

## COMPLIANCE PROCEEDINGS INDEX

### A

Ability to Comply, Monitoring ..... 10504.8,  
..... 10504.9, 10506.4, 10508.4,  
..... 10594.10, 10595, 10596, 10610  
Absenteeism, Effect on Gross Backpay ..... 10542.4  
Accounting Assistance ..... 10508.6  
Administrative Law Judge  
    Brief to ..... 10668  
    Decision, Procedures Following  
        Issuance of ..... 10506.7, 10595  
        Prehearing Conference ..... 10660.8  
        Settlement Judge, Role As ..... 10660.7  
Advertising for Missing Discriminatees ..... 10562.2  
Advice, Division of, see Division of Advice  
Affidavits ..... 10650.5, 10660.5  
Affirmative Provisions of Orders ..... 10516  
Allocation of Backpay to Calendar Quarters.. 10564.2  
Alter Ego ..... 10504.8, 10508.4, 10648.3, 10682.3  
Alternate Methods of Calculating Backpay ..... 10548  
Amendment, Compliance  
    Specification ..... 10654, 10660.2  
Answer, Compliance Specification .... 10652, 10662.2  
    Specificity of ..... 10662.2  
Appeals of Compliance Determination  
    Compliance Proceedings ..... 16000  
    Procedures to Follow ..... 10602.1  
Appellate Court Branch  
    Enforcement Procedures ..... 10608  
    Mediation Program ..... 10610  
    Situations Requiring Authorization,  
        Clearance, Submission, Notification  
        or Consultation ..... 10704.4  
Armed Forces  
    Effect of Military Service on Backpay ..... 10560.6  
    Effect of Military Service on  
        Reinstatement ..... 10534.6  
    Veteran's Reemployment Rights Statute .... 10534.6  
Assistance with Compliance Problems ..... 10702  
Attachment of Backpay ..... 10576.9  
Authorization Required for Regional  
    Actions ..... 10592.1, 10592.2

### B

Backpay ..... 10536–10550  
    Alternative Methods of Calculating ..... 10548  
    Collection, see Collection of Backpay  
    Computations, Include in File ..... 10506.2  
    Definitions of Terms ..... 10536.2  
    Disbursement Procedures ..... 10576  
    Estimates ..... 10592.5  
    Gross, see Gross Backpay  
    Installment Payments ..... 10592.12, 10636  
    Investigation Procedures ..... 10538  
    Joint Liability ..... 10592.13

Lump Sum Payments ..... 10548.3, Appendix 5  
Net ..... 10564  
Other Forms of Compensation ..... 10544.7  
Sample Calculation ..... 10568  
Settlement ..... 10592  
Statistical Sampling to Calculate ..... 10548.1  
Tax Consequences ..... 10578, 10578.6  
“Tips” as component of ..... 10544.6  
Treatment of Taxes ..... 10578  
Union Liability ..... 10546  
Backpay Period, Defined ..... 10536.2  
Bank Records ..... 10508.5, 10508.7  
Bankruptcy ..... 10504.10, 10670  
    Assistance ..... 10670.2  
    Automatic Stay ..... 10670.1, Appendix 18  
    Collective-Bargaining Agreements,  
        Rejection ..... 10670.1  
    Creditor ..... 10670.1, 10670.4(b)  
    Discharge ..... 10670.3(a), 10670.3(f)  
    Disclosure Statement ..... 10670.3(f), Appendix 21  
    Discovery, Rule 2004 ..... 10670.3(e)  
    Electronic Filing ..... 10670.2  
    Free and Clear Sales of Assets ..... 10670.3(f)  
    Hearings ..... 10670.2  
    Identification of Cases ..... 10670.3(a)  
    Impact Analysis ..... 10670.3(a)  
    Liquidation ..... 10670.3(a)  
    Meeting of Creditors ..... 10670.3(e)  
    Monitor Bankruptcy Proceedings ..... 10670.3(b)  
    Nondischargeable Claims ..... 10670.3(f)  
    Notices to be Filed ..... 10670.3(d),  
        ..... Appendices 19, 20, 22  
    Objections ..... 10670.3(f)  
    Plan of Reorganization .... 10670.3(f), Appendix 21  
    Pleadings ..... 10670.2  
    Processing ULP Charges ..... 10670.3(a)  
    Proofs of Claim ..... 10670.4  
        Amount ..... 10670.4(d)  
        Deadline to File ..... 10670.3(c), 10670.4(c)  
        Duplicate Claims ..... 10670.4(b)  
        Estimation ..... 10670.4(d)  
        General Principles ..... 10670.4(a)  
        Interest Claimed ..... 10670.4(d)  
        Objection to Claim ..... 10670.4(a)  
        Payment ..... 10670.7  
        Priorities ..... 10670.4(e)  
        Settlement ..... 10670.5, 10670.6  
        Social Security Numbers ..... 10670.4(a)  
    Review Pleadings ..... 10670.3(e)  
    Trustee ..... 10670.3(a), 10670.5  
Bargaining Requirements ..... 10528  
Benefits  
    Treatment as Gross Backpay ..... 10544  
    Treatment as Interim Earnings ..... 10552.4, 10552.5  
Benefit Funds  
    Interest Rates ..... 10566.9

## COMPLIANCE INDEX

Make Whole ..... 10528.5  
Board Order, Procedures Following  
    Issuance Of ..... 10506.8, 10596  
Briefs to ALJ ..... 10668  
Broad Order ..... 10632.5(a)  
Burden of Proof ..... 10648.4–10648.6,  
..... 10662.9, 10658.1

### C

Case Records Unit ..... 10704.8  
Certiorari, Compliance While Pending ..... 10506.9  
Clearance Required for Regional Actions ..... 10592.1,  
..... 10592.2, 10592.4, 10592.7, 10594.10, 10704  
Closing Case Procedures ..... 10706  
    Administrative Closing ..... 10706.5  
    Board Order, Compliance ..... 10694.5  
    Board Order, Noncompliance ..... 10694.6  
    Court Judgment, Compliance ..... 10694.5  
    Court Judgment, Noncompliance ..... 10694.6  
    Division of Operations-Management  
        Authorization Required ..... 10706.4  
    Formal Settlement Agreement ..... 10644, 10706.3  
    Informal Settlement Agreement  
        ..... 10594.11, 10706.1  
Collateral Benefits ..... 10554.1  
Collection of Backpay  
    Criteria for Supplemental Proceedings ..... 10678.2  
    Execution ..... 10678.6, Appendix 24  
    Garnishment ..... 10676, 10678.5, Appendix 23  
    Inability to Pay, see Inability to Pay  
    Installment Payments ..... 10592.12, 10636,  
        ..... Appendix 12  
    Registration of Judgments ..... 10680.2  
    Standard Payment Procedures ..... 10576.2  
Compensation Received for Salting  
    Activities ..... 10552.6  
Compliance  
    Following ALJ Decision ..... 10506.7, 10595  
    Following Board Order ..... 10506.8, 10596  
    Following Court Judgment ..... 10506.9, 10614  
    Following Formal Settlement  
        Agreement ..... 10506.6  
    Following Informal Settlement  
        Agreement ..... 10506.5  
Compliance Checklist ..... Appendix 1  
Compliance Determination ..... 10600  
Compliance Hearing ..... 10662  
    Administrative Law Judge  
        Briefs To ..... 10668  
        Prehearing Conferences With ..... 10660.8  
        Settlement Judge, Role As ..... 10660.7  
    Amendment of Specification ..... 10654  
    Answer  
        Answer, Specificity of ..... 10652.2, 10652.2  
    Arranging for Production of Records ..... 10658.2

Burdens of Proof ..... 10648.4–10648.6,  
..... 10658.1, 10662.9  
Compliance Officer  
    Role in Preparation ..... 10658.1  
    Testimony ..... 10660.1, 10660.2, 10664.1  
Delay During Settlement Discussions ..... 10592.15  
Disclosure of Information to  
    Respondents ..... 10650.5, 10662.9  
Discriminatee Testimony ..... 10660.3, 10660.4,  
..... 10660.5, 10664.2, 10666.8  
    Available to Testify at Hearing ..... 10662.4  
        Deceased Discriminatees ..... 10662.8  
        Unavailable Discriminatee ..... 10662.7  
    Concealed Earnings ..... 10550.5, 10666.2  
    Preparation for Cross-  
        Examination ..... 10660.5, 10666.3–10666.7  
        Rehabilitation ..... 10666.8  
Enforcement Normally Required... 10646.2 10606.1  
Expert Witness Testimony ..... 10660.6  
Exhibits  
    Charts, Summaries, Tables ..... 10658.2, 10660.2  
    Document Presentation at Hearing ..... 10662.9  
    Documents Regarding Interim Earnings... 10662.9  
Formal Exhibits ..... 10662.5  
General Counsel's Case ..... 10664  
Interim Earning Documents ..... 10662.9  
Missing Discriminatees ..... 10662.7  
Opening Statement ..... 10662.6  
Preparation for Compliance  
    Hearing ..... 10658–10660.8  
Respondent's Case ..... 10666  
    Documents, Interim Earnings ..... 10662.9  
    Remote and Speculative Defenses ..... 10666.9  
    Witnesses, Discriminatees ..... 10662.4  
Settlement Conference ..... 10660.8  
    Settlement Discussions, Should Not  
        Delay Proceedings ..... 10592.15  
    Settlement Judge ..... 10660.7  
    Stipulations ..... 10658.2  
    Subpoenas ..... 10658.2  
    Trial Attorney ..... 10658.1–10660.8,  
        ..... 10662.3, 10666  
Compliance Officer  
    Role in Compliance Hearing ..... 10658.1, 10660.1,  
        ..... 10660.2, 10664.1  
    Role in Preparation for Hearing ..... 10658.1  
Compliance Proceedings, see  
    Compliance Hearing  
Compliance Status Report, see  
    Overage Compliance Case Report  
Compliance Specification ..... 10648  
    Affirmative Allegations ..... 10648.5  
    All Joint Respondents Named ..... 10648.3  
    Amendment ..... 10654  
    Answer To ..... 10652  
    Burdens of Proof ..... 10648.4, 10648.6

## COMPLIANCE INDEX

<ul style="list-style-type: none"> <li>Deceased Discriminatees ..... 10648.8</li> <li>Missing Discriminatees ..... 10648.7</li> <li>Notice to Discriminatees ..... 10650.4</li> <li>Overview ..... 10648.1</li> <li>Preparation..... 10648</li> <li>Sample ..... 10648.11, Appendix 17</li> <li>Service..... 10650.3</li> <li>Special Remedies..... 10648.9</li> <li>Uncooperative Discriminatees..... 10648.7</li> <li>Withdrawal ..... 10656</li> <li>Compliance Stipulation ..... 10638, 10646.5, ..... Appendix 16</li> <li>Consolidating Compliance Issues With   Complaint ..... 10506.2(c), 10508.3, 10646.3</li> <li>Consultation Regarding Regional   Actions ..... 10704</li> <li>Contact, Maintaining With Discriminatees .... 10508.8</li> <li>Contempt           <ul style="list-style-type: none"> <li>Backpay ..... 10624</li> <li>Case Closing Involving Contempt..... 10632.11</li> <li>Collection, see Collection..... 10632.5(d)</li> <li>Criteria for Recommending ..... 10632.5</li> <li>Developments After Submission ..... 10632.4</li> <li>Documentation of Expenses and   Attorneys Fees ..... 10632.8</li> <li>  Injunctive Relief, see Injunctions</li> <li>Notice to Party ..... 10632.3, 10632.7</li> <li>Notice to Successor ..... 10632.10</li> <li>Overview ..... 10632.1</li> <li>Private Party Initiation..... 10632.2, 10632.9</li> <li>Proceedings ..... 10616.2, 10618, 10632.5(c)</li> <li>Regional Assistance to Contempt..... 10632.9</li> <li>Reinstatement Issue ..... 10592.8</li> <li>Stale Judgment ..... 10632.5(f)</li> <li>Standard of Proof..... 10632.5(b)</li> <li>Submissions..... 10632.6(f)</li> <li>Violation Covered by Judgment ..... 10632.5(a)</li> </ul> </li> <li>Contempt Litigation &amp; Compliance Branch   Situations Requiring Authorization,     Clearance, Submission, Notification, or     Consultation..... 10704.2</li> <li>Court Judgment           <ul style="list-style-type: none"> <li>Investigation of Noncompliance   Allegations..... 10618</li> <li>Procedures Following Issuance of... 10506.9, 10614</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Fraudulent Transfer ..... 10508.2(7)</li> <li>Single Employer ..... 10508.2(2)</li> <li>Others Responsible ..... 10682.3</li> <li>Overview ..... 10682.1</li> <li>Personal Liability..... 10508.2(4)</li> <li>Piercing Corporate Veil ..... 10508.2(4)</li> <li>Remedial Objectives ..... 10682.5</li> <li>Successor ..... 10508.2(3)</li> <li>Determination of 10(k) Dispute,   Compliance Following ..... 10526</li> <li>Disabled Employees           <ul style="list-style-type: none"> <li>Backpay ..... 10560.2, 10560.3</li> <li>Reinstatement ..... 10532.3, 10534.4</li> </ul> </li> <li>Disbursement of Backpay ..... 10576           <ul style="list-style-type: none"> <li>Deceased Discriminatees ..... 10576.6</li> <li>Escrow Account, From ..... 10582</li> <li>Missing Discriminatees ..... 10582.3, 10584</li> <li>Standard Procedures ..... 10576.1</li> </ul> </li> <li>Discharge From Interim Employment ..... 10558.4</li> <li>Disclosure of Backpay Information,   see Document Disclosure</li> <li>Discovery..... 10618.2</li> <li>Discriminatees           <ul style="list-style-type: none"> <li>Advertising For..... 10562.2</li> <li>Attendance at Educational Institution..... 10560.5</li> <li>Concealment of Interim   Earnings..... 10550.5, 10666.2</li> <li>Deceased..... 10562.5               <ul style="list-style-type: none"> <li>Compliance Hearing, Treatment In ..... 10660.3, ..... 10660.4, 10660.5, 10664.2, 10666.8</li> <li>Compliance Specification, Treatment   In..... 10648.8</li> <li>Determining Backpay For..... 10562.6</li> <li>Disbursing Backpay on Behalf of..... 10576.6</li> </ul> </li> <li>Defined ..... 10536.2</li> <li>Discharge From Interim Employment ..... 10558.4               <ul style="list-style-type: none"> <li>Illness or Injury   Effect on Backpay ..... 10560.2</li> <li>  Effect on Reinstatement..... 10532.4</li> </ul> </li> <li>Maintaining Contact ..... 10506.3, 10508.8, 10550.2</li> <li>Misconduct               <ul style="list-style-type: none"> <li>Effect on Backpay ..... 10542.8</li> <li>Effect on Reinstatement..... 10532.4</li> </ul> </li> <li>Missing ..... 10562               <ul style="list-style-type: none"> <li>Compliance Hearing, Treatment In ..... 10662.7</li> <li>Compliance Specification, Treatment In .... 10648</li> <li>Determining Backpay For..... 10562.4</li> <li>Escrow Accounts For..... 10580, 10582.3</li> <li>Extinguishment of Backpay   Entitlement ..... 10560, 10562.3</li> <li>Reinstatement For..... 10534.7</li> <li>Searching For..... 10562.2</li> <li>Settlement on Behalf of ..... 10592.9</li> <li>Tolling Backpay For..... 10562.3</li> </ul> </li> <li>Obligation to Mitigate ..... 10558</li> <li>Quitting Interim Employment..... 10558.4</li> </ul> </li> </ul>
--	--

### D

<ul style="list-style-type: none"> <li>Deceased Discriminatees, see Discriminatees,   Deceased</li> <li>Default Language ..... 10594.7</li> <li>Delinquent Payments to Funds ..... 10528.5</li> <li>Derivative Liability ..... 10596, 10682           <ul style="list-style-type: none"> <li>Alter Ego ..... 10508.2(1)</li> <li>Alternate Theories ..... 10682.4</li> <li>Business Forms..... 10682.2</li> </ul> </li> </ul>
---

## COMPLIANCE INDEX

Releases .....	10592.11
Retired .....	10560.9
Unavailable	
Escrow Accounts For .....	10582.3
For Compliance Hearing .....	10662.7
For Employment.....	10560
For Reinstatement.....	10534.4
Uncooperative .....	10550.4, 10550.5, 10562.5
Compliance Specification, Treatment In.....	10648.7
Determining Backpay For .....	10562.5
Escrow Accounts For .....	10582.3
Settlement on Behalf of .....	10592.10
Undocumented Workers .....	10560.7
Waivers.....	10592.11
Disestablishment of Unlawfully Recognized Union.....	10528.6
Division of Advice	
Situations Requiring Authorization, Clearance, Submission, Notification or Consultation.....	10704.5
Division of Operations-Management	
Situations Requiring Authorization, Clearance, Submission, Notification or Consultation.....	10704.1
Document Disclosure	
Following Issuance of Compliance Specification .....	10650.5
Received From Interim Employers.....	10650.5
Documentation	
Expenses in Contempt Proceedings.....	10632.8
Gross Backpay.....	10538.3
Interim Earnings .....	10538.3, 10550.4
Dun and Bradstreet.....	10508.6

## E

Enforced Board Order, see Court Order	
Enforcement .....	10606, et seq.
Action Following Enforcement	
Recommendation .....	10610
Bankruptcy Situations .....	10670.3(a)
Criteria for Recommending .....	10606
Liquidating Backpay Before Recommending.....	10606.1
Procedures for Recommending .....	10608
Test of Certification Cases .....	10608.3
Escrow Accounts .....	10580, et seq.
Bankruptcy Cases .....	10586
Closing Account with Finance Branch.....	10588
Disbursement From a Finance Branch	
Escrow Account.....	10582
Interest Bearing .....	10580.4
Missing or Unavailable Discriminatees.....	10582.3
Opening Account with Finance Branch.....	10580.2
Opening Account with Local Private	

Bank.....	10580.5
Transmitting Checks to Finance Branch.....	10580.3
Excusable Overage Case Situations.....	10698
Expenses	
Defined .....	10536.2
Documentation of	
Fund Contributions .....	10650.5
Medical Records .....	10650.5
Receipts .....	10650.5
Effect on Interim Earnings.....	10556
Reimbursable, see Reimbursement	
Expert Witness.....	10660.6
Exhibits, Compliance Hearing.....	10658.2, 10660.2, ..... 10662.5, 10662.9
Expunction of Records .....	10594.6

## F

Family and Medical Leave Act of 1993.....	10534.4, 10560.4
Federal Debt Collection Procedures	
Act of 1990 .....	10676, 10678.1
Provisions for Prejudgment Relief.....	10676
Provisions Regarding Fraudulent Transfer.....	10624.4
Finance Branch	
Quarterly Report of Backpay Received .....	10576.1, ..... Appendix 8
Situations Requiring Authorization, Clearance, Submission, Notification or Consultation.....	10704.6
Financial Questionnaire .....	10508.5, Appendix 2
Formal Settlement Stipulations, Circumstances Where Appropriate or Necessary.....	10634.1
Closure Of .....	10644
Compliance Following .....	10506.6, 10634.3
Submission to Office of Executive Secretary .....	10634.2
Formal Proceedings, see Compliance Proceedings	
Former Position, Reinstatement To .....	10530.2
Formulas for Determining Gross Backpay .....	10540.2–10540.4
401(k) Plans, see Pensions	
Fraudulent Transfer .....	10508.2(7), 10682.3(G)
Freedom of Information Act.....	10650.5
Fringe Benefits	
Treatment as Gross Backpay .....	10544
Treatment as Interim Earnings.....	10552.4, 10552.5

## G

Gambling Winnings, Treatment as Interim Earnings.....	10554.1
Garnishment	

## COMPLIANCE INDEX

Of Backpay Awards .....	10576.9
Of Respondent Assets, see Collection of Backpay	
Gifts, Treatment as Interim Earnings .....	10554.1
Gross Backpay .....	10540
Absenteeism .....	10542.4
Benefits.....	10544
Insurance, Life and Other .....	10544.4
Medical Insurance .....	10544.2
Other Benefits or Kinds of Compensation .....	10544.1, 10544.7
Retirement .....	10544.3
Burden of Proof (& Standard of Reasonableness) .....	10540.1
Defined .....	10536.2
Discriminatee Misconduct.....	10542.8
Formulas	
Based on Hours or Earnings of Comparable Employees .....	10540.3
Based on Hours or Earnings of Discriminatees .....	10540.2
Based on Hours or Earnings of Replacement Employees.....	10540.4
Holiday Pay .....	10544.5
Overtime.....	10542.3
Ratios, Use of .....	10542.2
Reduction in Available Employment.....	10542.5
Strikes and Lockouts .....	10542.6
Tips.....	10544.6
ULP, Effect of .....	10542.7
Union Respondent .....	10546
Vacation Pay.....	10544.5

### H

Health and Welfare Benefits	
Treatment as Gross Backpay .....	10544.2
Treatment as Interim Earnings .....	10552.4
Housing	
Treatment as Gross Backpay .....	10544.7
Treatment as Interim Earnings .....	10552.5

### I

Illegal Workers, see Undocumented Workers	
Illness, see Discriminatees, Illness	
Immigration Reform and Control Act of 1986.....	
10560.7	
Impact Analysis Category .....	
10694	
Bankruptcy Cases .....	
10694.2	
Category III .....	10694.1(a)
Category II.....	10694.1(b)
Category I.....	10694.1(c)
Inability to Pay .....	10686
Closing Case When No Means Exist to Pay .....	
10694.6	

Investigation and Determination of .....	10626.1–2
Informal Settlement Agreement, .....	10594, et seq.
Closing Upon Compliance.....	10594.11
Compliance Following Approval.....	10505.5
Noncompliance .....	10594.12
Initiation of Compliance Actions.....	10506
Injunctions .....	10674.2
Alternative to Contempt .....	10632.5(g)
Language to Include in the Informal Settlement of a Case When a Section 10(j) or (l) Injunction Remains in Force .....	10594.10
Protection Against Dissipation of Assets... ..	10592.12
Criteria for Initiating.....	10674.4
Procedures for Initiating .....	10675.5
Inspection of Notices .....	10518.7
Installment Payments.....	10592.12, 10636, ..... Appendix 12
Instatement .....	10532.2
Insurance Benefits	
As a Component of Gross Backpay .....	10544.4
As Interim Earnings.....	10552.4
Interest .....	10566
Rates on Backpay .....	10566.4
Rates on Benefit Funds.....	10566.9
Sample Calculation.....	10568
Interim Earnings .....	10550
Allocation to Calendar Quarters ... ..	10564.2, 10564.3
Benefits.....	10552.4, 10552.5
Burden of Proof .....	10550.1
Carryover.....	10564.3
Compensation Received for Salting Activities.....	10552.6
Concealment Of.....	10550.5
Defined .....	10536.2
Disclosure Of.....	10540.4
Calendars, Diaries, Work Logs.....	10650.5
Government Agency Reports .....	10650.5
Receipts .....	10650.5
Tax Documents.....	10650.5
Discharge from Interim Employment .....	10558.4
Documentation Of .....	10550.4
Expenses, Deductible From.....	10566
Hours in Excess of Those With Gross Employer .....	
10554.3	
Introduction at Hearing.....	10662.9
Letter Requesting Earnings From Interim Employer.....	
Appendix 6	
Loss of Interim Employment .....	10558.4
Moonlighting .....	10554.4
Not Deductible From Gross Backpay .....	10554
Quitting Interim Employment.....	10558.4
Self-Employment.....	10552.3
Unavailable For .....	10560
Under the Table Earnings .....	10552.2
Vacation Periods.....	10554.5

## COMPLIANCE INDEX

Interim Employment, see Interim Earnings  
Internal Regional Office Goals..... 10694.3  
Internal Revenue Service  
Levies ..... 10576.10  
Means of Locating Missing  
Discriminatees ..... 10548.2  
Tax Consequences of Backpay  
Awards..... 10578  
Investigate Sources..... 10686  
Investigative Subpoenas, see Subpoenas,  
Investigative

### J

Joint Employer ..... 10508.4  
Joint Liability  
Derivative Liability ..... 10508.2  
Settlement Involving Joint and Several  
Liability ..... 10592.13  
Successorship, see Successors  
Tax Considerations ..... 10578.5  
Judgments, Registration in District Court ..... 10680.2  
Judgment Liens..... 10680.1  
Real Property ..... 10680.1  
Registration of Judgment..... 10680.2

### L

Letter Demanding Backpay ..... 10570, Appendix 7  
Liability, Derivative, see Derivative Liability  
Library and Records Management Branch ..... 10704.9  
Liquidated Damages ..... 10528.5  
Liens  
Against Backpay Awards ..... 10576.9  
Against Respondents ..... 10680.1  
Liquidated Judgment ..... 10624.1, 10624.3  
Liquidating Backpay Before Recom-  
mending Enforcement ..... 10606.1  
Locating Missing Discriminatees ..... 10562.2  
Lockout, Backpay During ..... 10542.6  
Loss of Interim Employment ..... 10558.4  
Lump Sum Payment of Backpay ..... 10576.8

### M

Mediation Program (Appellate Court  
Branch) ..... 10610  
Medical Benefits  
As Component of Backpay ..... 10544.2  
Benefit Fund Made Whole ..... 10528.5, 10552.4  
From Interim Employer ..... 10552.4  
Military Service, see Armed Forces  
Misconduct  
Effect on Backpay ..... 10542.8  
Effect on Reinstatement ..... 10532.4  
Missing Discriminatees, see Discriminatees,

Missing  
Mitigation ..... 10558  
Burden of Proof ..... 10558.1  
Loss of Interim Employment ..... 10558.4  
Settlement of Mitigation Issues ..... 10592.6  
Unavailability for Interim Employment ..... 10560  
Monitoring Ability to Comply ..... 10504.8 10504.9,  
..... 10504.10, 10506.4, 10626  
Moonlighting ..... 10554.4  
Mutual Funds, see Pensions

### N

Name: Pleading Appropriate Business or  
Union Entity ..... 10672.1  
Negative Provisions of Orders ..... 10514  
Net Backpay ..... 10564  
Allocation to Calendar Quarters ..... 10564.2  
Defined ..... 10536.2  
Non-Board Adjustments ..... 10592.3  
Noncompliance  
Complaints Of ..... 10604  
In Backpay Cases..... 10624  
Liquidated Judgments ..... 10624.1, 10624.3  
Unliquidated Judgments ..... 10624.2  
Reinstatement Issues..... 10628  
With Board Order ..... 10604  
With Court Judgment..... 10616  
With Decision and Determination of  
Dispute in 10(k) Cases ..... 10526  
With Settlement Agreement ..... 10594.12  
Noncooperative Discriminatee, see  
Discriminatees, Uncooperative  
Notices ..... 10518  
Contempt Considerations..... 10518.8  
Electronic Posting ..... 10518.2  
Foreign Language ..... 10518.3, 10594.3  
Inspection Of ..... 10518.7  
Location ..... 10518.2  
Mailing ..... 10520, 10594.5  
Modification ..... 10518.1  
Nonadmission Language ..... 10594.9  
Plain Language ..... 10594.2  
Providing a Photocopy..... 10518.4  
Side Notices ..... 10518.6, 10594.9  
Skip Counsel..... 10518.7  
Union Posting Requirements ..... 10518.5, 10594.4  
Wording Fixed ..... 10518.1  
Notification of Regional Action Required ..... 10704

### O

Offer of Reinstatement, see Reinstatement  
Office of Appeals  
Situations Requiring Authorization,  
Clearance, Submission, Notification

## COMPLIANCE INDEX

or Consultation .....	10704.7
Operational Goals .....	10692
Stage 1 (Board Order) .....	10692.2
Stage 2 (Court Judgment) .....	10692.3
Overage Compliance Case Report.....	10696
Excusable Overage Situations .....	10698
Report on Scheduled Action.....	10700
Overtime	
In Gross Backpay .....	10542.3
In Interim Earnings.....	10554.3

### P

Party in Interest .....	10506.2(B)
Payroll Records .....	10522
Payroll Taxes.....	10578.1, 10578.2
Pensions	
Tax Deferred—401(k) Plans .....	10544.3
Treatment as Component of Gross	
Backpay .....	10544.3
Treatment as Interim Earnings .....	10552.4
Personal Liability .....	10682.3(f)
Piercing Corporate Veil.....	10682.3((d))
Plant Shutdowns	
Effect on Backpay .....	10542.5, 10554.2
Effect on Reinstatement .....	10532.2
Post Judgment Collection of Monetary	
Judgments.....	10678
Advantages .....	10678.2
Overview .....	10678.1
Role of Region.....	10678.3
Post Judgment Writs of Garnishment,	
Attachment and Execution.....	10678.4
Execution.....	10678.6
Garnishment .....	10678.5
Installment Payment Orders .....	10678.7
Posting Notices, see Notices	
Power of Attorney .....	10576.6, Appendices 9, 10
Precomplaint Procedures .....	10504
Preferential Hiring .....	10532.3
Pregnancy	
Effect on Backpay .....	10560.4
Effect on Reinstatement .....	10534.4
Prejudgment Protection of Respondent's	
Assets .....	10674
Availability of Relief.....	10674.3
Criteria.....	10674.4
Injunctive Relief/Protective Restraining	
Orders .....	10674.2
Lis Pendens.....	10674.9
Notice to Third Parties.....	10674.8
Overview .....	10674.1
Real Property.....	10674.9
Recommendation Contents.....	10674.6
Regional Role .....	10674.7
Submission of Recommendation .....	10674.5

Prejudgment Writs of Garnishment,	
Attachment and Execution.....	10676
Preserve Records .....	10522
Protective Restraining Orders.....	10592.12

### Q

Quarterly Report of Backpay	
Received .....	10576.1, Appendix 8
Questionnaires .....	10650.5
Quitting Interim Employment.....	10558.4

### R

Rates, see Interest	
Recidivist.....	10504.7
Records to Establish Backpay and Interim	
Earnings.....	10538.3
Registration of Judgment.....	10680.2
Reimbursement	
Of Dues.....	10524
Of Medical Expenses.....	10544.2
Reinstatement .....	10530, 10534
Adequacy of Offer .....	10534.2
Armed Forces .....	10534.6
Conditional .....	10534.3
Contempt Considerations.....	10530.7, ..... 10628, 10646.6
Deadline for Acceptance of Offer.....	10534.4
Foreclosed.....	10532
Former Position .....	10530.2
Ill Employees.....	10532.3, 10534.4
Job Ended .....	10530.3
Misconduct Foreclosing .....	10532.4
Missing Employees.....	10534.7
No Position Available.....	10532.2
Refusal or Rejection of Offer .....	10534.8
Settlement of Reinstatement Issues .....	10592.4
Striking Employees	
Reinstatement Offered To.....	10534.5
Reinstatement Rights .....	10530.4
Substantially Equivalent Position .....	10530.3
Unavailable for Reinstatement ....	10530.5, 10534.6
Undocumented Workers .....	10532.5
Union Respondent .....	10530.6
Validity of Offer .....	10534.2
Waiver of Offer .....	10534.8, 10592.8, 10592.11
Releases and Waivers .....	10592.8, 10592.11
Remedies	
Affirmative Provisions .....	10516
Bargaining .....	10528.2, 10528.3, 10528.4
Make Whole Benefit Funds .....	10528.5
Negative Provisions .....	10514
Special .....	10506.2
Remittance Control	
Procedures .....	10580.3, Appendix 11

## COMPLIANCE INDEX

Escrow Accounts Through the Finance Branch .....	10580.2
Reports and Administration.....	10688
Reservation Language for Settlements .....	10594.7
Respondent, Correctly Identifying .....	10506.2
Retirement	
Availability for Employment, Effect On .....	10560.9
Benefits	
Treatment as Gross Backpay .....	10544.3
Treatment as Interim Earnings .....	10552.4
Tax-Deferred Plans—401(k) .....	10544.3
Right to Financial Privacy Act .....	10508.7,
.....	10618.1, 10686 ,
Certificate of Compliance Form .....	Appendix 4
Customer Notice Form .....	Appendix 3

## S

Salting Activities, Compensation	
Received for .....	10552.6
Sampling, see Statistical Sampling	
Search for Missing Discriminatees .....	10562.2
Search for Interim Employment .....	10558
Second Jobs .....	10554.4
Section 11 Subpoenas, see Subpoenas,	
Investigative	
Security Agreements .....	10636, Appendix 15
Seeking Interim Employment .....	10558
Self-Employment.....	10552.3
Settlement Agreement With Optional	
Paragraphs and Attachments .....	10518.2,
.....	10592.12, 10592.14, 10594.1,
.....	10594.12, 10636, Appendix 12
Settlement Conference, Prehearing .....	10660.8
Settlement Judge.....	10660.7
Settlements .....	10590
Agreement by Parties .....	10592.3
Authority of Regional Director	
to Accept.....	10592.1
Authorization by Division of Operations-	
Management Required.....	10592.2
Backpay Issues .....	10592.4, 10592.5
Concessions .....	10592.4, 10592.16
Conference.....	10592.14
Default Language .....	10594.8
Delay .....	10592.15
Estimates .....	10592.5
Format for Informal Settlement.....	10594.1
Injunctions, Special Language in	
Context of Section 10(j) and 10(l) .....	10594.10
Installment Payments.....	10592.12
Lump Sum .....	10576.8
Joint and Several Liability .....	10592.13
Missing Claimants .....	10592.9
Mitigation Issues .....	10592.6
Overview .....	10590.1

Questioning Discriminatees by	
Respondent .....	10592.7
Reinstatement Issues.....	10592.8
Standards .....	10592
Uncooperative Claimants.....	10592.10
Waivers and Releases .....	10592.8, 10592.11
Security Agreement, Sample of.....	Appendix 15
Settlement Stipulation.....	10638, Appendix 14
Shutdowns	
Effect on Backpay .....	10542.5
Effect on Reinstatement.....	10532.2
Situations Requiring Authorization,	
Clearance, Submission, Notification or	
Consultation	
Chief, Case Records .....	10704.8
Contempt Litigation & Compliance	
Branch.....	10704.2
Division of Advice.....	10704.5
Division of Enforcement Litigation,	
Appellate Court Branch .....	10704.4
Division of Operations-Management.....	10704.1
Finance Branch .....	10704.6
Library and Records Management	
Branch.....	10704.9
Office of Appeals.....	10704.7
Special Litigation.....	10704.3
Skip Counsel	
Notice Check .....	10518.7
Social Security	
Credit for Earnings .....	10578.4
Documentation of Earnings .....	10538.3
Letter Forwarding to Missing	
Discriminatees .....	10562.2
Tax .....	10578.2, 10578.3
Social Security Numbers	
Recording in File .....	10504.4
Redact From Documents .....	10650.5
Special Litigation Branch	
Situations Requiring Authorization,	
Clearance, Submission, Notification or	
Consultation.....	10704.3
Stage 1 (Board Order).....	10692.2
Stage 2 (Court Judgment) .....	10692.3
Statistical Sampling .....	10548.1
Stipulations	
Compliance.....	10646.5, Appendix 16
Compliance Hearing .....	10658.2
Other .....	10640
Settlement .....	10636, Appendices 12, 14
Strikes	
Effect on Backpay .....	10542.6
Effect on Reinstatement.....	10534.5
Reinstatement Rights of Striking	
Employees .....	10530.4
Specification, see Compliance	
Specification	



## COMPLIANCE INDEX

Student Status .....	10560.5
Submissions Required Regarding	
Regional Actions .....	10704
Subpoenas	
Bank Records .....	10618.1
Compliance Hearing .....	10658.2
Investigative .....	10508.7, 10618.1
Claims of Privilege .....	10618.1
Problems with Enforcement of .....	10618.1
Payroll Records .....	10522
Substantially Equivalent Position .....	10530.3
Successor .....	10504.8, 10508.4
Compliance Proceedings	
Alleging .....	10648.5
Pleadings .....	10648.3
Service .....	10650.3
Criteria for Establishing	
Liability .....	10508.2, 10508.4
Notice to Potential Successors....	10632.10, 10674.8
Supreme Court Proceedings	
Compliance Pending.....	10506.10
Responsibility For .....	10630

### T

Tax-Deferred Retirement Plans—401(k) .....	10544.3
Taxes .....	10578
Forms, Disclosure.....	10650.5
10(k) Determination .....	10526
Termination from Interim Employment .....	10558.4
Test of Certification Cases .....	10608.3
Time Targets.....	10692
Tips.....	10544.6
Tolling	
Backpay When Discriminatee Missing .....	10562.3
Offers of Reinstatement.....	10534.7
Tracing Services .....	10508.6
Trial Attorney, Compliance	
Hearing .....	10658.1–10660.8, 10662.1–10668

### U

Unavailability for Interim Employment .....	10560
Attending School .....	10560.5
Illness.....	10560.2
Injury .....	10560.2
Attributable to Interim Employment.....	10560.3
Attributable to Unfair Labor Practice .....	10560.3
Military Service .....	10560.6
Pregnancy .....	10560.4
Retirement .....	10560.9
Uncooperative Discriminatee, see	
Discriminatees, Uncooperative	
Under the Table Earnings .....	10550.5, 10552.2
Undocumented Workers .....	10532.5, 10560.7
Unemployment Compensation .....	10554.1
Union Respondent	
Gross Backpay .....	10546
Joint and Several Liability .....	10592.13
Notice Requirements .....	10518.5, 10594.4
Reinstatement .....	10530.6
Tax Considerations .....	10578.5, 10578.6
Unliquidated Judgment.....	10624.2

### V

Vacation Pay	
Treatment as Gross Backpay .....	10544.5
Treatment as Interim Earnings.....	10554.5
Veteran's Reemployment Rights Statute.....	10534.6

### W

Waivers and Releases .....	10592.11
Withdrawal from Labor Market	
Effect on Backpay .....	10560.8, 10560.9
Effect on Reinstatement.....	10530.5
Withholding of Taxes .....	10578