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- Grievance Guide, Fourteenth Edition (p. 21)
- ERISA Class Exemptions, Fifth Edition (p. 26)
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Contents

Employment Law................................................................. 2
Labor Law.............................................................................. 15
Labor Relations & Arbitration........................................... 18
Employee Benefits Law................................................... 24
White Collar Crime............................................................ 28
Author/Title Index............................................................. 31
Order Forms......................................................................... 32
Order Information .............................................................. Inside Back Cover

Gregory K. McGillivary, Editor-in-Chief

Federal Labor Standards Legislation Committee, ABA Section of Labor and Employment Law

The complete guide to state wage and hour laws. Wage and Hour Laws: A State-by-State Survey, Third Edition provides a thorough and complete analysis of the state wage and hour laws, wage payment laws, and common law wage actions that are used throughout the nation. Its state-by-state analysis includes coverage of:

- Minimum wage and overtime laws
- Timing, place, and manner of payments to employees
- Mandatory payments in addition to overtime, such as shift differentials and reimbursement for tools and uniforms
- Recordkeeping/posting requirements
- Common law theories to recover unpaid wages, defenses, and remedies
- Enforcement and remedies of workers’ statutory protections, including injunctions, and private and state enforcement actions
- Special litigation issues, such as the availability of Rule 23 class actions, double or treble damages, and attorneys’ fees and costs

In addition, the Third Edition is updated with the addition of sections on fluctuating workweeks, gap time pay, the treatment of mandatory service charges in the payment of tipped employees, Portal-to-Portal acts, mandatory paid sick leave laws, and the varying state laws defining joint employment and independent contractors.

Supplement Information

The 2017 Supplement brings coverage current through December 2016, with highlights including:

- A new law in California requiring overtime payment for agricultural workers
- Resolution of a Florida court split on whether a class action for unpaid wages under state law and a collective action for overtime compensation under the FLSA may be maintained in the same proceeding
- Recognition of the patchwork of wage and hour requirements in Illinois, with its conflicting state, county, and municipal requirements
- Amendment to the Massachusetts Department of Labor Standards’ Minimum Wage regulations regarding “working time” and rest periods
- New York legislation requiring the provision of paid family leave benefits to eligible employees

Summary of Contents

Each State Chapter Addresses:

- State Law and Regulation
- Operations and Functions of State Administrative Agency
- Minimum Wage and Overtime Laws
- Timing, Place, and Manner of Payments
- Payments and Leave in Addition to Minimum Wage and Overtime
- Prohibitions on Hours Worked
- Occupations With Special Rules
- Child Labor
- Recordkeeping, Posting, and Notice Requirements
- Common Law Causes of Action
- Retaliation
- Special Litigation Issues

Gregory K. McGillivary is a partner in Woodley & McGillivary, Washington, DC, where he practices in the areas of fair labor standards law, employment discrimination law, and public sector labor relations law.

Contributors are members of the ABA Section of Labor and Employment Law.

2016/2 Volumes/3,496 pp. Hardcover with 2017 Supplement Order #P3305/$525.00


New Cumulative Supplement Due Winter 2018

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The Fair Labor Standards Act, Third Edition

Ellen C. Kears, Aaron D. Kaufmann, and Dennis M. McClelland, Editors-in Chief (Main Volume); Aaron D. Kaufmann, Dennis M. McClelland, and Nantiya Ruan, Editors-in-Chief (2017 Cumulative Supplement)

Federal Labor Standards Legislation Committee, ABA Section of Labor and Employment Law

An essential tool for understanding and interpreting the FLSA. The Fair Labor Standards Act is the essential tool for helping practitioners understand FLSA coverage and exemptions. Topics examined include FLSA claim arbitration, the Section 701 retail sales or service establishment exemption, collective action litigation brought under the FLSA by individual private plaintiffs, “hybrid” actions involving both state and federal law claims, and the elements of enforcement actions and litigation brought by the Secretary of Labor. It also features a completely rewritten chapter analyzing independent contractor and joint employer issues, and point-by-point evaluations of each FLSA exemption.

Supplement Information

The 2017 Cumulative Supplement covers topics including: compensable time of trainees, interns, volunteers, and student athletes; DOL Regulations regarding Section 3(m) tip credits; 11th Amendment immunity; FLSA retaliation; counterclaims against government employers and the DOL; conditional certification and decertification, including misclassification cases and common corporate policy requirements; judicial review of FLSA settlements; validity of arbitration agreements; and FLSA notice.

“An essential tool for any labor lawyer or attorney representing employers, labor unions, government entities, or private parties who wishes to understand the precise applications of specific provisions of the Act.”


Summary of Contents

- A Brief History of the Fair Labor Standards Act
- Operations and Functions of the Department of Labor
- The Employment Relationship
- Employer Coverage
- White-Collar Exemptions
- Other Statutory Exemptions
- Agricultural Exemptions
- Compensable Hours
- Minimum Wage Requirements
- Overtime Compensation
- Government Employment
- Child Labor
- Retaliation
- Recordkeeping
- Department of Labor Enforcement and Remedies
- Litigation Issues
- Collective Actions and “Hybrid” Class Actions

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Contributors are members of the ABA Section of Labor and Employment Law.

2015/2 Volumes/2,848 pp. Hardcover with 2017 Cumulative Supplement Order #P3238/$765.00


Supplement History: 2016, $330.00

New Cumulative Supplement Due Winter 2018

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Employment Discrimination Law, Fifth Edition

By Barbara T. Lindemann, Paul Grossman, and C. Geoffrey Weirich (Main Volume); Debra A. Millenson, Laurie E. Leader, and Scott A. Moss, Executive Editors (2017 Cumulative Supplement)

Equal Employment Opportunity Law Committee, ABA Section of Labor and Employment Law

The premier treatise on the law of discrimination in the workplace. Employment Discrimination Law is the definitive treatise in this complex and highly detailed field. The balanced and unbiased approach of this two-volume work reflects the combined efforts of attorneys from the three wings of the ABA Labor and Employment Law Section's Equal Employment Opportunity Law Committee, representing the plaintiff/public, management, and union employment bars. Offering the most comprehensive coverage of employment discrimination law available, Employment Discrimination Law is described as an "indispensable resource" in the Legal Information Buyer's Guide and Reference Manual, 2017 Edition.

The Fifth Edition's highlights include the impact of the Supreme Court's rulings on the breadth of retaliation claims, the viability of agreements to arbitrate employment disputes, Title VII class actions, and the statute of limitations accrual date for pay discrimination. It also features rewritten chapters on EEOC administrative processes and federal contract affirmative action compliance.

“This scholarly examination of employment discrimination issues includes a discussion of disparate treatment, adverse impact, effects of past discrimination, reasonable accommodation, sexual harassment, comparable worth, wrongful discharge, union relations, and statistical proof.”


Workplace Harassment Law

By Barbara T. Lindemann and David D. Kadue

Comprehensive coverage of this litigious area of employment law. Workplace Harassment Law offers valuable guidance from seasoned practitioners, providing the comprehensive coverage that attorneys need when bringing or defending a workplace harassment suit. It examines the nuts and bolts of the law, including the requirements for bringing a harassment suit, whether it is based on gender, race or color, national origin, religion, age, disability, association, or proximity, as well as the determination of employer liability once harassment is shown. It also explores timeliness and the timely exhaustion of administrative remedies; the parties involved; and the establishment of the causal connection, one of the most important requirements of a harassment claim.

Summary of Contents


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Scott A. Moss is a professor of law at the University of Colorado Law School, Boulder, CO.
Contributors are members of the ABA Section of Labor and Employment Law.

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The Family and Medical Leave Act is the premier resource for handling all aspects of the Family and Medical Leave Act (FMLA), including its relationship with other laws. Fully revised in its Second Edition, the first new edition since it was originally published in 2006, the treatise addresses in a logical, comprehensive, and accurate way the issues that practitioners on all sides face in exercising rights under, and in complying with, the Act.

Although detailed and comprehensive, the treatise is as user friendly as possible. Each chapter is a stand-alone explication of a discrete FMLA concept and features a short overview of the contents of the chapter, with a listing of the key statutory and regulatory provisions it covers. The text includes helpful cross-references to other sections of the treatise in which the same or related issues are discussed.

Representative topics covered include eligibility for and calculation of leave; calculation of pay and benefits during leave; restoration rights; caring for family members; notice, certification, and fitness-for-duty certifications; prejudice and estoppel standards in defective notice cases; coverage of employers; standards of proof; notice requirements; enforcement; remedies; and much more.

"An essential tool for corporate counsel and human resources departments, employers, and others impacted by the Act. The text contains exhaustive citations to federal case law, statutes, and regulations. More than forty attorney authors and editors contributed to the final product, each an expert in his or her field."


Summary of Contents

Chapter 1. History, Structure, and Administration of the FMLA
Chapter 2. Coverage of Employers
Chapter 3. Eligibility of Employees for Leave
Chapter 4. Entitlement of Employees to Leave
Chapter 5. Length and Scheduling of Leave
Chapter 6. Notice and Information Requirements
Chapter 7. Pay and Benefits During Leave
Chapter 8. Restoration Rights
Chapter 9. Interrelationship with Other Laws, Employer Practices, and Collective Bargaining Agreements
Chapter 10. Interference, Discrimination, and Retaliation Claims
Chapter 11. Enforcement, Remedies, and Other Litigation Issues
Appendix 1. The Family and Medical Leave Act of 1993, as Amended
Appendix 2. Department of Labor FMLA Regulations 29 C.F.R. Part 825 §§625.100-825.803
Appendix 3. Department of Labor FMLA Forms
Appendix 4. DOL Wage and Hour Division FMLA Opinion Letters: Finding Lists and Summaries
Appendix 5. Other Agency Documents
Appendix 6. Summary of State Family and Medical Leave Laws
Statutory Regulatory Finding List • Table of Cases • Index

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Contributors are members of the ABA Section of Labor and Employment Law.

New Edition!
The Family and Medical Leave Act, Second Edition
William Bush and James M. Paul, Editors-in-Chief
Federal Labor Standards Legislation Committee, ABA Section of Labor and Employment Law

Findings Lists and Summaries
Table of Contents
• Index

Read the first new edition since it was originally published in 2006.

Family Responsibilities Discrimination
By Cynthia Thomas Calvert, Joan C. Williams, and Gary E. Phelan

Covering the breadth of liabilities in this fast-growing area.

Family Responsibilities Discrimination provides everything lawyers need to know about this subject area. From the discussion of applicable federal, state, and local laws that cover family caregivers in various circumstances to analysis of issues arising with particular types of workers, this treatise is a useful resource for all employment lawyers. Family Responsibilities Discrimination provides a clear explanation of what FRD is, how and why it arises, related laws, how claims are brought and defended, and how it can be prevented in the workplace.

Family Responsibilities Discrimination covers topics such as the history and development of FRD, potential causes of FRD in the workplace, statutory and common law bases of FRD liability, current federal and state FRD case law, and practice tips for both plaintiffs’ and management-side lawyers.

Supplement Information

The 2016 Supplement updates the work with highlights including in-depth discussions of how the Supreme Court’s decision in Young v. UPS affects not only light duty claims but also Title VII cases; complete coverage of pregnancy accommodation laws and cases; an overview of the newest state and local laws covering family responsibilities discrimination, paid sick days, and parental leave; a new section detailing breastfeeding laws; an expanded section about employees who provide care for elders; updated case law regarding caregiving and the FMLA, ADA, and Title VII; wrongful termination; breach of contract; and more.

Summary of Contents

• Overview of Family Responsibilities Discrimination
• Title VII Sex Discrimination
• The Family and Medical Leave Act
• Americans With Disabilities Act
• The Employee Retirement Income Security Act
• The Equal Pay Act
• State and Local Statutory Overview
• State Common Law Overview
• State Law and FRD
• Public Employees
• Pregnant Employees
• Employees With Flexible Work Schedules
• Male Caregivers
• Employees Who Care for Elders
• FRD in Canada
• Appendices
• Table of Cases
• Index

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Disability Discrimination and the Workplace, Second Edition

By Peter A. Susser and Peter J. Petesch

Complete analysis of the ADA and subsequent amendments and relevant EEOC regulations. Employers must focus on avoiding discrimination, accommodating employees with disabilities, and guarding privacy. These challenges are clearly addressed and analyzed in the Second Edition of Disability Discrimination and the Workplace. This important reference paints a comprehensive picture of the disability discrimination landscape, covering both pre-ADAAA and post-ADAAA interpretations.

Highlights of the Second Edition include analysis of the parameters of the Rehabilitation Act, with its development of key definitions, such as those that identify individuals with “handicaps” and the scope of the critical obligation to reasonably accommodate protected individuals; the proliferation of state disability discrimination protections and how they are interpreted; the intersection of disability discrimination law and other federal statutes, including FMLA, GINA, ERISA, and NLRA; and more.

Summary of Contents

• Overview
• The Rehabilitation Act of 1973
• Americans With Disabilities Act: Legislative History
• State Disability Discrimination Laws
• Disabilities Protected
• Access and Accommodation
• The Americans With Disabilities Act and the Hiring Process
• Reasonable Accommodation
• Interplay of Related Workplace Statutes
• Remedies, Proof, Litigation Strategies, and ADR

Peter A. Susser and Peter J. Petesch are shareholders at Littler Mendelson P.C., Washington, DC.

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Age Discrimination in Employment Law, Second Edition

By Barbara T. Lindemann and David D. Kadue; Eric W. Iskra and Eric E. Kinder, Editors-in-Chief (Main Volume); Eric E. Kinder and Eric W. Iskra, Editors-in-Chief (2017 Cumulative Supplement)

Federal Labor Standards Legislation Committee, ABA Section of Labor and Employment Law

A complete resource for bringing and defending age discrimination claims.

Age Discrimination in Employment Law arms practitioners with winning strategies and detailed analysis. Written from an unbiased perspective, the treatise leads the dialogue in this volatile field. “[A] monumental achievement in the field of age discrimination in employment and an indispensable resource to any attorney practicing in the field” (Legal Information Buyer’s Guide and Reference Manual, 2017 Edition).

The Second Edition explores the breadth of ADEA law, including: description of the evolving role of the EEOC and EEOC litigation; the increasing role of arbitration in resolving age discrimination disputes; analysis of decisions and regulations on the “reasonable factor other than age” defense; explanation of how appellate courts continue to handle the “but for” causation standard, including how the standard differs from Title VII and ADA practice; and appendices featuring the Act, regulations, revenue rulings, and release forms.

Summary of Contents

• Persons Protected
• Against Whom a Charge May Be Filed Under the ADEA
• Defining Age
• Terms and Conditions of Employment
• Mandatory Retirement
• Reductions in Force
• Harassment
• Discharge
• Retaliation
• Disparate Treatment
• Adverse Impact
• EEOC Structure, Jurisdiction, and Process
• Evidence
• Judicial Jurisdiction, Timeliness, and Venue
• Timeliness and Sufficiency of ADEA Administrative Charges
• Summary Judgment
• Jury Trials
• Expert Witnesses
• Affirmative and Other Defenses
• EEOC Litigation
• Public Employee Litigation
• Collective Actions
• Settlement and Release
• Labor Arbitration and Employment Arbitration
• Alternative Avenues for Relief
• Remedies

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By P. Daniel Williams (Main Volume); Laura Brown and J. Thomas Spiggle (2017 Supplement)

Useful for lawyers and HR professionals alike. The Pregnancy Discrimination Act: A Guide for Plaintiff Employment Lawyers provides strategies and guidance on pregnancy discrimination litigation that plaintiff lawyers require to effectively represent their clients. This book also contains extensive analysis regarding case law favorable to defendants, making it a useful source of information for management lawyers.

This treatise covers essential topics including: proximity; evidentiary issues; proof of knowledge; discriminatory comments and stereotypes related to family caregiver responsibilities; requirement to use comparator evidence; light duty; accommodation; issues regarding jury instructions and selection in PDA cases; state law pregnancy discrimination claims; and damages.

Supplement Information

The 2017 Supplement incorporates significant developments that have occurred since the First Edition was published in 2011, including:

- The EEOC’s revised regulations for the Americans with Disabilities Act, making it easier for pregnant workers to obtain reasonable accommodations under the law, as well as to assert claims for disability discrimination based on pregnancy-related medical conditions
- Congress’ passage of the Affordable Care Act, which amended the FLSA to include the right to pumping accommodations for nursing mothers
- The U.S. Supreme Court’s decision in Young v. UPS, which expanded access to reasonable workplace accommodations for pregnant workers under the PDA
- The EEOC’s issuance of Enforcement Guidance on Pregnancy Discrimination and Related Issues
- Statutory developments in various states that give pregnant women an affirmative right to workplace accommodations during pregnancy, including unpaid time off to recover from childbirth
- Several states’ passage of paid family leave insurance laws, giving employees the right to paid time off to welcome a newborn

Summary of Contents

- Who is Protected by the PDA?
- Related Supreme Court Decisions
- Temporal Proximity
- Direct Evidence, Discriminatory Comments, and Stereotype Evidence
- Knowledge of Pregnancy
- Maternity Leave, Pregnancy-Related Absenteeism, and Comparator Evidence
- Accommodation Under the PDA
- Related Federal Statutes
- State Law
- Unwed Pregnant Employees
- Female Decision Makers
- Juries and Pregnancy Discrimination Cases
- Special Damages Issues
- Appendices (Excerpts from Title VII, ADA, FMLA, FLSA, and EEOC Regulations)

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Gender Identity and Sexual Orientation Discrimination in the Workplace: A Practical Guide

Christine Michelle Duffy, Esq., Editor-in-Chief; Denise M. Visconti, Esq., State Laws Executive Editor

A groundbreaking, must-have resource. The first book to comprehensively address workplace law and human resource practice relating to gender identity, sexual orientation, and gender expression. Gender Identity and Sexual Orientation Discrimination in the Workplace is a must-have for labor and employment lawyers and HR professionals. Antidiscrimination law in this area has exploded in recent years as more states and courts have expanded the law to protect lesbian, gay, bisexual, and transgender (LGBT) employees.

This treatise surveys state and federal employment laws applicable to LGBT employees and discusses a wide range of HR best practices. The legal survey is contextualized by a collection of 19 essays discussing the implications of gender and sexual orientation in society, across areas such as education, religion, and the workplace, as well as in the lives of several essayists who have shared their personal stories and recommendations for employers.

Gender Identity and Sexual Orientation Discrimination in the Workplace explores:

- Employment discrimination laws, immigration law, labor arbitration, and plaintiff defense litigation tactics and strategies
- Summaries of employment laws relating to LGBT issues in all 50 states, the District of Columbia, and Puerto Rico
- Practical solutions for HR professionals implementing policies, practices, and programs that respond to the changes in the law and the growing social acceptance of LGBT employees
- Intersections of gender and sexual orientation with culture, education, politics, religion, and the workplace

This book features detailed case summaries, coverage of Title VII and ADA case law, and a comprehensive discussion of the challenges presented by LGBT terminology. Written and reviewed by more than 125 expert contributors on both sides of the employee-management divide, this treatise provides both insightful commentary and pragmatic guidance.

“In one remarkable, easy to read treatise, Duffy attacks and conquers all issues related to federal and state law requirements.”

—Mark Theodore, Proskauer Rose LLP

Summary of Contents

Part I—Overview
Part II—Personal Essays: Walk in Our Shoes
Part III—The Federal Law of Gender Identity and Sexual Orientation Discrimination in the Workplace
Part IV—The State Law of Gender Identity and Sexual Orientation Discrimination in the Workplace
Part V—Labor Arbitration and LGBT Employees
Part VI—Litigating the Transgender Discrimination Case: Perspectives on Tactics and Strategies
Part VII—Workplace Solutions
Part VIII—LGBT People in the Context of Culture, Religion, and Society
Appendices • Table of Cases • Index

Christine Michelle Duffy, Esq., is a Senior Staff Attorney with the Pro Bono Partnership, Parsippany, NJ.
Denise M. Visconti, Esq., is Managing Shareholder of the San Diego, CA office of Littler Mendelson P.C.

Royalties from this treatise are being donated to Gay & Lesbian Advocates & Defenders, Inc. (GLAD).

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Preliminary issues to consider when planning a workforce reduction, to those that arise in force (RIF). The material in this soup-to-nuts volume is presented in logical order, from each state chapter addresses:

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- Common law claims for wrongful discharge
- The implied covenant of good faith and fair dealing
- The public policy exception to the doctrine of employment at will
- The burden of proof necessary to sustain a claim of wrongful discharge
- What constitutes “just cause” for purposes of termination
- The effect of disclaimers on the employment at will relationship
- Potential damages in a wrongful discharge claim
- Related tort claims arising out of the employment relationship, including fraud, intentional interference with a contract, defamation, intentional infliction of emotional distress, negligence, and invasion of privacy
- State statutes prohibiting termination based on classifications

David L. Johnson is an attorney at Butler Snow LLP, Nashville, TN.

Summary of Contents

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Reductions in Force in Employment Law, Second Edition

By Ethan Lipsig, Mary C. Dollarhide, and Brit K. Seifert

A resource addressing discrimination, benefits, and other RIF concerns.

This book is a step-by-step guide to the key employment and employee benefit considerations surrounding a reduction in force (RIF). The material in this soup-to-nuts volume is presented in logical order, from preliminary issues to consider when planning a workforce reduction, to those that arise during implementation.

Call 800.960.1220 for your free 30-day review.

EEOC Litigation and Charge Resolution, Second Edition

By Donald R. Livingston and Reed L. Russell

An inside look at litigating with the EEOC.

This treatise helps practitioners more effectively handle EEOC investigations, conciliations, and litigation, explaining and demystifying the commissioner charge process, sponsored litigation, the subpoena process, and requirements for settlements. It also addresses updates on subpoena enforcement actions, rules concerning the EEOC’s conciliation obligations, and special litigation considerations.

The Second Edition reviews the rules on EEOC administrative subpoenas and information requests, the standards for the conciliation process, the general counsel’s guidance for the conduct of EEOC litigation, and the practical implications of the EEOC’s systemic enforcement initiative. It also discusses important case law, including Federal Express v. Holoweczi and the Eighth Circuit’s decision in EEOC v. CRST Van Expedited, Inc.

Summary of Contents

Part I. The Agency
Chapter 1. Introduction and Overview
Chapter 2. The EEOC’s Structure and Allocation of Responsibilities
Chapter 3. EEOC Internal Files and Other Sources of Information
Chapter 4. EEOC Regulations, Policy Guidance, and Opinion Letters

Part II. EEOC Charge Filing and Investigations
Chapter 5. EEOC Charge Filing and Investigations
Chapter 6. Representing the Charging Party
Chapter 7. Charge Investigations
Chapter 8. Commissioner Charges and Other EEOC-Initiated Investigations
Chapter 9. Handling EEOC Investigations on Behalf of Respondents
Chapter 10. Respondents’ Position Statements
Chapter 11. Disposition of Charges
Chapter 12. Conciliation Process
Chapter 13. EEOC Conciliation Agreements
Chapter 14. EEOC Workload: Statistical Data

Part III. EEOC Litigation
Chapter 15. EEOC Subpoenas and Subpoena Enforcement Litigation
Chapter 16. EEOC Enforcement Litigation
Chapter 17. Settlement of Litigation
Chapter 18. Appellate Litigation

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The ABA Section of Labor and Employment Law
By Brian M. Malsberger
Board of Review Associate Editors: David J. Carr, Arnold H. Pedowitz, and Eric Akira Tate
Committee on Employment Rights and Responsibilities, ABA Section of Labor and Employment Law

An indispensable reference on covenant enforceability.
This respected and authoritative three-volume treatise delivers the information practitioners need to analyze, draft, and confidently litigate covenants not to compete and other restrictive covenants in the employment, partnership, franchise, license, and sale-of-business contexts.

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The leading (and exhaustive) compilation.
—Matthew W. Finkin, Albert J. Harno and Edward W. Cleary
Professor of Law, University of Illinois (on the Tenth Edition)

Summary of Contents
Each State Chapter Addresses:
- Statutes Governing Enforceability
- Employer’s Protectable Interests
- Proof of Existence of a Covenant
- Consideration Issues
- Courts’ Power to Modify the Covenant
- Obtaining a Preliminary Injunction
- Establishing Irreparable Harm
- Standard of Review on Appeal
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In-depth coverage of each state’s statutory and common law protection of trade secrets.
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The Fifth Edition examines whether ownership, as opposed to mere possession, is a prerequisite to a claim for trade secret misappropriation; how particularized a trade secret claim must be at pleading and throughout litigation; what must be shown by a party asserting trade secret status as a basis for sealing a court record; what must be shown to recover punitive damages for a trade secret misappropriation; whether a corporate entity can be capable of engaging in the type of conduct required to support punitive damages; the extent to which the Uniform Trade Secrets Act preempts common law claims for unfair competition and breach of the employee duty of loyalty; and more.

Supplement Information

The 2017 Cumulative Supplement reviews issues including the availability of protective orders in Arkansas; statutes of limitation analysis in California; whether Florida Privacy of Communication Act claims are preempted by the Florida Uniform Trade Secrets Act; the availability of attorney’s fee awards under Maryland law; whether a claim for trade secret misappropriation is lodged to gain leverage in a divorce proceeding; whether hair replacement techniques can be properly styled as trade secrets under Virginia law; whether a nonparty’s medical factoring data can be protected as a trade secret under West Virginia law; and more.

Summary of Contents

Each State Chapter Addresses:
- State’s Definition of “Trade Secret”
- Courts’ Interpretations Under the Statute, Uniform Trade Secrets Act, and Common Law
- Policy Considerations Recognized by Courts
- Evidence Establishing the Elements of a Trade Secret and of a Misappropriation Claim
- Courts’ Justifications for Denial of Protection
- Types of Information Granted Trade Secret Protection
- Types of Relief Granted for Misappropriation of Trade Secrets
- Level of Protection for “Proprietary Information”
- References to Law Review Articles/Other Publications

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Contributors are members of the ABA Section of Labor and Employment Law.

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By Brian M. Malsberger

Board of Review Associate Editors:
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Committee on Employment Rights and Responsibilities, ABA Section of Labor and Employment Law

A complete guide to causes of action, procedural issues, leading cases, and emerging trends in all 50 states and the District of Columbia.

Reflecting the rapid expansion of litigation surrounding the employee duty of loyalty, this meticulously researched treatise reviews the duty on a state-by-state basis, including analysis of prohibited and permitted conduct, litigation issues, defenses, damages, and the availability of injunctive relief.

In question-and-answer format, it reviews the law by category of employee, showing the reader how the duty is applied based on an employee’s level of responsibility.

Representative highlights covered in the Sixth Edition include examination of:
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- The appropriate statute of limitations under District of Columbia law
- The specific elements of an aiding-and-abetting claim under Florida law
- Whether using an employer-supplied home office to service noncompetitive clients breaches the duty under New York law

Supplement Information

The 2017 Supplement updates the treatise with analysis including: whether the Arizona common law duty owed by officers and directors coexists with statutory law; whether postemployment conduct can support a claim for breach of an agent’s fiduciary duty under District of Columbia law; preemption by the Illinois trade secret statute; whether a claim for breach of the duty under Maryland law requires a finding that customer contact was initiated by the employee; and more.

“[A]n essential resource for any attorney representing clients in breach of employee loyalty cases.”

Summary of Contents

Each State Chapter Addresses:
- How the State Defines Protectable Interests of Employers
- Procedural Issues
- Duty of Employee to Disclose Information, Corporate Opportunities, or Conflicts of Interest to Employer
- Prohibition Against Solicitation of the Employer’s Customers, Accounts, or Employees
- Limitations on Competition by Employee During and After Employment
- Prohibition Against Use of Employer’s Proprietary Information
- Prohibition Against Taking Kickbacks and Bribes
- Remedies
- Injunctive Relief
- Employee Defenses
- Distinctions Among Categories of Employees
- Illustrative Cases
- Law Review Articles/Other Publications

See page 8 for author and editors information.

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Board of Review Associate Editors:
David J. Carr, Arnold H. Pedowitz, and Eric Akira Tate

Committee on Employment Rights and Responsibilities, ABA Section of Labor and Employment Law

Up-to-date coverage of critical tortious interference issues in the competitive-employment context.

Tortious Interference in the Employment Context: A State-by-State Survey, Fifth Edition examines, by state, two closely related actions that often arise in employment lawsuits: tortious interference with contract, and tortious interference with commercial relationships or prospective economic expectations. Whether in a business-versus-business suit, or in a suit brought by a former employee against an employer, a tortious interference claim is frequently collateral to a suit alleging breach of a covenant not to compete, breach of the employee duty of loyalty, or misappropriation of trade secrets.

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The treatise also reviews the various defenses that may be raised, including the invalidity or unenforceability of the underlying restrictive covenant; breach of contract by the former employer; unclean hands, estoppel, and other equitable defenses; the affirmative defenses of justification and competitor’s privilege; preemption; absence of damages; statute of limitations; and more.

Using a uniform topic structure that provides a comparative view across states, Tortious Interference in the Employment Context is invaluable for lawyers with a multi-jurisdictional practice, as well as those seeking persuasive authority from other states.

Summary of Contents

Each State Chapter Addresses:
- Elements of a Former Employer’s Claim Regarding Recruiting or Hiring an Employee With a Restrictive Covenant:
  - Interference With the Covenant
  - Interference With Commercial Relationships or Prospective Economic Advantage Expectancies
- Claims for Interference Involving the Restrictive Covenant Itself:
  - Claims Against the New Employer Where the Employment Was At Will
  - Claims Where the Employment Was for a Definite Term
  - Defenses to Claim
  - Relief Available to Former Employer
  - Similar Claims Recognized by States
- Common Issues:
  - Hiring Measures by a New Employer for Screening Applicants With Restrictive Covenants
  - Practical Advice to a Company Considering Hiring Such an Applicant
  - Indemnification
  - Personal Liability of Individual Officers or Employees of Former Employer for Interference
- Law Review Articles/Other Publications

See page 8 for author and editors information.


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Workplace Data: Law and Litigation
Robert Sprague, Editor-in-Chief

Committee on Technology in the Practice and Workplace, ABA Section of Labor and Employment Law

The full guide to workplace e-discovery and data privacy law.

Workplace Data: Law and Litigation provides complete coverage of laws and issues involving employment-related electronically stored information (ESI). It focuses on key issues of interest to attorneys representing employers or employees, including privacy and monitoring. The treatise also focuses on the ever-expanding globalization of business and increasing inter-country transfer of employee personal data. It also reviews privacy laws in 22 countries and regions, including Europe, Asia, Oceania, Canada, and Mexico.

Workplace Data addresses relevant issues such as:
• Discovery issues associated with ESI from an employment law perspective, including preservation, spoliation, attorney-client privilege, and working with IT professionals
• A comprehensive analysis of data retention requirements of federal labor and employment statutes
• Privacy and discovery issues associated with social media and devices owned by either the employer or the employee
• International workplace-related privacy laws

Supplement Information

The 2014 Supplement includes:
• Updates on legal developments related to workplace data
• Discussion of analysis of proportionality relative to ESI under Federal Rule of Civil Procedure 26(b)(2)(C)(iii)
• Discussion of discovery standards before the National Labor Relations Board
• Detailed discussion of social media discovery issues

Summary of Contents

Part I. Workplace Data
Chapter 1. Workplace Data and Information: An Introduction

Part II. E-Discovery Challenges
Chapter 2. Possession, Custody, or Control of Data
Chapter 3. E-Discovery Issues Related to Workplace Data

Chapter 4. E-Discovery in the Workplace: Employer Perspective
Chapter 5. E-Discovery in the Workplace: Employee Perspective
Chapter 6. General Evidentiary Issues for Workplace-Related ESI

Chapter 7. Preservation, Spoliation, and Sanctions
Chapter 8. Attorney-Client Privilege in the ESI Context
Chapter 9. Working With Information Technology Experts

Part III. Data Retention Statutes
Chapter 10. Federal Data Retention Statutes

Part IV. Emerging Issues Related to Workplace Data
Chapter 12. The Computer Fraud and Abuse Act and the Economic Espionage Act

Part V. International Workplace Data Issues
Chapter 13. International Workplace Data Issues: An Introduction
Chapter 14. The Americas
Chapter 15. Asia and Oceania
Chapter 16. Europe

Table of Contents

Index

Robert Sprague is an Associate Professor of Legal Studies at the University of Wyoming College of Business and a member of the Editorial Board of the American Business Law Journal.

Contributors are members of the ABA Section of Labor and Employment Law.

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Canadian Labour and Employment Law for the U.S. Practitioner, Fourth Edition

By Douglas G. Gilbert, Brian W. Burkett, and Moira K. McCaskill

The U.S. practitioner’s essential guide to workplace requirements in Canada.

As the United States continues to be Canada’s major trading partner and most significant foreign investor, Canadian Labour and Employment Law for the U.S. Practitioner is the essential resource for U.S. attorneys counseling American businesses seeking to do business north of the border. This treatise offers a concise explanation of Canada’s workplace laws from a U.S. perspective and highlights the key distinctions between Canadian and U.S. labor and employment law.

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• Discussion of recent rulings examining the procedural fairness of workplace investigations that have taken central stage in recent years

With its helpful summaries of Canadian Supreme Court decisions relating to the panoply of labor and employment laws, including its timely review of hot-button issues such as data management, surveillance, workplace harassment, and bullying, Canadian Labour and Employment Law for the U.S. Practitioner is a one-of-a-kind, indispensable reference.

“This book is, quite frankly, the best single volume on Canadian employment law to appear for a long time. It tells employers and employees where they stand, legally speaking, across the whole range of issues that make up modern labour law. Not to put too fine a point on it, if there were but one Canadian labour law text that should be on the shelf of every Canadian practitioner, I think that this would be the one.”

—R.O. MacDowell, Former Chair, Ontario Labour Relations Board, on the First Edition

Summary of Contents

Chapter 1. Overview of the Canadian Environment
Chapter 2. Collective Bargaining
Chapter 3. The Individual Employment Relationship
Chapter 4. Discrimination in Employment
Chapter 5. Occupational Health and Safety
Chapter 6. Workers’ Compensation
Chapter 7. Employee Benefits
Chapter 8. Reciprocal Arrangements Between Canada and the U.S.
Chapter 9. Canada and Globalization

Appendices • Table of Cases • Index

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Timothy J. Darby and Ute Krudewagen, Editors-in-Chief (Fall 2017 Cumulative Supplement)

International Labor and Employment Law Committee, ABA Section of Labor and Employment Law

The unparalleled reference on labor and employment laws governing the world’s major economies.

Providing vital information about labor and employment laws in the world’s major economies, the Fourth Edition covers litigation of international employment disputes, compensation for internationally mobile executives, negotiation of expatriate employment agreements, the top ten issues for U.S. employers doing business in another country, and more.

Supplement Information

Representative highlights of the Fall 2017 Cumulative Supplement include:

• European Union—summary of the main developments in EU law during the period 2014 to 2016
• Germany—clarification of employers’ obligations regarding protecting employees from tobacco smoke
• Canada—consideration of how an employer’s financial position may affect punitive damages in a wrongful dismissal and harassment case
• China—passage of Cybersecurity Law
• United Kingdom—introduction of the National Living Wage for employees aged 25 years and over

Summary of Contents

Volume IA: Major Economies (Non-NAFTA)

The European Union and Selected Member and Applicant Countries

The European Union

Employment and Corporate Law Issues Applicable in Restructuring of Companies in the EU: Belgium, France, Germany, Italy, Spain, and United Kingdom

Miscellaneous Countries

South Africa, China, Hong Kong, Japan, Brazil

Volume IB: Major Economies (NAFTA and International Issues)

NAFTA/NAALC and Member Countries

Canada, Mexico, United States, Northern Mariana Islands, Puerto Rico

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Labor Provisions in U.S. Free Trade Agreements Under the Trade Promotion Authority Act of 2002

NAFTA Appendices

International Organizations

The International Labour Organization

The International Financial Institutions

The Organisation for Economic Co-operation and Development

Union Participation in International Labor Affairs

International Employers’ Associations

The World Trade Organization

The Role of Administrative Tribunals in Adjudication of Workplace Rights Within International Organizations

Issues for Multinational Corporations

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Impact of International Human Rights Law on Labor and Employment Law

Providing analysis of labor and employment laws in economically significant countries outside the major economies.

International Labor and Employment Laws, Fourth Edition, Volumes IIA and IIB discusses developments in countries beyond the major economies discussed in Volume I, including several European Union member states, as well as countries in Africa, Asia, the Middle East, Oceania, and South America.

The Fourth Edition includes information on the extraterritorial application of each country’s laws, and the availability of class action procedures. The extensive bibliography identifies sources of additional information, including internet resources and addresses of key offices.

Supplement Information

The 2017 Cumulative Supplement updates the main volume with highlights including: Austria’s enactment of the Family Time Bonus Act, affecting parents in same-sex relationships; Chile’s adoption of the Labor Modernization Law; a new chapter on Costa Rican labor law; Greece’s replacement of main discrimination law to implement EU Antidiscrimination Directives; Indonesia’s new regulation changing the method for determining the minimum wage by region; multiple amendments to Poland’s Labor Code; Russia’s amendments to the Code on Administrative Offenses; and Taiwan’s amendments to the Labor Standards Act.

Summary of Contents

Volume IIA: Additional Economies (EU and Other European Countries)

The European Union and Selected Member and Applicant Countries

Austria, Bulgaria, Czech Republic, Denmark, Greece, Hungary, Ireland, The Netherlands, Norway, Poland, Portugal, Russia, Sweden, Switzerland, Turkey, Ukraine

Volume IIB: Additional Economies (Non-European)

Africa: Nigeria

Asia: Cambodia, India, Indonesia, Singapore, South Korea, Taiwan, Vietnam

Middle East: Israel, Saudi Arabia

Oceania: Australia, New Zealand

South America: Argentina, Chile, Venezuela

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By Matthew W. Finkin

Know the extent—and limits—of individual rights and employer authority.

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Representative topics examined in the Fourth Edition include:
- Legislation regulating employer access to applicant and employee social media
- Use of information on credit-worthiness as basis to deny employment
- Monitoring of employee communications on company-provided equipment
- Employee’s access of employer’s data for ulterior purposes
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- Firearms in employee vehicle

Supplement Information
The 2017 Cumulative Supplement updates the Fourth Edition with coverage including:
- Whether class-based medical screening complies with the “fitness for work” limitation of the ADA
- Prior criminal convictions as disqualification for employment
- Application of FCRA to data intermediaries
- Distinction between “fact” and “opinion” and the limits of privilege in defamation
- Duties imposed on credit reporting agencies in dealing with public records
- Right to display messages on one’s person in the private and public sectors

Summary of Contents
Part I. An Analysis of Privacy in the Employment Relationship
Chapter 1. Medical Screening and Testing
Chapter 2. Drug, Alcohol, and Tobacco Screening and Testing
Chapter 3. Psychological Screening and Testing
Chapter 4. Interviews and Background Investigation
Chapter 5. Monitoring Employee Performance and Conduct
Chapter 6. Control of Employees

Part II. Statutory and Regulatory References
Polygraphy and Lie Detection
Drug and Alcohol Testing
Use of Tobacco, Alcohol, or Lawful Products Outside the Workplace
Access to Personnel Records
Job Reference Immunity
Social Security Numbers
Electronic Monitoring and Surveillance

Part III. Comparative Law
EU
Canada
New South Wales, Australia
Portugal
France

Table of Cases
Index

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Global Employee Privacy and Data Security Law, Second Edition
Morrison & Foerster LLP; Miriam H. Wugmeister and Christine E. Lyon, Editors

An essential guide to workplace privacy and data security laws around the globe.

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Chapter 2. Background Checks and Investigations
Chapter 3. Email and Internet Monitoring/Video and Physical Surveillance
Chapter 4. Employees’ Off-Duty Conduct
Chapter 5. Confidentiality of Health Information
Chapter 6. Medical Examinations and Drug Testing of Applicants and Employees
Chapter 7. Personnel Records
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Chapter 9. Security Breach Notification Requirements
Chapter 10. Data Security: Maintaining an Information Security Program

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Restrictive Covenants and Trade Secrets in Employment Law: An International Survey, Volumes I and II
Wendi S. Lazar and Gary R. Siniscalco, Editors-in-Chief; Katherine Blostein, Associate Editor

A must-have resource for companies and attorneys dealing with trade secrets or covenants in employment agreements abroad.

Each country-specific chapter examines applicable country law; international conventions and treaties; practical issues in drafting restrictive covenants; strategies and tactics in trade secret protection and enforcement; forum options; jurisdiction; and discovery.

Volume I covers Europe, and Volume II covers the Americas, Asia, the Middle East, Africa, and Oceania.

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The Uniformed Services Employment and Reemployment Rights Act, Second Edition

George R. Wood and Ossai Miazad, Editors-in-Chief

Federal Labor Standards Legislation Committee, ABA Section of Labor and Employment Law

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USERRA governs military leave and discrimination/retaliation issues resulting from military service, and covers every employer in the United States. The Uniformed Services Employment and Reemployment Rights Act, Second Edition provides a comprehensive analysis of USERRA's breadth, and discusses the myriad complicated issues involved with the Act's application and enforcement.

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- Pay and benefits when an employee is taking a leave of absence
- Health care and non-health care benefits for returning employees
- In-depth discussion of USERRA's application of the "motivating factor" test for discrimination and retaliation claims

Summary of Contents

Chapter 1. Brief History of USERRA
Chapter 2. USERRA Coverage Issues
Chapter 3. Leave Entitlements Under USERRA
Chapter 4. Scheduling Leaves and Providing Leave Notice
Chapter 5. Pay and Benefits During Leave
Chapter 6. Reinstatement Rights and Obligations
Chapter 7. Pay and Non-Health Care Benefit Issues Upon Reinstatement
Chapter 8. USERRA and Health Care Benefits
Chapter 9. Interrelationship with Other Laws and Employer Practices
Chapter 10. Discrimination, Retaliation, and Harassment
Chapter 11. Enforcement, Remedies, and Other Issues Under USERRA

Appendices • Table of Cases • Index

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New Supplement Due Fall 2018
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Healthcare Employment Guide: Counseling on the New Medical Realities

By James O’Reilly and Mary Ellen Keegan

It’s a harsh employment climate for healthcare professionals and their counsel. Be prepared.

Employment disagreements in the healthcare profession can quickly become multi-level conflicts that require legal counsel with specialized knowledge. Healthcare Employment Guide arms legal practitioners with the insights they need to capably represent doctors, nursing groups, smaller providers, and public entities in dealing with the new realities of the corporate healthcare world.

Critical information covered includes: forming a unit to organize hospital worker unions; mergers and outsourcing effects on individual healthcare workers; pitfalls of expansive rules on doctor/laboratory “kickbacks”; Medicare’s disqualification of individual health professionals; doctor termination based on patient quota; defamation actions for hospitals labeling doctors as “unproductive”; departing doctor’s ability to retain/retrieve patient records from network; impacts of listing in the National Practitioner Data Bank; non-compete clauses in the fine print; restraints placed on union picketing activities at hospitals; allocation of long-tail liability insurance coverage after partner’s departure; and more.

Summary of Contents

Part 1. Introduction
Overview of Healthcare Employment; Healthcare Conflicts and Physicians’ Dissatisfaction; Statistics and Structures of Healthcare Employment

Part 2. Physicians’ Employment Issues
Physician Employment Qualifications; Practice Affiliations Among Physicians; Starting, Purchasing, or Separating from a Medical Practice; Physician Relations with Hospitals; Non-Employee Contract Roles for Physicians; Physician Employment Contracts; Restrictive Covenants in Physician Employment Contracts; Physicians and Collective Bargaining; Regulatory Oversight of Practitioners’ Employment

Part 3. How Other Healthcare Personnel Interact with Employers
Nurses and Collective Bargaining; Impacts of the NLRA Health Care Unit Classification Rules; Issues for Other Patient Support Employee Roles; Strikes and Lockouts in Healthcare Labor Conflicts; Employment Effects of Changes of Owners and Employers; Overtime Pay and Exempt Employees

Part 4. Issues for All Healthcare Personnel
Safety Rules Protecting All Healthcare Workers; Employment Discrimination in Healthcare; Rules Applied to Public Sector Workers; Rules Applied to Non-Healthcare Workers in Hospitals; Outsourcing Staffing of Healthcare Institutions; Telemedicine; Stark and Anti-Kickback Compliance; Conflict Resolution by Arbitration; Future Trends

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NLRAs Rights in the Nonunion Workplace

By Kenneth T. Lopatka

An exploration of the NLRA’s application in the nonunion workplace.

NLRAs Rights in the Nonunion Workplace concentrates exclusively on the broad application of the National Labor Relations Act (NLRA) outside the union workplace to help practitioners spot potential NLRA issues, understand the options and associated risks, and render sound advice to their clients.

Summary of Contents

Chapter 1. Introduction
Chapter 2. The Scope of Federal Labor Law
Chapter 3. Overview of the Core Right and Basic Prohibitions at the Nonunion Workplace
Chapter 4. “Concerted” Activity
Chapter 5. “For Other Mutual Aid or Protection”
Chapter 6. Protected Concerted Activity
Chapter 7. Workplace Rules Vulnerable to Challenge on Overbreadth or Chilling-Effect Grounds
Chapter 8. Denial of Access to Outsiders
Chapter 9. Screening Applicants to Identify Union “Salts”
Chapter 10. Employee Participation Programs
Chapter 11. Investigatory Pitfalls

Kenneth T. Lopatka is an attorney and adjunct professor of law in coastal South Carolina.

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Summary of Contents

Part I. Preliminary Considerations
Chapter 1. Protection Concepts: An Introduction to Basic Law and Policy
Chapter 2. Guidelines for Hiring Safely From a Competitor
Chapter 3. Risk Assessment and General Considerations
Chapter 4. Protectable Interests
Chapter 5. Type of Relationship
Chapter 6. Special Drafting and Enforcement Consideration by State

Part II. Contract Solutions
Chapter 7. Trade Secrets: Confidentiality and Nondisclosure Agreements
Chapter 9. The Traditional Noncompete Agreement
Chapter 10. Customer Nonsolicitation Clauses
Chapter 11. Employee Nonsolicitation and Anti-Poaching Clauses
Chapter 12. Other Noninterference Clauses
Chapter 13. Training-Related Agreements
Chapter 14. Optional Enforcement Contracts
Chapter 15. Forfeiture and Clawback Clauses
Chapter 16. Stock Option and Other Equity Based Agreements
Chapter 17. ERISA-Covered Plans and Agreements
Chapter 18. Fixed-Term, Notice, and Garden Leave Contract
Chapter 19. Severance and Settlement Agreements
Chapter 20. Sale of the Business: Mergers and Acquisitions
Chapter 22. International Law Perspectives and Considerations

Part III. Litigation Guide
Chapter 23. Enforcement Assessment Questions
Chapter 24. Litigation Strategy
Chapter 25. Causes of Action
Chapter 26. Pleading Considerations
Chapter 27. Discovery
Chapter 28. Unique Evidence Issues
Chapter 29. Trial

Appendices

M. Scott McDonald is an office-managing shareholder and serves on the board of directors at Littler Mendelson P.C., Dallas, TX.

Jacqueline C. Johnson is a shareholder at Littler Mendelson P.C., Dallas, TX.

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Occupational Safety and Health Law Committee, ABA Section of Labor and Employment Law

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Summary of Contents

Chapter 1. Safety and Health Law Before the OSH Act of 1970
Chapter 2. Legislative History of the Occupational Safety and Health Act of 1970
Chapter 3. The Duty to Comply With Standards
Chapter 4. The General Duty Clause
Chapter 5. Employer Obligations to Develop, Maintain, and Disseminate Information
Chapter 6. Affirmative Defenses
Chapter 7. Inspections and Citations
Chapter 8. The Warrant Requirement in OSHA Inspections
Chapter 9. Types and Degrees of Violations
Chapter 10. Civil Penalties and Criminal Sanctions
Chapter 11. Enforcement
Chapter 13. Development of OSHA Standards
Chapter 14. Judicial Interpretations of OSHA’s Standard-Setting Authority
Chapter 15. Procedural Issues and Judicial Review
Chapter 16. Variances
Chapter 17. Rights of Workers and Their Representatives
Chapter 18. Discrimination Against Employees for Health and Safety Activities
Chapter 19. State Regulation of Occupational Safety and Health
Chapter 20. The Federal Mine Safety and Health Act of 1977
Chapter 21. National Institute for Occupational Safety and Health
Chapter 22. Relationship of the OSH Act to Other Federal Laws and Agencies
Chapter 23. The OSH Act, Workers’ Compensation, and Workplace Tort Liability
Chapter 24. The Americans with Disabilities Act and the FMLA
Appendix A. Occupational Safety and Health Act of 1970, as Amended
Appendix B. State Plan Post-Contest Administrative Review Procedures
Appendix C. Sampling of Cases Interpreting State Plans
Table of Cases • Index of Laws and Rules • Index

Gregory N. Dale is a partner with Faegre Baker Daniels, Indianapolis, IN.

P. Matthew Shudtz is Executive Director of the Center for Progressive Reform, Washington, DC.

Contributors are members of the ABA Section of Labor and Employment Law.

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The Developing Labor Law: The Board, the Courts, and the National Labor Relations Act, Seventh Edition

John E. Higgins, Jr., Editor-in-Chief

Committee on Development of the Law Under the NLRA, ABA Section of Labor and Employment Law

The ultimate desktop reference for labor and employment law practitioners.

For more than 45 years, practitioners have relied on The Developing Labor Law: The Board, the Courts, and the National Labor Relations Act to keep them current on U.S. labor law. Now in its Seventh Edition and described as “comprehensive and scholarly” in the Legal Information Buyer’s Guide and Reference Manual, 2017 Edition, this two-volume treatise is updated annually by distinguished members of the ABA Section of Labor and Employment Law, representing management, labor, and neutrals. Long considered an essential research tool for labor and employment law practitioners, it provides an authoritative, balanced perspective on the legal rights and duties of employees, employers, and unions, along with procedures and remedies under the NLRA. For the specialist, this classic reference is a quick means of accessing leading cases; for the generalist, it provides an excellent summary of the law and its development.

Topics covered include employer-mandated confidentiality agreements and arbitration agreements, employee handbook restrictions on employee activity alleged to be protected and concerted, the definition of critical terms such as “supervisor” and “independent contractor,” the obligation of an employer to provide financial information requested by the union during bargaining, the rights of employees to object to payment of full union dues under a union-shop agreement, the obligation of an employee who is unlawfully discharged under the NLRA to seek interim employment, employer restrictions on the use of company email to discuss union activity, the standards for determining what constitutes a joint employer relationship, and more.

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—Gordon E. Krischer, Of Counsel, O’Melveny & Myers LLP, Los Angeles, CA (on the Sixth Edition)

Summary of Contents

Part I. History of the NLRA
Chapter 1. Historical Background of the Wagner Act
Chapter 2. The Wagner Act Period
Chapter 3. The Taft-Hartley Changes
Chapter 4. The Landrum-Griffin Changes
Chapter 5. The Post-Landrum-Griffin Period

Part II. Protected Employee Activity
Chapter 6. Interference With Protected Rights
Chapter 7. Discrimination in Employment
Chapter 8. Employer Domination of and Assistance to Labor Organizations

Part III. The Representation Process and Union Recognition
Chapter 9. Restrictions on Preelection Activity: “Laboratory Conditions”
Chapter 10. Representation Proceedings and Elections
Chapter 11. Appropriate Bargaining Units
Chapter 12. Recognition and Withdrawal of Recognition Without an Election

Part IV. Collective Bargaining Process
Chapter 13. The Duty to Bargain
Chapter 14. Effect of Change in Bargaining Representative During the Term of a Collective Bargaining Agreement
Chapter 15. Effect of Change in the Employing Unit: Successorship
Chapter 16. Subjects of Bargaining

Part V. Arbitration and the Act
Chapter 17. Relation of Board Action to Enforcement of Agreements Under Section 301
Chapter 18. Accommodation of Board Action to the Arbitration Process

Part VI. Economic Action
Chapter 19. The Primary Strike
Chapter 20. The Lockout
Chapter 21. Picketing for Organization and Recognition
Chapter 22. Secondary Activity: Handbills, Pickets, and Strikes
Chapter 23. Section 8(e): The “Hot-Cargo” Agreement
Chapter 24. Jurisdictional Disputes and “Featherbedding”

Part VII. Relations Between Employer and Union
Chapter 25. The Duty of Fair Representation
Chapter 26. Union Security

Part VIII. Administration of the Act
Chapter 27. Jurisdiction: Coverage of the Act
Chapter 28. Federal Preemption of State Regulation
Chapter 29. Accommodations to Other Federal Enactments
Chapter 30. RICO and Labor Law
Chapter 31. NLRB Procedures
Chapter 32. NLRB Orders and Remedies
Chapter 33. Judicial Review and Enforcement

Appendix • Table of Cases • Index

John E. Higgins, Jr., is an adjunct faculty member at the Columbus School of Law, The Catholic University of America, Washington, DC, and is retired from the NLRB, where he served as a Board member and as Acting General Counsel.

Contributors are members of the ABA Section of Labor and Employment Law.

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How to Take a Case Before the NLRB, Ninth Edition

Brent Garren, John E. Higgins, Jr., and David A. Kadela, Editors-in-Chief

Committee on Practice and Procedure Under the NLRA, ABA Section of Labor and Employment Law

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How to Take a Case Before the NLRB is the go-to reference for expert guidance on the Board’s complex procedures. The treatise is the most comprehensive analysis of NLRB procedures available, indispensable for attorneys representing employers and unions alike. Authored by experienced practitioners from the American Bar Association’s Section of Labor and Employment Law, How to Take a Case Before the NLRB provides coverage of procedures for obtaining injunctive relief, guidelines for mail-in ballots, prioritization of unfair labor practice cases and the time targets for their processing, procedures to expedite representation cases, rules on attorney misconduct, and rules on settlement judges and bench decisions in unfair labor practice cases.

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- New procedures for deferral of charges to arbitration
- Latest developments in the scope of bargaining units
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Summary of Contents

Part I. In General
Part II. Unfair Labor Practice Investigations
Part III. Unfair Labor Practice and Backpay Litigation
Part IV. Representation Cases
Part V. Miscellaneous Proceedings Involving the NLRB
Appendices
Table of Cases
Index

Matthew M. Frankiewicz is a labor and employment arbitrator who served as an NLRB attorney for 14 years. He has handled hundreds of investigations.

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Kenneth May, Editor-in-Chief;
Patrick M. Sanders and Michelle T. Sullivan, Associate Editors (Main Volume);
Patrick M. Sanders and Wesley G. Kennedy, Associate Editors (2017 Supplement)
Committee on Labor and Employment Law, ABA Section of Labor and Employment Law

The preeminent text on labor arbitration.

Elkouri & Elkouri: How Arbitration Works is the most thorough and authoritative arbitration treatise available. Recognized as “the leading work in the field” by the Legal Information Buyer’s Guide and Reference Manual, 2017 Edition, it has been cited by advocates, arbitrators, and judges more than any other arbitration book published. It is the standard text that no labor relations specialist, union representative, labor law attorney, professor, or arbitrator should be without.

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Supplement Information

The 2017 Supplement updates the main volume with highlights including: liberalization of state marijuana laws and their impact on safety, drug, and alcohol testing; technology’s impact on jurisdiction, modifying job content, work assignment, parties’ rights, and the arbitration process; arbitrators’ treatment of statutory issues, and statutory and constitutional issues for public employees; trends in discipline and remedies, including arbitral injunctions, attorneys’ fees, and expenses; and arbitration under applicable statutes, including the FAA, the LMRA, and the RLA.

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Summary of Contents

- Arbitration and Its Setting
- Legal Status of Arbitration in the Private Sector
- Scope of Labor Arbitration
- The Arbitration Tribunal
- Grievances: Prelude to Arbitration
- Determining Arbitrability
- Procedures and Techniques
- Evidence
- Interpreting Contract Language
- Use of Substantive Rules of Law
- Precedential Value of Arbitral Awards
- Custom and Past Practice
- Management Rights
- Seniority
- Discharge and Discipline
- Safety and Health
- Employee Rights and Benefits
- Remedies
- Constitutional Issues in Public-Sector Arbitration
- Issues in Federal, State, and Local Government Sector Arbitration
- Arbitration of Interest Disputes
- Finality of Awards and Court Actions

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Contributors are members of the ABA Section of Labor and Employment Law.

Norman Brand and Melissa H. Biren, Editors-in-Chief
Committee on ADR in Labor and Employment Law, ABA Section of Labor and Employment Law

A complete guide to the latest workplace awards and standards.

In Discipline and Discharge in Arbitration, Third Edition, experienced practitioners analyze the standards and rationales used by arbitrators in rendering their awards for cases involving absenteeism, insubordination, theft/falsification, off-duty behavior, negligence on the job, possession of drugs, fighting, and more.

In addition, the Third Edition devotes an entire chapter to the developing area of employee use of social media, exploring the ramifications of a world and workplace in which the expectations of privacy are changing and where speech traditionally regarded as “off duty” may raise workplace concerns. It also explores the NLRB issues raised by social media becoming the way in which workers communicate with one another, as well as the new arbitral discovery issues created by social media providers.

Plus, the Third Edition gives advocates insight on how to argue their cases in areas such as drugs, harassment, and other areas where new arbitral trends have emerged or older trends have been abandoned. It offers specific information on the principles of just cause that have been developed to address both substantive and procedural issues in discipline cases. Neutral will find how traditional principles have been modified to account for different workplaces with new technology.

“This substantial revision of the original 1998 work brings the latest thought and analysis to bear on a field which has undergone substantial change over the past ten years.”

Summary of Contents

Chapter 1. Arbitration Advocacy
Chapter 2. Just Cause
Chapter 3. Attendance
Chapter 4. Job Performance Problems
Chapter 5. Refusals to Perform Work or Cooperate
Chapter 6. Substance Abuse
Chapter 7. Dishonesty and Disloyalty
Chapter 8. Workplace Misconduct
Chapter 9. Off-Duty Conduct
Chapter 10. Employee Use of Social Media
Chapter 11. Union Activities
Chapter 12. Evidentiary and Procedural Considerations
Chapter 13. Remedies for Inappropriate Discipline
Chapter 14. External Law
Chapter 15. Finality of Awards and Court Actions
Titles of NAA Proceedings
Table of Arbitration Decisions
Table of Arbitrators
Table of Cases
Index

Norman Brand has been engaged in dispute resolution full time since 1983 and is a member of the National Academy of Arbitrators, a Fellow of the College of Labor and Employment Lawyers, a Fellow of the American College of Employee Benefits Counsel, and past president of the California Dispute Resolution Council. Mr. Brand has been voted a “Super Lawyer in ADR” in Northern California.

Melissa H. Biren has more than 30 years’ experience in labor and employment matters. She has been a full-time arbitrator and mediator since 2002 resolving workplace disputes in the public and private sectors, and is a member of the National Academy of Arbitrators. She is Chair of the NY/NJ Metro Region of NAA and past president of NJ LERA.

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ADR in Employment Law

Alfred G. Feliu, Editor-in-Chief

Committee on ADR in Labor and Employment Law, ABA Section of Labor and Employment Law

A neutral, thorough look at every aspect of ADR in the employment setting. ADR in Employment Law is an essential resource for any employment lawyer. This text takes a neutral approach in covering all aspects of employment-related ADR, from class arbitration and mediation to internal corporate dispute resolution and ADR in the global setting.

The authors offer tips and insights on the preparation of pleadings; the selection of ADR providers and arbitrators; the rules and inner workings of the leading ADR providers; the pre-hearing stage; how to try a case before an arbitrator and what to expect at the hearing; requirements for an enforceable award; post-hearing challenges; and what approaches have resulted in the rare successful challenge to an award.

Supplement Information

The 2017 Supplement captures developments including: challenges to class action waivers under the NLRA; the scope of an arbitrator’s authority to fashion remedial measures; tools available to employees’ counsel to defeat motions to compel; convincing a court to vacate an arbitration award; circumstances leading to a finding of unconscionability; ethical concerns and how courts have addressed them; disclosures required of arbitrators, and more.

Summary of Contents

• Evolution of the Role of ADR in Resolving Employment Disputes
• Internal Resolution of Employment Disputes
• Mediation in the Employment Context
• ADR Providers and the Resolution of Employment Disputes
• Jurisdictional and Other Threshold Issues
• Class and Collective Actions
• Ethical Issues
• Ethics in Mediation
• Pre-Hearing Stage - Process Issues
• Pre-Hearing Stage - Practice Issues (AAA, JAMS, and FINRA Rules)
• Hearing Stage
• Remedies
• The Award
• Post-Hearing Stage
• Global ADR: Arbitration and Mediation of International Employment Disputes
• Empirical Evidence on Critical Issues Generally in Employment ADR and Under FINRA in Particular

Alfred G. Feliu is the principal of Feliu Neutral Services, LLC. He has over 30 years of experience in employment law, labor law, and commercial matters.

Contributors are members of the ABA Section of Labor and Employment Law.

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Inside Arbitration: How an Arbitrator Decides Labor and Employment Cases

By Roger I. Abrams

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Inside Arbitration includes a full chapter on the emerging field of employment arbitration (comparing and contrasting it with traditional labor arbitration procedure), as well as a chapter on mediation.

Summary of Contents

Chapter 1. Introduction
Chapter 2. Selecting a Labor Arbitrator
Chapter 3. Prehearing Procedures
Chapter 4. Arbitrability: The Jurisdiction of the Arbitrator
Chapter 5. Preparing for Arbitration
Chapter 6. Hearing Process and Procedures
Chapter 7. Post-Hearing Procedures
Chapter 8. Remedies
Chapter 9. Finding Facts
Chapter 10. Just Cause Decision Making
Chapter 11. Management Rights
Chapter 12. Interpreting the Contract
Chapter 13. Custom and Past Practice
Chapter 14. Deciding the Case
Chapter 15. Drafting an Arbitration Opinion and Award
Chapter 16. Protecting the Arbitration Process
Chapter 17. Employment Arbitration
Chapter 18. Mediation
Chapter 19. A Look to the Future
Appendices • Table of Cases • Index

Roger I. Abrams is the Richardson Professor of Law at Northeastern University School of Law, Boston, MA.

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How ADR Works

Norman Brand, Editor

Committee on ADR in Labor and Employment Law, ABA Section of Labor and Employment Law

Learn to resolve disputes in this companion to Elkouri & Elkouri: How Arbitration Works (pg. 18).

This invaluable resource for both beginning and seasoned labor and employment law practitioners provides guidance on multiple facets of dispute resolution. Coverage includes achieving better outcomes, understanding what mediators and arbitrators are looking for, succeeding in mediation and arbitration, and crafting stronger ADR programs and settlement agreements.

This unique publication is especially important in view of the increasing use of mediation by courts and agencies as a way of resolving employment claims. The editor provides insightful “Putting It Together” pieces—enabling you to gain the best perspective from both sides of the issue. The commentary synthesizes diverse views into cohesive advice for improving your practice.

Summary of Contents

Part I: How Advocates Start the Process
Part II: Mediation
Part III: Arbitration
Part IV: Drafting Issues
Appendices

See page 19 for editor information.

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**Construction Industry Labor and Employment Law**

By James W. Wimberly, Jr., Les A. Schneider, and Martin H. Steckel

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The construction business has always differed from other industries in its employment patterns, its contracting relationships, and even certain separate legal doctrines, many of which developed due to the short and occasional nature of construction work and the need for employers to know their labor costs before bidding. 

Construction Industry Labor and Employment Law gives construction industry employers and contractors strategies to avoid pitfalls and navigate the unique legal circumstances that define the industry. Written by attorneys involved in some of the leading cases in the field, the book features useful tips and practical examples. Perspectives highlighted in the book include those of attorneys representing construction contractors, property owners and managers, and trade associations.

**Supplement Information**

The 2018 Cumulative Supplement updates the treatise with analysis of topics including:
- Paid sick leave rules in government construction and service contracts
- Retention of workforce when Section 8(f) construction agreements expire
- Change in NLRB case law on appropriate bargaining unit in the construction industry
- New joint employer cases compared to dual shop arrangements
- Application of the non-statutory antitrust exemption to union activities
- Whether illegal hot cargo contract clauses can exempt union activity from antitrust scrutiny

**Summary of Contents**

Part I. Analysis and Preparation

Part II. Execution

Index

Michael H. Granof is a Professor of Accounting at the University of Texas at Austin, Austin, TX; and Ernst & Young Distinguished Teaching Professor of Business and Public Affairs.

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The Guide’s highlights include:

- Drug abuse, including a new section on marijuana for medical use
- Tardiness
- Sexual harassment
- Electronic communications and technology

Concise overviews of each topic covered in the Guide, together with citations to the full text of the arbitration cases, combine to help advocates understand how to properly handle numerous types of grievable issues.

The Guide analyzes significant arbitrator awards published by Bloomberg Law’s Labor Arbitration Reports, which are available as part of Bloomberg Law.

Summary of Contents

Part I. Discipline and Discharge: In General
- Just Cause, Disciplinary Procedures, Proving Misconduct, Types of Penalties

Part II. Discipline and Discharge: Categories
- Absenteeism
- Abusive Behavior
- Damaging Employer Property
- Dishonesty & Theft
- Drug Abuse & Drug Testing
- Electronic Communications and Technology
- Gambling
- Garnishment
- Horseplay
- Incompetence
- Intoxication & Alcoholism
- Negligence
- Off-Duty Misconduct
- Outside Employment & Moonlighting
- Refusal to Comply With Policies and Directives

- Safety Issues
- Sexual Harassment
- Sleeping, Loafing, Tardiness
- Strike-Related Activities
- Union Activity
- Workplace Violence

Part III. Layoff Issues

Part IV. Disability Issues

Part V. Leave

Part VI. Hiring, Transfer, and Promotion
- Posting of Vacancies & Bidding, Promotion, Transfer

Part VII. Wages and Hours
- Pay, Holiday Work, Overtime & Premium Pay, Work Hours & Schedules

Part VIII. Union and Management Rights

Part IX. Strikes and Lockouts

Part X. Vacations

Part XI. Health Care Benefits

Part XII. Subcontracting & Outsourcing

Karen L. Ertel is the Director of Bloomberg Law’s Labor, Employment, Benefits, and HR News Desk, Arlington, VA.

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Contract Bargaining Handbook for Local Union Leaders, Second Edition
By Maurice B. Better
Revised by Kenneth May
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Summary of Contents

Part I. Preparation for Bargaining
Chapter 1. Organizational Activities
Chapter 2. Developing Bargaining Proposals
Chapter 3. Bargaining Proposals and Priorities
Chapter 4. Presenting Financial Information in Bargaining
Chapter 5. Presenting Pay and Fringe Benefit Comparisons
Chapter 6. Presenting Economic Data in Bargaining

Part II. The Bargaining Process
Chapter 7. The Law of Contract Bargaining
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Summary of Contents

Part I. Before Bargaining Begins
Part II. The Bargaining Process
Part III. Reaching a Final Agreement
Appendixes • Index

Robert M. Cassel has specialized in management representation since 1962, as a partner in major San Francisco, CA law firms and from his own law office in Marin County.

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Adolph M. Koven (deceased) was a prominent arbitrator for nearly 40 years.
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Summary of Contents

Chapter 1. Reasons for Enactment
Chapter 2. Coverage
Chapter 3. Substantial Risk of Forfeiture
Chapter 4. Other Key Definitions: Service Recipient, Separation From Service, Specified Employee, Change in Control
Chapter 5. Plan Aggregation and Other Key Rules
Chapter 6. Short-Term Deferrals
Chapter 7. Other Exclusions
Chapter 8. Initial Deferral Elections
Chapter 9. Changes in Time and Form of Payment
Chapter 10. Permissible Payments
Chapter 11. Acceleration of Payments
Chapter 12. Separation Pay Arrangements
Chapter 13. Disability
Chapter 14. Equity Arrangements
Chapter 15. SERPs and Excess Benefit Plans
Chapter 16. Reimbursement Arrangements
Chapter 17. Mergers and Other Corporate Transactions
Chapter 18. Private Equity and Hedge Fund Arrangements
Chapter 19. Partnerships
Chapter 20. Plans of Tax-Exempt Entities
Chapter 21. Foreign Plans
Chapter 22. Collectively Bargained Plans
Chapter 23. Releases
Chapter 24. Claims, Disputes, and Settlements
Chapter 25. Funding Arrangements
Chapter 26. Grandfathered Plans
Chapter 27. Withholding and Reporting
Chapter 28. Penalties
Chapter 29. Correcting Operational Errors
Chapter 30. Correcting Outside the Correction Programs
Chapter 31. Correcting Document Errors
Chapter 32. Other Tax Rules: Constructive Receipt and Section 457A
Appendices
Tables of Authorities Index

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Supplement Information

The Spring 2018 Supplement updates the treatise with coverage current through December 31, 2016, as well as Supreme Court opinions, final regulations, and legislation issued through August 31, 2017.

Summary of Contents

Chapter 1. Brief History of the Regulation of Employee Benefits
Chapter 3. Administration and Enforcement
Chapter 4. Reporting and Disclosure
Chapter 5. Regulation of Qualified Retirement Income Plans Generally
Chapter 6. Regulation of Specialized Types of Retirement Income Plans
Chapter 7. Tax Treatment of Welfare Benefit Plans
Chapter 8. Regulation of Employee Health Care Benefit Plans
Chapter 9. Plan Insurance and Plan Termination
Chapter 10. Fiduciary Responsibility
Chapter 11. ERISA Preemption and Effect on Other Laws
Chapter 12. Civil Practice and Procedure
Chapter 13. Benefit Claims
Chapter 14. Issues Unique to Health Care, Disability, and Other Welfare Benefit Plans
Chapter 15. Employment Discrimination and Employee Benefits
Chapter 16. Issues Unique to Jointly Administered Plans
Chapter 17. Multiemployer Plan Withdrawal Liability
Chapter 18. Collective Bargaining and Employee Benefits
Chapter 19. Criminal Enforcement and Civil RICO
Chapter 20. Ethics, Privilege, and Related Concerns Unique to the Practice of Benefits Law
Chapter 21. Table of Cases
Chapter 22. Table of ERISA Sections
Chapter 23. Table of IRC Sections
Chapter 24. Topical Index

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• Selected provisions of the Public Health Service Act, as amended by the ACA and other legislation, together with a statutory history of each section, including provisions of amending statutes that relate to the section

Summary of Contents

Introduction
Organization of This Book
ERISA Finding List
IRC Finding List
PHSA Finding List
Part 1. Text of ERISA
  Employee Retirement Income Security Act of 1974, as Amended
  Part 2. IRC Excerpts
  Selected Provisions of the Internal Revenue Code of 1986, as Amended
  Part 3. PHSA Excerpts
  Selected Provisions of the Public Health Service Act, as Amended
  Part 4. Appendix
  The American Health Care Act of 2017, H.R. 1628
Part 5. Indexes
  Index to ERISA, IRC, and Related Regulations
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Sharon F. Fountain, Esq., is Managing Editor for Compensation Planning at Bloomberg Tax®, Arlington, VA.

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**Summary of Contents**

Part 1. Prohibited Transaction Class Exemptions Currently in Effect
- Part 2. Statutory Prohibited Transaction Exemptions Added by the Pension Protection Act of 2006
- Part 3. Proposed Class Exemptions That Have Not Been Granted
- Part 4. Superseded, Replaced, Revoked, Expired, and Withdrawn Exemptions
- Part 5. Indexes and User Aids
- Part 6. Federal Register Notices and Other Agency Documents
- Part 7. Online Archive

**Index of Applicants**

Topical Index

User Aids

**Summary of Contents**

Chapter 1. Overview of ERISA Fiduciary Law
- Chapter 2. Application of Plan Asset Rules to Plan Investments and Contributions
- Chapter 3. Fiduciary Issues in Welfare Plans
- Chapter 4. Named Fiduciaries
- Chapter 5. Investment Management by Plan Fiduciaries
- Chapter 6. Fiduciary Duties and Bankruptcy
- Chapter 7. Fiduciary Disclosure Obligations
- Chapter 8. Ethical Issues Under ERISA: Attorney-Client Privilege, the Work Product Doctrine, and Professional Responsibility

Appendices • Table of Cases • Index

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**Summary of Contents**

- **Part I. Procedural Issues**
  - Welfare Plans
  - Pension Plans
  - Plans Excluded
  - Causes of Action
  - Preemption and Removal
  - Enumerated Parties
  - Standing
  - Derivative
  - Potential Defendants
  - Remedies
  - Preliminary Relief
  - Statutes of Limitations
  - Exhaustion of Remedies
  - Subject Matter Jurisdiction
  - Service of Process
  - Venue
  - Personal Jurisdiction
  - Jury Trials
  - Attorneys’ Fees
  - Standard of Review for Adverse Benefit Determinations
  - Pretrial Discovery
  - Attorney-Client Privilege and Work Product Doctrine
  - Class Actions

- **Part II. Pension, Medical, and Other Benefits**
  - ACA/ERISA Litigation
  - Wrongful Denial of Benefits
  - Disability Benefit Claims
  - Insurance Benefits
  - Managed Care Litigation
  - COBRA Litigation
  - Spousal Rights
  - Retiree Welfare Benefits

- **Part III. Issues Unique to Pension Plans**
  - Defined Benefit Plan Investments
  - Amendment and Termination
  - Fees and Expenses Litigation

- **Part IV. Discrimination**
  - Executive Compensation Litigation
  - Contingent Workers and Employee Benefits
  - Interference With Protected Rights
  - Age Discrimination

- **Part V. Fiduciary Duties and Remedies**
  - Misrepresentation and Nondisclosure
  - Estoppel as a Basis for Recovery for Misrepresentation
  - Fiduciary Duties Regarding 401(k) and ESOP Investments in Employer Stock
  - Civil RICO
  - Multiemployer Plans
  - Delinquency Actions
  - Special Rules for Multiemployer Plans

**Summary of Contents**

- **Part I. The Law**
  - The Pension Protection and Affordable Care Act, as amended
  - The Health Care and Education Reconciliation Act of 2010, as amended

- **Part II. The Regulations**
  - Final Labor Regulations
  - Proposed Labor Regulations
  - Final and Temporary Treasury Regulations
  - Proposed Treasury Regulations
  - Final Health and Human Services Regulations
  - Proposed Health and Human Services Regulations

- **Part III. Index and Finding Lists (User Aids)**

**Subject Index**

- Correspondence Table and Finding List to Chapters 1 and 2 (By Section or Subsection of the Affordable Care Act-Other Acts/Laws-the U.S. Code)
  - Final List to Chapter 5 (Final and Temporary Treasury Regulations) by Treasury Decision (T.D.) Number and 26 C.F.R. Section
  - Finding List to Chapter 6 (Proposed Treasury Regulations) by Regulation Project ID (REG-1) and Proposed 26 C.F.R. Section
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- Increased statutory penalties
- Analysis of the highest relator share awards over the past thirty years

Summary of Contents

- History of Qui Tam Litigation
- Statutory Framework
- Constitutionality
- Subject Matter Jurisdiction
- Other Threshold Issues
- Attorney-Client Relationships
- Preparation of the Sealed Case
- Discovery
- Common Defenses
- Common Motion Practice
- Use of Testifying and Nontestifying Experts
- Trial Strategies
- Damages
- Whistleblower Protections in the Workplace
- Relator’s Share of the Recovery
- Attorneys’ Fees
- Appeals
- Settlement
- The Media, Congress, and the Public Interest
- Future Outlook
- State False Claims Statutes
- The FCA and the Supreme Court
- Appendices
- Table of Cases
- Index

James B. Helmer, Jr., is a senior partner and President of Helmer, Martins, Rice & Popham Co., L.P.A., Cincinnati, OH. Mr. Helmer has obtained several multimillion-dollar jury verdicts and has been trial counsel in more than 100 published legal decisions, including more than 100 dealing with the False Claims Act. His False Claims Act cases have returned nearly $1 billion to taxpayers and have resulted in 15 criminal indictments. He argued the Allison Engine False Claims Act case before the United States Supreme Court.

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Summary of Contents

- A Developing Crisis
- Part I. Sources of Liability
- Chapter 2. Data Protection and Disclosure Obligations for Financial Institutions
- Chapter 3. Special Problems in the Health Care Industry
- Chapter 4. The Federal Statutory Landscape Beyond the Financial and Health Care Industries
- Chapter 5. Privacy Issues Relating to Government Records
- Chapter 6. State Laws Governing Cybersecurity, Consumer Data, and Privacy Protection
- Chapter 7. Data Breach and Privacy Liability Beyond Federal and State Statutes
- Part II. Avoiding or Minimizing Litigation Risk
- Chapter 8. Internal Controls
- Chapter 9. Incident Response
- Part III. Litigation Tactics
- Chapter 10. Pre-Litigation Issues
- Chapter 11. Litigation Strategies Arising From Data Breach and Cybersecurity Disputes
- Chapter 12. Affirmative Defenses Applicable to Data Breach and Privacy Litigation
- Chapter 13. Damages
- Appendices • Table of Cases • Index

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By Samuel Rosenthal

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Summary of Contents
Chapter 1. From Crisis to Crisis: Learning From the Past
Part I. Sources of Liability
Chapter 2. The Statutory Landscape
Chapter 3. Duties of Directors, Officers, and Other Insiders
Chapter 4. Civil Liability of Insiders
Chapter 5. Civil Liability of Directors and Officers Under Selected Federal Statutes
Chapter 6. Civil Liability of Consultants to Financial Institutions
Chapter 7. Criminal Liability
Chapter 8. Consumer Protection and Privacy
Chapter 9. Administrative Actions
Part II. Governmental Enforcement
Chapter 10. Governmental Agencies Involved in Enforcement Actions
Chapter 11. Recent Civil Actions and Policies by the Federal Agencies
Chapter 12. Recent Criminal Actions Against Directors, Officers, and Consultants to Financial Institutions
Chapter 13. The Government Investigation
Part III. Defense Techniques and Tactics
Chapter 14. The Prelitigation Defense Investigation
Chapter 15. The Civil Case
Chapter 16. Criminal Proceedings
Chapter 17. Special Problems of Parallel Proceedings
Chapter 18. Joint-Defense Agreements and Privileges
Chapter 19. Paying for the Cost of Defense
Appendices Table of Cases Index
Samuel Rosenthal is a partner of Nelson Mullins Riley & Scarborough in the Washington, DC, and New York offices, where he is a member of the White Collar Defense & Government Investigations Team. He is a former chief of the DOJ Appellate Section of the Criminal Division.

Whistleblowing: The Law of Retaliatory Discharge, Third Edition
By Nancy M. Modesitt, Janie F. Schulman, and Daniel P. Westman

A full analysis of laws concerning retaliation against whistleblowers.
This treatise provides in-depth discussion of whistleblower protections and litigation under the Sarbanes-Oxley Act, the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Patient Protection and Affordable Care Act, and other applicable federal and state laws. The Third Edition covers the use of confidential or classified information, contractors as whistleblowers, state statutes, and significant Supreme Court decisions.

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• Federal appeals court decisions on the “manager rule” in FLSA retaliation claims
• The Eighth Circuit’s reversal of course on AIR-21’s preemptive effect

Summary of Contents
Chapter 1. The Evolution of Whistleblower Protections
Part I. Key Issues for Advocates and Advisors
Chapter 2. Analytical Framework
Part II. Federal Law Protections in the Private Sector
Chapter 3. Overview of Federal Statutory Protections for Whistleblowers
Chapter 4. The Sarbanes-Oxley Act of 2002 and the Dodd-Frank Act of 2010
Chapter 5. Retaliation Claims Under the Federal Antidiscrimination Statutes
Part III. State Law Protections in the Private Sector
Chapter 6. Statutory Protections
Chapter 7. Common Law Protection: The Public Policy Doctrine
Part IV. Federal, State, and Local Law Protections in the Public Sector
Chapter 8. Whistleblower Protections in the Public Sector
Part V. Strategies for Litigation and Avoiding Litigation
Chapter 9. Preemption and Related Issues
Chapter 10. Litigating Whistleblower Cases
Chapter 11. Avoiding Whistleblower Litigation
Appendix A. State Statutes Protecting Public Sector Employees
Appendix B. State Statutes Protecting Private Sector Employees
Appendix C. Federal Statutes Protecting Employees
Appendix D. Common Law Public Policy Protections for Whistleblowers
Appendix E. Relevant Provisions of Regulations Issued Under Sarbanes-Oxley
Appendix F. Relevant Provisions of the Dodd-Frank Act of 2010 and Related Regulations
Table of Cases Index
Nancy M. Modesitt is a Professor of Law at the University of Baltimore School of Law, Baltimore, MD, where she teaches Employment Law, Torts, Employment Discrimination, and Legal Writing.
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Daniel P. Westman (deceased) was a partner in the law firm of Morrison & Foerster, LLP, McLean, VA.

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By Kevin T. Abikoff, John F. Wood, and Michael H. Huneke

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- An updated chapter on China, written by Jun He Law Offices, discussing updates to laws related to commercial bribery and related increased fines
- Further updates on Brazil, including a decree on what characterizes an adequate compliance program, changes related to company campaign contributions, and the Operation Car Wash/Petrobras investigation

Summary of Contents

Chapter 1. The Consequences of Bribery
Chapter 2. Evolution of the International Regulation
Chapter 3. To Whom the Provisions Apply and the Bases for U.S. Jurisdiction
Chapter 4. What Conduct Is Prohibited
Chapter 5. Affirmative Defenses and the Exception
Chapter 6. The Accounting Provisions
Chapter 7. FCPA Penalties & Collateral Consequences
Chapter 8. FCPA Opinion Procedure Release Process
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Chapter 10. Conducting an Effective Anti-Corruption Internal Review
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Chapter 12. Oil, Gas, and Mining
Chapter 13. The Defense Industry
Chapter 14. Pharmaceutical, Medical Device, and Other Healthcare-Related Companies
Chapter 15. The World Bank & Other Institutions
Chapter 16. France
Chapter 17. Brazil
Chapter 18. The U.K.
Chapter 19. The People’s Republic of China
Appendix • Table of Cases • Index

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By Joan E. Meyer and Trevor N. McFadden

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- Negotiating corporate settlements
- Handling publicity and shareholder questions following the settlement
- The consequences of breaching a DPA or NPA

Summary of Contents

Chapter 1. Basics of a Deferred Prosecution Agreement
Chapter 2. Basics of the Non-Prosecution Agreement
Chapter 3. Non-Target Letters and Other Corporate Settlements
Chapter 4. The Government’s Evolving Corporate Charging Policies
Chapter 5. The Origins of DPAs and NPAs
Chapter 6. Recent Developments in the Use of DPAs and NPAs
Chapter 7. Standard Provisions of DPAs and NPAs
Chapter 8. Corporate Compliance Programs and Effective Remediation
Chapter 9. Corporate Monitorships
Chapter 10. Sentencing Guidelines and DPAs/NPAs
Chapter 11. Civil Liability and Follow-On Litigation
Chapter 12. Debarment and Suspension
Chapter 13. Cooperation and Individual Prosecution
Chapter 14. Multijurisdictional Settlements
Chapter 15. The U.K. Perspective
Chapter 16. The World Bank and Other Multi-Lateral Development Banks
Chapter 17. Negotiating Corporate Settlements
Chapter 18. Handling Publicity/Shareholder Questions
Chapter 19. Breach of DPAs/NPAs
Chapter 20. Conclusion

Joan E. Meyer is a partner in Baker McKenzie’s Washington, DC office, where she has handled numerous investigations and resolutions with enforcement authorities. Previously, she was senior counsel to the Deputy Attorney General at the U.S. Department of Justice, where she advised on corporate charging policies, corporate monitorships, and complex criminal litigation and corporate settlements. She also managed the operation of the President’s Corporate Fraud Task Force. Ms. Meyer was the First Assistant United States Attorney and Criminal Chief of the United States Attorney’s Office in the Western District of Michigan.

Trevor N. McFadden is a United States District Judge for the District of Columbia. Before his appointment to the bench by President Trump, he was the Deputy Assistant Attorney General in the U.S. Department of Justice responsible for overseeing the Criminal Division’s Fraud Section, which has exclusive jurisdiction over criminal prosecutions of the FCPA. Previously, he was a partner in Baker McKenzie’s North America Compliance & Investigations Practice Group in Washington, DC. His earlier experience includes the prosecution of numerous trials as an Assistant United States Attorney and service in the Office of the Deputy Attorney General.
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