Index

ABATEMENT

ABNORMALLY DANGEROUS CONDITIONS
Union unfair labor practices, 14:64

ABORTION
Generally, 4:43

ACCENTS
Racial and national origin harassment, 4:17

ACCESS
OSHA, 11:45
Privacy (this index)
Union unfair labor practices, 14:19, 14:23

ACCOMMODATION
Americans with Disabilities Act (ADA)
(this index)
Recruiting, 2:6
Religious Accommodation (this index)

ACCOUNTABILITY
Retirement and other benefit plans, 17:53 to 17:57

ACCRETION
Collective bargaining, 15:3 to 15:5

ACCRUAL OF SENIORITY AND OTHER BENEFITS
Family and Medical Leave Act (FMLA), 1:62

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

ACTUAL SURVEILLANCE
Unfair labor practices, 13:55

ADA
Americans with Disabilities Act (ADA)
(this index)

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

ADMINISTRATION
Compensation, 16:17
Discipline, Termination, and Layoffs (this index)
Occupational safety and health, 11:4 to 11:6
Retirement and other benefit plans, 17:79 to 17:81
Training, 7:7 to 7:10

ADMINISTRATIVE EXEMPTION
Wages, salary, and other compensation, 16:22

ADMINISTRATIVE LAW JUDGE
Occupational safety and health, 11:112,
11:116 to 11:119

ADMINISTRATIVE SUPPORT WORKERS
Affirmative action, 3:55

ADVERSE IMPACT
Hiring, 2:57, 2:58, 2:69

ADVERTISING
Recruiting, 2:15, 2:16

AFFINITY GROUP SHOPPING
Union unfair labor practices, 14:90

AFFIRMATIVE ACTION
Generally, 3:1 et seq.
Administrative support workers, 3:55
AIDS, 3:10
Alcoholics and drug abusers, 3:9
Americans with Disabilities Act differences.
Rehabilitation Act of 1973, below
Audits and auditing
enforcement of executive order, below
plan narrative, 3:42
Availability analysis
generally, 3:60 to 3:67, 3:74
AFFIRMATIVE ACTION—Cont’d
Availability analysis—Cont’d
availability-factor computation method, generally, 3:62
determination of availability, 3:61
estimating internal vs. external placements, 3:63
feeders, determination of, 3:65
incumbency to availability, form for, 3:75
occupational census codes, 3:66
recruiting area selection, 3:64
Availability-factor computation method.
Availability analysis, above
Cohort analysis, 3:24
Commitment to EEO, 3:36
Community action programs, 3:42
Comparison of incumbency to availability.
Utilization analysis, below
Compensation analysis, 3:25
Conciliation and remedies, 3:29
Considering rights of other employees, 3:14
Constitutional law, 3:32
Contagious diseases, 3:10
Continuing violations, 3:28
Corrections, 3:40
Covered disabilities, 3:8
Craft workers, 3:56
Determination of availability, 3:61
Developing job groups, guidelines for, 3:49
Disabled individuals, model affirmative action plan, App. 3:1
Discrimination, 3:34, 3:43, 3:44
Dissemination of policy, 3:37, 3:38
Diversity programs, 3:3
Drug abuse, 3:9
EEO-1 job categories. Job-group analysis, below
Enforcement of executive order generally, 3:21 to 3:30
applicant tracking, 3:26
audits, OFCCP evaluations and affected class cases, below this group
compensation analysis, 3:25
conciliation and remedies, 3:29
contractor participation in OFCCP audit, 3:30
Federal Contractor Selection System, 3:21
notice of violation, 3:27

AFFIRMATIVE ACTION—Cont’d
Enforcement of executive order—Cont’d
OFCCP evaluations and affected class cases
generally, 3:22 to 3:24
cohort analysis, 3:24
impact-ratio analysis, 3:23
participation of contractor, 3:30
timeliness and continuing violations, 3:28
Equal employment opportunity, 3:36
Estimating internal vs. external placements, 3:63
Ethnic identification, 3:47
Evidence in discrimination cases, 3:34
Executive Order No. 11,246, generally, 3:4
External dissemination of policy, 3:38
Federal Contractor Selection System, 3:21
Future injury, risk of, 3:11
Grouping data. Availability analysis, above
Hardship, 3:12
Identification, 3:40, 3:47
Impact-ratio analysis, 3:23
Implementation, 3:39
Incumbency compared to availability generally, 3:68 to 3:70
form for, 3:75
two-standard deviation (SD) analysis, 3:70
two-standard deviation test and 80% test, comparison of results, 3:69
Internal audit and reporting systems, 3:41
Internal availability, methods for computing. Availability analysis, above
Internal dissemination of policy, 3:37
Job-group analysis generally, 3:48 to 3:59
administrative support workers, 3:55
craft workers, 3:56
developing job groups, guidelines for, 3:49
EEO-1 job categories, 3:50 to 3:59
forms, 3:73
laborers, 3:58
officials and managers, 3:51
operatives, 3:57
professional, 3:52
professional, EEO-1 job category, 3:52
sales, 3:54
sales, EEO-1 job category, 3:54
### Index

#### AFFIRMATIVE ACTION—Cont’d

**Job-group analysis—Cont’d**
- service workers, 3:59
- technical, EEO-1 job category, 3:53
- Laborers, 3:58
- Minorities, model affirmative action plan,  
  App. 3:2
- Model affirmative action plans
  - disabled individuals and covered veterans,  
    App. 3:1
  - minorities and women, App. 3:2
- National origin discrimination, 3:44
- Notice and knowledge, 3:27
- Notice of violation, 3:27
- Occupational census codes, 3:66
- OFCCP evaluations and affected class cases.
  Enforcement of executive order, above
- Officials and managers, job-group analysis,  
  3:51
- Operatives, 3:57
- Organizational profile
  - generally, 3:45 to 3:47
  - lines of progression, 3:46
  - race/ethnic identification, 3:47
- Participation of contractor in OFCCP audit,  
  3:30
- Placement goals
  - generally, 3:71 to 3:75
  - availability analysis, 3:74
  - forms
    - job group analysis, forms, 3:73
    - workforce analysis, 3:72
  - incumbency to availability, form for, 3:75
  - job group analysis, forms, 3:73
  - workforce analysis, forms, 3:72
- Plan narrative
  - generally, 3:35 to 3:44
  - commitment to EEO, 3:36
  - dissemination of policy, 3:37, 3:38
  - external dissemination of policy, 3:38
  - identification of problem areas and correction of deficiencies, 3:40
  - internal audit and reporting systems, 3:41
  - internal dissemination of policy, 3:37
  - religious or national origin discrimination, compliance with guidelines on, 3:44
  - responsibility of implementation, 3:39

#### AFFIRMATIVE ACTION—Cont’d

**Plan narrative—Cont’d**
- sex discrimination, compliance with guidelines on, 3:43
- support of community action programs, 3:42
- Privacy, 10:43 to 10:45
- Professional, 3:52
- Progression, 3:46
- Promotion, 7:22
- Race/ethnic identification, 3:47
- Reasonable accommodation, 3:12 to 3:14
- Recruiting, 2:10 to 2:13
- Recruiting area selection, 3:64
- Rehabilitation Act of 1973
  - generally, 3:5 to 3:15
  - Americans with Disabilities Act differences
    - generally, 3:7 to 3:11
  - AIDS, 3:10
  - alcoholics and drug abusers, 3:9
  - contagious diseases, 3:10
  - covered disabilities, 3:8
  - future injury, risk of, 3:11
  - considering rights of other employees, 3:14
  - reasonable accommodation, 3:12 to 3:14
  - remedies, 3:15
  - Section 504, 3:6
  - undue hardship, 3:12
- Religious discrimination, 3:44
- Reports and reporting, 3:41
- Responsibility of implementation, 3:39
- Sales, 3:54
- Service workers, 3:59
- Sex discrimination, compliance with guidelines on, 3:43
- Statutes
  - generally, 3:1 to 3:30
  - Executive Order No. 11,246, generally, 3:4
  - plans, regulations governing, 3:20
  - Rehabilitation Act of 1973, above
  - Section 503 regulations, 3:17
  - veterans, 3:18
- Support of community action programs, 3:42
- Technical workers, 3:53
- Third persons, 3:14

© 2020 Thomson Reuters, 5/2020
AFFIRMATIVE ACTION—Cont’d
Timeliness and continuing violations, 3:28
Title VII, 3:31 to 3:33
Tracking applicant, 3:26
Two-standard-deviation (SD) analysis, 3:70
2013 VEVRAA and Section 503 final rules, 3:16
Types of reasonable accommodation, 3:13
Undue hardship, 3:12
Uniform Services Employment and Reemployment Rights Act, 3:19
Utilization analysis
two-standard-deviation (SD) analysis, 3:70
Veterans, App. 3:1, 3:18
Women, model affirmative action plan, App. 3:2
Workforce analysis, forms, 3:72

AGE
Retirement and other benefit plans, minimum age and service rules, 17:15

AGE DISCRIMINATION
Age Discrimination in Employment Act (ADEA)
generally, 1:10 to 1:13
basis for claims, 9:7
common issues and claims, 1:11
defenses and potential remedies, 1:12
discipline, termination, and layoffs, below disparate impact, 1:13
privacy, personnel recordkeeping, 10:46
statutes, 1:10 to 1:13
Arbitrate, agreement to, 9:19
Benefits, 9:17
Bona fide occupational qualification defense, 9:20
Conciliation, 9:5
Constructive discharge, 9:12
Defenses, 1:12, 9:20
discipline, termination, and layoffs
generally, 9:2 to 9:20
Age Discrimination in Employment Act (ADEA), generally, 9:2
bona fide occupational qualification defense, 9:20
conciliation, 9:5
constructive discharge, 9:12

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

AGE DISCRIMINATION—Cont’d
Termination. Discipline, termination, and layoffs, above
Verdict, 9:10
Voluntary retirement, 9:15
Waiver, 9:17, 9:18

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

AGENCY SHOP
Union unfair labor practices, 14:44

AGENTS
Unfair labor practices, 13:10
Union unfair labor practices, 14:2

AGREEMENTS
Contracts and Agreements (this index)

AGRICULTURAL LABORERS
Labor Management Relations Act (LMRA), 12:10

AIDS
Affirmative action, 3:10
Hiring, 2:66
Privacy, 10:14 to 10:16

ALABAMA
Generally, App. 1

ALASKA
Generally, App. 2

ALCOHOL AND DRUG USE
Affirmative action, 3:9
Americans with Disabilities Act (ADA), 5:16
Collective Bargaining (this index)
Hiring, 2:65
Occupational safety and health, 11:16
Privacy, 10:11 to 10:13

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

ALLEGATIONS
Employment at will and employment contracts, 8:28

ALLIANCES
Collective bargaining, 15:20

ALLY DOCTRINE
Union unfair labor practices, 14:69

AMBULATORY PICKETING
Union unfair labor practices, 14:77

AMENDMENTS
Multiemployer Pension Plan Amendments Act, 17:48
Occupational safety and health, 11:98
Single Employer Pension Plan Amendments Act, 17:46

AMERICANS WITH DISABILITIES ACT (ADA)
Generally, 1:36 to 1:38, 5:1 to 5:42
Accommodation. Title I, below
Affirmative Action (this index)
Application stage, 5:31
Background, 5:2
Bargaining agreements, 5:26
Civil Rights Act of 1991, Title VII, 1:50
Collective bargaining, 5:26, 15:48
Conditions, 5:9
Confidentiality, 5:35
Contracts and agreements, 5:26
Coverage, 5:3
Defining disability
generally, 5:4 to 5:10
excluded conditions, 5:9
mitigating measures on impairment, effect of, 5:8
perceived disability, 5:6
receipt of benefits, effect of, 5:10
substantial impairment required, 5:5
temporary or intermittent disabilities, 5:7
Direct threat, 5:34
Discipline and performance standards, 5:33
Drug use inquiries and testing, 5:16
EEOC enforcement guidance, 5:27
Employment provisions. Title I, below
Enforcement, 5:27, 5:36, 5:40
Essential job functions, 5:18
Excluded conditions, 5:9
Fundamental alteration of job duties, 5:25
Hardship, 5:24
Identifying essential job functions, 5:18
AMERICANS WITH DISABILITIES ACT (ADA)—Cont’d
Interactive process, 5:22
Interruption, 5:7
Medical examinations. Title I, below
Mental impairment, 5:29
Mitigating measures on impairment, effect of, 5:8
Modification or change, 5:25
Perceived disability, 5:6
Performance, 5:33
Preemployment inquiries and medical examinations. Title I, below
Privacy, 10:16
Psychiatric disabilities. Title I, below
Qualification, 5:23
Reasonable accommodation. Title I, below
Receipt of benefits, effect of, 5:10
Recommendations for employers, 5:41
Retirement and other benefit plans, 17:72
Substantial impairment required, 5:5
Substantial limitation, 5:30
Temporary or intermittent disabilities, 5:7
Threats, 5:34
Title I
Generally, 1:37, 5:11 to 5:36
accommodation. Reasonable accommodation, below this group
enforcement, 5:36
general obligations, 5:12
identifying essential job functions, 5:18
medical examinations. Preemployment inquiries and medical examinations, below this group
medical inquiries and examinations during employment, 5:17
preemployment inquiries and medical examinations
generally, 5:13 to 5:16
drug use inquiries and testing, 5:16
psychiatric disabilities
generally, 5:28 to 5:35
application stage, 5:31
confidentiality, 5:35
direct threat, 5:34
disability-related questions, 5:31, 5:32
discipline and performance standards, 5:33

AMERICANS WITH DISABILITIES ACT (ADA)—Cont’d
Title I—Cont’d
psychiatric disabilities—Cont’d
mental impairment, 5:29
post-application stage, 5:32
substantial limitation, 5:30
reasonable accommodation generally, 5:19 to 5:27
collective bargaining agreements, effect of, 5:26
EEOC enforcement guidance, 5:27
fundamental alteration of job duties, 5:25
interactive process, 5:22
qualification, 5:23
triggering obligation, 5:21
undue hardship not requiring accommodation, 5:24
remedies, 5:36
Title III
generally, 1:38, 5:37 to 5:40
coverage, 5:38
enforcement, 5:40
requirements and prohibitions, 5:39
Triggering obligation, 5:21
Undue hardship not requiring accommodation, 5:24

ANNUITIES
Retirement and other benefit plans, 17:24

ANSWERS
Hiring, 2:33
Occupational safety and health, 11:97

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

APPEAL AND REVIEW
Employment at will and employment contracts, 8:44
Initial placement, 2:78
Labor Management Relations Act (LMRA) election campaign, 12:63 to 12:66
petitioning for NLRB election, 12:35, 12:36
Performance appraisals, 6:14
INDEX

APPEAL AND REVIEW—Cont’d
Retirement and other benefit plans, 17:66
Unfair labor practices, 13:14, 13:30

APPLICATION
Americans with Disabilities Act (ADA), 5:31
Collective bargaining, 15:25
Employment at will and employment contracts, 8:13, 8:14
Forms
training, 7:12 (Form)
Hiring (this index)
Privacy, 10:44
Recruiting, 2:20
Training, 7:12 (Form)

APPRaisalS
Performance Appraisals (this index)

APPROPRIATENESS
Collective bargaining, 15:55

APPROVAL
Occupational safety and health, 11:7
Training, 7:12 (Form)

ARBITRATION
Age discrimination, 9:19
Collective Bargaining (this index)
Employment at will and employment contracts, 8:50
Union unfair labor practices, 14:15

ARIZONA
Generally, App. 3

ARKANSAS
Generally, App. 4

ASSESSMENT
Hiring, 2:38, 2:57, 2:58, 2:68, 2:69
Labor Management Relations Act (LMRA), 12:94
Occupational safety and health, 11:102

ASSIGNMENT OF PERSONNEL
Union unfair labor practices, 14:102

ASSIGNMENT OF WORK
Initial placement, 2:71 to 2:73

ATTENDANCE
Discipline, termination, and layoffs, 9:43

ATTORNEY FEES
Occupational safety and health, 11:118

ATTORNEYS
Occupational safety and health, 11:93

AUDITS AND AUDITING
Affirmative Action (this index)
Hiring, 2:68
OSHA, 11:45
Performance appraisals, 6:18

AUTHORIZATION AND DEAUTHORIZATION
Labor Management Relations Act (LMRA), 12:57, 12:58
Privacy, 10:27
Union unfair labor practices, 14:41, 14:43

AUTOMATIC SURVIVOR BENEFITS
Retirement and Other Benefit Plans (this index)

AUTOMATION
Collective bargaining, 15:12

AVAILABILITY
Affirmative Action (this index)

BACKGROUND INVESTIGATIONS
Privacy, 10:22

BACK PAY
Discipline, termination, and layoffs, 9:30
Unfair Labor Practices (this index)

BALLOTS
Labor Management Relations Act (LMRA) (this index)

BANKRUPTCY CODE
Collective bargaining, 15:49 to 15:51

BARGAINS AND BARGAINING
Americans with Disabilities Act (ADA), 5:26
Collective Bargaining (this index)
Unfair Labor Practices (this index)

BEHAVIOR-BASED RATING SCALES
Performance Appraisals (this index)
INDEX-8

BENEFITS
Age discrimination, 9:17
Discrimination, 9:17
Family and Medical Leave Act (FMLA) of 1993, 4:65
Older Workers Benefit Protection Act (OWBPA) (this index)
Pregnancy, 4:44
Retirement and Other Benefit Plans (this index)
Unfair labor practices, 13:38
Union unfair labor practices, 14:6

BETTS DECISION
Older Workers Benefit Protection Act (OWBPA), 1:39 to 1:44

BILINGUAL BALLOT
Labor Management Relations Act (LMRA), 12:77 (Form)

BIOCHEMICAL TESTING
Privacy, 10:10

BLACKLISTING EMPLOYEES
Unfair labor practices, 13:69

BLOCKING CHARGE RULE
Labor Management Relations Act (LMRA), 12:53, 12:54

BLUE COLLAR WORKERS
Wages, salary, and other compensation, 16:27

BONA FIDE OCCUPATIONAL QUALIFICATION DEFENSE
Age discrimination, 9:20

BOSTON MEDICAL CENTER
Labor Management Relations Act (LMRA), 12:18

BOYCOTTS
Union Unfair Labor Practices (this index)

BRIEFS
Occupational safety and health, 11:115

BURDEN OF PROOF
Occupational safety and health, 11:113

BURDENSOMENESS
Collective bargaining, 15:36

BUSINESS DECISIONS
Retirement and other benefit plans, 17:37

BUSINESS TRAVEL
Compensation, 16:58

CAFETERIA PLANS
Generally, 17:62

CALIFORNIA
Generally, App. 5
Ergonomics standard, 11:32

CAMPAIGN
Labor Management Relations Act (LMRA) (this index)
Unfair labor practices, 13:24, 13:92

CAUSES OF ACTION
Performance appraisals, 6:8

CEASE AND DESIST ORDERS
Unfair labor practices, 13:118

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

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

CHALLENGES
Civil Rights Act of 1991, 1:52, 1:53
Labor Management Relations Act (LMRA) (this index)
Religious accommodation, 4:9
Unfair labor practices, 13:107

CHARGES
Civil Rights Act, time limitations for filing EEOC charge, 1:9
Performance appraisals, 6:3, 6:4
Sexual harassment, 4:24

CHECKLIST
Collective bargaining, 15:43, 15:58, 15:89
Performance appraisals, 6:31
Retirement and other benefit plans, 17:79 to 17:81
INDEX

CHECKLIST—Cont’d
Unfair labor practices, 13:122

CHECKOFF
Union unfair labor practices, 14:42, 14:43

CHILDBIRTH
Pregnancy (this index)

CHILD-CARE LEAVE
Generally, 4:40

CHILDREN AND MINORS
Compensation, 16:36
Family and Medical Leave Act (FMLA), 4:53
Labor Management Relations Act (LMRA), 12:12

CIRCUMVENTION
Collective bargaining, 15:42

CITATIONS
Occupational Safety and Health (this index)

CIVIL ACTION
Unfair labor practices, 13:72

CIVIL RIGHTS ACT—Cont’d
Discipline, termination, and layoffs—Cont’d
Title VII, generally, 9:21 to 9:33
Disparate impact, 9:26
Disparate treatment, 9:23
EEOC mediation program, 1:6
EEOC settlement agreements, 1:7
Effective date, 1:58
1866 Act, racial and national origin harassment, 4:13
Enforcement, 1:4, 9:22
Evidence, 1:55, 9:25
Expert witness fees, availability of, 1:55
Extraterritoriality, 1:56
Federal employment laws, application to government employers, 9:28
Fees, 1:55
Files and filing, time limitations for filing EEOC charge, 1:9
Government employers, 9:28
Griggs standard, 1:47
Hiring, 2:51
Internet job searches, defining job applicant, 1:8
Job applicant, definition for Internet job searches, 1:8
Limitations and restrictions, 1:9, 1:54 to 1:57
Mediation, EEOC program, 1:6
Mixed-motive cases, 1:51
Modifications and changes, 1:52, 1:53
Motives, 1:51
New time limits for discrimination, 1:54 to 1:57
1991 Act, generally, 1:45 to 1:58
1964 Act, Title VII, generally, 1:3 to 1:9
On-the-job discrimination, 1:49
Overruling Wards Cove Packing Co. v. Atonio, 1:46, 1:47
Patterson v. McLean Credit Union, overruling, 1:48, 1:49
Race norming, prohibition of, 1:57
Racial and national origin harassment, 4:13
Religious accommodation, 4:4
Responses to EEOC charges, 1:5
Retaliation, 9:27
Retirement and other benefit plans, 17:70
Reversal of Wards Cove Packing Co. v. Atonio, 1:47

© 2020 Thomson Reuters, 5/2020
CIVIL RIGHTS ACT—Cont’d
Section 1981 claims, 1:48, 1:49
Selective enforcement, 9:22
Seniority claims, expansion of time for challenging, 1:52
Settlement agreements under EEOC, 1:7
Time
effective date, 1:58
limitations for filing EEOC charge, 1:9
new time limits for discrimination, 1:54 to 1:57
seniority claims, expansion of time for challenging, 1:52
Title VII, generally, 1:3 to 1:9
Wards Cove Packing Co. v. Atonio, 1:46, 1:47
Witnesses, 1:55

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

CLASS ACTIONS
Unfair labor practices, mandatory arbitration and employer restrictions on class action claims, 13:50

CLOSING CONFERENCE
OSHA, 11:72

CLOSURE OR RELOCATION OF PLANT
Collective bargaining, 15:11, 15:12
Unfair labor practices, 13:34, 13:94, 13:95

CLOTHING
Unfair labor practices, 13:44

COACHING SUPERVISORS
Labor Management Relations Act (LMRA), 12:93

COALITION BARGAINING
Generally, 15:21

COERCION
Unfair Labor Practices (this index)
Union Unfair Labor Practices (this index)

COHORT ANALYSIS
Affirmative action, 3:24

COLLECTIVE BARGAINING—Cont’d
Alcohol and drugs
alcohol and drug rules, 15:14
enforcement of agreement, below rules governing, 15:14
Alliances, 15:20, 15:21
Americans with Disabilities Act (ADA), 5:26, 15:48
Applicants for employment, data regarding, 15:25
Appropriateness, 15:55
Arbitration
enforcement of agreement arbitrators, 15:65 to 15:68
courts, role of, 15:69 to 15:73
honoring arbitration award, 15:82
postarbitration deferral, 15:82
prearbitration NLRB deferral, 15:83
statutory rights, 15:84
Automation, 15:12
Bankruptcy code, 15:49 to 15:51
Breach of agreement, 15:51
Burdensomeness, 15:36
Changes in terms and conditions of employment
generally, 15:46 to 15:51
Americans with Disabilities Act (ADA), 15:48
bankruptcy code, 15:46 to 15:51
congressional response, 15:50
prioritizing claims arising from breach of agreement, 15:51
unilateral changes prior to negotiation of first contract, 15:47
U.S. Supreme Court decision, 15:49
Checklists
communicating with employees during negotiations, 15:43
preventive measures, 15:89
summary checklist on duty to bargain, 15:58
Circumvention, 15:42
Closing, 15:11
Coalition bargaining, 15:21
Commencement of obligation, 15:56
Communication, 15:43
Compensation, 15:29, 16:47
Complaint, 15:64 (Form)
### COLLECTIVE BARGAINING—Cont’d

<table>
<thead>
<tr>
<th>Conditions. Changes in terms and conditions of employment, above</th>
<th>Confidentiality, 15:37</th>
</tr>
</thead>
<tbody>
<tr>
<td>Congressional response, 15:50</td>
<td>Continued appropriateness of bargaining unit, 15:55</td>
</tr>
<tr>
<td>Continuity of employing operations, 15:54</td>
<td>Coordinated bargaining, 15:21</td>
</tr>
<tr>
<td>Cooperation with tests and searches, 15:87</td>
<td>Courts, role of, 15:69 to 15:73</td>
</tr>
<tr>
<td>Damages, 15:76, 15:80</td>
<td>Defenses. Good faith bargaining requirements, below</td>
</tr>
<tr>
<td>Deferral, 15:82, 15:83</td>
<td>Discipline, 15:85</td>
</tr>
<tr>
<td>Disclosure. Good faith bargaining requirements, below</td>
<td>Drugs. Alcohol and drugs, above</td>
</tr>
<tr>
<td>Duration for duty to bargain, 15:16 to 15:19</td>
<td>Election procedure of NLRB, Labor Management Relations Act (LMRA), 12:76 to 12:79</td>
</tr>
<tr>
<td>Employers, suits by, 15:74 to 15:76</td>
<td>Employer-union relationship, 15:13</td>
</tr>
<tr>
<td>Enforcement of agreement generally, 15:59 to 15:89</td>
<td>Alcohol and drugs, work rules concerning generally, 15:85</td>
</tr>
<tr>
<td></td>
<td>checklist of preventive measures, 15:89</td>
</tr>
<tr>
<td></td>
<td>cooperation with tests and searches, 15:87</td>
</tr>
<tr>
<td></td>
<td>enforcement of alcohol or drug related rules, 15:86</td>
</tr>
<tr>
<td></td>
<td>just cause for discipline, standards for determining, 15:85</td>
</tr>
<tr>
<td></td>
<td>last chance agreements for misconduct, 15:88</td>
</tr>
<tr>
<td></td>
<td>arbitration. Grievance and arbitration procedures, below this group</td>
</tr>
<tr>
<td></td>
<td>courts, role of generally, 15:69 to 15:73</td>
</tr>
<tr>
<td></td>
<td>drug and alcohol related misconduct, 15:73</td>
</tr>
<tr>
<td></td>
<td>procedural arbitragibility, 15:71</td>
</tr>
<tr>
<td></td>
<td>setting aside arbitration award, 15:72</td>
</tr>
<tr>
<td></td>
<td>substantive arbitragibility, 15:70</td>
</tr>
<tr>
<td></td>
<td>damages, 15:76, 15:80</td>
</tr>
</tbody>
</table>

### COLLECTIVE BARGAINING—Cont’d

| Enforcement of agreement—Cont’d | Drugs. Alcohol and drugs, work rules concerning above employers, suits by, 15:74 to 15:76 |
| --- | exceptions to exhaustion requirement, 15:78 |
| | exhaustion of intraunion remedies, 15:79 |
| | grievance and arbitration procedures generally, 15:60 to 15:68 |
| | arbitrators, 15:65 to 15:68 |
| | grievance initiation and report (union shop), 15:63 (Form) |
| | grievance procedures agreement, 15:62 (Form) |
| | initiating arbitration, 15:61 to 15:64 |
| | permanent umpire, 15:66 |
| | report of union employee complaint or grievance discussion, 15:64 (Form) |
| | selecting arbitrator, 15:68 |
| | statutory rights, 15:84 |
| | temporary arbitrator, 15:67 |
| | honoring arbitration award, 15:82 |
| | individual employees, suits by, 15:77 to 15:80 |
| | injunctive relief, 15:75 |
| | labor contract, 15:90 |
| | NLRB enforcement, 15:81 |
| | postarbitration deferral, 15:82 |
| | prearbitration NLRB deferral, 15:83 |
| | Equal employment data, 15:24 |
| | Exceptions to exhaustion requirement, 15:78 |
| | Exhaustion of remedies, 15:78, 15:79 |
| | Forms | enforcement of agreement. Grievance and arbitration procedures, below this group |
| | grievance and arbitration procedures initiation and report (union shop), 15:63 (Form) |
| | procedures agreement, 15:62 (Form) |
| | report of union employee complaint or grievance discussion, 15:64 (Form) |
| | initiation, grievance initiation and report (union shop), 15:63 (Form) |
COLECTIVE BARGAINING—Cont’d
Forms—Cont’d
Labor Management Relations Act
(LMRA), election time and place
sample ballot involving more than one
union, 12:78 (Form)
sample ballot involving one union,
12:76 (Form)
sample bilingual ballot involving one
union, 12:77 (Form)
report, grievance initiation and (union
shop), 15:63 (Form)
report of complaint or grievance discus-
sion of union employee, 15:64
(Form)

Good faith bargaining requirements
generally, 15:22 to 15:44
checklist on communicating with employ-
ees during negotiations, 15:43
defenses of employer to duty to disclose
information
generally, 15:34 to 15:40
burdensomeness, 15:36
confidentiality, 15:37
non-mandatory bargaining subjects,
15:39
union bad faith, 15:35
waiver, 15:38
witness statements, 15:40
disclosure. Defenses of employer to duty
to disclose information, above this
group
locking out employees in support of
employer’s legitimate bargaining
position, 15:44
non-mandatory bargaining subjects, 15:39
presumptively relevant information
generally, 15:23 to 15:32
applicants for employment, data regard-
ing, 15:25
equal employment data, 15:24
occupational safety and health, data
regarding, 15:26
personal services contracts, data regard-
ing, 15:28
subcontracting and related management
decisions, data regarding, 15:27
procedural requirements for providing
information, 15:33

COLECTIVE BARGAINING—Cont’d

Good faith bargaining requirements—Cont’d
relevant information, duty to provide
generally, 15:23 to 15:32
medical information needed to process
grievances, 15:32
practical suggestions, 15:30
presumptively relevant information,
above this group
sales and profits, data concerning, 15:31
wage-related data concerning non-unit
employees, 15:29
unlawful circumvention of union, 15:42
unlawful surface bargaining, 15:41
witness statements, 15:40

Good faith doubt, 15:17, 15:18

Grievances
enforcement of agreement, above
good faith bargaining requirements, 15:32
Health, data regarding occupational safety
and, 15:26
Hiring, 2:61
Honoring arbitration award, 15:82
Individual employees, suits by, 15:77 to
15:80
Initiating arbitration, 15:61 to 15:64
Injunctive relief, 15:75
Just cause for discipline, standards for
determining, 15:85
Labor contract, 15:90
Labor Management Relations Act (LMRA),
election procedure of NLRB, 12:76 to
12:79
Last chance agreements for misconduct,
15:88
Levitz Furniture Doctrine, 15:19

Locking out employees in support of
employer’s legitimate bargaining posi-
tion, 15:44
Majority, 15:17, 15:53
Management decisions, 15:8, 15:27
Mandatory subjects, 15:7
Medical information needed to process
grievances, 15:32
Members, 15:13
Multiemployer bargaining, 15:20
Negotiations, 15:43
New jobs, 15:3
NLRB criteria, generally, 15:4
COLLECTIVE BARGAINING—Cont’d
Nonbargainable management decisions, 15:8
Non-mandatory bargaining subjects, good faith bargaining agreements, 15:39
Notice and knowledge, 15:45
Occupational safety and health, data regarding, 15:26
Parallel bargaining, 15:21
Partial closings, 15:11
Patterns, 15:20, 15:21
Permanent umpire, 15:66
Personal services contracts, data regarding, 15:28
Postarbitration deferral, 15:82
Prearbitration NLRB deferral, 15:83
Presumptively relevant information. Good faith bargaining requirements, above
Prioritizing claims arising from breach of agreement, 15:51
Procedural arbitrability, 15:71
Procedural requirements for providing information, 15:33
Profits, 15:31
Recognition, 15:19
Reducing risk of accretion, 15:5
Relevant information, duty to provide. Good faith bargaining requirements, above
Religious accommodation, 4:7
Relocation of plant, 15:12
Relocation of unit work, 15:9 to 15:12
Removal of unit work, 15:9 to 15:12
Reports and reporting, 15:63, 15:64
Response, 15:50
Safety, 15:26
Sales, 15:12, 15:31
Search, 15:87
Selecting arbitrator, 15:68
Selection of bargaining representatives, 15:15
Setting aside arbitration award, 15:72
Statutes, 15:48, 15:84
Subcontracting, 15:10, 15:27
Subjects, generally, 15:6 to 15:15
Substantive arbitrability, 15:70
Successor employers’ duty to bargain generally, 15:52 to 15:56
commencement of obligation, 15:56

COLLECTIVE BARGAINING—Cont’d
Successor employers’ duty to bargain—Cont’d
continued appropriateness of bargaining unit, 15:55
continuity of employing operations, 15:54
doctrine, 15:52
work force majority, 15:53
Successor’s unions, employer’s duty to bargain with, 15:57
Summary checklist on duty to bargain, 15:58
Supreme Court decision, 15:49
Surface bargaining, 15:41
Temporary arbitrator, 15:67
tests, 2:61, 15:87
Time, 15:16 to 15:19
Umpire, 15:66
Unilateral changes prior to negotiation of first contract, 15:47
Union bad faith, 15:35
Union-member relationship, 15:13
Union shop, 15:63
Unit work, 15:9 to 15:12
Unlawful circumvention of union, 15:42
Unlawful surface bargaining, 15:41
U.S. Supreme Court decision, 15:49
Wages, 15:29, 16:29
Waiver, 15:38
Withdrawal of recognition, 15:19
Work force majority, 15:53

COLORADO
Generally, App. 6

COMMENCEMENT OF EMPLOYMENT
Initial placement, probation, 2:76

COMMENCEMENT OF OBLIGATION
Collective bargaining, 15:56

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

COMMITMENT TO EEO
Affirmative action, 3:36

COMMON LAW
Occupational safety and health, 11:124

COMMON SITUS PICKETING
Union Unfair Labor Practices (this index)
COMMUNICABLE DISEASES
Hiring, 2:66

COMMUNICATION
Collective bargaining, 15:43
Hiring, 2:67
Labor Management Relations Act (LMRA), 12:96
Occupational safety and health, 11:25
Retirement and Other Benefit Plans (this index)
Unfair labor practices, 13:70

COMMUNITY ACTION PROGRAMS
Affirmative action, 3:42

COMPARABLE WORTH
Wage discrimination and equal pay for equal work, 16:84

COMPENSABLE TIME
Wages, Salary, and Other Compensation (this index)

COMPENSATION
Wages, Salary, and Other Compensation (this index)

COMPETENCY-BASED PERFORMANCE MANAGEMENT
Appraisals, 6:23

COMPETITION
Employment at will and employment contracts, 8:20
Unfair labor practices, 13:88

COMPLAINT
Collective bargaining, 15:64 (Form)
Occupational safety and health, 11:97
Sexual harassment, 4:22, 4:23, 4:34 to 4:36
Unfair labor practices, 13:29
Union unfair labor practices, 14:61

COMPLETION
Initial placement, probation, 2:76

COMPLIANCE OFFICERS
Occupational Safety and Health Act (OSHA), 1:18

COMPUTER EMPLOYEES
Wages, salary, and other compensation, 16:25

CONCILIATION
Affirmative action, 3:29
Age discrimination, 9:5

CONDITIONS
Americans with Disabilities Act (ADA), 5:9
Collective Bargaining (this index)
Family and Medical Leave Act (FMLA), 4:51
Retirement and other benefit plans, 17:54
Unfair labor practices, 13:97
Union unfair labor practices, 14:64
Wage discrimination and equal pay for equal work, 16:81

CONFIDENTIAL EMPLOYEES
Labor Management Relations Act (LMRA), 12:6

CONFIDENTIALITY
Americans with Disabilities Act (ADA), 5:35
Collective bargaining, 15:37
Unfair labor practices, 13:48

CONGRESS
Civil Rights Act of 1991, 1:47
Collective bargaining, 15:50
Older Workers Benefit Protection Act (OWBPA), 1:41

CONNECTICUT
Generally, App. 7

CONSENSUAL SEXUAL PARTNERS
Preferential treatment, liability for, 4:28

CONSENT
Civil Rights Act of 1991, 1:53
Hiring, 2:46 (Form)
Labor Management Relations Act (LMRA), 12:68 to 12:71 (Form)

CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT
Generally, 17:52

CONSPIRACY
Employment at will and employment contracts, 8:34

CONSTITUTIONAL LAW
Affirmative action, 3:32
CONSTITUTIONAL LAW—Cont’d
Employment at will and employment contracts, 8:26
Religious accommodation, 4:9

CONSTRUCTION INDUSTRY PROVISO
Union unfair labor practices, 14:88

CONSTRUCTION SITE
Union unfair labor practices, 14:74

CONSTRUCTIVE DISCHARGE
Age discrimination, 9:12
Civil Rights act, 9:24

CONSUMER PICKETING AND HANDBILLING
Union unfair labor practices, 14:78 to 14:81

CONSUMER PRODUCT SAFETY COMMISSION
Occupational safety and health, 11:17

CONTAGIOUS DISEASES
Affirmative action, 3:10

CONTEST
Occupational safety and health, 11:91, 11:96

CONTINGENT WORKERS
Retirement and other benefit plans, 17:17

CONTINUED APPROPRIATENESS
Collective bargaining, 15:55

CONTINUED HEALTH INSURANCE
Retirement and other benefit plans, 17:52

CONTINUING EDUCATION
Approval and refund of application, 7:12
(Form)

CONTINUING VIOLATIONS
Affirmative action, 3:28

CONTINUITY OF EMPLOYING OPERATIONS
Collective bargaining, 15:54

CONTRACTS AND AGREEMENTS
Collective Bargaining (this index)
Employment at Will and Employment Contracts (this index)
Independent contractors, compensation of, 16:33

CONTRACTS AND AGREEMENTS—Cont’d
Labor Management Relations Act (LMRA) (this index)
Recruiting, 2:11, 2:19
Unfair labor practices, 13:11, 13:17 to
Union unfair labor practices, 14:38, 14:85,
14:89
Walsh-Healey Public Contracts Act, 16:40,
16:41

CONTRIBUTIONS
Retirement and other benefit plans, 17:22

CONVENTIONAL RATING SCALES
Performance appraisals, 6:25

COOPERATION
Collective bargaining, 15:87
Unfair labor practices, 13:100 to 13:103

COORDINATED BARGAINING
Generally, 15:21

CORPORATE POLICY
Pregnancy and childbirth, 4:47
Sexual harassment, 4:33 to 4:36

CORRECTIONS
Affirmative action, 3:40

CORRESPONDENCE
Hiring, 2:53 (Form)

COSTS AND EXPENSES
Occupational safety and health, 11:118
Training, 7:13
Transfers, reimbursable expenses, 7:30

COUNSELING
Retirement and other benefit plans, 17:76

COURTS
Collective Bargaining (this index)
Discipline, termination, and layoffs, 9:54,
9:55
Performance appraisals, 6:5, 6:6
Privacy, 10:28

COVENANTS
Employment At Will and Employment Contracts (this index)
COVENANTS NOT TO COMPETE
Employment at will and employment contracts, 8:19

CRAFT WORKERS
Affirmative action, 3:56
Labor Management Relations Act (LMRA), 12:40

CREDENTIALS
OSHA, 11:62

CRIMINAL LAW
Employment at will and employment contracts, 8:24
Occupational safety and health, 11:84, 11:122

CRITICAL INCIDENTS
Performance appraisals, 6:28

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

DANGER AND DANGEROUS CONDITIONS
OSHA, 11:90
Union unfair labor practices, 14:64

DATING
Privacy, 10:36

DAVIS-BACON ACT
Compensation, 16:44, 16:45

DEALING
Unfair labor practices, 13:99

DEATH
Occupational safety and health, 11:122

DEAUTHORIZATION
Authorization and Deauthorization (this index)

DECERTIFICATION
Certification and Decertification (this index)

DECREES
Civil Rights Act of 1991, 1:53

DEDUCTIONS
Compensation, 16:70

DEDUCTIONS FROM PAY
Wages, salary, and other compensation, 16:31

DEFAMATION
Employment at will and employment contracts, 8:37
Hiring, 2:45, 2:46

DEFENSES
Age discrimination, 1:12, 9:20
Collective Bargaining (this index)
Compensation, 16:82
Occupational Safety and Health (this index)
Worker adjustment and retraining notification act (WARN), 9:62

DEFERRAL
Collective bargaining, 15:82, 15:83
Unfair labor practices, 13:16

DEFINITIONS
Applicant, 2:25
Eligible employee, 4:50
Employer, 4:49
Ergonomics standards, 11:28
Health care provider, 4:54
Hours worked, 16:34
Job applicant, 1:8
Parent and son or daughter, 4:53
Privacy, 10:2
Religion, 4:3
Serious health condition, 4:51
Spouse, 4:52
Worker adjustment and retraining notification act (WARN), 9:60

DELAWARE
Generally, App. 8

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

DE MINIMIS NOTIFICATION
OSHA, 11:86
DISCIPLINE, TERMINATION, AND LAYOFFS—Cont’d
Good cause discharge—Cont’d
documenting—Cont’d
poor attendance, discharge for, 9:43
probation, discharge during, 9:38
recordkeeping, 9:44
single incident, discharge resulting from, 9:41
unemployment compensation, 9:45
voluntary resignation, 9:40
grounds, generally, 9:36
records and recording. Documenting, above this group
Insubordination, discharge for, 9:42
Job-function evaluation, 9:52
Justification, 9:49
Layoffs, generally, 9:46 to 9:57
Liquidated damages, 9:31
Model evaluation and selection system generally, 9:50 to 9:57
courts, approval of evaluation criteria, 9:55
courts, rejection of evaluation criteria, 9:54
employee evaluation, generally, 9:53 to 9:56
establishing criteria, 9:55
implementing process, 9:56
job-function evaluation, 9:52
notification of employees, 9:57
statistical analysis, 9:51
Modification or change
Worker Adjustment and Retraining Notification Act (this index)
Notice and knowledge, 9:57
Older Workers Benefit Protection Act (OWBPA), 1:42
Poor attendance, discharge for, 9:43
Privacy, 10:20
Probation, 9:38
Progressive discipline policies, 9:34
Punishment under Title VII, 9:33
Race Discrimination (this index)
Records and recording
documenting economic justifications for layoffs, 9:49
good cause discharge, above

DISCIPLINE, TERMINATION, AND LAYOFFS—Cont’d
Reduction in force, carrying out, 9:48
Reinstatement, 9:32
Resignation, 9:40, 14:20
Retirement and Other Benefit Plans (this index)
Retraining. Worker Adjustment and Retraining Notification Act (this index)
Selection. Model evaluation and selection system, above
Sex Discrimination (this index)
Sexual harassment, 4:27
Single incident, discharge resulting from documenting, 9:41
Statistical analysis, 9:51
Statutes. Worker Adjustment and Retraining Notification Act (this index)
Training
Worker Adjustment and Retraining Notification Act (this index)
Unemployment compensation, 9:45
Unfair Labor Practices (this index)
Voluntary resignation, 9:40
Worker Adjustment and Retraining Notification Act (this index)

DISCLAIMERS OF JOB SECURITY
Employment At Will and Employment Contracts (this index)

DISCLOSURE
Collective Bargaining (this index)
Employee Retirement Income Security Act (ERISA), 1:21
Employment at will and employment contracts, 8:28
Hiring, 2:60
Retirement and other benefit plans, 17:5, 17:11 to 17:13, 17:43, 17:57, 17:80
Theft or disclosure of employee data, 10:39 to 10:41
Union unfair labor practices, 14:21

DISCOVERY
Occupational safety and health, 11:104

DISCRIMINATION
Affirmative action, 3:34, 3:43, 3:44
INDEX

DISCRIMINATION—Cont’d
Age Discrimination in Employment Act (ADEA) (this index)
Americans with Disabilities Act (this index)
Civil Rights Act (this index)
Compensation. Wages, Salary, and Other Compensation (this index)
Countering discrimination against individuals with disabilities
Americans with Disabilities Act (this index)
Countering discrimination in workplace generally, 4:1 et seq.
Family and Medical Leave Act of 1993 (this index)
Pregnancy (this index)
Racial and National Origin Harassment (this index)
Religious Accommodation (this index)
Sexual Harassment (this index)
Family and Medical Leave Act of 1993 (this index)
Hiring, 2:50, 2:51
Occupational safety and health, 1:17, 11:47, 11:48
Performance appraisals, 6:5, 6:7, 6:10
Pregnancy (this index)
Racial and National Origin Harassment (this index)
Recruiting, 2:3 to 2:5
Religious Accommodation (this index)
Retirement and Other Benefit Plans (this index)
Salary. Wages, Salary, and Other Compensation (this index)
Sexual Harassment (this index)
Unfair Labor Practices (this index)
Union Unfair Labor Practices (this index)
Wages, Salary, and Other Compensation (this index)

DISMISSAL
Discipline, Termination, and Layoffs (this index)
Labor Management Relations Act (LMRA), 12:73 (Form)
Unfair labor practice, 13:13 to 13:15

DISPARATE IMPACT
Age Discrimination in Employment Act (ADEA), 1:13
Civil Rights Act, 9:26
Performance appraisals, 6:3, 6:4
Recruiting, 2:4
Training, 7:4

DISPARATE TREATMENT
Civil Rights Act, 9:23
Performance appraisals, 6:3, 6:4
Recruiting, 2:5
Training, 7:3

DISPARITY, AGE
Discrimination, 9:8

DISSEMINATION OF POLICY
Affirmative action, 3:37, 3:38

DISTRIBUTION
Retirement and other benefit plans, 17:29, 17:50
Unfair labor practices, 13:42, 13:43
Union unfair labor practices, 14:22

DISTRICT OF COLUMBIA
Generally, App. 9

DIVERSITY PROGRAMS
Affirmative action, 3:3

DOMESTIC RELATIONS
Retirement and other benefit plans, 17:26

DOMESTIC SERVANTS
Labor Management Relations Act (LMRA), 12:11

DOMINATION AND UNLAWFUL SUPPORT
Unfair Labor Practices (this index)

DOWNSIZING
Retirement and other benefit plans, 17:49

DRUG-FREE WORKPLACE ACT (DFWA)
Generally, 1:33

DRUG USE
Alcohol and Drug Use (this index)

DUES
Religious accommodation, 4:8

© 2020 Thomson Reuters, 5/2020

Index-19
DUES—Cont’d
Union unfair labor practices, 14:34, 14:42, 14:43

ECONOMICS
Discipline, termination, and layoffs, 9:49
Labor Management Relations Act (LMRA), 1:27
Privacy, 10:18
Union Unfair Labor Practices (this index)

EDUCATION
Schools, Education, and Training (this index)

EEOC
Equal Employment Opportunity Commission (EEOC) (this index)

EFFORT, EQUAL
Wage discrimination and equal pay for equal work, 16:79

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

ELECTION
Labor Management Relations Act (LMRA) (this index)
Retirement and other benefit plans, 17:27

ELECTRONIC MAIL
Labor Management Relations Act (LMRA), 12:65
Privacy (this index)
Unfair labor practices, 13:47, 13:70

ELECTRONIC OR OPTICAL DEVICES
Unfair labor practices, 13:58

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

E-MAIL
Electronic Mail (this index)

EMOTIONAL DISTRESS
Employment at will and employment contracts, 8:35

EMLOYEE FREE CHOICE ACT
Labor Management Relations Act (LMRA), 12:103

EMLOYEE RETIREMENT INCOME SECURITY ACT (ERISA)
Retirement and Other Benefit Plans (this index)

EMLOYEE STOCK OWNERSHIP PLANS
Fiduciary standards, 17:36

EMPLOYER-ASSISTED PROGRAMS
Training, 7:9

EMPLOYMENT AT WILL AND EMPLOYMENT CONTRACTS
Generally, 8:1 et seq.
Allegations, 8:28
Appeal and review, 8:44
Application, 8:13, 8:14
Arbitration agreements, 8:50
Assisting discharged employee, 8:46
Competition, 8:19
Conspiracy, 8:34
Constitutional law, 8:26
Contract theory, generally, 8:2 to 8:16
Covenants
implied covenant of good faith and fair dealing, 8:4, 8:5
restrictive covenants, below
Covenants not to compete, 8:19
Criminal law, 8:24
Defamation, 8:37
Discharge from employment
commit crime or unlawful act, refusal to, 8:24
conspiracy under federal statute, 8:34
constitutional or statutory right or legal interest, exercising, 8:26
negligence, 8:5
performance of public duty or upholding law, 8:25
protected characteristics, 8:29
reporting or disclosing alleged violations of law, 8:28
sign agreement, refusal to, 8:30
wrongful discharge claims, below
EMPLOYMENT AT WILL AND EMPLOYMENT CONTRACTS
—Cont’d
Disclaimers of job security generally, 8:12 to 8:16
employment contracts, 8:16
employment manuals and other writings, 8:15
informing prospective employees during application process of at-will relationship, 8:13
interviewing applicant, 8:14
Disclosure, 8:28
Drafting effective settlement agreements, 8:47
Emotional distress, 8:35
Employee expectations, 8:7, 8:8
Employment contracts, 8:16
Employment manuals and other writings, 8:15
Equitable estoppel, 8:11
Estoppel, 8:11
Exceptions. Public policy exception, below
Expectations, 8:7, 8:8
Fair dealing, 8:4, 8:5
Federal preemption of state tort claims, 8:40
Federal statutes, 8:34
Final decision, 8:45
Good cause, 8:9
Good faith, 8:4, 8:5
Implied covenant of good faith and fair dealing, 8:4, 8:5
Implied-in-fact contracts, 8:3
Independent consideration, 8:10
Intentional infliction of emotional distress, 8:35
Intentional interference with contract, 8:33
Interference, 8:33
Interviewing applicant, 8:14
Investigation, 8:43
Job security. Disclaimers of job security, above
Layoffs and good cause, 8:9
Legislation, 8:41
Limitations and restrictions. Restrictive covenants, below
Malicious breach of contract, 8:32
Manuals, 8:6 to 8:8, 8:15

EMPLOYMENT AT WILL AND EMPLOYMENT CONTRACTS
—Cont’d
Misrepresentation, 8:38
Mutual agreement cases, 8:8
Negligent discharge, 8:5
Noncontractual theories, generally, 8:23 to 8:40
No-raiding or nonsolicitation covenants, 8:20
Notice and knowledge, 8:13
Oral contracts, 8:2
Performance, 8:25
Preemption, 8:40
Prima facie tort, 8:36
Promissory or equitable estoppel, 8:11
Protected characteristics, 8:29
Public policy exception generally, 8:23 to 8:31
commit crime or unlawful act, discharge for refusal to, 8:24
constitutional or statutory right or legal interest, discharge for exercising, 8:26
exemption from statutory coverage, 8:27
performance of public duty or upholding law, discharge for, 8:25
protected characteristics, discharge based on, 8:29
reporting or disclosing alleged violations of law, discharge for, 8:28
sign agreement, discharge based on refusal to, 8:30
states that do not follow public policy exception, 8:31
Raiding, 8:20
Reemployment, covenant not to seek, 8:21
sample form, 8:22
Refusal, 8:24, 8:30
Reports and reporting, 8:28
Restrictive covenants generally, 8:17 to 8:22
covenants not to compete, 8:19
no-raiding or nonsolicitation covenants, 8:20
reemployment, covenant not to seek, 8:21
trade secret clauses, 8:18
Settlement agreements, 8:47 to 8:50
Signature, 8:30

© 2020 Thomson Reuters, 5/2020
EMPLOYMENT AT WILL AND
EMPLOYMENT CONTRACTS
—Cont’d
Solicitation, 8:20
States that do not follow public policy exception, 8:31
State tort claims, 8:40
Statutes, 8:26, 8:34
Supervisor, 8:43
Tax considerations of settlement agreements, 8:49
Termination of employment. Discharge from employment, above
Torts, 8:32, 8:33, 8:36, 8:40
Trade secret clauses, 8:18
Unilateral contract cases, 8:7
Writings, 8:15
Wrongful discharge claims generally, 8:42 to 8:50
arbitration agreements, 8:50
assisting discharged employee, 8:46
avoiding, generally, 8:42 to 8:50
final decision, 8:45
investigating basis for supervisor’s decision to discharge, 8:43
review by human resources department, 8:44

ENFORCEMENT
Affirmative Action (this index)
Americans with Disabilities Act (ADA), 5:27, 5:36, 5:40
Civil Rights Act, 1:4, 9:22
Collective Bargaining (this index)
Fair Labor Standards Act (FLSA), 1:69
Family and Medical Leave Act (FMLA), 1:63, 4:69
Labor Management Relations Act (LMRA), 1:28
Occupational Safety and Health (this index)
Union unfair labor practices, 14:15, 14:89
Worker adjustment and retraining notification act (WARN), 9:65

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

ENVIRONMENT
Occupational safety and health, 11:14, 11:22

EQUAL EFFORT
Compensation, 16:79

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

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)
Affirmative Action (this index)
Age discrimination, 9:3, 9:18
Americans with Disabilities Act (ADA), 5:27
Civil Rights Act (this index)
Older Workers Benefit Protection Act (OWBPA), 1:41
Privacy, personnel recordkeeping, 10:43 to 10:45
Sexual harassment, 4:19

EQUAL PAY
Wages, Salary, and Other Compensation (this index)

EQUAL PAY ACT
Wages, Salary, and Other Compensation (this index)

EQUAL RESPONSIBILITY
Compensation, 16:80

EQUAL SKILL
Compensation, 16:78

EQUAL WORK
Wages, Salary, and Other Compensation (this index)

EQUITABLE ESTOPPEL
Employment at will and employment contracts, 8:11

ERGONOMICS STANDARDS
Occupational safety and health, 11:28 to 11:33

ERISA
Retirement and Other Benefit Plans (this index)
FACILITIES
Union unfair labor practices, 14:103 to 14:105, 14:109

FAIR DEALING
Employment at will and employment contracts, 8:4, 8:5

FAIR LABOR STANDARDS ACT (FLSA)
Wages, Salary, and Other Compensation (this index)

FAIR REPRESENTATION
Union Unfair Labor Practices (this index)

FALSE ANSWERS
Hiring, 2:33

FALSE INFORMATION
Discipline, termination, and layoffs, 9:39

FAMILY AND MEDICAL LEAVE ACT (FMLA)
Generally, 1:59 to 1:63, 4:48 to 4:73
Accrual of seniority and other benefits, 1:62
Benefits, 4:65
Certification requirements generally, 4:59 to 4:64
failure to provide certification, 4:64
initial certification, 4:59
physician’s certification, 4:60
recertification, 4:62
return to work, ability to, 4:63
second and third opinions, 4:61
Children, 4:53
Condition, 4:51
Definitions
eligible employee, 4:50
employer, 4:49
health care provider, 4:54
parent and son or daughter, 4:53
serious health condition, 4:51
spouse, 4:52
During leave, employment and benefits protections, 4:65
Eligible employee, 4:50
Employee obligations, 1:61
Employer defined, 4:49
Employer obligations, 1:60
Employment and benefits protections, 4:65
Enforcement, 1:63, 4:69

FAMILY AND MEDICAL LEAVE ACT (FMLA)—Cont’d
Failure to provide certification, 4:64
Health care provider, 4:54
Health condition, 4:51
Initial certification, 4:59
Interaction with other laws, 4:73
Intermittent leave or leave on reduced schedule, 4:56
Investigative authority and enforcement, 4:69
Leave requirements, generally, 4:55 to 4:58
1993 Act, generally, 4:48 to 4:73
Notice and knowledge, 4:58, 4:71, 4:72
Opinions, 4:61
Parent and son or daughter, 4:53
Payment for leave, 4:57
Physician’s certification, 4:60
Posting and notification requirements, 4:71, 4:72
Prohibited acts, 4:68
Recertification, 4:62
Reduced schedule, 4:56
Remedies, 4:70
Retirement and other benefit plans, 17:74
Returning from leave, employment and benefits protections, 4:66
Return to work, ability to, 4:63
Rights, notice of, 4:72
Schedule, 4:56
School employees, 4:67
Second and third opinions, 4:61
Seniority, 1:62
Serious health condition, 4:51
Spouse defined, 4:52
Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and, 1:66

FEASIBILITY
OSHA, 11:51

FEDERAL ACTS AND MATTERS
Employment at will and employment contracts, 8:34, 8:40
Recruiting, 2:11
Retirement and Other Benefit Plans (this index)
Statutes (this index)
INDEX

FEDERAL ACTS AND MATTERS—Cont’d
Training, 7:12, 7:13
Unfair labor practices, 13:67

FEDERAL CONTRACTOR SELECTION SYSTEM
Affirmative action, 3:21

FEDERAL COURT
Occupational safety and health, 11:119

FEES
Civil Rights Act of 1991, 1:55
Occupational safety and health, 11:118
Union Unfair Labor Practices (this index)

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

FIDUCIARY BREACH
Statute of limitations, 17:39

FIDUCIARY STANDARDS
Employee Retirement Income Security Act (ERISA), 1:22
Retirement and other benefit plans, 17:34 to 17:38

FILES AND FILING
Civil Rights Act, time limitations for filing EEOC charge, 1:9

FINANCIAL AID
Unfair labor practices, 13:83

FINANCIAL-CORE MEMBERSHIP
Union unfair labor practices, 14:32

FINANCIAL OR COMMERCE DATA
Labor Management Relations Act (LMRA), 12:36 (Form)

FINES
Union unfair labor practices, 14:51

FIRE FIGHTERS
Wages, salary, and other compensation, 16:28

FIRST AID
Occupational safety and health, 11:39

FIRST AMENDMENT
Religious accommodation, 4:9

FIRST RESPONDERS
Wages, salary, and other compensation, 16:28

FLORIDA
Generally, App. 10

FOOD AND DRUG ADMINISTRATION
Occupational safety and health, 11:16

FORMAL SETTLEMENT AGREEMENTS
Unfair labor practice, 13:20

FORMS
Anticipation, 14:104 (Form)
Application training, 7:12 (Form)
Approval, training, 7:12 (Form)
Ballot, Labor Management Relations Act (LMRA), below
Bilingual ballot, Labor Management Relations Act (LMRA), 12:77 (Form)
Certification
Labor Management Relations Act (LMRA)
conduct of election, 12:85 (Form)
representative, 12:87 (Form)
results of election, 12:88 (Form)
Collective bargaining
enforcement of agreement, Grievance and arbitration procedures, below this group
grievance and arbitration procedures
initiation and report (union shop), 15:63 (Form)
procedures agreement, 15:62 (Form)
report of union employee complaint or grievance discussion, 15:64 (Form)
initiation, grievance initiation and report (union shop), 15:63 (Form)
Labor Management Relations Act (LMRA), election time and place
sample ballot involving more than one union, 12:78 (Form)
sample ballot involving one union, 12:76 (Form)
sample bilingual ballot involving one union, 12:77 (Form)
FORMS—Cont’d
Collective bargaining—Cont’d
report, grievance initiation and (union shop), 15:63 (Form)
report of complaint or grievance discussion of union employee, 15:64 (Form)
Commerce, Labor Management Relations Act (LMRA), petitioning for NLRB election, 12:36 (Form)
Compensation. Wages, salary, and other compensation, below
Complaint
collective bargaining, report of union employee complaint or grievance discussion, 15:64 (Form)
sexual harassment, sample complaint form, 4:35 (Form)
Consent agreement, Labor Management Relations Act (LMRA), election procedure of NLRB, 12:69 (Form)
Consent to release of information, applicant’s or employee’s, 2:46 (Form)
Continuing education approval and refund of application, 7:12 (Form)
Contracts and agreements
Labor Management Relations Act (LMRA), election procedure of NLRB
consent agreement, 12:69 (Form)
stipulated election agreement, 12:70 (Form)
Correspondence, sample offer letter, 2:53 (Form)
Description of job, sample, 2:27 (Form)
Dismissing petition, decision and order, 12:73 (Form)
Education, continuing education approval and refund of application, 7:12 (Form)
Financial or commerce data, NLRB request for, petitioning for NLRB election, 12:36 (Form)
Garnishment, sample notice to employee of garnishment of wages, 16:72 (Form)
Grievance discussion, report of union employee complaint or, 15:64 (Form)
Grievance initiation and report (union shop), 15:63 (Form)
Grievance procedures agreement, 15:62 (Form)

FORMS—Cont’d
Hiring
consent to release of information, applicant’s or employee’s, 2:46 (Form)
correspondence, sample offer letter, 2:53 (Form)
description of job, sample, 2:27 (Form)
instructions to applicant, 2:28 (Form)
interviewer training form, 2:40 (Form)
release of information, applicant’s or employee’s consent to, 2:46 (Form)
sample employment application, 2:29 (Form)
sample job description, 2:27 (Form)
sample offer letter, 2:53 (Form)
sample policy for third-party employment investigations
references, 2:43 (Form)
third-party employment investigations, sample policy for, 2:43 (Form)
Holiday policy, sample, 16:67 (Form)
Initial placement, performance review, 2:78 (Form)
Initiation and report of grievance (union shop), 15:63 (Form)
Instructions to applicant, 2:28 (Form)
Instructions to election observers, 12:84 (Form)
Interviewer training form, 2:40 (Form)
Investigations of employment, sample policy for third-party, 2:43 (Form)
Job description, sample, 2:27 (Form)
Jury duty policy, sample, 16:66 (Form)
Labor management relations act (LMRA) ballot
sample ballot in deauthorization election, 12:58 (Form)
sample ballot used in collective bargaining election involving more than one union, 12:78 (Form)
sample ballot used in collective bargaining election involving one union, 12:76 (Form)
sample bilingual ballot used in collective bargaining election involving one union, 12:77 (Form)
tally of ballots, 12:86 (Form)
INDEX

FORMS—Cont’d
Labor management relations act (LMRA)—Cont’d
certification of representative, 12:87 (Form)
certification of results of election, 12:88 (Form)
certification on conduct of election, 12:85 (Form)
consent agreement, 12:69 (Form)
decision and direction of election, 12:72 (Form)
decision and order dismissing petition, 12:73 (Form)
financial or commerce data, NLRB request for, 12:36 (Form)
instructions to election observers, 12:84 (Form)
notice of election, 12:79 (Form)
notice of employee rights, 12:33 (Form)
petitioning for NLRB election financial or commerce data, NLRB request for, 12:36 (Form)
notice of employee rights, 12:33 (Form)
representation petition, 12:32 (Form)
sample ballot in deauthorization election, 12:58 (Form)
representation petition, 12:32 (Form)
sample ballots. Ballots, above this group stipulated election agreement, 12:70 (Form)

Notice and knowledge
Labor Management Relations Act (LMRA)
petitioning for NLRB election, 12:33 (Form)
time and place of election, 12:79 (Form)
transfers, 7:25 (Form)
wages, sample notice to employee of garnishment of, 16:72 (Form)

Observers of NLRB election, instructions to, 12:84 (Form)

Occupational safety and health
OSHA Form 300, 11:36 (Form)
OSHA Form 301, 11:38 (Form)
OSHA Form 300A, 11:37 (Form)

FORMS—Cont’d
Order dismissing petition, decision and, LMRA, 12:73 (Form)
Performance appraisals
initial placement, probation, 2:78 (Form)
Petition, decision and order dismissing, 12:73 (Form)
Professional conduct policy and prohibition against harassment, 4:36 (Form)
Recommendations for training, supervisor’s, 7:5 (Form)
Refund of application, continuing education approval and, 7:12 (Form)
Release of information, applicant’s or employee’s consent to, 2:46 (Form)
Reports and reporting
collective bargaining
grievance initiation and report (union shop), 15:63 (Form)
report of union employee complaint or grievance discussion, 15:64 (Form)

Representative, certification of, 12:87 (Form)

Sexual harassment
professional conduct policy and prohibition against harassment, 4:36 (Form)
sample sexual harassment complaint form, 4:35 (Form)

Staffing plan, request for unit’s strike staffing plan, 14:105 (Form)
Stipulated election agreement for NLRB, 12:70 (Form)

Supervisor
recommendations for training, 7:5 (Form)

Survey of section heads on problems anticipated during strike, 14:104 (Form)

Tally of ballots, election procedure of NLRB, 12:86 (Form)

Third parties, sample policy for third-party employment investigations, 2:43 (Form)

Training
continuing education approval and refund of application, 7:12 (Form)
interviewer training form, 2:40 (Form)
supervisor’s recommendations for training, 7:5 (Form)
FORMS—Cont’d
  Transfers
    notification of open position, 7:25 (Form)

  Unions
    collective bargaining, above
    union unfair labor practices
      request for unit’s strike staffing plan, 14:105 (Form)
      survey of section heads on problems anticipated during strike, 14:104 (Form)

  Vacation, sample policy, 16:65 (Form)
  Wages, salary, and other compensation
    compensable time, employer’s option
      sample holiday policy, 16:67 (Form)
      sample jury duty policy, 16:66 (Form)
      sample personal leave policy, 16:68 (Form)
      sample vacation policy, 16:65 (Form)
    garnishment of wages, sample notice to employee of, 16:72 (Form)

401(K) PLANS
  Generally, 17:30

457 PLANS
  Minimum standards, 17:31

FRONTPAY
  Unfair labor practices, 13:121

FUNDAMENTAL ALTERATION OF JOB DUTIES
  Americans with Disabilities Act (ADA), 5:25

FUTURE INJURY, RISK OF
  Affirmative action, 3:11

GARNISHMENT
  Sample notice to employee of garnishment of wages, 16:72 (Form)

GENDER ISSUES
  Promotion, 7:18

GENERAL COUNSEL’S GUIDELINES

GENETIC AND BIOCHEMICAL TESTING
  Privacy, 10:10

GEORGIA
  Generally, App. 11

GISSEL DECISION
  Unfair labor practices, 13:109

GOALS
  Recruiting, 2:12

GOOD CAUSE
  Discipline, Termination, and Layoffs (this index)
    Employment at will and employment contracts, 8:9

GOOD FAITH
  Collective Bargaining (this index)
    Employment at will and employment contracts, 8:4, 8:5
  Union Unfair Labor Practices (this index)
    Worker adjustment and retraining notification act (WARN), 9:62

GOVERNMENT ADMINISTRATION
  ERISA, 17:50

GOVERNMENT EMPLOYERS
  Age discrimination, 9:13
  Civil Rights Act, 9:28

GOVERNMENT’S EXPERTS
  Occupational safety and health, 11:10

GRACE PERIOD
  Union unfair labor practices, 14:31

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

GREATER HAZARD DEFENSE
  OSHA, 11:54

GRIEVANCES
  Collective Bargaining (this index)
    Labor Management Relations Act (LMRA), 12:99
    Performance appraisals, 6:16
    Unfair labor practices, 13:39
    Union unfair labor practices, 14:23, 14:25

GRIGGS STANDARD
  Civil Rights Act of 1991, 1:47

Index-28
INDEX

GROUPING DATA
  Affirmative Action (this index)

GROUP STRIKES
  Union unfair labor practices, 14:60

GROUP TERM INSURANCE
  Retirement and other benefit plans, 17:60

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

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

HANDBOOK
  Retirement and other benefit plans, 17:69

HARASSMENT
  Racial and National Origin Harassment (this index)
  Sexual Harassment (this index)

HARDSHIP
  Affirmative action, 3:12
  Americans with Disabilities Act (ADA), 5:24

HAWAII
  Generally, App. 12

HAZARDS
  OSHA, 11:23, 11:25, 11:50

HEALTH
  Collective bargaining, 15:26
  Family and Medical Leave Act (FMLA), 4:51
  Nondiscrimination rules, 17:55
  Occupational Safety and Health (this index)

HEALTH CARE BENEFITS
  Pregnancy, 4:42 to 4:44

HEALTH INSURANCE
  Consolidated Omnibus Budget Reconciliation Act (COBRA), 17:52
  Health Insurance Portability and Accountability Act (HIPAA) of 1996, 1:23, 17:53 to 17:57
  Welfare benefits, nondiscrimination requirements for, 17:59

HEALTH MANAGEMENT ORGANIZATIONS (HMOS)
  Generally, 17:38

HEARING
  Labor Management Relations Act (LMRA), 12:39
  Occupational Safety and Health (this index)
  Unfair labor practices, 13:29

HEIGHT AND WEIGHT
  Hiring, 2:63

HIGHLY COMPENSATED EMPLOYEE EXEMPTION
  Wages, salary, and other compensation, 16:26

HIRING
  Generally, 2:1, 2:23 to 2:70
  See also Initial Placement; Recruiting (this index)
  Adverse impact, 2:57, 2:58, 2:69
  AIDS tests, 2:66
  Answers, 2:33
  Application generally, 2:30 to 2:33
  definition of applicant, 2:25
  process, generally, 2:26 to 2:29
  Assessment
    adverse impact, 2:57, 2:58
    nonverbal conduct, 2:38
    process, 2:68, 2:69
  Auditing established procedures, 2:68
  Collective bargaining and privacy, 2:61
  Communicable disease tests, 2:66
  Communication skills, 2:67
  Consent to release of information, applicant’s or employee’s, 2:46 (Form)
  Correspondence, sample offer letter, 2:53 (Form)
  Defamation, 2:45, 2:46
  Definition of applicant, 2:25
  Description of job, 2:27
  Determining adverse impact and impact ratios, 2:69
  Dexterity tests. Testing and personal characteristics, below
  Disclosure of medical records, 2:60

© 2020 Thomson Reuters, 5/2020
HIRING—Cont’d
Discrimination, 2:50, 2:51
Documentation, 2:48, 2:51
Drug testing, 2:65
False answers, 2:33
Forms
consent to release of information, applicant’s or employee’s, 2:46 (Form)
correspondence, sample offer letter, 2:53 (Form)
description of job, sample, 2:27 (Form)
instructions to applicant, 2:28 (Form)
interviewer training form, 2:40 (Form)
release of information, applicant’s or employee’s consent to, 2:46 (Form)
sample employment application, 2:29 (Form)
sample job description, 2:27 (Form)
sample offer letter, 2:53 (Form)
sample policy for third-party employment investigations
references, 2:43 (Form)
third-party employment investigations, sample policy for, 2:43 (Form)
Height and weight requirements, 2:63
Immigration Reform and Control Act (IRCA)
generally, 2:47 to 2:52
documentation, 2:48, 2:51
nondiscrimination requirements, 2:50, 2:51
penalties, 2:49
Title VII protections, tensions between IRCA and, for undocumented aliens, 2:51
Impact ratios, 2:69
Instructions to applicant, 2:28 (Form)
Integrity tests, 2:64
Interview
generally, 2:34 to 2:40
assessing nonverbal conduct, 2:38
interviewer training form, 2:40 (Form)
multiple interviews, 2:39
pitfalls, 2:35
taking notes, 2:37
volunteered information, 2:36
Investigation, 2:43 (Form)
HIRING—Cont’d
IRCA, Immigration Reform and Control Act (IRCA), above
Job description, 2:27
Language ability and communication skills, 2:67
Medical inquiries of applicants, 2:59
Medical records, 2:60
Military status, 2:55
Multiple interviews, 2:39
Negligent hiring, 2:54
Nonverbal conduct, 2:38
Offering employment, 2:52, 2:53
Penalties, 2:49
Permissible inquiries, 2:32
Personal characteristics. Testing and personal characteristics, below
Physical ability tests, 2:62
Physical dexterity tests. Testing and personal characteristics, below
Physical examinations and physical dexterity tests. Testing and personal characteristics, below
Polygraphs and integrity tests, 2:64
Privacy (this index)
Records and recording, 2:37, 2:48, 2:51, 2:60
References
generally, 2:41 to 2:47
consent to release of information, applicant’s or employee’s, 2:46 (Form)
defamation, 2:45, 2:46
giving, 2:44
requesting, 2:42, 2:43
sample policy for third-party employment investigations, 2:43 (Form)
Release, 2:46 (Form)
Selection procedure, 2:24
Statutes. Immigration Reform and Control Act (IRCA), above
Taking notes, 2:37
Testing and personal characteristics
generally, 2:56 to 2:67
AIDS tests, 2:66
assessing adverse impact, 2:57, 2:58
communicable disease tests, 2:66
dexterity. Physical examinations and physical dexterity tests, below this group

Index-30
HIRING—Cont’d
Testing and personal characteristics—Cont’d
drug testing, 2:65
language ability and communication skills, 2:67
physical examinations and physical dexterity tests
generally, 2:59 to 2:64
collective bargaining and privacy, 2:61
disclosure of medical records, 2:60
height and weight requirements, 2:63
medical inquiries of applicants, 2:59
physical ability tests, 2:62
polygraphs and integrity tests, 2:64
validity and validation, 2:58
Third parties, 2:43 (Form)
Title VII protections, tensions between IRCA and, for undocumented aliens, 2:51
Training, 2:40 (Form)
Unfair labor practices, 13:91
Uniform guidelines on employee selection procedures, 2:24
Validity and validation, 2:58
Volunteered information, 2:31, 2:36
Weight, 2:63
HIRING HALLS
Union unfair labor practices, 14:16, 14:46
HOLIDAYS
Compensation, 16:62, 16:67
HOME, WORK AT
Compensation, 16:38, 16:39
HOME TO WORK
Compensation, 16:57
HOMOSEXUALITY
Sexual harassment, 4:25, 4:26
HOSPITAL INTERNS, RESIDENTS AND FELLOWS
Labor Management Relations Act (LMRA), 12:15 to 12:18
HOSTILE WORKING ENVIRONMENT
Racial and national origin harassment, 4:11
Sexual harassment, 4:21
HOT-CARGO
Unfair labor practice, 13:11
HOT-CARGO—Cont’d
Union Unfair Labor Practices (this index)
HOURS WORKED
Compensation, 16:35
Defined, 16:34
Fair Labor Standards Act (FLSA), 1:70
IDAHO
Generally, App. 13
IDENTIFICATION
Affirmative action, 3:40, 3:47
Americans with Disabilities Act (ADA), 5:18
Retirement and Other Benefit Plans (this index)
ILLINOIS
Generally, App. 14
IMMIGRATION REFORM AND CONTROL ACT (IRCA)
Generally, 1:31, 1:32
HIRING (this index)
IMMINENT-DANGER PROCEEDINGS
Occupational safety and health, 11:90
IMMUNITY
Wages, salary, and other compensation, 16:87
IMPACT-RATIO ANALYSIS
Affirmative action, 3:23
IMPACT RATIOS
Hiring, 2:69
IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING
Employment at will and employment contracts, 8:4, 8:5
IMPLIED-IN-FACT CONTRACTS
Employment at will and employment contracts, 8:3
INCUMBENT
Affirmative Action (this index)
Unfair labor practices, 13:25
INDEPENDENT CONSIDERATION
Employment at will and employment contracts, 8:10
INDEPENDENT CONTRACTORS
Compensation, 16:33
Labor Management Relations Act (LMRA), 12:7

INDIANA
Generally, App. 15

INDIRECT FINANCIAL AID
Unfair labor practices, 13:84

INDIRECT SUPPORT
Unfair labor practices, 13:86

INDIVIDUAL EMPLOYEES
Collective bargaining, 15:77 to 15:80

INDUCEMENT
Union Unfair Labor Practices (this index)

INFORMAL CONFERENCE
Occupational safety and health, 11:78

INFORMAL METHODS
Recruiting, 2:22

INFORMAL SETTLEMENT AGREEMENTS
Unfair labor practice, 13:18, 13:19

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

INITIAL ENCOUNTER
Labor Management Relations Act (LMRA), 12:97

INITIAL PLACEMENT—Cont’d
Seniority systems, 2:73
Work assignments, 2:71 to 2:73

INITIATING ARBITRATION
Collective bargaining, 15:61 to 15:64

INITIATION FEES
Union unfair labor practices, 14:33

INITIATION OF GRIEVANCE
Collective bargaining, 15:63 (Form)

INJUNCTIONS
Collective bargaining, 15:75

INJURIES
Occupational safety and health, 11:39

INSIGNIA
Unfair labor practices, 13:44

INSPECTION
Occupational Safety and Health (this index)

INSTRUCTIONS
Hiring, 2:28 (Form)
Labor Management Relations Act (LMRA), 12:84 (Form)

INSUBORDINATION
Discipline, termination, and layoffs, 9:42

INSUFFICIENT PARTICULARITY DEFENSE
Occupational safety and health, 11:53

INSURANCE
Consolidated Omnibus Budget Reconciliation Act and continued health insurance, 17:52
Health Insurance Portability and Accountability Act of 1996, 17:53 to 17:57
Pregnancy, 4:42
Welfare benefits, nondiscrimination requirements for, 17:59, 17:60

INTEGRITY TESTS
Hiring, 2:64

INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS
Employment at will and employment contracts, 8:35
INDEX

INTENTIONAL INTERFERENCE
Employment at will and employment contracts, 8:33

INTERFERENCE
Employment at will and employment contracts, 8:33
Unfair Labor Practices (this index)
Union unfair labor practices, 14:7

INTERNAL ASSESSMENT
Labor Management Relations Act (LMRA), 12:94

INTERNAL AUDIT AND REPORTING SYSTEMS
Affirmative action, 3:41

INTERNAL AVAILABILITY
Affirmative Action (this index)

INTERNAL DISSEMINATION OF POLICY
Affirmative action, 3:37

INTERNAL REVENUE CODE (IRC)
Retirement and other benefit plans, 17:3

INTERNAL UNION AFFAIRS
Union Unfair Labor Practices (this index)

INTERNET
Civil Rights Act, job searches, 1:8
Labor Management Relations Act (LMRA), 12:34
Privacy, 10:29

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

INTERROGATION
Unfair labor practices, 13:51 to 13:62

INTERVENTION
Occupational safety and health, 11:94

INTERVIEW
Employment at will and employment contracts, 8:14
Hiring (this index)
Occupational safety and health, 11:66
Unfair labor practices, 13:62

© 2020 Thomson Reuters, 5/2020

INTRUSIONS
Privacy, 10:33

INVESTIGATION
Employment at will and employment contracts, 8:43
Family and Medical Leave Act (FMLA), 4:69
Hiring, 2:43 (Form)
Labor Management Relations Act (LMRA), 12:38
Privacy, 10:7, 10:18, 10:22
Unfair labor practices, 13:12, 13:62

INVOLUNTARY ACTS AND MATTERS
Voluntary and Involuntary Acts and Matters (this index)

IOWA
Generally, App. 16

IRCA
Hiring (this index)

ISOLATED INCIDENT DEFENSE
Occupational safety and health, 11:52

JOB APPLICANT LOG
Privacy, 10:44

JOB APPLICANTS
Civil Rights Act, 1:8

JOB DESCRIPTION
Hiring, 2:27 (Form)
Performance appraisals, 6:11
Recruiting, 2:7

JOB-FUNCTION EVALUATION
Discipline, termination, and layoffs, 9:52

JOB-GROUP ANALYSIS
Affirmative Action (this index)

JOB POOLS
Initial placement, 2:72

JOB SECURITY
Employment At Will and Employment Contracts (this index)

JOINT ACTS AND MATTERS
Retirement and other benefit plans, 17:24
JOINT EMPLOYERS
Unfair labor practice charge, 13:8

JOINT VENTURES, LIABILITY IN
Union unfair labor practices, 14:93

JUDGES
Occupational safety and health, 11:112

JUDGMENT NOTWITHSTANDING THE VERDICT
Age discrimination, 9:10

JUDGMENTS
Age discrimination, 9:10
Performance appraisals, 6:27

JUDICIAL ENFORCEMENT
Union unfair labor practices, arbitration awards, 14:15

JUDICIAL REVIEW
Unfair labor practices, NLRB orders, 13:30

JURISDICTION
Joint employers, 12:8
Labor Management Relations Act (LMRA) (this index)

JURY
Compensation, 16:61, 16:66 (Form)

JUST CAUSE
Collective bargaining, 15:85

JUSTIFICATION
Discipline, termination, and layoffs, 9:49

KANSAS
Generally, App. 17

KENTUCKY
Generally, App. 18

LABOR CONTRACT
Collective bargaining, 15:90

LABORERS
Affirmative action, 3:58

LABOR MANAGEMENT
Labor Management Relations Act (LMRA) (this index)

LABOR MANAGEMENT RELATIONS ACT (LMRA)
Generally, 1:24 to 1:30, 12:1 et seq.
Achieving status of representative, generally, 12:22 to 12:28
Agricultural laborers as excluded employees, 12:10
Aliens, 12:21
Appeal and review
election campaign
appeals based on racial issues, 12:61
manner of presenting campaign appeals, 12:63 to 12:66
place of presenting campaign appeals, 12:63 to 12:66
time for presenting campaign appeals, 12:63 to 12:66
petitioning for NLRB election, 12:35, 12:36
Assessment, 12:94
Assistants, 12:19
Ballots
day of election, tally of ballots, 12:86 (Form)
petitioning for NLRB election, sample ballot in deauthorization election, 12:58 (Form)
time and place of election
sample ballot used in collective bargaining election involving more than one union, 12:78 (Form)
sample ballot used in collective bargaining election involving one union, 12:76 (Form)
sample bilingual ballot used in collective bargaining election involving one union, 12:77 (Form)
Bilingual ballot, 12:77 (Form)
Blocking charge rule, 12:53, 12:54
Boston Medical Center, 12:18
Campaign. Election campaign, below
Cedars-Sinai, 12:16
Certification and decertification
election procedure of NLRB, day of election conduct, 12:85 (Form)
representative, 12:87 (Form)
results, 12:88 (Form)
LABOR MANAGEMENT RELATIONS
ACT (LMRA)—Cont’d
Certification and decertification—Cont’d
petitioning for NLRB election, 12:51, 12:56
Challenges
generally, 12:92 to 12:101
addressing grievances, 12:99
coaching supervisors, 12:93
election procedure of NLRB, 12:89, 12:91
Employee Free Choice Act, 12:103
exploiting issues, 12:98 to 12:101
initial encounter, 12:97
internal assessment, performing, 12:94
tactical errors, avoiding, 12:100
talk to employees, 12:96
training supervisors, 12:95
unfair union practices, remaining alert to,
12:101
union-organizing efforts, 12:102
Children, 12:12
Clarification, 12:56 to 12:60
Coaching supervisors, 12:93
Collective bargaining election, 12:76 to
12:79
Commerce, 12:2, 12:36 (Form)
Communication, 12:96
Concerted, protected activity, 1:24
Confidential employees as excluded employ-
ees, 12:6
Consent agreement, 12:69 (Form)
Consent elections, 12:68 to 12:71 (Form)
Contracts and agreements
election procedure of NLRB, 12:69
(Form)
federal labor policy, contracts offending,
12:48
jurisdiction, 12:7
petitioning for NLRB election, 12:44
prehire agreements, 12:47
stabilize bargaining relationship, contracts
insufficient to, 12:49
Craft employees, 12:40
Deauthorization, 12:56 to 12:60
Decertification. Certification and decertifica-
tion, above
Demand for recognition as representative,
12:23, 12:25

LABOR MANAGEMENT RELATIONS
ACT (LMRA)—Cont’d
Directed elections, 12:71 to 12:74
Disabled workers, 12:14
Dismissal, 12:73 (Form)
Documents, workers without, 12:21
Domestic servants as excluded employees,
12:11
Economics, 1:27
Education, 12:19
Election
generally, 12:67 to 12:91
achieving representation status without,
12:28 to 12:30
ballots, above
campaign. Election campaign, below
certification and decertification, above
challenges, 12:89, 12:91
consent agreement, 12:69 (Form)
consent elections, 12:68 to 12:71 (Form)
day of election
generally, 12:83 to 12:88
certification of representative, 12:87
(Form)
certification of results of election, 12:88
(Form)
certification on conduct of election,
12:85 (Form)
instructions to election observers, 12:84
(Form)
tally of ballots, 12:86 (Form)
decision and direction of election, 12:72
(Form)
decision and order dismissing petition,
12:73 (Form)
directed elections, 12:71 to 12:74
eligibility of voters, 12:74
Excelsior list, 12:74
insisting on NLRB election, 12:27
manual, Board revises representation election
manual, 12:80
NLRB procedure, generally, 12:67 to
12:91
objections, 12:90
petitioning for NLRB election, below
place. Time and place of election, below
this group
post-election proceedings, 12:89 to 12:91
LABOR MANAGEMENT RELATIONS
ACT (LMRA)—Cont’d
Election—Cont’d
stipulated election agreement, 12:70
(Form)
time and place of election
generally, 12:75 to 12:80
day of election, above this group
notice of election, 12:79 (Form)
sample ballot used in collective bargain-
ing election involving more than
one union, 12:78 (Form)
sample ballot used in collective bargain-
ing election involving one union,
12:76 (Form)
sample bilingual ballot used in collec-
tive bargaining election involving
one union, 12:77 (Form)

Election campaign
generally, 12:60 to 12:67
appeals based on racial issues, 12:61
e-mail, employer restrictions on use of,
12:65
hand’s off approach of NLRB, 12:60
manner of presenting campaign appeals,
12:63 to 12:66
on and off employer property, 12:63
place of presenting campaign appeals,
12:63 to 12:66
polls, campaigning at, 12:66
pro-union conduct of supervisors, 12:62
time for presenting campaign appeals,
12:63 to 12:66
24-hour rule, 12:64

Eligibility of voters, 12:74
E-mail, employer restrictions on use of,
12:65
Employee coverage, 1:25
Employee Free Choice Act, 12:103
Employee rights, generally, 1:24
Employer’s polling of employees, 12:26
Employer’s voluntary recognition as repre-
sentative, 12:24
Employer unfair labor practices, 1:26
Enforcement, 1:28
Enterprise, 12:45
Excelsior list, 12:74
Excluded employees. Jurisdiction, below
Exploiting issues, 12:98 to 12:101

LABOR MANAGEMENT RELATIONS
ACT (LMRA)—Cont’d
Federal labor policy, contracts offending,
12:48
Fellows, 12:15 to 12:18
Financial or commerce data, NLRB request
for, 12:36 (Form)
Forms
ballots
sample ballot in deauthorization election,
12:58 (Form)
sample ballot used in collective bargain-
ing election involving more than
one union, 12:78 (Form)
sample ballot used in collective bargain-
ing election involving one union,
12:76 (Form)
sample bilingual ballot used in collec-
tive bargaining election involving
one union, 12:77 (Form)
tally of ballots, 12:86 (Form)
certification of representative, 12:87
(Form)
certification of results of election, 12:88
(Form)
certification on conduct of election, 12:85
(Form)
consent agreement, 12:69 (Form)
decision and direction of election, 12:72
(Form)
decision and order dismissing petition,
12:73 (Form)
financial or commerce data, NLRB request
for, 12:36 (Form)
instructions to election observers, 12:84
(Form)
notice of election, 12:79 (Form)
otice of employee rights, 12:33 (Form)
petitioning for NLRB election
financial or commerce data, NLRB
request for, 12:36 (Form)
otice of employee rights, 12:33
(Form)
representation petition, 12:32 (Form)
sample ballot in deauthorization elec-
tion, 12:58 (Form)
representation petition, 12:32 (Form)
representative, certification of, 12:87
(Form)
LABOR MANAGEMENT RELATIONS
ACT (LMRA)—Cont’d
Forms—Cont’d
sample ballots. Ballots, above this group stipulated election agreement, 12:70
(Form)
Graduates, 12:19
Grievances, 12:99
Guards, 12:42
Hearing, 12:39
Hospital interns, residents and fellows, 12:15 to 12:18
Independent contractors as excluded employees, 12:7
Initial encounter, 12:97
Insisting on NLRB election, 12:27
Instructions to election observers, 12:84
(Form)
Internal assessment, performing, 12:94
Internet, forms available on, 12:34
Interns, 12:15 to 12:18
Investigation, 12:38
Jurisdiction
generally, 12:2 to 12:20
agricultural laborers as excluded employees, 12:10
aliens, 12:21
Boston Medical Center, 12:18
Cedars-Sinai, 12:16
commerce requirement, 12:2
confidential employees as excluded employees, 12:6
disabled workers, 12:14
domestic servants as excluded employees, 12:11
employees and employers not covered by NLRA, 12:13
excluded employees, generally, 12:3 to 12:14
hospital interns, residents and fellows, 12:15 to 12:18
independent contractors as excluded employees, 12:7
individuals employed by parent or spouse as excluded employees, 12:12
joint employers, 12:8
managerial employees as excluded employees, 12:5
religious organization employees, 12:9

LABOR MANAGEMENT RELATIONS
ACT (LMRA)—Cont’d
Jurisdiction—Cont’d
St. Clare’s Hospital, 12:17
supervisors as excluded employees, 12:4
undocumented workers, 12:21
university graduate assistants, 12:19
Limitations and restrictions, 12:65
Lists, 12:74
Managerial employees as excluded employees, 12:5
Manner of presenting campaign appeals, 12:63 to 12:66
Manual, Board revises representation election manual, 12:80
Mistake and error, 12:100
Modification or change, 12:45, 12:46, 12:81
Non-academic student workers, 12:20
Notice and knowledge, 12:34, 12:39, 12:79
Objections, 12:90
Observers, 12:84 (Form)
Order, 12:73 (Form)
Performance, 12:94
Petitioning for NLRB election generally, 12:31 to 12:60
bars to election petition, generally, 12:43 to 12:56
blocking charge rule, 12:53, 12:54
certification-year bar, 12:51
change in employing enterprise, 12:45
change in union structure, 12:46
contract bar, 12:44
deauthorization, 12:57, 12:58
decertification, 12:56
decision and order dismissing petition, 12:73 (Form)
election bar, 12:50
federal labor policy, contracts offending, 12:48
filing, 12:31 to 12:34
financial or commerce data, NLRB request for, 12:36 (Form)
Internet, forms available on, 12:34
notice of employee rights, 12:33 (Form)
prehire agreements, 12:47
prior-petition bar, 12:54
proceed notwithstanding unfair labor practice charge, request to, 12:54
LABOR MANAGEMENT RELATIONS
ACT (LMRA)—Cont’d
Petitioning for NLRB election—Cont’d
representation petition, 12:32, 12:32
(Form)
review of petition, 12:35, 12:36
sample ballot in deauthorization election, 12:58 (Form)
selecting appropriate bargaining unit
generally, 12:37 to 12:42
craft employees, 12:40
guards, 12:42
notice of representation hearing, 12:39
professional employees, 12:41
report on investigation of interest, 12:38
stabilize bargaining relationship, contracts insufficient to, 12:49
successor bar doctrine, 12:55
unit clarification, 12:59
voluntary recognition bar, 12:52
Polls and polling, 12:26, 12:66
Post-election proceedings, 12:89 to 12:91
Prehire agreements, 12:47
Prior-petition bar, 12:54
Privacy, 10:11
Professional employees, 12:41
Racial issues, 12:61
Recognition, 12:23 to 12:25, 12:52
Records and recording, 12:31 to 12:34
Religious organization employees, 12:9
Remedies, 1:30
Reports and reporting, 12:38
Representation of employees, generally, 12:1
et seq.,
Representation petition, 12:32, 12:32
(Form)
Representative’s certification, 12:87 (Form)
Residents of hospital, 12:15 to 12:18
Responding to NLRB charges, 1:29
Retirement and other benefit plans, 17:4
Selecting appropriate bargaining unit
Servants, 12:11
Spouse, 12:12
St. Clare’s Hospital, 12:17
Stabilize bargaining relationship, contracts insufficient to, 12:49
Stipulated election agreement, 12:70 (Form)
Successor bar doctrine, 12:55

LABOR MANAGEMENT REPORTING
AND DISCLOSURE ACT
Union unfair labor practices, 14:21

LABOR RELATIONS
Collective Bargaining (this index)

LANGUAGE
Hiring, 2:67
Racial and national origin harassment, 4:16

LAST CHANCE AGREEMENTS
Collective bargaining, 15:88

LAYOFFS
Discipline, Termination, and Layoffs (this index)

LEAVE
Family and Medical Leave Act of 1993
(this index)
Pregnancy, 4:38 to 4:40
Wages, Salary, and Other Compensation
(this index)

LEGISLATION
Employment at will and employment contracts, 8:41
Privacy, 10:26
INDEX

LEVITZ FURNITURE DOCTRINE
Collective bargaining, 15:19

LIE DETECTOR TESTS
Privacy (this index)

LIFESTYLE
Privacy, 10:34 to 10:38

LIMITATIONS AND RESTRICTIONS
Civil Rights Act of 1991, 1:9, 1:53, 1:54 to 1:57
Employment At Will and Employment Contracts (this index)
Labor Management Relations Act (LMRA), 12:65
Privacy, 10:7, 10:21
Retirement and other benefit plans, 17:22, 17:32, 17:54
Unfair Labor Practices (this index)
Union Unfair Labor Practices (this index)

LIQUIDATED DAMAGES
Discipline, termination, and layoffs, 9:31

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

LIVING ON PREMISES
Compensation, 16:55

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

LOCK OUT
Collective bargaining, 15:44

LOUISIANA
Generally, App. 19

MAIL
Electronic Mail (this index)

MAINE
Generally, App. 20

MAINTENANCE OF MEMBERSHIP
Union unfair labor practices, 14:45

MAJORITY—Cont’d
Union unfair labor practices, 14:30

MALICIOUS BREACH OF CONTRACT
Employment at will and employment contracts, 8:32

MANAGERS AND MANAGEMENT
Collective bargaining, 15:8, 15:27
Compensation, 16:15
Labor Management Relations Act (LMRA), 12:5
Occupational safety and health, 11:42 to 11:46
Performance appraisals, 6:24
Union unfair labor practices, 14:21

Mandatory Acts and Matters
Age discrimination, 9:16
Collective bargaining, 15:7
Occupational safety and health, 11:101
Pregnancy, 4:38
Retirement and other benefit plans, mandatory disclosures, 17:43
Unfair labor practices, subjects of bargaining, 13:74

MANUALS
Employment at will and employment contracts, 8:6 to 8:8, 8:15
Labor Management Relations Act (LMRA), 12:80

MARITIME EMPLOYMENT
Occupational safety and health, 11:18

MARKET FORCES
Equal Pay Act, 16:83

MARRIAGE
Pregnancy, unmarried women, 4:45
Retirement and other benefit plans, 17:25

MARYLAND
Generally, App. 21

MASSACHUSETTS
Generally, App. 22

MATERNITY TIME
Compensation, 16:63

MAXIMUM COMPENSATION
Retirement and other benefit plans, 17:33

© 2020 Thomson Reuters, 5/2020
MAXIMUM HOUR AND OVERTIME PROVISIONS
Fair Labor Standards Act (FLSA), 16:9
MCNAMARA-O’HARA ACT
Compensation, 16:42, 16:43
MEAL PERIODS
Compensation, 16:51
MEDIATION
Civil Rights Act, 1:6
Occupational safety and health, 11:101
MEDICAL EXAMINATIONS
Americans with Disabilities Act (ADA) (this index)
MEDICAL INFORMATION
Collective bargaining, 15:32
Privacy, 10:9
MEDICAL INQUIRIES
Hiring, 2:59
MEDICAL LEAVE
Family and Medical Leave Act (FMLA) (this index)
MEDICAL PLANS
Retirement and other benefit plans, 17:59
MEDICAL RECORDS
Hiring, 2:60
MEDICAL SCREENING
Privacy, 10:9
MEDICAL TREATMENT
Occupational safety and health, 11:39
MEMBERS AND MEMBERSHIP
Collective bargaining, 15:13
Unfair Labor Practices (this index)
Union Unfair Labor Practices (this index)
MEMORANDUM
Unfair labor practices, 13:121
MENTAL IMPAIRMENT
Americans with Disabilities Act (ADA), 5:29
MERIT PAY INCREASES
Unfair labor practices, 13:98

MICHIGAN
Generally, App. 23
MILITARY STATUS
Hiring, 2:55
MINIMUM AGE AND SERVICE RULES
Retirement and other benefit plans, 17:15
MINIMUM WAGE
Generally, 16:37
Fair Labor Standards Act (FLSA), 1:68, 16:8
MINING EMPLOYMENT
Occupational safety and health, 11:19
MINNESOTA
Generally, App. 24
MINORITY UNION
Unfair labor practices, 13:87
MISREPRESENTATION
Employment at will and employment contracts, 8:38
MISSISSIPPI
Generally, App. 25
MISSOURI
Generally, App. 26
MISTAKE AND ERROR
Labor Management Relations Act (LMRA), 12:100
MITIGATION
Americans with Disabilities Act (ADA), 5:8
MIXED-MOTIVE CASES
Civil Rights Act of 1991, 1:51
MODIFICATION OR CHANGE
Americans with Disabilities Act (ADA), 5:25
Civil Rights Act of 1991, 1:52, 1:53
Collective Bargaining (this index)
Labor Management Relations Act (LMRA), 12:45, 12:46, 12:81
Occupational safety and health, 11:79
Older Workers Benefit Protection Act (OWBPA), 1:42
Retirement and other benefit plans, 17:20, 17:46, 17:48
MODIFICATION OR CHANGE—Cont’d
Worker Adjustment and Retraining Notification Act (WARN), 1:34

MONITORING
Occupational safety and health, 11:68
Privacy (this index)

MONTANA
Generally, App. 27

MORALE OF NONSTRIKERS
Union unfair labor practices, 14:106

MOTIONS
Occupational safety and health, 11:105

MOTIVES
Civil Rights Act of 1991, 1:51

MULTIEMPLOYER BARGAINING
Generally, 15:20

MULTIEMPLOYER PENSION PLAN AMENDMENTS ACT
Termination of plan, 17:48

MULTIEMPLOYER WORK-SITE DEFENSE
Occupational safety and health, 11:55, 11:56

MULTIPLE INTERVIEWS
Hiring, 2:39

MUTUAL AGREEMENT CASES
Employment at will and employment contracts, 8:8

NATIONAL INSTITUTE
Occupational safety and health, 11:6

NATIONAL LABOR RELATIONS ACT (NLRA)
Collective bargaining, 15:83
Sexual harassment, 4:31
Unfair Labor Practice (this index)
Union unfair labor practices, 14:19

NATIONAL ORIGIN DISCRIMINATION
Affirmative action, 3:44

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

NEBRASKA
Generally, App. 28

NEGLIGENCE
Employment at will and employment contracts, 8:5
Hiring, 2:54

NEGOTIATIONS
Collective bargaining, 15:43
Unfair labor practices, 13:28, 13:75

NEVADA
Generally, App. 29

NEW HAMPSHIRE
Generally, App. 30

NEW JERSEY
Generally, App. 31

NEW JOBS
Collective bargaining, 15:3

NEW MEXICO
Generally, App. 32

NEW YORK
Generally, App. 33

NLRA
National Labor Relations Act (NLRA)

NON-ACADEMIC STUDENT WORKERS
Labor Management Relations Act (LMRA), 12:20

NON-BOARD SETTLEMENT AGREEMENTS
Unfair labor practices, 13:21

NONFINANCIAL ASSISTANCE
Unfair labor practices, 13:85

NONVERBAL CONDUCT
Hiring, 2:38

NO-RAIDING OR NONSOLICITATION COVENANTS
Employment at will and employment contracts, 8:20

NORRIS-LAGUARDIA ACT
Union Unfair Labor Practices (this index)
NORTH CAROLINA
   Generally, App. 34
NORTH DAKOTA
   Generally, App. 35

NOTE TAKING
   Occupational safety and health, 11:67

NOTICE AND KNOWLEDGE
   Affirmative action, 3:27
   Collective bargaining, 15:45
   Discipline, termination, and layoffs, 9:57
   Employment at will and employment contracts, 8:13
   Family and Medical Leave Act (FMLA), 4:58, 4:71, 4:72
   Forms
      Labor Management Relations Act (LMRA)
      petitioning for NLRB election, 12:33 (Form)
      time and place of election, 12:79 (Form)
      transfers, 7:25 (Form)
      wages, sample notice to employee of garnishment of, 16:72 (Form)
   Labor Management Relations Act (LMRA), 12:34, 12:39, 12:79
   Transfers, 7:25 (Form)
   Unfair labor practices, 13:119
   Union unfair labor practices, 14:35, 14:37
   Wages, sample notice to employee of garnishment of, 16:72 (Form)
   Worker adjustment and retraining notification act (WARN), 9:61, 9:64
   Worker Adjustment and Retraining Notification Act (WARN), 1:34

NUCLEAR REGULATORY COMMISSION (NRC)
   Occupational safety and health, 11:15

OBJECTIONS
   Labor Management Relations Act (LMRA), 12:90
   Union unfair labor practices, 14:34

OBJECTIVE JUDGMENT QUOTIENT
   Performance appraisals, 6:27

OBJECTIVES
   Performance appraisals, 6:24

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

OCCUPATIONAL SAFETY AND HEALTH
   Generally, 11:1 et seq.
   Access, 11:45
   Administration, 11:4 to 11:6
   Administrative law judge, 11:112, 11:116 to 11:119
   Amendment of pleadings, 11:98
   Answer, 11:97
   Approval, 11:7
   Assessing issues, 11:102
   Attorneys, 11:93
   Attorneys’ fees, 11:118
   Audits, 11:45
   Briefs, 11:115
   Burden of proof, 11:113
   California ergonomics standard, 11:32
   Citations. Enforcement of OSHA, below
   Closing conference, 11:72
   Collective bargaining, 15:26
   Common law, 11:124
   Communication, 11:25
   Complaint, 11:97
   Consumer Product Safety Commission, 11:17
   Contest, 11:91, 11:96
   Costs, 11:118
   Credentials, 11:62
   Criminal law, 11:84, 11:122
   Danger, 11:90
   Death, 11:122
   Defenses
      generally, 11:50 to 11:57
      citations, 1:19
      greater hazard defense, 11:54
      infeasibility of compliance defense, 11:51
      insufficient particularity defense, 11:53
      isolated incident defense, 11:52
      litigation, below

Index-42
OCCUPATIONAL SAFETY AND HEALTH
—Cont’d
Fees, 11:118
First aid distinguished from medical treatment, 11:39
Food and Drug Administration, 11:16
Forms
OSHA Form 300, 11:36 (Form)
OSHA Form 301, 11:38 (Form)
OSHA Form 300A, 11:37 (Form)
General duty clause, 11:27
General industry safety and health standards, generally, 11:20 to 11:25
Government’s experts, 11:110
Greater hazard defense, 11:54
Hazards, 11:23, 11:25, 11:50
Health management, 11:42 to 11:46
Hearing, Litigation, below
Imminent-danger proceedings, 11:90
Industry-specific standards, 11:26
Infeasibility of compliance defense, 11:51
Informal conference, 11:78
Initial considerations, 11:91 to 11:94
Injuries, recordable, 11:39
Inspection, Enforcement, above
Insufficient particularity defense, 11:53
Intervention, 11:94
Interviews, 11:66
Isolated incident defense, 11:52
Judges, 11:112
Litigation
generally, 11:91 to 11:125
administrative law judge decision, review by review commission, 11:116 to 11:119
alternatives to regular commission hearing, 11:120, 11:121
appeal, 11:116 to 11:119
applicable rules, 11:92
common law, 11:124
counsel, right to, 11:93
criminal prosecution for occupational injuries and fatalities, 11:122
defense preparation
generally, 11:102 to 11:110
assessing issues, 11:102
diagrams, 11:107
discovery, 11:104

OCCUPATIONAL SAFETY AND HEALTH
—Cont’d
Litigation—Cont’d
defense preparation—Cont’d
employer’s experts, 11:109
experts, 11:108 to 11:110
government’s experts, 11:110
motions, 11:105
photographs, 11:107
statement of position, 11:103
subpoenas, 11:106
employer’s contest policy, 11:91
expedited proceedings, 11:120
federal court, appeal to, 11:119
filing of petition for review, 11:116
granting of attorney fees and costs, 11:118
granting of petition for review, 11:117
hearing
generally, 11:111 to 11:115
administrative law judge, 11:112
burden of proof, 11:113
format of hearing, 11:114
participants in review commission proceedings, 11:111
posthearing briefs, 11:115
initial considerations, 11:91 to 11:95
party status and intervention, 11:94
prehearing matters
generally, 11:96 to 11:101
amendment of pleadings, 11:98
answer, 11:97
complaint, 11:97
mandatory mediation, 11:101
notice of contest, 11:96
prehearing conference, 11:99
prehearing order, 11:100
relationship of OSHA to other litigation by employees, 11:123
settlement, 11:95
simplified proceedings, 11:121
statutory claims, 11:125
Management, 11:42 to 11:46
Mandatory mediation, 11:101
Maritime employment, 11:18
Mediation, 11:101
Medical treatment distinguished from first aid, 11:39
Mining employment, 11:19
INDEX

OCCUPATIONAL SAFETY AND HEALTH —Cont’d
Modification or change, 11:79
Monitoring, 11:68
Motions, 11:105
Multiemployer work-site defense, 11:55, 11:56
National institute, 11:6
Note taking, 11:67
Notice and knowledge, 11:86, 11:87, 11:96
Nuclear Regulatory Commission (NRC), 11:15
Obligation of employer, generally, 11:20 to 11:57
Occupational Safety and Health Act (OSHA) generally, 1:14 to 1:19, 11:1 et seq.
   access to employer safety audits, 11:45
   Administration. Occupational Safety and Health Administration, below
   citations, defenses to, 1:19
   compliance officers, dealing with, 1:18
   defenses, above
   discrimination, nondiscrimination obligations, 1:17
   enforcement, above
   general duty clause, 1:14
   general industry and vertical standards, 1:15
   nondiscrimination obligations, 1:17
   recordkeeping requirements, 1:16
   union unfair labor practices, 14:63
   Occupational Safety and Health Administration
   application of other laws to ergonomic standards, 11:33
   ergonomic-related hazards addressed through guidelines, 11:30
   ergonomic-related hazards addressed through rulemaking, 11:29
   plan challenges of causation, 11:31
   Opening conference, 11:64
   Order, 11:100
   OSHA. Occupational Safety and Health Act (OSHA), above
   Other-than-serious violation, 11:85
   Participants, 11:111
   Parties, 11:94
   Penalties, 11:89
   Personal injury, 11:122

OCCUPATIONAL SAFETY AND HEALTH —Cont’d
Petition, 11:117
Photographs, 11:68, 11:107
Pleadings, 11:98
Posting, 11:76
Prehearing matters. Litigation, above
Prima facie showing by OSHA, undermining, 11:57
Privacy concerns, 11:42
Proper service, 11:75
Records and recording
   generally, 11:35 to 11:41
   enforcement, 11:41, 11:67
   filing of petition for review, 11:116
   first aid distinguished from medical treatment, 11:39
   injuries, recordable, 11:39
   medical treatment distinguished from first aid, 11:39
   obligations, 11:40
   OSHA Form 300, 11:36 (Form)
   OSHA Form 301, 11:38 (Form)
   OSHA Form 300A, 11:37 (Form)
   recordable injuries, 11:39
   Repeated violation, 11:82
   Reports. Records and recording, above
   Responding to questions, 11:70
   Review commission, 11:5
   Safety and health management, 11:42 to 11:46
   Samples, inspection, 11:68
   Section 6(a) standards, 11:9
   Section 6(b) standards, 11:10
   Section 6(c) standards, 11:11
   Security and terrorism, 11:34
   Serious violation, 11:81
   Service of process, 11:75
   Settlement, 11:121
   Simplified proceedings, 11:121
   Special industries, 11:24
   Standards, generally, 11:8 to 11:10
   State enforcement of administration-approved plans, 11:7
   Statement of position, 11:103
   Statutory claims, 11:125
   Subpoenas, 11:106
   Targeted inspection programs, 11:59
INDEX

ORDERS
Labor Management Relations Act (LMRA), 12:73 (Form)
Occupational safety and health, 11:100
Retirement and other benefit plans, 17:26
Unfair Labor Practices (this index)

OREGON
Generally, App. 38

ORGANIZATION
Trends in union-organizing efforts, 12:102

ORGANIZATIONAL PROFILE
Affirmative Action (this index)

OSHA
Occupational Safety and Health (this index)

OTHER-THAN-SERIOUS VIOLATION
Occupational safety and health, 11:85

OUTSIDE BARGAINING UNIT
Union unfair labor practices, 14:39

OUTSIDE POLITICAL AND OTHER ACTIVITIES
Privacy, 10:37

OUTSIDE SALES
Wages, salary, and other compensation, 16:24

OUTSOURCING
Retirement and other benefit plans, 17:49

OVERFUNDED PENSION PLANS
Termination of plan, 17:47

OVERTIME
Wages, Salary, and Other Compensation (this index)

PARALLEL BARGAINING
Generally, 15:21

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

PARENTAL OR CHILD-CARE LEAVE
Generally, 4:40

PARTIAL CLOSINGS
Collective bargaining, 15:11

PARTICIPATION
Affirmative action, 3:30
Occupational safety and health, 11:111
Performance appraisals, 6:15
Retirement and other benefit plans, 17:40
Target-date funds, 17:41
Unfair labor practices, 13:80

PARTIES
Occupational safety and health, 11:94
Unfair labor practices, 13:3, 13:103

PATIENT PROTECTION AND AFFORDABLE CARE ACT
Generally, 17:56

PATTERNS
Collective bargaining, 15:20

PATTERSON V. MCLEAN CREDIT UNION
Civil Rights Act of 1991, 1:48, 1:49

PAYCHECKS
Deductions, 16:70

PAYDAYS
Generally, 16:69

PAYMENTS
Fair Labor Standards Act (FLSA), 16:12
Family and Medical Leave Act (FMLA), 4:57
Union unfair labor practices, 14:34

PAY PERIODS
Generally, 16:69

PAYROLL ADMINISTRATION
Generally, 16:69 to 16:72

PENALTIES
Hiring, 2:49
Occupational safety and health, 11:89

PENNSYLVANIA
Generally, App. 39

PENSIONS
Retirement and Other Benefit Plans (this index)

PERCEIVED DISABILITY
Americans with Disabilities Act (ADA), 5:6

© 2020 Thomson Reuters, 5/2020
**PERFORMANCE**

Americans with Disabilities Act (ADA), 5:33

Appraisals. Performance Appraisals (this index)

Employment at will and employment contracts, 8:25

Labor Management Relations Act (LMRA), 12:94

**PERFORMANCE APPRAISALS**

Generally, 6:1 et seq.

Age discrimination, 6:7

Alternative to annual appraisals, 6:17

Auditing appraisal results, 6:18

Behavior-based rating scales generally, 6:26

Causes of action, 6:8

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

Checklists, 6:31

Competency-based performance management, 6:23

Continuous feedback, 6:21

Conventional rating scales, 6:25

Courts, 6:5, 6:6

Critical incidents, 6:28

Description of job, 6:11

Design, 6:9

Developing system generally, 6:10 to 6:18

appraisal review, 6:14

auditing appraisal results, 6:18

discrimination, general safeguards against charges of, 6:10

employee feedback, 6:15

implementing system, 6:19

job descriptions/job analyses, 6:11

objection procedures, 6:16

preevaluation employee input, 6:12

training supervisors, 6:13

Disability, 6:5

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

Disparate impact, 6:3, 6:4

Disparate treatment, 6:3, 6:4

Essays, 6:29

Evaluation, 6:12

Feedback, 6:15

**PERFORMANCE APPRAISALS—Cont’d**

Forms

initial placement, probation, 2:78 (Form)

Implementing system, 6:19

Initial placement, probation, 2:78 (Form)

Job descriptions/job analyses, 6:11

Judgment, 6:27

Management by objectives, 6:24

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

Objection procedures, 6:16

Objective judgment quotient, 6:27

Objectives, 6:24

Preevaluation employee input, 6:12

Race, 6:5

Ranking, 6:30

Rating scales

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

Secondary review, 6:14

Sex, 6:5

Supervisor, 6:13

360-degree appraisals, 6:22

Training supervisors, 6:13

Validation of system design, 6:9

**PERMANENT UMPIRE**

Collective bargaining, 15:66

**PERMISSIBLE INQUIRIES**

Hiring, 2:32

**PERMISSIBLE MANDATORY RETIREMENT**

Age discrimination, 9:16

**PERSONAL CHARACTERISTICS**

Hiring (this index)

**PERSONAL INJURY**

Occupational safety and health, 11:122

**PERSONAL LEAVES**

Wages, Salary, and Other Compensation (this index)

**PERSONAL SERVICES CONTRACTS**

Collective bargaining, 15:28

**PERSONNEL ASSIGNMENTS**

Union unfair labor practices, 14:102

Index-48
INDEX

PETITION
Labor Management Relations Act (LMRA) (this index)
Occupational safety and health, 11:116, 11:117

PHOTOGRAPHS
Occupational safety and health, 11:68, 11:107

PHYSICAL ABILITY TESTS
Hiring, 2:62

PHYSICAL DEXTERITY TESTS
Hiring (this index)

PHYSICAL EXAMINATIONS
Hiring (this index)

PHYSICAL VIOLENCE
Union unfair labor practices, 14:4, 14:5

PHYSICIAN’S CERTIFICATION
Family and Medical Leave Act (FMLA), 4:60

PICKETING
Union Unfair Labor Practices (this index)

PLANT CLOSURE OR RELOCATION
Closure or Relocation of Plant (this index)

PLEADINGS
Occupational safety and health, 11:98

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

POLITIES
Privacy, 10:37
Union unfair labor practices, 14:34

POLLS AND POLLING
Labor Management Relations Act (LMRA), 12:26, 12:66

POLYGRAFPHS
Employee Polygraph Protection Act (EPPA), 1:35
Hiring, 2:64
Privacy, 10:19

POSTING
Family and Medical Leave Act (FMLA), 4:71, 4:72

POSTING—Cont’d
Occupational safety and health, 11:76
Unfair labor practices, 13:19, 13:119

PRECAUTIONS
Privacy, 10:30, 10:35

PREEMPTION
Employment at will and employment contracts, 8:40
Retirement and other benefit plans, 17:7 to 17:9

PREEXISTING CONDITIONS
Retirement and other benefit plans, 17:54

PREFERENTIAL TREATMENT
Sexual harassment, 4:28

PREGNANCY
Generally, 4:37 to 4:47
Abortion, 4:43
Benefits, 4:44
Child-care leave, 4:40
Compensation, 4:41
Corporate policy on pregnancy and childbirth, 4:47
Dependents’ benefits, 4:44
Employer and insurer, liability of, 4:42
Health care benefits, 4:42 to 4:44
Insurance, 4:42
Leave policies, 4:38 to 4:40
Leave-related policies, 4:39
Mandatory leave, 4:38
Marriage, 4:45
Parental or child-care leave, 4:40
State laws, 4:46
Unemployment compensation, 4:41
Unmarried women, 4:45

PREHEARING MATTERS
Occupational Safety and Health (this index)

PREHIRE AGREEMENTS
Labor Management Relations Act (LMRA), 12:47

PRELIMINARY INVESTIGATION
Unfair labor practice, 13:12

PRESERVATION OF WORK
Union unfair labor practices, 14:83

© 2020 Thomson Reuters, 5/2020
PRESUMPTIONS
Collective Bargaining (this index)

PRIMA FACIE TORT
Employment at will and employment contracts, 8:36

PRIORITIZING CLAIMS
Collective bargaining, 15:51

PRIVACY
Generally, 10:1 et seq.
Access. Monitoring employees at workplace, below
Actionable conduct, generally, 10:52
ADEA, 10:46
Affirmative action records, 10:43 to 10:45
AIDS testing, 10:14 to 10:16
Alcohol and drugs, 10:11 to 10:13
Americans with Disabilities Act (ADA), 10:16
Application, 10:44
Authority, 10:27
Background investigations, 10:22
Biochemical testing, 10:10
Court, 10:28
Definition of privacy, 10:2
Disabilities, 10:16
Disciplining employees, 10:20
Disclosure, 10:51
Drug and alcohol testing, 10:11 to 10:13
Economic loss, 10:18
Electronic mail access. Monitoring employees at workplace, below
Employee dating, 10:36
Equal employment records, 10:43 to 10:45
Equal Pay Act, recordkeeping requirements under, 10:48
Evaluating information about employees, 10:23
FLSA, 10:47
Genetic and biochemical testing, 10:10
Hiring
generally, 10:8 to 10:23
AIDS testing, 10:14 to 10:16
Americans with Disabilities Act (ADA), 10:16
background investigations, 10:22
drug and alcohol testing, 10:11 to 10:13

PRIVACY—Cont’d
Hiring—Cont’d
evaluating information about employees, 10:23
genetic and biochemical testing, 10:10
lie detector tests
generally, 10:17 to 10:21
content and administration of polygraph tests, 10:19
disciplining employees, 10:20
ongoing investigations of economic loss, 10:18
state limitations, 10:21
LMRA considerations, 10:11
medical screening and information, 10:9
private-sector employers, 10:13
public-sector employers, 10:12
Rehabilitation Act of 1973, 10:16
tests
AIDS testing, 10:14 to 10:16
drug and alcohol testing, 10:11 to 10:13
genetic and biochemical testing, 10:10
lie detector tests, above this group
personal characteristics, 2:61
Internet, use of, 10:29
Intrusions, 10:33
Investigation, 10:7, 10:18, 10:22
Job applicant log, 10:44
Legislation, 10:26
Lie detector tests. Hiring process, above
Lifestyle and off-duty conduct of employee, regulating, 10:34 to 10:38
Limitations and restrictions, 10:7, 10:21
LMRA considerations, 10:11
Mail. Monitoring employees at workplace, below
Medical screening and information, 10:9
Monitoring employees at workplace
generally, 10:24 to 10:33
electronic mail access
generally, 10:26 to 10:30
employer authority, 10:27
Internet, use of, 10:29
precautions for employers, 10:30
relevant legislation, 10:26
rulings, 10:28
no recording policies, 10:31

Index-50
### PRIVACY—Cont’d

Monitoring employees at workplace
—Cont’d
- surveillance, searches, and other intrusions, 10:32, 10:33
- telephone calls, 10:25

No recording policies, 10:32
Off-duty conduct of employee, 10:34 to 10:38
Ongoing investigations of economic loss, 10:18
Outside political and other activities, 10:37
Personnel recordkeeping generally, 10:42 to 10:50
ADEA, 10:46
affirmative action records, 10:43 to 10:45
equal employment records, 10:43 to 10:45
Equal Pay Act, recordkeeping requirements under, 10:48
files of personnel, 10:49
FLSA, 10:47
job applicant log, 10:44
retention of record, 10:45
Politics, 10:37
Polygraph tests, 10:19
Precautions, 10:30, 10:35
Private-sector employers, 10:13
Public disclosure of private facts, 10:51
Public-sector employers, 10:12
Recordkeeping, generally, 10:1 et seq.
Rehabilitation Act of 1973, 10:16
Relevant legislation, 10:26
Retention of record, 10:45
Salary history information, 10:5
Searches, 10:33
Social media activity, restricting, 10:38
State limitations, 10:21
Statutes, 10:16
Surveillance, 10:32
Telephone calls, 10:25
Tests. Hiring, above
Theft or disclosure of employee data, 10:39 to 10:41
Wrongful acts of employees, liability for, 10:4

### PRIVATE PROPERTY
Union unfair labor practices, 14:92

### PRIVATE-SECTOR EMPLOYERS
Privacy, 10:13

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

### PROCEDURAL ARBITRABILITY
Collective bargaining, 15:71

### PROFESSIONAL EXEMPTION
Wages, salary, and other compensation, 16:23

### PROFESSIONALS
Affirmative action, 3:52
Compensation, 16:18
Labor Management Relations Act (LMRA), 12:41
Sexual harassment, 4:36 (Form)

### PROFITS
Collective bargaining, 15:31

### PROFIT-SHARING PLANS
Retirement and other benefit plans, 17:51

### PROGRESSIVE DISCIPLINE POLICY
Discipline, Termination, and Layoffs (this index)

### PROMISES AND GRANTS OF BENEFITS
Unfair labor practices, 13:38
Union unfair labor practices, 14:6

### PROMISSORY ESTOPPEL
Employment at will and employment contracts, 8:11

### PROMOTION
Generally, 7:1 to 7:4, 7:14 to 7:23
Affirmative action, 7:22
Continuing violations, 7:15, 7:16
Establishing practices, 7:23
Gender issues, 7:18
Safeguards, 7:20
Selection procedures, 7:17, 7:19, 7:20
Suggested selection procedures, 7:19
Terms, 7:21
Value of procedural safeguards, 7:20

### PROPER SERVICE
Occupational safety and health, 11:75
PROTECTED CHARACTERISTICS
Employment at will and employment contracts, 8:29

PROTECTED CONDUCT
Unfair labor practices, 13:101

PSYCHIATRIC DISABILITIES
Americans with Disabilities Act (ADA) (this index)

PUBLIC DISCLOSURE
Privacy, 10:51

PUBLIC POLICY
Employment At Will and Employment Contracts (this index)

PUBLIC-SECTOR EMPLOYERS
Privacy, 10:12

QUALIFICATION
Age discrimination, 9:20
Americans with Disabilities Act (ADA), 5:23
Retirement and other benefit plans, 17:24, 17:26, 17:51

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

RACE/ETHNIC IDENTIFICATION
Affirmative action, 3:47

RACE NORMING
Civil Rights Act of 1991, 1:57

RACIAL AND NATIONAL ORIGIN HARASSMENT
Generally, 4:11 to 4:17
Accents, 4:17
Avoiding racial harassment, 4:14
Civil Rights Act of 1866, coverage under, 4:13
Employer liability, 4:12
Hostile working environment, 4:11
Language, speak-English-only rules, 4:16
Speak-English-only rules, 4:16
Speaking, manner of, 4:17
Statutes, coverage under Civil Rights Act of 1866, 4:13

LEGAL GUIDE TO HUMAN RESOURCES
Index-52

RACIAL DIVISIVENESS
Union unfair labor practices, 14:8

RACIAL ISSUES
Labor Management Relations Act (LMRA), 12:61

RAIDING
Employment at will and employment contracts, 8:20

RANKING
Performance appraisals, 6:30

RATING SCALES
Performance Appraisals (this index)

REACQUISITION
Union unfair labor practices, 14:85

REASONABLE ACCOMMODATION
Affirmative action, 3:12 to 3:14
Americans with Disabilities Act (ADA) (this index)
Recruiting, 2:6
Types, 3:13

RECAPTURE
Union unfair labor practices, 14:85

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

RECOGNITION
Collective bargaining, 15:19
Labor Management Relations Act (LMRA), 12:23 to 12:25, 12:52
Union unfair labor practices, 14:91

RECOMMENDATIONS
Training, 7:5 (Form)

RECONCILIATION
Retirement and other benefit plans, 17:52

RECORDS AND RECORDING
Age discrimination, 9:3 to 9:6
Compensation, 16:11
Discipline, Termination, and Layoffs (this index)
Hiring (this index)
RELIGIOUS ACCOMMODATION
—Cont’d
Dues, 4:8
Employee’s duty, 4:5
Employer’s duty, 4:6 to 4:8
Establishing policy, 4:10
Exemptions, 4:4
First Amendment challenges, 4:9
Religion defined, 4:3
Title VII exemptions and defenses, 4:4
Union dues, 4:8

RELIGIOUS DISCRIMINATION
Affirmative action, 3:44

RELIGIOUS DIVISIVENESS
Union unfair labor practices, 14:8

RELIGIOUS OBJECTIONS
Union unfair labor practices, 14:34

RELIGIOUS ORGANIZATION
EMPLOYEES
Labor Management Relations Act (LMRA), 12:9

RELOCATION OF PLANT
Closure or Relocation of Plant (this index)

RELOCATION OR REMOVAL OR UNIT WORK
Collective bargaining, 15:9 to 15:12

RELOCATION POLICIES
Transfers, 7:29 to 7:31

REMOVAL
Collective bargaining, 15:9 to 15:12

REPEATED VIOLATION
Occupational safety and health, 11:82

REPLACEMENT
Age discrimination, 9:8
Union unfair labor practices, 14:56

REPORTS AND REPORTING
Affirmative action, 3:41
Collective bargaining, 15:63 (Form), 15:64 (Form)
Employee Retirement Income Security Act (ERISA), 1:21
Employment at will and employment contracts, 8:28

REPORTS AND REPORTING—Cont’d
Forms
collective bargaining
grievance initiation and report (union shop), 15:63 (Form)
report of union employee complaint or grievance discussion, 15:64 (Form)
Labor Management Relations Act (LMRA), 12:38
Occupational Safety and Health (this index)
Retirement and other benefit plans, 17:11 to 17:13, 17:57, 17:80
Union unfair labor practices, 14:21

REPRESENTATION
Labor Management Relations Act (LMRA), 12:32, 12:87 (Form)
Recruiting, 2:21
Unfair labor practices, 13:26, 13:62
Union Unfair Labor Practices (this index)

REPRISAL, THREATS OF
Unfair Labor Practices (this index)

RESERVED GATE
Union unfair labor practices, 14:76

RESIDENCE
Compensation, 16:38, 16:39, 16:55

RESIDENTS OF HOSPITAL
Labor Management Relations Act (LMRA), 12:15 to 12:18

RESIGNATION
Generally, 9:40
Union unfair labor practices, 14:20

RESPONSE
Civil Rights Act of 1964, Title VII, EEOC charges, 1:5
Collective bargaining, 15:50
Labor Management Relations Act (LMRA), 1:29
Occupational safety and health, 11:70
Sexual harassment, 4:22

RESPONSIBILITY OF IMPLEMENTATION
Affirmative action, 3:39

Index-54
INDEX

REST PERIODS
Compensation, 16:49

RESTRAINT
Unfair Labor Practices (this index)
Union Unfair Labor Practices (this index)

RESTRICTIONS
Limitations and Restrictions (this index)

RESTRICTIVE COVENANTS
Employment At Will and Employment Contracts (this index)

RESUMES
Recruiting, 2:20

RETRACTION
Age discrimination, 9:11
Civil Rights Act, 9:27
Unfair labor practices, 13:68, 13:100 to 13:103

RETENTION OF RECORD
Privacy, 10:45

RETIREMENT AND OTHER BENEFIT PLANS—Cont’d
Checklists, 17:79 to 17:81
Civil Rights Act, Title VII, 17:70
Claims procedures, checklist, 17:81
Communications. Director of human resources, role of, below
Compensation, maximum, 17:33
Conditions, preexisting, 17:54
Consolidated Omnibus Budget Reconciliation Act and continued health insurance, 17:52
Contingent workers, coverage for, 17:17
Continued health insurance, 17:52
Contributions, 17:22
Counseling, 17:76
Coverage, generally, 1:20, 17:16, 17:17
Dependent care assistance plans, 17:61
Descriptions or summaries of benefits in employee handbooks, 17:69
Director of human resources, role of generally, 17:63 to 17:78
Americans with Disabilities Act, 17:72
Civil Rights Act, Title VII, 17:70
Communications, generally, 17:64 to 17:75
descriptions or summaries of benefits in employee handbooks, 17:69
effective employee communications, generally, 17:64 to 17:75
employee counseling, 17:76
ERISA, 17:70, 17:77, 17:78
Family and Medical Leave Act (FMLA), 17:74
identifying potential ERISA problems, generally, 17:66 to 17:75
potentially troublesome situations, 17:67
review of prior problem areas, 17:66
securities law requirement for employee benefit plans, 17:73
termination of retiree welfare benefits, 17:68
Uniformed Services Employment and Reemployment Rights Act, 17:75
welfare plan administrators, deferral to, ERISA claims procedures, 17:78
wrongful discharge actions, 17:71
Discharge, 17:71

© 2020 Thomson Reuters, 5/2020
RETIREMENT AND OTHER BENEFIT PLANS—Cont’d
Disclosure
generally, 1:21
reporting and disclosure, 17:80
reporting and disclosure, ERISA, 17:11 to 17:13, 17:57
Welfare and Pension Plans Disclosure Act (WPPDA), 17:5

Discrimination
health plans, nondiscrimination rules applicable to, 17:55
restrictions against, 17:32
welfare benefits, below

Distributions, 17:29, 17:51
Domestic relations, 17:26
Downsizing, 17:49
Election, 17:27

Employee Retirement Income Security Act (ERISA), generally, 1:20 to 1:23, 17:6, 17:10 to 17:50

Exclusions, 17:54
Explanation of benefits, 17:28
Family and Medical Leave Act (FMLA), 17:74

Federal regulation, generally, 17:2 to 17:6
Fiduciary standards, 1:22, 17:34 to 17:38
401(k) plans, 17:30
457 plans, 17:31

Fund investments, performance, and fees, 17:34

Government administration of ERISA, 17:50

Group term insurance, 17:60

Handbook, 17:69

Health insurance, 17:52, 17:59

Health Insurance Portability and Accountability Act (HIPAA) of 1996, 1:23, 17:53 to 17:57

Health plans, 17:55

HMOs and fiduciary duty, 17:38

Identification, Director of human resources, role of, above

Internal Revenue Code (IRC), 17:3

Joint acts and matters, 17:24

Limitations and restrictions, 17:22, 17:32, 17:54

LMRA, 17:4

Mandatory disclosures, 17:43

Marriage, 17:25

RETIREMENT AND OTHER BENEFIT PLANS—Cont’d
Maximum compensation, 17:33
Medical plans, self-insured, 17:59
Minimum age and service rules, 17:15
Minimum standards of ERISA, generally, 17:14 to 17:33

Modification or change, 17:20, 17:46, 17:48

Multiemployer Pension Plan Amendments Act, 17:48

Nondiscrimination rules applicable to health plans, 17:55

One-year married rule, 17:25

Orders, 17:26

Outsourcing, 17:49

Overfunded pension plans, 17:47

Participant-directed accounts, 17:40

Participants’ claims, assertion of, 17:44

Patient Protection and Affordable Care Act, 17:56

Preemption of state regulation, 17:7 to 17:9

Preexisting conditions, 17:54

Prior acts and matters, 17:66

Profit-sharing plans, 17:51

Prohibited transactions, 17:42

Qualification, 17:24, 17:26, 17:51

Reconciliation, 17:52

Reconciliation, reporting and disclosure, 1:21, 17:11 to 17:13, 17:57, 17:80

Retirement Equity Act (REA). Automatic survivor benefits under Retirement Equity Act (REA), above

Schedule, 17:19

Securities law requirement for employee benefit plans, 17:73

Self-insured medical plans, 17:59

Service rules, 17:15

Single Employer Pension Plan Amendments Act, 17:46

State regulations, 17:7 to 17:9

Statutes

Automatic survivor benefits under Retirement Equity Act (REA), above

Consolidated Omnibus Budget Reconciliation Act and continued health insurance, 17:52
director of human resources, role of Americans with Disabilities Act, 17:72

Index-56
RETIREMENT AND OTHER BENEFIT PLANS—Cont’d
Statutes—Cont’d
director of human resources, role of
—Cont’d
Family and Medical Leave Act (FMLA), 17:74
ERISA, generally, 1:20 to 1:23, 17:6, 17:10 to 17:48
Health Insurance Portability and Accountability Act of 1996, 17:53 to 17:57
termination of plan
Multemployer Pension Plan Amendments Act, 17:48
Single Employer Pension Plan Amendments Act, 17:46
Welfare and Pension Plans Disclosure Act (WPPDA), 17:5
Summaries, 17:69
Survivors. Automatic survivor benefits under Retirement Equity Act (REA), above
Target-date funds, 17:41
Tax treatment of distributions from qualified pension or profit-sharing plans, 17:51
Termination of benefits or plan
generally, 17:45 to 17:49
director of human resources, role of, 17:68
downsizing, 17:49
Multemployer Pension Plan Amendments Act, 17:48
outsourcing, 17:49
overfunded pension plans, 17:47
Single Employer Pension Plan Amendments Act, 17:46
Top-heavy plans, 17:21
Uniformed Services Employment and Reemployment Rights Act, 17:75
Vesting, 17:19
Vesting schedule, 17:19
Waiver, 17:27
Welfare and Pension Plans Disclosure Act (WPPDA), 17:5
Welfare benefits
generally, 17:58 to 17:62
cafeteria plans, 17:62
dependent care assistance plans, 17:61
director of human resources, role of termination of retiree welfare benefits,
17:68

RETIREMENT AND OTHER BENEFIT PLANS—Cont’d
Welfare benefits—Cont’d
group term insurance, 17:60
nondiscrimination requirements for, generally, 17:58 to 17:62
self-insured medical plans, 17:59
Welfare plan administrators, deferral to, ERISA claims procedure, 17:78
Wrongful discharge actions, 17:71
Wrong without a remedy cases, 17:9

RETIREMENT EQUITY ACT (REA)
Retirement and Other Benefit Plans (this index)

RETURN TO WORK
Family and Medical Leave Act (FMLA), 4:63, 4:66
Union unfair labor practices, 14:33

REVERSAL
Civil Rights Act of 1991, 1:47

RHODE ISLAND
Generally, App. 40

RIVALS
Union unfair labor practices, 14:7

SAFEGUARDS
Promotion, 7:20

SAFE HARBOR PROVISIONS
Wages, salary, and other compensation, 16:31

SAFETY
Collective bargaining, 15:26
Occupational Safety and Health (this index)
Union Unfair Labor Practices (this index)

SALARY
Wages, Salary, and Other Compensation (this index)

SALARY BASIS TEST
Wages, salary, and other compensation, 16:30, 16:86

SALARY COMPRESSION
Equal Pay Act, 16:83
SALARY INVERSION
Equal Pay Act, 16:83

SALES
Affirmative action, 3:54
Collective bargaining, 15:12, 15:31
Wages, salary, and other compensation, 16:24
Worker adjustment and retraining notification act (WARN), 9:63

SAME ESTABLISHMENT
Wages, salary, and other compensation, 16:76

SAME SEX HARASSMENT
Generally, 4:26

SANCTIONS
Union unfair labor practices, 14:5

SATURDAYS AND SUNDAYS
Compensation, 16:62

SCHEDULE
Family and Medical Leave Act (FMLA), 4:56
Retirement and other benefit plans, 17:19

SCHOOLS, EDUCATION, AND TRAINING—Cont’d
Labor Management Relations Act (LMRA), 12:19, 12:95
Non-academic student workers, 12:20
On-site training, 7:8
Performance appraisals, 6:13
Recommendations, 7:5 (Form)
Refund, 7:12 (Form)
Reimbursement from employees for training costs, 7:13
Selection procedures, 7:6
Statutes, 7:12, 7:13
Supervisors and supervision, 6:13, 7:5, 12:93
Voluntary programs, 7:10
Worker Adjustment and Retraining Notification Act (WARN), 1:34

SEARCH
Collective bargaining, 15:87
Privacy, 10:33

SECOND AND THIRD OPINIONS
Family and Medical Leave Act (FMLA), 4:61

SECONDARY BOYCOTTS
Union Unfair Labor Practices (this index)

SECTION 6(C) STANDARDS
Occupational safety and health, 11:11

SECURITIES LAW
Retirement and other benefit plans, 17:73

SECURITY
Occupational safety and health, 11:34
Union Unfair Labor Practices (this index)

SELECTION
Collective bargaining, 15:15, 15:67
Discipline, Termination, and Layoffs (this index)
Hiring, 2:24
Labor Management Relations Act (LMRA) (this index)
Promotion, 7:17, 7:19, 7:20
Training, 7:6
Transfers, 7:26 to 7:28

Index-58
SELECTIVE ENFORCEMENT
Civil Rights Act, 9:22

SELF-INSURED MEDICAL PLANS
Welfare benefits, nondiscrimination requirements for, 17:59

SENIORITY
Civil Rights Act of 1991, 1:52
Family and Medical Leave Act (FMLA), 1:62
Initial placement, 2:73

SERIOUS VIOLATION
Occupational safety and health, 11:81

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

SERVICE CONTRACT ACT OF 1965
(MCNAMARA-O’HARA ACT)
Compensation, 16:42, 16:43

SERVICE OF PROCESS
Occupational safety and health, 11:75

SERVICE WORKERS
Affirmative action, 3:59
Retirement and other benefit plans, 17:15

SETTING ASIDE
Collective bargaining, 15:72

SETTLEMENT
Occupational safety and health, 11:121
Older Workers Benefit Protection Act (OWBPA), 1:44
Unfair labor practice, 13:17 to 13:21
Wrongful discharge claims, 8:47 to 8:50

SEVERANCE
Older Workers Benefit Protection Act (OWBPA), 1:42

SEX
Affirmative action, 3:43
Performance appraisals, 6:5
Union unfair labor practices, 14:18

SEXUAL HARASSMENT—Cont’d
Charges lodged after sexual involvement, 4:24
Complaint, 4:22, 4:23, 4:34 to 4:36
Consensual sexual partners, 4:28
Corporate policy, 4:33 to 4:36
Discipline, 4:27
EEOC guidelines, 4:19
Employee use of complaint procedure, 4:23
Employer’s response to complaints, 4:22
Evidentiary questions, 4:29
Forms
professional conduct policy and prohibition against harassment, 4:36 (Form)
sample sexual harassment complaint form, 4:35 (Form)
Homosexuality, 4:25, 4:26
Hostile working environment, 4:21
Liability issues, 4:30
NLRA, claims under, 4:31
Preferential treatment of consensual sexual partners, liability for, 4:28
Professional conduct policy and prohibition against harassment, 4:36 (Form)
Responses, 4:22
Same sex harassment, 4:26
Sample sexual harassment complaint form, 4:35 (Form)

SHOPPING
Union unfair labor practices, 14:90

SICK TIME
Compensation, 16:63

SIGNATURE
Employment at will and employment contracts, 8:30
Union unfair labor practices, 14:86

SIMILAR WORKING CONDITIONS
Compensation, 16:81

SIMPLIFIED PROCEEDINGS
Occupational safety and health, 11:121
SINGLE EMPLOYER PENSION PLAN AMENDMENTS ACT
Retirement and other benefit plans, 17:46

SINGLE INCIDENT
Discipline, termination, and layoffs, 9:41

SKILLS AND SKILLED WORKERS
Affirmative action, 3:56, 3:57
Compensation, 16:78

SLEEPING TIME
Compensation, 16:52 to 16:55

SLOWDOWNS AND WORK STOPPAGES
Union unfair labor practices, 14:66

SOCIAL MEDIA ACTIVITY, RESTRICTING
Privacy, 10:38
Unfair labor practices, 13:49

SOLICITATION
Employment at will and employment contracts, 8:20

SOUTH CAROLINA
Generally, App. 41

SOUTH DAKOTA
Generally, App. 42

SOVEREIGN IMMUNITY
Wages, salary, and other compensation, 16:87

SPEAK-ENGLISH-ONLY RULES
Racial and national origin harassment, 4:16

SPEAKING, MANNER OF
Racial and national origin harassment, 4:17

SPIES
Unfair labor practices, 13:57

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

ST. CLARE’S HOSPITAL
Labor Management Relations Act (LMRA), 12:17

STAFFING PLAN
Union unfair labor practices, 14:105 (Form)

STATE ACTS AND MATTERS
Enforcement, occupational safety and health, 11:7
Pregnancy, 4:46
Privacy, limitations, 10:21
Statutes (this index)

STATEMENT OF POSITION
Occupational safety and health, 11:103

STATE REGULATIONS
Retirement and other benefit plans, 17:7 to 17:9

STATES
Employment at will and employment contracts, 8:31

STATE TORT CLAIMS
Employment at will and employment contracts, 8:40

STATISTICS
Discipline, termination, and layoffs, 9:51

STATUTE OF LIMITATIONS
Fiduciary breach, 17:39

STATUTES
Generally, 1:1 et seq.
Affirmative Action (this index)
Age Discrimination in Employment Act (ADEA). Age Discrimination (this index)
Americans with Disabilities Act (ADA), 1:36 to 1:38
Civil Rights Act (this index)
Compensation. Wages, Salary, and Other Compensation (this index)
Consolidated Omnibus Budget Reconciliation Act (COBRA), 17:52
Drug-Free Workplace Act (DFWA), 1:33
Employee Free Choice Act, 12:103
Employee Polygraph Protection Act (EPPA), 1:35
Employee protection, federal laws governing, generally, 1:1
Employee Retirement Income Security Act (ERISA). Retirement and Other Benefit Plans (this index)
Employment at will and employment contracts, 8:26, 8:34

Index-60
INDEX

STATUTES—Cont’d
Fair Labor Standards Act, 1:67 to 1:70
Family and Medical Leave Act (FMLA) (this index)
Hiring (this index)
Immigration Reform and Control Act (IRCA), 1:31, 1:32
Labor Management Relations Act (LMRA) (this index)
Labor Management Reporting and Disclosure Act, 14:21
Occupational Safety and Health Act (OSHA). Occupational Safety and Health (this index)
Older Workers Benefit Protection Act (OWBPA) (this index)
Rehabilitation Act of 1973 (this index)
Retirement and Other Benefit Plans (this index)
Salary. Wages, Salary, and Other Compensation (this index)
State laws governing employee protection, generally, 1:2
Training, 7:11, 7:13
Unfair labor practices, 13:11, 13:67
Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 1:64 to 1:66
Wages, Salary, and Other Compensation (this index)
Whistleblower protection, 1:71
Worker Adjustment and Retraining Notification Act (WARNA), 1:34

STIPULATED ELECTION AGREEMENT
Labor Management Relations Act (LMRA), 12:70 (Form)

STOPPAGES
Union unfair labor practices, 14:66

STRAIGHT-LINE OPERATIONS
Union unfair labor practices, 14:71

STRIKES
Unfair Labor Practices (this index)

SUBCONTRACTING
Collective bargaining, 15:10, 15:27
Unfair labor practices, 13:96

SUBJECTIVE CRITERIA AND INFORMAL METHODS
Recruiting, 2:22

SUBPOENAS
Occupational safety and health, 11:106

SUBSTANTIAL IMPAIRMENT
Americans with Disabilities Act (ADA), 5:5

SUBSTANTIAL LIMITATION
Americans with Disabilities Act (ADA), 5:30

SUBSTANTIVE ARBITRABILITY
Collective bargaining, 15:70

SUCCESSORS
Collective bargaining, 15:57
Collective Bargaining (this index)
Labor Management Relations Act (LMRA), 12:55
Unfair labor practices, 13:27

SUGGESTED SELECTION PROCEDURES
Promotion, 7:19

SUMMARIES
Collective bargaining, 15:58
Retirement and other benefit plans, 17:69

SUMMARY JUDGMENT
Age discrimination, 9:10

SUPERSENIORITY PROVISIONS
Union unfair labor practices, 14:27

SUPERVISORS AND SUPERVISION
Compensation, 16:16
Employment at will and employment contracts, 8:43
Labor Management Relations Act (LMRA), 12:4, 12:62, 12:93, 12:95
Performance appraisals, 6:13
Training, 7:5

SUPPORT OF COMMUNITY ACTION PROGRAMS
Affirmative action, 3:42

SUPREME COURT
Collective bargaining, 15:49

© 2020 Thomson Reuters, 5/2020
SURFACE BARGAINING
   Good faith, 15:41

SURVEILLANCE
   Privacy, 10:32, 10:33
   Unfair Labor Practices (this index)

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

SURVIVORS
   Retirement and Other Benefit Plans (this index)

SYMPATHY STRIKES
   Union unfair labor practices, 14:58, 14:59

TACTICAL ERRORS
   Labor Management Relations Act (LMRA), 12:100

TAKING NOTES
   Hiring, 2:37
   Occupational health and safety, 11:67

TALLY OF BALLOTS
   Labor Management Relations Act (LMRA), 12:86 (Form)

TANGIBLE EMPLOYMENT ACTIONS
   Sexual harassment, 4:20

TARGET-DATE FUNDS
   Participation, 17:41

TAXATION
   Relocations, 7:31
   Retirement and other benefit plans, 17:51

TECHNICAL WORKERS
   Affirmative action, 3:53

TELECOMMUTING TIME SHEET
   Compensation, 16:39

TELEPHONE CALLS
   Privacy, 10:25

TEMPORARY ARBITRATOR
   Collective bargaining, 15:67

TEMPORARY OR INTERMITTENT DISABILITIES
   Americans with Disabilities Act (ADA), 5:7

TENNESSEE
   Generally, App. 43

TENURE
   Unfair Labor Practices (this index)

TERMINATION OF ARRANGEMENTS
   Union Unfair Labor Practices (this index)

TERMINATION OF BENEFITS
   Retirement and other benefit plans, 17:68

TERMINATION OF EMPLOYMENT
   Discipline, Termination, and Layoffs (this index)

TERRORISM
   Occupational safety and health, 11:34

TESTS AND TESTING
   Affirmative action, 3:69
   Collective bargaining, 15:87
   Hiring (this index)
   Privacy (this index)

TEXAS
   Generally, App. 44

THEFT
   Employee data, theft or disclosure of, 10:39 to 10:41

THIRD PARTIES
   Affirmative action, 3:14
   Hiring, 2:43 (Form)
   Recruiting, 2:18
   Unfair labor practices, 13:46

THREATS
   Americans with Disabilities Act (ADA), 5:34
   Unfair Labor Practices (this index)
   Union unfair labor practices, 14:5

360-DEGREE APPRAISALS
   Generally, 6:22

TIME
   Civil Rights Act of 1991 (this index)
   Collective bargaining, 15:16 to 15:19
   Compensation. Wages, Salary, and Other Compensation (this index)
   Labor Management Relations Act (LMRA) (this index)
INDEX

TIME—Cont’d
Salary. Wages, Salary, and Other Compensation (this index)
Unfair labor practice, 13:6, 13:14
Union unfair labor practices, 14:31
Wages, Salary, and Other Compensation (this index)

TIMELINESS
Affirmative action, 3:28

TIME SHEET
Compensation, telecommuting time sheet, 16:39

TITLE I
Americans with Disabilities Act (this index)

TOP-HEAVY PLANS
Retirement and other benefit plans, 17:21

TORTS
Employment at will and employment contracts, 8:32, 8:33, 8:36, 8:40
Sexual harassment, 4:32

TOUR OF WORKPLACE
Occupational Safety and Health (this index)

TOXIC AND HAZARDOUS SUBSTANCES
Occupational safety and health, 11:23

TRACKING APPLICANT
Affirmative action, 3:26

TRADE SECRETS
Employment at will and employment contracts, 8:18
Occupational safety and health, 11:69

TRAINING
Schools, Education, and Training (this index)

TRANSFERS—Cont’d
Reimbursable expenses, 7:30
Relocation policies, 7:29 to 7:31
Selection procedures, 7:26 to 7:28

TRANSPORTATION
Occupational safety and health, 11:13

TRAVEL TIME
Compensation, 16:56 to 16:58

TRIGGERING OBLIGATION
Americans with Disabilities Act (ADA), 5:21

24-HOUR RULE
Labor Management Relations Act (LMRA), 12:64

TWO-STANDARD-DEVIATION (SD) ANALYSIS
Affirmative action, 3:70

TWO-STANDARD-DEVIATION TEST
Affirmative action, 3:69

UMPIRE
Collective bargaining, 15:66

UNDOCUMENTED ALIENS
Unfair labor practices, 13:117

UNDUE HARDSHIP
Affirmative action, 3:12
Americans with Disabilities Act (ADA), 5:24

UNEMPLOYMENT COMPENSATION
Discipline, termination, and layoffs, 9:45
Pregnancy, 4:41
Unfair labor practices, 13:68

UNFAIR LABOR PRACTICES
Generally, 13:1 et seq.
Actual surveillance, 13:55
Affirmative requirements, 13:120
Agents, 13:10
Aliens, 13:117
Appeal and review, 13:14, 13:30
Arbitration, mandatory arbitration and employer restrictions on class action claims, 13:50
Assistance, Domination and unlawful support of labor organizations, below

© 2020 Thomson Reuters, 5/2020
UNFAIR LABOR PRACTICES—Cont’d
Back pay. Reinstatement with back pay, below
Bargain from scratch, 13:36
Bargaining orders
generally, 13:105 to 13:111
category I cases, 13:110
category II cases, 13:111
challenges, 13:107
general counsel’s guidelines, 13:108 to 13:111
Gissel decision, 13:109
grounds for issuance, 13:106
Bargaining over surveillance, 13:61
Benefits, 13:38
Blacklisting employees, 13:69
Campaign, 13:24, 13:92
Cease and desist orders, 13:118
Challenges, 13:107
Checklist, 13:122
Civil action, 13:72
Class actions, mandatory arbitration and employer restrictions on, 13:50
Close or relocate plant, 13:34, 13:94
Clothing, 13:44
Coercion. Interference, restraint, or coercion, below
Communications, 13:70
Competing unions seeking recognition, 13:88
Complaint, 13:29
Confidentiality policies, 13:48
Consequences, generally, 13:104 to 13:130
Cooperation, 13:100 to 13:103
Dealing, 13:99
Deferral of charge, 13:16
Desist orders, 13:118
Direct dealing, 13:99
Discharge from employment. Termination of employment, below
Discrimination encourage or discourage union membership generally, 13:89 to 13:99

UNFAIR LABOR PRACTICES—Cont’d
Discrimination—Cont’d
efficiency or discourage union membership—Cont’d
direct dealing, 13:99
elements of violations, 13:90
hiring, 13:91
merit pay increases, 13:98
tenure

generally, 13:92 to 13:95
discharge of strikers, 13:93
discharge of union activists during organizational campaigns, 13:92
plant closure, 13:94
plant relocation, 13:94, 13:95
subcontracting, 13:96
terms and conditions of employment, 13:97 to 13:99
federal statutes, exercising rights under, 13:67
NLRA rights, employees exercising, 13:66
Dismissal from employment. Termination of employment, below
Dismissal of charges, 13:13 to 13:15
Distribution, 13:42, 13:43
Domination and unlawful support of labor organizations
generally, 13:78 to 13:88
assistance or support, generally, 13:79 to 13:86
competing unions seeking recognition, 13:88
domination, 13:79
financial assistance, 13:83
indirect financial aid, 13:84
indirect support, 13:86
nonfinancial assistance, 13:85
participation of supervisors, 13:81
recognition of minority union, 13:87
Electronic mail, 13:47, 13:70
Electronic or optical devices, 13:58
Extension of time, 13:14
Federal statutes, 13:67
Filing charge
generally, 13:2 to 13:11
charges, generally, 13:8 to 13:11
employer, charges against, 13:9
items to file, 13:7
UNFAIR LABOR PRACTICES—Cont’d
Filing charge—Cont’d
joint employers, 13:8
labor organization or agents, charges
against, 13:10
method of filing, 13:5
parties, 13:3
place, 13:4
statutory prohibition against hot-cargo
agreement, charge of violation of, 13:11
time, 13:6
Financial aid or assistance, 13:83
Formal settlement agreements, 13:20
Frontpay, 13:121
General counsel’s guidelines, 13:108 to
13:111, 13:121
Gissel decision, 13:109
Grievances, 13:39
Hearing, 13:29
Hiring, 13:91
Hot-cargo agreement, 13:11
Impression of surveillance, creating, 13:60
Inciting antiunion activity, 13:65
Incumbent, 13:25
Indirect financial aid, 13:84
Indirect support, 13:86
Informal settlement agreements, 13:18,
13:19
Insignia, 13:44
Interference, restraint, or coercion
generally, 13:32 to 13:77
blacklisting employees, 13:69
determinants of coercive interrogation,
13:52
discharging supervisors for union activity,
13:63
discrimination against employees for
exercising NLRA rights, 13:66
discrimination for exercising rights under
other federal statutes, 13:67
dismissal for filing civil action, 13:72
electronic mail communications, 13:70
inciting antiunion activity, 13:65
interrogating employees about union
activity, 13:51 to 13:54
investigatory interview, denying union
representation at, 13:62
legitimate grounds for interrogation, 13:53

UNFAIR LABOR PRACTICES—Cont’d
Interference, restraint, or coercion—Cont’d
limitations. Restricting employee activity,
below this group
mandatory arbitration and employer
restrictions on class action claims, 13:50
mandatory subjects of bargaining, 13:74
miscellaneous provisions of noninterfer-
ence provisions, 13:64
negotiations, impasse in, 13:75
NLRA Section 10(j) cases, 13:24
promises and grants of benefits, 13:38
refusal to bargain as means of challenging
representation election, 13:77
refusal to supply information, 13:71
regressive bargaining, 13:73
reprisal. Threats of reprisal, below this
group
restricting employee activity
generally, 13:41 to 13:51
e-mail, use of, 13:47
no-distribution rules, 13:42
nonemployee activity on employer
property, restricting, 13:46
no-solicitation rules, 13:41
off-duty employee activity on employer
property, restricting, 13:45
overly broad no-solicitation/no-distribu-
tion rules, 13:43
social media, employer restrictions on,
13:49
wearing union insignia, 13:44
retaliation for pursuing unemployment or
workers’ compensation claims, 13:68
social media, employer restrictions on,
13:49
solicitation of grievances, 13:39
supervisor, 13:32
surveillance of employees’ union activities
generally, 13:54 to 13:62
actual surveillance, 13:55
bargaining over, 13:61
electronic or optical devices, 13:58
enlisting spies, 13:57
impression of surveillance, creating,
13:60
method of observation, 13:56 to 13:60
recording, 13:59
UNFAIR LABOR PRACTICES—Cont’d

Interference, restraint, or coercion—Cont’d

threats of reprisal
generally, 13:34 to 13:38
bargain from scratch, 13:36
close or relocate plant, 13:34
litigation, 13:37
strikes and loss of jobs, unionization
leads to, 13:35
unilateral changes in terms of condition of
employment, mandatory subjects of
bargaining, 13:74
unlawful acts of supervisors, 13:32

Interrogating employees about union activity,
13:51 to 13:54

Interview, 13:62
Investigation, 13:12, 13:62
Items to file, 13:7
Joint employers, 13:8
Judicial review of NLRB orders, 13:30
Labor Management Relations Act (LMRA),
1:26, 12:101, 13:103

Legitimate grounds for interrogation, 13:53
Limitations and restrictions, Interference,
restraint, or coercion, above

Litigation, 13:37
Mail, electronic, 13:47, 13:70
Majority, 13:24
Mandatory arbitration and employer restric-
tions on class action claims, 13:50
Mandatory subjects of bargaining, 13:74
Membership, Discrimination, above
Memorandum, 13:121
Merit pay increases, 13:98
Method of filing, 13:5
Method of observation, 13:56 to 13:60
Minority union, 13:87
Negotiations, 13:28, 13:75
NLRA Section 10(j) cases
 generally, 13:24 to 13:29
contract negotiations, conduct during,
13:28
interfering with organizing campaign
(majority), 13:24
interfering with organizing campaign (no
majority), 13:24
successor refusal to recognize and bargain,
13:27

Representation, 13:26, 13:62

UNFAIR LABOR PRACTICES—Cont’d

NLRA Section 10(j) cases—Cont’d

undermining bargaining representative,
13:26
withdrawal of recognition from
incumbent, 13:25
Non-board settlement agreements, 13:21
Nonfinancial assistance, 13:85
Notice and knowledge, 13:119
Off-duty employee activity on employer
property, restricting, 13:45

Online requests for extensions of time to
appeal dismissals of ULP chargers,
NLRB permits, 13:14
Optical devices, 13:58

Orders
 bargaining orders, above
cease and desist orders, 13:118
judicial review of NLRB orders, 13:30
Participation of supervisors, 13:81

Parties, 13:3, 13:103
Plant closure or relocation, 13:94, 13:95
Postings, 13:19, 13:119
Preliminary investigation, 13:12
Procedure, generally, 13:1 to 13:30
Prohibited employer conduct, 13:102
Promises and grants of benefits, 13:38
Protected conduct, 13:101


Records and recording
filing charge, above
interference, restraint, or coercion, 13:59,
13:72
reinstatement with back pay, 13:112
Regressive bargaining, 13:73

Reinstatement with back pay
generally, 13:112 to 13:117
displaced employees, 13:116
general requirements, 13:113
records and recording, 13:112
salting, 13:114
strikers, 13:115
undocumented aliens, 13:117

Relocation or closure of plant, 13:34, 13:94,
13:95

Index-66
INDEX

UNFAIR LABOR PRACTICES—Cont’d
Restraint. Interference, restraint, or coercion, above
Retaliation, 13:68, 13:100 to 13:103
Salting, 13:114
Settlement agreements, 13:17 to 13:21
Social media, employer restrictions on, 13:49
Spies, 13:57
Statutes, 13:11, 13:67
Unlawful support. Domination and unlawful support of labor organizations, above
Withdrawal, 13:15, 13:25
Workers’ compensation, 13:68

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS
ACT OF 1994 (USERRA)
Generally, 1:64 to 1:66
Affirmative action, 3:19
Family and Medical Leave Act (FMLA) and, 1:66
Regulations, 1:65
Retirement and other benefit plans, 17:75

UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES
Generally, 2:24

UNILATERAL CONTRACT CASES
Employment at will and employment contracts, 8:7

UNION
Collective Bargaining (this index)
Dues, religious accommodation, 4:8
Forms
Collective Bargaining (this index) union unfair labor practices
request for unit’s strike staffing plan, 14:105 (Form)
survey of section heads on problems anticipated during strike, 14:104 (Form)

Labor Management Relations Act (LMRA) (this index)
Union Unfair Labor Practices (this index)

UNION UNFAIR LABOR PRACTICES
Generally, 14:1 et seq.
Abnormally dangerous conditions, protect of, 14:64
Access, 14:19, 14:23
Acquisition, 14:84, 14:85
Affinity group shopping, 14:90
Agency shop, 14:44
Agents, union responsibility for acts of, 14:2
Ally doctrine, 14:69
Ambulatory picketing, 14:77
Anticipation, 14:104 (Form)
Arbitration, 14:15
Assignment of personnel, 14:102
Authorization and deauthorization, 14:41, 14:43
Benefits, 14:6
UNION UNFAIR LABOR PRACTICES—Cont’d
Boycotts. Secondary boycotts, below
Certification and decertification, 14:13, 14:40
Checkoff, 14:42, 14:43
Coercion. Restraint or coercion, below
Common situs picketing. Secondary
boycotts, below
Compensation during strike, 14:57
Complaints, 14:61
Conditions, 14:64
Construction industry proviso, 14:88
Construction site, 14:74
Consumer picketing and handbilling, 14:78 to 14:81
Contact with strikers, 14:107
Contracts and agreements, 14:38, 14:85, 14:89
Controlling unlawful strikes and secondary
boycotts, 14:94 to 14:98
Dangerous conditions, 14:64
Discipline, 14:9
Disclosure, 14:21
Discrimination
generally, 14:11 to 14:25
excessive or discriminatory membership
fees, below
fair representation, duty to, generally,
14:11 to 14:25
good faith, duty of
generally, 14:12 to 14:16
decertification, 14:13
hiring halls, 14:16
judicial enforcement of arbitration
awards, 14:15
security provisions, 14:14
inducing unlawful discrimination by
employer, below
internal union affairs
generally, 14:17 to 14:24
access to grievance procedure, rules
restricting, 14:23
access to NLRB, rules restricting, 14:19
concerted activities, right to refrain
from, 14:24
distribution of materials adverse to
union by membership, 14:22

UNION UNFAIR LABOR PRACTICES—Cont’d
Discrimination—Cont’d
internal union affairs—Cont’d
Labor Management Reporting and Disclosure Act, rules restricting
employee rights under, 14:21
race, rules restricting membership on
basis of, 14:18
resignations, rules banning or restrict-
ing, 14:20
sex, rules restricting membership on
basis of, 14:18
representation, duty to, generally, 14:11 to 14:25
Distribution of materials adverse to union by
membership, 14:22
Dues, 14:34, 14:42, 14:43
Economic sanctions, 14:5
Economic strikes, 14:55
Economic weaponry
generally, 14:52 to 14:93
joint ventures, liability in, 14:93
private property, 14:92
recognitional and organizational picketing,
14:91
secondary boycotts, below
Enforcement, 14:15, 14:89
Excessive or discriminatory membership
fees
generally, 14:47 to 14:51
discriminatory fees, 14:50
excessive fees, 14:49
fees covered, 14:48
membership fines, 14:51
Expiration of contract, 14:38
Facilities, 14:103 to 14:105, 14:109
Fair representation, duty of. Discrimination,
above
Fees
excessive or discriminatory membership
fees, above
inducing unlawful discrimination by
employer, 14:33
Financial-core membership, 14:32
Fines, 14:51
UNION UNFAIR LABOR PRACTICES
—Cont’d
Forms
request for unit’s strike staffing plan,
14:105 (Form)
survey of section heads on problems
anticipated during strike, 14:104
(Form)
Good faith, duty of. Discrimination, above
Grace period, 14:31
Grievances, 14:23
consequences of restricting access to,
14:25
rules restricting access to, 14:23
Group strikes, 14:60
Handbilling, 14:78 to 14:81
Hiring halls, 14:16, 14:46
Hot-cargo clauses. Secondary boycotts,
below
Individual complaints, 14:61
Individual walkouts, 14:62
Inducing unlawful discrimination by
employer
generally, 14:26 to 14:46
limitations and restrictions. Security provi-
sions, below this group
security provisions
generally, 14:28 to 14:46
agency shop, 14:44
deauthorization, 14:41
decertification, 14:40
dues checkoff, 14:42
dues checkoff authorization, 14:43
expiration of contract, 14:38
financial-core membership, 14:32
grace period, 14:31
hiring halls, 14:46
initiation fees for returning strikers,
14:33
maintenance of membership, 14:45
majority union, 14:30
nature of arrangements, 14:28
notice, 14:35, 14:37
outside bargaining unit, employees
working, 14:39
political and religious objections to pay-
ment of union dues, 14:34
restrictions on arrangements, generally,
14:29 to 14:35

UNION UNFAIR LABOR PRACTICES
—Cont’d
Inducing unlawful discrimination by
employer—Cont’d
security provisions—Cont’d
termination of arrangements, generally,
14:36 to 14:41
superseniority provisions, 14:27
termination of arrangements. Security pro-
visions, above this group
Initiation fees for returning strikers, 14:33
Interference with rival-union activity, 14:7
Internal union affairs. Discrimination, above
Joint ventures, liability in, 14:93
Judicial enforcement of arbitration awards,
14:15
Labor Management Reporting and
Disclosure Act, rules restricting
employee rights under, 14:21
Limitations and restrictions
discrimination, internal union affairs,
14:18, 14:20, 14:23
inducing unlawful discrimination by
employer, above
Maintenance of membership, 14:45
Majority union, 14:30
Management, 14:21
Membership
discrimination, internal union affairs,
14:18, 14:20, 14:22
excessive or discriminatory membership
fees, above
inducing unlawful discrimination by
employer, security provisions, 14:32,
14:37, 14:45
Morale of nonstrikers, 14:106
Moving personnel in and out of facility,
14:109
NLRB, 14:19
Norris-LaGuardia Act
banning, 14:98
injunctions, 14:95
just and proper, 14:96
reasonable cause, 14:96
secondary boycotts, 14:97
Section 10(1), 14:95 to 14:98
Notice and knowledge, 14:35, 14:37
Objections, 14:34
OSHA, 14:63
UNION UNFAIR LABOR PRACTICES
—Cont’d
Outside bargaining unit, employees working, 14:39
Payments, 14:34
Personnel assignments, 14:102
Physical violence, 14:4, 14:5
Picketing
picket line provisions, 14:87
preparation, 14:108
recognitional and organizational picketing, 14:91
secondary boycotts, below
Plant, secondary boycotts, 14:73
Political and religious objections to payment of union dues, 14:34
Preservation of work, 14:83
Private property, 14:92
Promises and grants of benefits, 14:6
Protected expression, secondary boycotts, 14:81
Race, 14:8, 14:18
Reacquisition, 14:85
Recapture, 14:85
Recognitional and organizational picketing, 14:91
Religion, 14:8
Religious objections, 14:34
Replacement of strikers, 14:56
Reports and reporting, 14:21
Representation, duty of. Discrimination, above
Request for unit’s strike staffing plan, 14:105
(Form)
Reserved gate, 14:76
Resignations, rules banning or restricting, 14:20
Restraint or coercion
generally, 14:3 to 14:10
coercion of employers in selection of representatives, 14:10
fostering racial or religious divisiveness, 14:8
interference with rival-union activity, 14:7
physical violence, 14:4
promises and grants of benefits, 14:6
representatives, employers restrain in selection of, 14:10

UNION UNFAIR LABOR PRACTICES
—Cont’d
Restraint or coercion—Cont’d
threats of physical violence or economic sanctions, 14:5
Returning strikers, 14:33
Rivals, 14:7
Safety strikes. Strikes, below
Sanctions, economic, 14:5
Secondary boycotts
generally, 14:68 to 14:90
affinity group shopping, 14:90
Ally doctrine, 14:69
common situs picketing
generally, 14:72 to 14:77
ambulatory picketing, 14:77
construction site, 14:74
plant, 14:73
reserved gate, 14:76
standards, 14:75
construction industry proviso, 14:88
consumer picketing and handbilling, 14:78 to 14:81
controlling unlawful strikes and secondary boycotts, 14:94 to 14:98
enforcement of agreements, 14:89
handbilling, 14:80
hot-cargo clauses
generally, 14:82 to 14:87
picket line provisions, 14:87
signatory vs. standards clauses, 14:86
standards
signatory vs. standards clauses, 14:86
work acquisition clauses, 14:84
work preservation clauses, 14:83
work reacquisition or recapture agreements, 14:85
picketing. Common situs picketing, above this group
protected expression, 14:81
single employer, 14:70
straight-line operations, 14:71
Security
discrimination, duty of good faith, 14:14
facility, 14:101
inducing unlawful discrimination by employer, above
Seniority, 14:27

Index-70
UNION UNFAIR LABOR PRACTICES—Cont’d
Sex, rules restricting membership on basis of, 14:18
Shopping, 14:90
Signatory vs. standards clauses, 14:86
Single employer, 14:70
Slowdowns and work stoppages, 14:66
Staffing plan, 14:105 (Form)
Statutes, 14:21
Stoppages, 14:66
Straight-line operations, 14:71
Strikes
generally, 14:53 to 14:67
compensation during strike, 14:57
controlling unlawful strikes and secondary boycotts, 14:9
economic strikes, 14:55
initiation fees for returning strikers, 14:33
misconduct, 14:67
preparation
generally, 14:99 to 14:109
conduct during strike, 14:106, 14:107
contact with strikers, 14:107
facility preparation, 14:103 to 14:105
general activities before strike, 14:100
morale of nonstrikers, 14:106
moving personnel in and out of facility, 14:109
personnel assignments, 14:102
picket lines, 14:108
prestrike activities, generally, 14:100 to 14:105
request for unit’s strike staffing plan, 14:105 (Form)
security for facilities, 14:101
survey of section heads on problems anticipated during strike, 14:104 (Form)
protected strikes, generally, 14:53 to 14:55
replacement of strikers, 14:56
safety strikes
generally, 14:60 to 14:64
abnormally dangerous conditions, protect of, 14:64
group strikes, 14:60
individual complaints, 14:61

UNION UNFAIR LABOR PRACTICES—Cont’d
Strikes—Cont’d
safety strikes—Cont’d
individual walkouts, 14:62
walkouts, individual, 14:62
walkouts protected by OSHA, 14:63
slowdowns and work stoppages, 14:66
sympathy strikes, 14:58, 14:59
unfair labor practices strikes, 14:54
unprotected strikes, generally, 14:53, 14:65 to 14:67
waiver of right to engage in sympathy strikes, 14:59
Superseniority provisions, 14:27
Survey of section heads on problems anticipated during strike, 14:104 (Form)
Sympathy strikes, 14:58, 14:59
Termination of arrangements. Inducing unlawful discrimination by employer, above
Threats of physical violence or economic sanctions, 14:5
Time, 14:31
Violence, 14:4, 14:5
Waiver, 14:59
Walkouts, 14:62, 14:63
Work acquisition clauses, 14:84
Work preservation clauses, 14:83
Work reacquisition or recapture agreements, 14:85

UNIT CLARIFICATION
Labor Management Relations Act (LMRA), 12:59

UNIT WORK
Collective bargaining, 15:9 to 15:12

UNIVERSITY GRADUATE ASSISTANTS
Labor Management Relations Act (LMRA), 12:19

UNMARRIED WOMEN
Pregnancy, 4:45

UNPREVENTABLE EMPLOYEE MISCONDUCT DEFENSE
Occupational safety and health, 11:56
UNSOLICITED APPLICATIONS OR RESUMES
Recruiting, 2:20

U.S. SUPREME COURT DECISION
Collective bargaining, 15:49

UTAH
Generally, App. 45

UTILIZATION ANALYSIS
Affirmative Action (this index)

VACATION
Compensable time
employer’s option, 16:60
sample vacation policy, 16:65 (Form)

VALIDITY AND VALIDATION
Hiring, 2:58
Performance appraisals, 6:9

VALUE AND VALUATION
Compensation, 16:84
Promotion, 7:20

VARIANCES
OSHA, 11:49

VERDICT
Age discrimination, 9:10

VERMONT
Generally, App. 46

VESTING
Generally, 17:19

VETERANS
Affirmative action, App. 3:1, 3:18

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

VIRGINIA
Generally, App. 47

VOLUNTARY AND INVOLUNTARY ACTS AND MATTERS
Age discrimination, 9:14, 9:15
Discipline, termination, and layoffs, 9:40
Hiring, 2:31, 2:36
Labor Management Relations Act (LMRA), 12:24, 12:25, 12:52
Occupational safety and health, 11:46

VOLUNTARY AND INVOLUNTARY ACTS AND MATTERS—Cont’d
Training, 7:10

VOTES AND VOTING
Labor Management Relations Act (LMRA) (this index)

WAGE DISCRIMINATION AND EQUAL PAY FOR EQUAL WORK
Wages, Salary, and Other Compensation (this index)

WAGES, SALARY, AND OTHER COMPENSATION
Generally, 16:1 et seq.
Administration, 16:17
Administrative exemption, 16:22
Affirmative action, 3:25
Avoiding unwanted hours worked, 16:35
Blue collar workers, 16:27
Business travel, 16:58
Calculating employee’s regular rate of pay for purposes of calculating overtime pay, 16:71
Changing clothes and protective gear, 16:47
Child labor provisions, 16:36
Collective bargaining, 15:29, 16:29, 16:47
Comparable worth, 16:84
Compensable time
generally, 16:46 to 16:68
business travel, 16:58
changing clothes and protective gear, 16:47
duty of 24 hours, 16:54
employer’s option
generally, 16:60 to 16:68
holidays, 16:62, 16:67
jury duty, 16:61, 16:66
maternity time, 16:63
personal leaves, generally, 16:64 to 16:68
sample holiday policy, 16:67 (Form)
sample jury duty policy, 16:66 (Form)
sample personal leave policy, 16:68 (Form)
sample vacation policy, 16:65 (Form)
Saturdays and Sundays, 16:62
sick time, 16:63
vacations, 16:60, 16:65
INDEX

WAGES, SALARY, AND OTHER COMPENSATION—Cont’d
Compensable time—Cont’d
employer’s option—Cont’d
weekends, 16:62
home to work, 16:57
less than 24-hour duty, 16:53
living on premises, 16:55
meal periods, 16:51
options. Employer’s option, above this group
rest periods, 16:49
sleeping time, 16:52 to 16:55
training time, 16:59
travel, business, 16:58
travel time, 16:56 to 16:58
waiting time and on-call time, 16:48
Computer employees, 16:25
Conditions, 16:81
Contracts and agreements, 16:33, 16:40, 16:41
Davis-Bacon Act, 16:44, 16:45
Deductions from pay, 16:31
Deductions from paychecks, 16:70
Defenses of employer to Equal Pay Act suit, 16:82
Definition of hours worked, 16:34
Discipline, termination, and layoffs, 9:30
Discrimination. Wage discrimination and equal pay for equal work, below
Effort, equal, 16:79
Employee Retirement Income Security Act (ERISA), 1:20 to 1:23
Employees covered, 16:5
Employers covered, 16:3
Equal effort, 16:79
Equal employment. Wage discrimination and equal pay for equal work, below
Equal pay. Wage discrimination and equal pay for equal work, below
Equal Pay Act. Wage discrimination and equal pay for equal work, below
Equal responsibility, 16:80
Equal skill, 16:78
Equal work. Wage discrimination and equal pay for equal work, below
Establishments covered, 16:4
Executive exemption, 16:21
Executives, 16:14

WAGES, SALARY, AND OTHER COMPENSATION—Cont’d
Exempt employees
minimum wage and overtime provisions generally, 16:13 to 16:34
administrative, 16:17
executives, 16:14
independent contractors, 16:33
management, 16:15
professional, 16:18
salaried employees, 16:19
working supervisors, 16:16
overtime. Minimum wage and overtime provisions, above this group
white collar exemptions, Fair Labor Standards Act proposed revisions generally, 16:20, 16:21, 16:31
administrative exemption, 16:22
deductions from pay, 16:31
executive exemption, 16:21
highly compensated employee, 16:26
professional exemption, 16:23
safe harbor provisions, 16:31
salary basis test, 16:30
Fair Labor Standards Act (FLSA) generally, 1:67 to 1:70, 16:2 to 16:40
coverage, generally, 16:3 to 16:7
determining hours worked, 1:70
employees covered, 16:5
employers covered, 16:3
enforcement, 1:69
establishments covered, 16:4
hours worked, determining, 1:70
maximum hour and overtime provisions, 16:9
minimum wage, 1:68, 16:8
payment, time of, 16:12
Privacy, personnel recordkeeping, 10:47
records, 16:11
time, wage and hour provisions, generally, 16:8 to 16:13
trainees covered, 16:6
wage and hour provisions, generally, 16:8 to 16:13
white collar exemptions, Fair Labor Standards Act proposed revisions generally, 16:20, 16:31
administrative exemption, 16:22

© 2020 Thomson Reuters, 5/2020
WAGES, SALARY, AND OTHER COMPENSATION—Cont’d
Fair Labor Standards Act (FLSA)—Cont’d
white collar exemptions, Fair Labor Standards Act proposed revisions—Cont’d
blue collar workers, 16:27
collective bargaining agreements, 16:29
computer employees, 16:25
deductions from pay, 16:31
executive exemption, 16:21
fire fighters, 16:28
first responders, 16:28
highly compensated employee, 16:26
outside sales exemption, 16:24
paramedics, 16:28
police, 16:28
professional exemption, 16:23
safe harbor provisions, 16:31
salary basis test, 16:30
salespeople, 16:24
workweek, 1:68, 16:10
Federal statutes, generally, 16:2 to 16:46
Fire fighters, 16:28
First responders, 16:28
Forms
compensable time, employer’s option
holiday policy, sample, 16:67 (Form)
jury duty policy, sample, 16:66 (Form)
personal leave policy, sample, 16:68 (Form)
vacation policy, sample, 16:65 (Form)
garnishment of wages, sample notice to employee of, 16:72 (Form)
Garnishment, 16:72 (Form)
Highly compensated employee exemption, 16:26
Holidays, 16:62, 16:67
Home, work at, 16:38, 16:39
Home to work, 16:57
Independent contractors, 16:33
Initial placement, 2:74
Jury duty, 16:61, 16:66
Leaves. Compensable time, above
Living on premises, 16:55
Management, 16:15
Market forces, 16:83
Maternity time, 16:63

WAGES, SALARY, AND OTHER COMPENSATION—Cont’d
Maximum hour and overtime provisions, 16:9
McNamara-O’Hara Act, 16:42, 16:43
Meal periods, 16:51
Minimum wage, 16:8, 16:26
New regulatory and enforcement developments, 16:75
Notice and knowledge, 16:72 (Form)
On-call time, 16:48
Options. Compensable time, above
Outside salespeople, 16:24
Overtime
calculating employee’s regular rate of pay for purposes of calculating overtime pay, 16:71
Davis-Bacon Act, 16:45
exempt employees, above
Fair Labor Standards Act (FLSA), 16:9
Service Contract Act of 1965 (McNamara-O’Hara Act), 16:43
Walsh-Healey Public Contracts Act, 16:41
Paramedics, 16:28
Paychecks, 16:70
Paydays, 16:69
Payment, time of, 16:12
Pay periods, 16:69
Payroll administration, 16:69 to 16:72
Personal leaves. Compensable time, above
Police, 16:28
Pregnancy, 4:41
Privacy, salary history information, 10:5
Professional, 16:18
Professional exemption, 16:23
Records, 16:11
Regular rate of pay, 16:71
Residence, 16:38, 16:39, 16:55
Rest periods, 16:49
Retirement and other benefit plans, 17:33
Safe harbor provisions, 16:31
Salaried employees, 16:19
Salary basis test, 16:30, 16:86
Salary compression, 16:83
Salary history information, 10:5
Salary inversion, 16:83
Salespeople, 16:24
Same establishment, 16:76

Index-74
WAGES, SALARY, AND OTHER COMPENSATION—Cont’d
Sample holiday policy, 16:67 (Form)
Sample jury duty policy, 16:66 (Form)
Sample notice to employee of garnishment of wages, 16:72 (Form)
Sample personal leave policy, 16:68 (Form)
Sample vacation policy, 16:65 (Form)
Saturdays and Sundays, 16:62
Section 7(k) exemptions, 16:85
Service Contract Act of 1965 (McNamara-O’Hara Act), 16:42, 16:43
Sick time, 16:63
Similar working conditions, 16:81
Skill, equal, 16:78
Sleeping time, 16:52 to 16:55
Sovereign immunity, 16:87
Statutes
generally, 16:2 to 16:46
Davis-Bacon Act, 16:45
Equal Pay Act. Wage discrimination and equal pay for equal work, below
Fair Labor Standards Act (FLSA), above
Service Contract Act of 1965 (McNamara-O’Hara Act), 16:42, 16:43
wage discrimination and equal pay for equal work, below
Walsh-Healey Public Contracts Act, 16:40, 16:41
Supervisors, 16:16
Telecommuting time sheet, 16:39
Time
compensable time, above
Fair Labor Standards Act (FLSA), above
pay periods or paydays, 16:69
Time sheet, 16:39
Trainees covered, 16:6
Training, 7:11, 16:48
Travel, business, 16:58
Travel time, 16:56 to 16:58
Unemployment Compensation (this index)
Union unfair labor practices, 14:57
Vacation, 16:65
Value, comparable worth, 16:84
Wage discrimination and equal pay for equal work
generally, 16:73 to 16:87

WAGES, SALARY, AND OTHER COMPENSATION—Cont’d
Wage discrimination and equal pay for equal work—Cont’d
comparable worth, 16:84
defenses of employer to Equal Pay Act suit, 16:82
equal effort, 16:79
Equal Pay Act
generally, 16:73 to 16:87
recordkeeping requirements under, 10:48
equal responsibility, 16:80
equal skill, 16:78
equal work, 16:77
market forces, 16:83
new regulatory and enforcement developments, 16:75
salary basis test, 16:86
salary compression, 16:83
salary inversion, 16:83
same establishment, 16:76
section 7(k) exemptions, 16:85
similar working conditions, 16:81
sovereign immunity, 16:87
Waiting time, 16:48
Walsh-Healey Public Contracts Act, 16:40, 16:41
Weekends, 16:62
White collar exemptions, Fair Labor Standards Act proposed revisions
generally, 16:20, 16:21, 16:31
administrative exemption, 16:22
blue collar workers, 16:27
collective bargaining agreements, 16:29
computer employees, 16:25
deductions from pay, 16:31
executive exemption, 16:21
fire fighters, 16:28
first responders, 16:28
highly compensated employee, 16:26
outside sales exemption, 16:24
paramedics, 16:28
police, 16:28
professional exemption, 16:23
safe harbor provisions, 16:31
salary basis test, 16:30
salespeople, 16:24

© 2020 Thomson Reuters, 5/2020
WAGES, SALARY, AND OTHER COMPENSATION—Cont’d
Work at home, 16:38, 16:39
Workers’ Compensation, unfair labor practices, 13:68
Working supervisors, 16:16
Workweek, 16:10

WAITING TIME
Compensable time, 16:48

WAIVER
Age discrimination, 9:17, 9:18
Collective bargaining, 15:38
Retirement and other benefit plans, 17:27
Union unfair labor practices, 14:59

WALKOUTS
Union unfair labor practices, 14:62, 14:63

WALSH-HEALEY PUBLIC CONTRACTS ACT
Compensation, 16:40, 16:41

WARDS COVE PACKING CO. V. ATONIO
Civil Rights Act of 1991, 1:46, 1:47

WARRANTS
OSHA, 11:60

WASHINGTON
Generally, App. 48

WEEKENDS
Compensable time, 16:62

WEIGHTS
Hiring, 2:63

WELFARE AND PENSION PLANS DISCLOSURE ACT (WPPDA)
Generally, 17:5

WELFARE BENEFITS
Retirement and Other Benefit Plans (this index)

WELFARE PLAN ADMINISTRATORS
Retirement and other benefit plans, ERISA claims procedure, 17:78

WEST VIRGINIA
Generally, App. 49

WHISTLEBLOWER PROTECTION
Generally, 1:71

WILLFUL VIOLATION
OSHA, 11:83, 11:84

WISCONSIN
Generally, App. 50

WITHDRAWAL OF RECOGNITION
Collective bargaining, 15:19
Unfair labor practices, 13:25

WITHDRAWAL REQUEST
Unfair labor practice, 13:15

WITNESSES
Civil Rights Act of 1991, 1:55

WORD-OF-MOUTH RECRUITMENT
Generally, 2:17

WORK ACQUISITION CLAUSES
Union unfair labor practices, 14:84

WORK ASSIGNMENTS
Initial placement, 2:71 to 2:73

WORK AT HOME
Compensation, 16:38, 16:39

WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT (WARNAct)
Generally, 9:58 to 9:65
Defenses, 9:62
Definitions, 9:60
Enforcement, 9:65
Exemptions to notice requirement, 9:61
Good faith defense, 9:62
Notice and knowledge, 9:61, 9:64
Sale of facility, 9:63
Statutes, 1:34

WORKERS’ COMPENSATION
Unfair labor practices, 13:68

WORK FORCE MAJORITY
Collective bargaining, 15:53

WORKING SUPERVISORS
Compensation, 16:16
WORKPLACE
  Occupational Safety and Health (this index)

WORK PRESERVATION CLAUSES
  Union unfair labor practices, 14:83

WORK REACQUISITION OR RECAPTURE AGREEMENTS
  Union unfair labor practices, 14:85

WORK-SITE
  OSHA, 11:55, 11:56

WORKWEEK
  Fair Labor Standards Act (FLSA), 1:68, 16:10

WRITINGS
  Employment at will and employment contracts, 8:15

WRONGFUL ACTS AND MATTERS
  Employment At Will and Employment Contracts (this index)
    Privacy, 10:4
    Retirement and other benefit plans, 17:71

WRONG WITHOUT A REMEDY CASES
  Retirement and other benefit plans, 17:9

WYOMING
  Generally, App. 51