts, **12:1**

REMEDIES—Cont'd
Recoverable expenses, **13:6**
Rehabilitation Act, **12:2**
Sanctions, **13:8**
Statutory basis for injunction, **12:16**
Statutory provisions, **13:2**
generally, **12:1-12:5**
Age Discrimination in Employment Act, **12:3**
americans with Disabilities Act, **12:2**
Equal Pay Act, **12:3**
federally assisted programs, **12:4**
government contracts, **12:5**
reconstruction era civil rights acts, **12:1**
rehabilitation Act, **12:2**
Rehabilitation Act, **12:4**
title VII, **12:2**
Tax considerations, **12:15**
Temporary or preliminary relief, **12:17**
Title VII, as amended by the 1991 civil rights act, **12:2**
Tolling, **12:10**
Waiver, **13:7**

REQUIREMENTS AND PROHIBITIONS
Disability discrimination, **4:14-4:19**

RESTORATION TO POSITION AFTER LEAVE
Family and Medical Leave Act, **15:6**

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

RIGHT TO PETITION GOVERNMENT
Constitutional rights and reconstruction era civil rights acts, **11:12**

SANCTIONS
Overview, **13:8**

SCHEME OF PROOF
Constitutional rights
First amendment rights, **11:7**
Reasonable accommodation, **4:22**

SECTION 1981
Constitutional and statutory rights, **10:7**

SELECTION CRITERIA AND TESTS
Generally, **1:7**

SENIORITY SYSTEMS
Generally, **1:8**

SERIOUS HEALTH CONDITIONS
Family and Medical Leave Act, **15:5**

SEX
Title VII (this index)

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

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

SHAREHOLDER DIRECTORS
Employment relationship, **1:17**

SINGLE EMPLOYERS
Employment relationship, **1:16**

SINGLE FILING RULE
Enforcement, **6:12**

SMITH V. CITY OF JACKSON
Disparate impact, **1:12**

STANDING
Constitutional and statutory rights, **10:5**
Enforcement, **6:9**
Title VII, **2:2**

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

STATE AND LOCAL LAWS
Age discrimination in employment act of 1967, **3:2**

STATE COURT JUDGMENTS
Enforcement, **6:16**

STATE GOVERNMENTS
Age Discrimination in Employment Act (ADEA)

STATUTE OF LIMITATIONS
Constitutional and statutory rights, **10:5**
Constitutional rights and reconstruction era civil rights act, **10:11**

STATUTORY PROVISIONS
Remedies (this index)

STAY
Arbitration pending, **8A:10**

SUBPOENAS
Enforcement, **6:7**

SUCCESSORSHIP LIABILITY
Bases for employer liability, **1:19**

TAX CONSIDERATIONS
Remedies, **12:15**

TEMPORARY OR PRELIMINARY RELIEF
Remedies, **12:17**

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

THEORIES OF LIABILITY
Generally, **1:1**

THEORY OF LIABILITY
Cats paw
Bases for employer liability, **1:18**

TIME LIMITATIONS
Enforcement, **6:10**

TITLE VII
Generally, **2:1-2:18**
Applications, **2:8**
Civil Rights Act of 1991, amended by, **App. A**
Constitutional base, **2:2**
Coverage, **2:2-2:6**
Defenses, **2:11**
Dress and grooming codes, **2:11**
Employment agencies, **2:6**
Enforcement, **6:3**
Harassment, **2:13**
Height requirements, **2:10**
Ministerial exemption, **2:18**
National origin
generally, **2:9-2:10**
height requirements, **2:10**
treaties, **2:10**
weight requirements, **2:10**
Overview, **2:1**
Preemployment inquiries, **2:11**
Preemption, **2:2**

TITLE VII—Cont'd
Pregnancy, **2:14**
Race
applications, **2:8**
Race, color
generally, **2:7-2:8**
Overview, **2:7**
Particular applications, **2:8**
Reasonable accommodation, **2:16**
Religion
generally, **2:15-2:18**
exemption, **2:17**
ministerial exemption, **2:18**
reasonable accommodation, **2:16**
Remedies, **12:2**
Sex
generally, **2:11**
defenses, **2:11**
dress and grooming codes, **2:11**
EPA considerations, **2:12**
harassment, **2:13**
preemployment inquiries, **2:11**
pregnancy, **2:14**
unequal pay, **2:12**
Standing, **2:2**
Treaties rights, **2:10**
Unequal pay
sex, **2:12**
Unions, **2:5**
Weight requirements, **2:10**

TOLLING
Enforcement, **6:5**
Remedies, **12:10**

TREATIES
Title VII, **2:10**

UNDER COLOR OF LAW
Constitutional and statutory rights, **10:4**

UNIONS
National Labor Relations Act (this index)
Title VII, **2:5**

UNLAWFUL PRACTICES
Wage discrimination: Equal Pay Act of 1963, **5:3-5:5**

VACATUR
Arbitration award, **8A:11**

VICARIOUS LIABILITY
Bases for employer liability, **1:18**

VOLUNTEERS
Employment relationship, **1:15**

WAGE DISCRIMINATION
Equal Pay Act of 1963 (this index)

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

WEIGHT REQUIREMENTS
Title VII, **2:10**

WORK SHARING AGREEMENTS
Enforcement, **6:3**