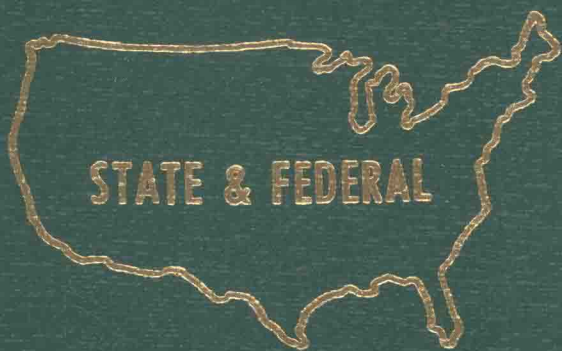


AMERICAN JURISPRUDENCE 2d



JOB DISCRIMINATION §§1-1404

AMERICAN JURISPRUDENCE

SECOND EDITION

A MODERN COMPREHENSIVE TEXT STATEMENT
OF AMERICAN LAW

STATE AND FEDERAL

COMPLETELY REVISED AND REWRITTEN
IN THE LIGHT OF MODERN AUTHORITIES AND DEVELOPMENTS
BY THE EDITORIAL STAFF OF THE PUBLISHERS

VOLUME 45A

JOB DISCRIMINATION

§§ 1-1404

[This article is based on materials found in the Research Institute of America's *Employment Coordinator*, a loose-leaf professional service which provides an analytic textual treatment of employment issues, including benefits, compensation, employment practices, labor relations, personnel policy, and workplace safety.]

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FOREWORD

Recent developments concerning such matters as affirmative action, equal pay or comparable worth, maternity leaves, reductions in force and the “last hired, first fired” problem, sexual harassment, fringe benefits based on sex-linked actuarial tables, and reproductive hazards in the workplace, have resulted in revolutionary changes in employment law. In addition, employees, job applicants, and former employees who have brought actions to vindicate their rights under the fair employment practices laws have been forced to deal with such problems as the preclusive effect of a prior court or administrative decision, administrative and judicial filing deadlines, establishing that the case may be maintained as a class action, the proper use of statistical evidence, and supporting a request for a reasonable award of counsel fees. All of these problems, and more, are analyzed in the article on JOB DISCRIMINATION, contained in volumes 45A and 45B of Am Jur 2d.

These volumes contain a detailed discussion of the controlling federal statutes, regulations, guidelines, and compliance manuals, as well as of the case law. In addition, citation tables are provided to aid further research into relevant state statutes. State law must be considered, since state administrative processing may be required before bringing a federal action, and appeals by employers to the state courts may bar later suits by the employee in federal court.

In addition to discussing the governing legal principles, this article also contains suggestions on how to prevent job discrimination problems through the implementation of policies on employee training, promotion, and performance evaluation. This material has been abstracted from the *Personnel Manual* division of the RIA Employment Coordinator, and is based on research conducted by the professional editorial staff of the Research Institute of America, in Washington, D.C. RIA's researchers reviewed publications of professional societies, recommendations of personnel managers, and state and federal guidelines, to enable those of you who represent business clients to present concrete recommendations to your clients on ways to prevent employee relations problems and lawsuits.

Research References are provided to forms and other practice aids found in other publications in the Am Jur family (Pleading and Practice Forms (Revised), Legal Forms 2d, Proof of Facts, and Trials), the TCSL® federal services (Federal Procedure, L Ed, Federal Procedural Forms, L Ed, and USCS), the ALR system, law reviews, and the RIA Employment Coordinator. In addition, the article includes the following features designed to help the practitioner:

■■■■ **Observations:** point out opportunities that are not obvious or comment on trends or ambiguities in the law.

■■■■ **Cautions:** flag pitfalls that may result in the imposition of liability or result in procedural defaults.

■■■■ **Recommendations:** provide plans for action.

■■■■ *Practice guides:* provide detailed procedures for proceedings before administrative agencies and courts, as well as suggest some advantageous strategies.

■■■■ *Form drafting guides:* provide detailed instructions for the drafting of affirmative action plans, employment agreements and handbooks, and pleadings.

Volumes 45A and 45B contain the **Table of Statutes and Rules Cited**. The **Index** is located in volume 45B.

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