# TABLE OF CONTENTS

CHAPTER 1.	HIRING	1-1
1.1	Employment Applications	1-2
	1.1.1 What Should Be Avoided	1-2.1
	1.1.2 What Should Be Included	1-5
1.2	Interviews	1-6
1.2 A	Social Media Sites	1-6.1
1.3	References	1-7
1.4	Polygraph Notice	1-8
1.5	Drug and Alcohol Testing	1-8
1.5 A	Medical Examinations	1-9
1.6	Consumer Reports	1-10
1.6 A	Job Applicant Fairness Act	1-10.1
1.6 B	Criminal Background Checks	1-10.2
1.7	Offer Letters	1-10.5
1.8	Rejection Letters	1-12
1.9	Negligent Hiring and Retention	1-12
1.10	New Hires	1-14
1.11	The Patient Protection and Affordable Care Act,	
	New Hire and Payroll Requirements	1-14
Form 1.1 A	Employment Application	1-14.2
Form 1.1 B	Employment Application	1-18
Form 1.1 C	Employment Application	1-23
Form 1.1 D	Information for Applicant	1-28
Form 1.1 E	Equal Employment Opportunity Information	
	Form	1-29
Form 1.1 F	Employment Eligibility Verification; Form I-9	1-32
Form 1.1 G	Immigration Law Compliance Policy	1-36.14
Form 1.2 A	Hiring—Interview Tips	1-36.15
Form 1.2 B	Interview Form	1-36.16
Form 1.2 C	Sample General Guidelines for Pre-Employment	
	Inquiries	1-42
Form 1.2 D	Policy for Management Personnel Regarding	
	the Use of Social Media Sites and Other	
	Internet Sources in the Hiring Process	1-44.2
Form 1.2 E	Guidelines for Pre-Employment Inquires	
	Technicial Assistance Guide	1-44.3
Form 1.3 A	Reference Release Form	1-44.9
Form 1.3 B	Reference Questions	1-44.9
Form 1.4	Notice of Prohibition on Polygraph Testing	1-44.11
1 01111 1.1	rodice of Frombition on Forgraph results	1 11111

Form 1.4 A		Employee Polygraph Protection Act	1-44.12
Form 1.5 A		nt Substance Abuse Screening	
		Policy	1-45
Form 1.5 B		and Drug Testing Policy	1-45
Form 1.5 C		d Consent and Release for Drug	
		ol Testing	1-54
Form 1.5 D	Sample 1	Letter to Applicant/Employee	
	Regardii	ng Positive Drug/Alcohol Test Result	1-55
Form 1.5 E		ed Drug/Alcohol Abuse Behavior	
	Docume	ntation Form	1-55
Form 1.6 A	Fair Cre	dit Reporting Act Disclosure	1-56
Form 1.6 B	A Sumn	nary of Your Rights under the Fair	
	Credit R	eporting Act—Attachment	1-58
Form 1.6 C		FCRA Pre-Adverse Action Notice	1-60.2
Form 1.6 D		FCRA Adverse Action Disclosure	1-60.2
Form 1.6 E		licant Fairness Act Disclosure	1-60.3
Form 1.7 A		etter	1-61
Form 1.7 B	Offer Le	etter	1-62
Form 1.8 A		n Letter	1-63
Form 1.8 B		n Letter	1-63
Form 1.9		d New Hire Registry Reporting Form	1-64
Form 1.10 A		Notice for Employers Who Offer a	
		Plan to Some or All Employees	
		d by U.S. Department of Labor)	1-65
Form 1.10 B		Notice for Employers Who Do Not	
101111 11110 2		Health Plan (Prepared by U.S.	
		ent of Labor)	1-68
	Departin	ent of Eucory	1 00
CHAPTER 2.		YER-EMPLOYEE RELATIONSHIP	
	AND EN	MPLOYMENT CONTRACTS	2-1
2.1	Employe	ee or Contractor Status	2-1
2.2	Written	Employment Agreements	2-5
	2.2.1	Preamble	2-6
	2.2.2	Duties	2-6
	2.2.3	Term of Employment	2-6
	2.2.4	Compensation and Benefits	2-8
	2.2.5	Restrictive Covenants, Trade Secret and	
		Confidentiality Provisions	2-8
	2.2.6	Alternative Dispute Resolution	2-9
	2.2.6 A	Waiver of Jury Trial and Statute of	
		Limitations	2-9
	2.2.7	Choice of Law and Forum	
		Selection Clauses	2-10

2.2.8	Inventions and Improvements	2-10.1
2.2.9		2-10.1
2 2 10		2-10.1
		2-10.2
2.2.11		2-10.2
Collecti		2-10.2
		2-10.2
		2-10.5
		2-10.5
		2-10.5
		2 10.5
		2-11
		2 11
	<u> </u>	2-12
		2-12.1
_	_	2 12.1
		2-12.9
		2 12.
		2-12.11
		2-12,11
	•	
	_	2-25
		2 23
		2-30
		2 30
	•	2-38
		2 30
		2-45
		2 13
		2-56
		2-58
		2 30
		2-61
		2 01
•	•	2-61
		_ 3.
	_	2-62
	2.2.9  2.2.10 2.2.11  Collecti Posting Relation Privilegi Organiz Checkli Unempl Short Fo Letter A Indepen Notice t Persons Employ Covenar Without Intellect Employ to Limit Arbitrat At-Will Emphas Protecti Executiv Term; T Good R Officer I of Years Change Offer Lo Benefits At-Will Jury Tri in Empl Jury Tri in Empl	<ul> <li>2.2.9 Protections Against Employee's Obligations to a Former Employer</li> <li>2.2.10 Non-Waiver of Rights</li> </ul>

CHAPTER 3.	WAGE AND HOUR LAW	3-1
3.1	Interplay of Federal and State Law	3-1
3.2	Fair Labor Standards Act	3-1
3.2 A	Break Time under the FLSA	3-2.1
3.2 B	Internships	3-2.2
3.2 C	Outside Salespersons under the FLSA	3-2.5
3.2 D	Joint Employment under the FLSA	3-2.6
3.2 E	General Contractor Liability for Unpaid Wages Act.	3-2.9
3.3	Maryland Minimum Wage and Overtime	
	Requirements	3-3
3.3 A	Maryland "Living Wage" Statute	3-4
3.3 B	Maryland Training Wage	3-4.1
3.4	Maryland Wage Payment and Collection Law	3-4.1
	3.4.1 Definition of Wage	3-4.2
	3.4.2 Payment of Wages	3-6
	3.4.3 Deductions from Wages and Payment of	
	Wages upon Termination	3-7
	3.4.4 Employee Action to Recover	
	Unpaid Wages	3-8
	3.4.5 Earned Income Information Act	3-8.1
3.4 A	Break Time under Maryland Law	3-8.1
3.4 B	Maryland Lien for Unpaid Wages Act	3-8.2
3.5	Equal Pay for Equal Work	3-8.2
3.6	Posting of Regulations, Record Retention,	
	and Inspection of Wage Records	3-8.4
3.7	Child Labor and Employment of Handicapped	
	Individuals	3-9
3.8	Garnishment of Wages and Support	
	Enforcement Withholdings	3-9
3.9	Workers' Compensation and Unemployment	
	Insurance	3-10
3.10	Interstate Employment	3-11
Form 3.2 A	Wage Law/FLSA Exempt Employee (Job Duties)	
	Classification Guide	3-12
Form 3.2 B	Policy Regarding Exempt/Nonexempt Employment	
	Categories	3-13
Form 3.2 C	Work Schedules	3-14
Form 3.2 D	Overtime Policy	3-15
Form 3.2 E	Overtime Policy	3-15
Form 3.2 F	Working Hours and Conditions	3-16
Form 3.2 G	Timekeeping	3-18
Form 3.2 H	Overtime Policy for PDA and Smartphone	
	Usage	3-18
Form 3.2 I	Employee Rights under the Fair Labor	
	Standards Act	3 20 1

Form 3.3 A	Wage and Hour Fact Sheet	3-21
Form 3.4.2 A	Compensation Policy	3-22
Form 3.4.2 B	Paydays	3-23
Form 3.4.2 C	Administrative Pay Corrections	3-23
Form 3.4.2 D	Lost Check Affidavit	3-24
Form 3.4.3 A	Pay Deductions and Salary Advances	3-25
Form 3.4.3 B	Wage Withholding Authorization	3-26
Form 3.4.3 C	Wage Deduction Authorization	3-26
Form 3.4.3 D	Sample Repayment Agreement	3-27
Form 3.4.3 E	Final Paycheck Acknowledgment Form	3-28
Form 3.4.3 F	Promissory Note and Employee Authorized	
	Payroll Deduction Tuition Educational	
	Reimbursement	3-28
Form 3.4.3 G	Agreement and Promissory Note Regarding	
	Employee Authorized Payroll Deduction	
	and Reimbursement for Moving Payment	3-29
Form 3.4.3 H	Payroll Deduction Authorization for Company	
	Property	3-30
Form 3.5 A	Equal Pay for Equal Work	3-32
Form 3.6	Workers' Compensation Insurance	3-36
Form 3.6 A	Ill/Injured Employee Release Form	3-36
Form 3.7	Minor Fact Sheet	3-37
CHAPTER 4.	RECORD RETENTION	4-1
4.1	Federal Recordkeeping Requirements	4-1
4.1 A	Federal Contractors	4-4
4.2	Maryland Recordkeeping Requirements	4-4.3
4.3	How to Maintain Employment Records and	
	Personnel Record Policies	4-5
4.4	Record Retention Policies	4-7
4.5	Litigation Considerations	4-8
4.6	Disposal of Records	4-10.1
Form 4	Employment Record Retention Chart	
	Summary	4-11
Form 4.1	Excerpts, Standard Form 100 (EEO-1 Report)	
	(Announced January 27, 2006)	4-17
Form 4.3 A	Access to Personnel Files	4-22
Form 4.3 B	Information Changes	4-22
Form 4.3 C	Guidelines for Employee Personnel Files	4-22
Form 4.4 A	Short Form Document-Retention Policy	4-22.2
Form 4.4 B	Short Form Record-Retention Policy	4-23
Form 4.4 C	Comprehensive Document Retention Policy	4-24
Form 4.4 D	Short Form Preservation Letter	4-27
Form 4.4 E	Long Form Preservation Letter	4-28

Form 4.4 F	Letter t	o Client Regarding Electronic		
	Data Pr	reservation	4-33	
CHAPTER 5. 5.1		IMINATION AND HARASSMENT nd Local Laws Against Discrimination	5-1	
	in Mary 5.1.1	yland	5-1	
	5.1.2	of the State Government Article Employer Discrimination—Protection	5-3	
		for Interns	5-5	
	5.1.3.	Maryland's Veteran Hiring and Promotion Act	5-5	
	5.1.4.	Maryland Disclosing Sexual Harassment in the Workplace Act of 2018	5-6	
5.2	Title V	II of the Civil Rights Act of 1964	5-6.1	
	5.2.1	Scope of Title VII's Non-Discrimination		
		Provisions	5-6.1	
	5.2.2	The Administrative Process under		
		Title VII	5-6.4	
5.3	Sexual	Harassment	5-6.6	
	5.3.1	Definition of Sexual Harassment	5-6.7	
	5.3.2	Employer Liability—Quid Pro Quo and		
		Hostile Environment	5-6.9	
	5.3.3	Devising an Effective Sexual Harassment		
		Policy	5-7	
	5.3.4	Conducting Harassment Training	5-8	
	5.3.5	Investigating Employee Harassment Complaints and Taking Corrective		
		Action	5-9	
	5.3.6	Harassment of Employees by		
		Clients/Customers	5-11	
	5.3.7	Domestic Violence and Stalking	5-12	
5.4		nericans with Disabilities Act	5-12.1	
	5.4.1	Requirements of the ADA	5-12.1	
	5.4.2	Developing Job Descriptions	5-13	
	5.4.3	Leave as a Reasonable Accommodation	5-14	
	5.4.4	Guidance for Mental Disabilities	5-15	
5.4 A	Maryland Reasonable Accommodations for			
	Disabilities Due to Pregnancy Act and			
		Pregnancy Discrimination Guidance	5-16.1	
5.5	The Age Discrimination in Employment			
		1967 and Maryland Prohibition Against		
<b>-</b> -		scrimination	5-16.2	
5.6	Require	ements for Equal Pay	5-16 3	

5.6 A	Uniforn	ned Services Employment and	
		loyment Rights Act	5-16.4
5.7		tion	5-16.5
5.7 A	EEOC 1	Enforcement Guidance on Retaliation	
	and Rel	ated Issues	5-16.7
5.7 B		ient Protection and Affordable Care Act	5-16.8
5.7 C	Maryla	nd False Claims Act	5-17
5.8	Commo	on Law Tort Claims Arising Out	
		rimination	5-17
	5.8.1	Intentional Infliction of Emotional	
		Distress	5-17
	5.8.2	Assault and Battery	5-18
	5.8.3	Defamation	5-18
	5.8.4	Wrongful or Abusive Discharge	5-18.1
	5.8.5	False Imprisonment	5-19
	5.8.6	Invasion of Privacy	5-19
Form 5 A	Equal E	Employment Opportunity Policy	5-20
Form 5 B	Equal E	Employment Opportunity Policy	5-20
Form 5 C	Equal E	Employment Opportunity is the Law	5-20.1
Form 5 C(i)	"EEO i	s the Law" Poster Supplement	5-20.2
Form 5.1	State ar	nd Federal Employment-Related	
	Laws N	Totice Posting Requirements Chart	5-20.3
Form 5.3.3 A	Short F	orm Harassment Policy	5-20.7
Form 5.3.3 B	Long F	orm Harassment Policy	5-21
Form 5.3.3 C	Long F	orm Harassment Policy	5-22
Form 5.3.3 D	Combin	ned Discrimination and Harassment Policy	5-24
Form 5.3.3 E	Combin	ned Discrimination and Harassment Policy	5-25
Form 5.3.3 F	Compla	nint Form	5-26
Form 5.3.4 A		vledgment Form of Harassment Policy	
	and Tra	ining	5-28
Form 5.3.5 A	Sexual	Harassment Investigative Question	
	Checkli	ist	5-28
Form 5.4 A	Americ	ans with Disabilities Act of 1990	
		") Policy	5-30
Form 5.4 B	Americ	ans with Disabilities Accommodations	5-31
Form 5.4 C	Reason	able Accommodation for Disabilities	
		Pregnancy	5-33
Form 5.4 D	Policy f	for Management Personnel Describing	
		ericans with Disabilities Act ("ADA")	5-34
Form 5.4.1 A	-	Job Description Form	5-36
Form 5.4.1 B		nation of Request for Reasonable	
		modation	5-38
Form 5.4.1 C	Resolut	ion of Reasonable Accommodation	
	Reques	t	5-39

Form 5.4.1 D	Reasonable Accommodation Information	<b>7</b> 41
E 541E	Reporting Form.	5-41
Form 5.4.1 E	Release of Information for Functional Capacity	<b>-</b> 40
	Assessment	5-43
CHAPTER 6.	EMPLOYEE PERFORMANCE, WORK RULES,	
	DISCIPLINE AND PROBLEM RESOLUTION	6-1
6.1	Performance Policies and Evaluations	6-1
	6.1.1 Initial Introductory Periods	6-2
	6.1.2 Formal Performance Appraisals	6-2
	6.1.3 Regular Documentation of Employee	
	Performance	6-4
6.2	Employee Conduct and Work Rules	6-4
6.3	Disciplinary Policies and Procedures	6-5
	6.3.1 Progressive Discipline	6-5
	6.3.2 Disciplining Employees	6-7
6.4	Problem Resolution	6-7
	6.4.1 Formal Problem Resolution Policies	6-8
	6.4.2 Informal "Open Door" Policies	6-8
Form 6.1.1 A	Introductory Period Policy	6-9
Form 6.1.1 B	Introductory Period Policy	6-9
Form 6.1.1 C	Review Following Orientation and	
	Training Period	6-10
Form 6.1.2 A	Performance Review	6-10
Form 6.1.2 B	Performance Evaluation	6-11
Form 6.1.2 C	Performance Evaluations	6-11
Form 6.1.2 D	Performance Reviews	6-12
Form 6.1.2 E	Performance Appraisal Worksheet	6-13
Form 6.1.2 F	Self-Evaluation	6-16
Form 6.1.2 G	Self-Appraisal	6-17
Form 6.2 A	Standards of Conduct	6-20
Form 6.2 B	Employee Conduct and Work Rules	6-20
Form 6.3	Disciplinary Policy	6-22
Form 6.3.1 A	Code of Conduct and Progressive	
	Discipline Policy	6-22
Form 6.3.1 B	Standards of Conduct and Progressive	
	Discipline	6-24
Form 6.3.2 A	Discipline Documentation Form	6-27
Form 6.3.2 B	Discipline Checklist for Use by Supervisors	
	and Managers	6-28
Form 6.3.2 C	Employee Warning Notice	6-30
Form 6.3.2 D	Employee Plan for Improvement	6-31
Form 6.3.2 E	Sample Memo to File—Oral Reprimand	6-32
Form 6.3.2 F	Written Reprimand	6-33

Form 6.4.1 A	Employee Complaints/Problem Resolution	6-34
Form 6.4.1 B	Formal Complaint Procedure	6-35
Form 6.4.1 C	Problem Resolution	6-36
Form 6.4.2 A	Open Door Communications	6-38
Form 6.4.2 B	Open Communication Policy	6-38
CHAPTER 7.	FAMILY AND MEDICAL LEAVE AND OTHER	
	LEAVES OF ABSENCE	7-1
7.1	Family and Medical Leave Act of 1993	7-1
7.1 A	The Maryland Parental Leave Act	7-5
7.2	Vacation Leave	7-5
7.3	Holidays	7-6
7.4	Sick Leave	7-6.1
7.4 A	Paid Leave for Federal Contractors	7-6.4
7.5	Leave for Jury Duty and Court Appearances	7-6.6
7.6	Voting Leave	7-6.7
7.7	Military Leave	7-7
7.7 A	Maryland Deployment of Family Members	
	in the Armed Forces Act	7-8
7.8	Personal Leave	7-8
7.9	Bereavement Leave	7-8.1
7.10	Educational Leave	7-9
7.11	Religious Holidays and Observances, Grooming	
	and Dress	7-9
7.12	Paid Time Off Policies	7-10
7.13	The Maryland Flexible Leave Act	7-10
7.14	Civil Air Patrol Leave	7-10.2
Form 7.1 A	Short Form Family and Medical Leave	
	(FMLA) Policy	7-11
Form 7.1 B	Long Form Family and Medical Leave	
	(FMLA) Policy	7-12
Form 7.1 B(1)	Military Leave for Family and	
	Medical Leave Policies	7-14.1
Form 7.1 C	Request for Family and Medical Leave	7-14.2
Form 7.1 D	Employer Response to Employee's FMLA	
	Request	7-16
Form 7.1 D(1)	Designation Notice for Family and Medical	
101111 /11 2(1)	Leave Request	7-18
Form 7.1 E	Department of Labor-Rights—under the Family	, 10
- 3 , 12	and Medical Leave Act	7-19
Form 7.1 E(1)	Military Family Leave	7-20
Form 7.1 F	Certification of Health Care Provider for	, 20
,	Employee's Serious Health Condition	7-21

Form 7.1 F(1)	Certification of Health Care Provider for Family	
	Member's Serious Health Condition	7-25
Form 7.1 F(2)	Certification of Qualifying Exigency for	
	Military Family Leave	7-28.1
Form 7.1 F(3)	Certification for Serious Injury or Illness of	
	Current Servicemember — for Military	
	Family Leave	7-28.4
Form 7.1 F(4)	Certification for Serious Injury or Illness of a	
	Veteran for Military Caregiver Leave	7-28.8
Form 7.1 G	Family and Medical Leave of Absence	
	Return to Work Certification	7-28.13
Form 7.1 H	Sample Letter Concerning Family and	
	Medical Leave Expiration	7-28.14
Form 7.1 I	Medical Leave of Absence Policy	
	(For Employers with Less than 50 Employees)	7-28.15
Form 7.1 J	FMLA Notification to Key Employee	7-28.16
Form 7.1 K	Maryland Parental Leave (For Employers	
	with 15-49 Employees)	7-28.17
Form 7.2 A	Vacation Policy	7-29
Form 7.2 B	Vacation Policy	7-29
Form 7.2 C	Paid Leave Time upon Termination	7-30
Form 7.3 A	Holiday Policy	7-30.1
Form 7.3 B	Paid Holidays	7-31
Form 7.4 A	Sample Policy for Employers Awarding	
	Earned Sick and Safe Leave at the Beginning	
	of the Year	7-33
Form 7.4 B	Sample Policy for Employers Who Allow	
	Employees to Accrue Leave Throughout the Year	7-34.1
Form 7.4 C	Sample Policy for Restaurant Employers with	
	Tipped Employees	7-34.4
Form 7.4 D	Maryland Earned Sick and Safe Leave	
	Employee Notice	7-34.7
Form 7.4 E	Maryland Healthy Working Families Act	
	Frequently Asked Questions	7-34.9
Form 7.4 F	Montgomery County Earned Sick and Safe	
	Leave Policy	7-34.23
Form 7.4 G	Paid Sick Leave for Federal Contractors	7-34.25
Form 7.5 A	Jury Leave Policy	7-34.26
Form 7.5 B	Jury Duty and Court Appearances	7-34.26
Form 7.6 A	Voting Leave Policy	7-35
Form 7.6 B	Voting Leave Policy	7-35
Form 7.7 A	Military Leave Policy	7-35
Form 7.7 B	Military Leave Form Letter	7-36

Form 7.7 C	Departm	nent of Labor—Rights under	
	Uniform	ed Services Employment and	
		byment Rights Act	7-37
Form 7.8		Leave Policy	7-38
Form 7.9 A	Bereave	ment Leave Policy	7-39
Form 7.9 B		ment Leave Policy	7-39
Form 7.10	Education	onal Leave Policy	7-39
Form 7.11 A		s Holidays and Observances	7-40
Form 7.11 B		s Holidays and Observances	7-40
Form 7.12	Paid Tin	ne Off Policy	7-41
Form 7.13	Request	for Leave Form	7-43
Form 7.14	Flexible	Leave Policy	7-44
CHAPTER 8.	EMPLO	YEE HANDBOOKS	8-1
8.1		to Adopt an Employee Handbook	8-1
8.2		g Policies and Procedures	8-2
8.2 A	_	Labor Relations Act Concerns	8-3
8.3		to be Covered in Employee	
	•	oks	8-4.2
	8.3.1	Employee Acknowledgment	8-4.3
	8.3.2	At-Will Employment	8-4.3
	8.3.3	Disclaimer of Contractual Rights	8-6
	8.3.4	Equal Employment Opportunity; Sexual	
		Harassment and Other Unlawful	
		Harassment	8-6
	8.3.5	Americans with Disabilities Act ("ADA")	
		& The Maryland Reasonable	
		Accommodation for Disabilities Due to	
		Pregnancy Act	8-7
	8.3.6	Employment Classification as	
		Non-exempt or Exempt	8-7
	8.3.7	Wages and Compensation	8-7
	8.3.8	Benefits and Leave	8-7
	8.3.9	Performance, Discipline, and	
		Problem Resolution	8-8
	8.3.10	Attendance and Inclement Weather	8-8
	8.3.11	Drug and Alcohol	8-8.1
	8.3.12	Work Rules/Code of Conduct	8-8.1
	8.3.13	Dress Code	8-8.1
	8.3.14	Search, Privacy and Use of Company	
		Electronic Equipment	8-8.2
	8 3 1/1 A		887

	8.3.15	Use of Company Equipment	
		and Cell Phones	8-8.6
	8.3.16	Conflicts of Interest	8-9
	8.3.17	Outside Employment/Moonlighting	8-9
	8.3.18	Solicitation	8-9
	8.3.19	Other	8-9
Form 8.3 A	Sample	Index to a Comprehensive Employee	
	Handbo	ok for a Large Employer	8-10
Form 8.3 B		ee Handbook Checklist	8-14
Form 8.3 C	Employ	ee Handbook Review	8-18
Form 8.3.1 A	Employ	ee Acknowledgment Form	8-21
Form 8.3.1 B	Employ	ee Acknowledgment Form	8-22
Form 8.3.1 C	Employ	ee Acknowledgment of New or	
	Revised	Policy	8-23
Form 8.3.2	"At-Wil	l" Employment	8-24
Form 8.3.3	Contrac	t Disclaimer Provision	8-24
Form 8.3.4	Accomn	nodation for Disabilities Due to	
	Pregnan	cy	8-25
Form 8.3.10	Attenda	nce and Punctuality	8-26
Form 8.3.10 A	Incleme	nt Weather Conditions Policy	8-26
Form 8.3.11 A	Alcohol	and the Workplace Policy for	
	Private 1	Employers	8-26.1
Form 8.3.11 B	Alcohol	Consumption at Business Functions	8-26.1
Form 8.3.11 C		d Alcohol Policy for Federal	
	Contrac	tors	8-26.2
Form 8.3.13	Professi	onal Dress Code	8-27
Form 8.3.13 A	Fragran	ce Free Workplace	8-28
Form 8.3.14 A	Use of S	Social Media–Social Networks, Web Logs,	
	Web For	rums, PDAs, etc	8-28.1
Form 8.3.14 B	Social N	Media Policy	8-28.2
Form 8.3.14 C	Social N	Media Policy	8-28.6
Form 8.3.15 A	Use of C	Company Equipment	8-28.7
Form 8.3.15 B	Use of F	Phone and Mail Systems	8-29
Form 8.3.15 C		pment and Computer Check-Out Policy	8-30
Form 8.3.16	Conflict	s of Interest	8-30.1
Form 8.3.17	Outside	Employment ("Moonlighting")	8-31
Form 8.3.18	Non-sol	icitation	8-32
Form 8.3.18 A		icitation and Distribution Policy	8-32.1
Form 8.3.19 A	Employ	ment Reference Checks	8-33
Form 8.3.19 B	Cellular	Phones	8-33
Form 8.3.19 C		Camera Phones	8-34
Form 8.3.19 D		ace Safety Policy	8-34
Form 8.3.19 E	Workpla	ace Safety/Security	8-35
Form & 3 10 F	Rucinec	c Travel Evnences	8 27

Form 8.3.19 G	Visitors	in the Workplace	8-38
Form 8.3.19 H	Policy and Procedures for Receipt, Retention		
		atment of Complaints and Concerns	
		ing Accounting Controls and	
	_	g Matters (Whistleblower Policy)	8-39
Form 8.3.19 I		ployment of Former Employees	8-41
Form 8.3.19 J	_	of Company Property	8-42
Form 8.3.19 K		Etiquette	8-43
Form 8.3.19 L		vee Referral Policy	8-44
Form 8.3.19 M		ment of Relatives	8-44
Form 8.3.19 N		aternization Policy	8-45
Form 8.3.19 O		tions	8-45
Form 8.3.19 P		n Boards	8-46
Form 8.3.19 Q		g and Tobacco Policy	8-46
Form 8.3.19 R		Reimbursement	8-46
Form 8.3.19 S		Rolicy	8-48
Form 8.3.19 T(1)		Center Policy	8-48
Form 8.3.19 T(2)		Center Release and Waiver of Liability	0 10
1 orini 0.3.17 1(2)		sumption of Risk	8-48
Form 8 3 10 II(1)		vee Use of Private Vehicle Policy	8-51
		Check Request and Release from	0-31
101111 0.3.17 0(2)	_	yy.	8-55
Form 8 3 10 II(3)		sibility for Personal Vehicle Safety	0-33
101111 0.3.17 0(3)	-	urance	8-56
Form 8 3 10 II(4)		Accident Report (For Completion by	0-30
101111 6.3.19 0(4)		isor/Employer)	8-57
Form 8 3 10 II(5)	_	yee's First Report of Injury	8-59
Form 8.3.19 V			8-60
Form 8.3.19 W		bus Disease Policy	8-60
Form 8.3.19 W		etaliation Policy	8-60
FUIII 6.3.19 A	NO WE	apons Policy	8-00
CHAPTER 9.	WORKI	PLACE PRIVACY	9-1
		ch Traditional Search and Surveillance	<i>)</i> 1
		byees	9-2
	9.1.1	Employee Privacy Tort Causes	)-2
	9.1.1	of Action	9-3
	9.1.2	Traditional Search and	9-3
	9.1.2	Surveillance Policies	9-4
0.2	Elaatran		9-4
	Electronic Systems and Communications  Present New Challenges		
		New Challenges	9-5
	9.2.1	Statutory Limitations on Monitoring	0.5
	0.2.2	Electronic Communications	9-5 9-7
	9.2.2	Electronic Use Policies	9-7

	9.2.3 The Computer Fraud and Abuse Act	9-8.1
9.3	Improper Disclosure of Private Information	9-8.2
Form 9.1 A	Workplace Searches	9-10.1
Form 9.1 B	Workplace Privacy	9-10.1
Form 9.1 C	Personal Mail Policy	9-11
Form 9.1 D	Employee Consent to Use Name or Likeness	9-11
Form 9.2 A	Short Form Use of Electronic Mail Systems and	
	Voicemail (with Acknowledgment Form)	9-12
Form 9.2 B	Long Form Use of the Company's Electronic	
	Systems Policy	9-13
Form 9.2 C	Long Form Computer, E-Mail and Internet	
	Policy	9-16
Form 9.2 D	Employee Acknowledgment Form Concerning	
	Use of Electronic Systems	9-21
Form 9.3	Employee Authorization to Allow Healthcare	
	Provider to Disclose Protected Health Information	
	to Employer	9-21
Form 9.3 A	Employee Consent for Release of Personnel	
	File	9-23
Form 9.4	Checklist for Avoiding Employee Privacy	
	Claims	9-23
CHAPTER 10.	TRADE SECRETS, RESTRICTIVE COVENANTS,	
CHAFTER 10.	AND CONFIDENTIALITY AGREEMENTS	10-1
10.1	Trade Secrets Statutory and Case Law	10-1
10.1	Considerations	10-1
10.1 A	The Defend Trade Secrets Act	10-1
10.2	Preventing the Misappropriation of	10 0
10.2	Trade Secrets	10-6
10.3	Employee Covenants of Non-Competition	10 0
10.5	and Non-Solicitation	10-7
	10.3.1 Consideration	10-8
	10.3.2 Business Interests	10-9
	10.3.3 Scope	10-10
	10.3.4 Additional Necessary Provisions	10-12
	10.3.5 Enforcement and Remedies	10-13
	10.3.6 Potential Tort Liability	10-14.2
10.4	Confidentiality and Non-Disclosure	10 1 1.2
10.1	Agreements	10-14.4
Form 10.2 A	Sample Memorandum Reminding Employees	10 1
	of Confidentiality Obligations	10-15
Form 10.2 B	Checklist for Protecting Trade Secrets	10-17
Form 10.3 A	Non-Competition, Non-Solicitation and	
	11011-Compenion, 11011-Somenanon and	

Form 10.3 B	Non-Competition, Non-Solicitation and				
	Confidentiality Agreement	10-22			
Form 10.3 C	Restrictive Covenant and Confidentiality	10.05			
E 10.2 D	Agreement	10-25			
Form 10.3 D	Confidentiality, Intellectual Property and	10.07			
E 102E	Non-Competition Agreement	10-27			
Form 10.3 E	Sample Letter to Former Employee Regarding	10.24			
E 10.2 E	Restrictive Covenant Obligations (Agreement)	10-34			
Form 10.3 F	Sample Letter to Former Employee  Recording Continuing Confidentiality Obligations				
	Regarding Continuing Confidentiality Obligations (No Written Agreement)	10.25			
Earm 10.2 E(1)	(No Written Agreement)	10-35			
Form 10.3 F(1)	Sample Letter to Former Employee Regarding				
	Continuing Confidentiality and Trade Secret	10.26			
Earm 10.2 C	Obligations	10-36			
Form 10.3 G	Letter to New Employer Regarding Former				
	Employee's Restrictive Covenant Agreement	10.29			
Earm 10.2.5 A	and Knowledge of Trade Secrets	10-38			
Form 10.3.5 A	Non-Compete Provision with Liquidated Damages				
	Clause for Inclusion in Employment	10-38.1			
Form 10.4 A	Agreement	10-36.1			
FOIII 10.4 A	Employee Handbook Confidentiality Provision	10-38.3			
Form 10.4 B		10-38.4			
Form 10.4 C					
101111 10.4 C	Non-Disclosure and Confidentiality Agreement	10-42			
Form 10.5		10-42			
10111110.5	New Employee Acknowledgment Agreement Regarding Prior Employment Related				
	Covenant Restrictions	10-44			
Form 10.6	Agreement to Amend/Buy-Out Business	10-44			
101111 10.0					
	Trotection Covenant	10-45			
CHAPTER 11.	TERMINATION OF THE EMPLOYMENT				
CHAITER II.	RELATIONSHIP	11-1			
11.1	Termination of At-Will Employees, Exceptions	11 1			
11.1	to At-Will Employment	11-1			
	11.1.1 Statutory Exceptions to At-Will	11 1			
	Employment	11-2			
	11.1.2 Judicial Exceptions to At-Will	11 2			
	Employment	11-6			
	11.1.2.1 Implied Contracts	11-6			
	11.1.2.2 Wrongful Discharge in	11 0			
	Violation of Public				
	Policy	11-6.1			
11.2	Termination of Employment for a Definite	11 0.1			
	Term	11-6.3			

11.3	Employee	e Resignation as Constructive	
		e	11-8
11.4		ination Review	11-9
11.5		ion Policies	11-10
	11.5.1	Final Paychecks and Benefits	11-10
	11.5.2	Re-Employment and References	11-12
	11.5.3	Exit Interviews	11-12
11.6	Terminati	ion Letters	11-12.1
11.7		ns in Force ("RIF")	11-13
11.8		nent Separation and Termination	
11.0		nts	11-14.1
	11.8.1	Severance Payment	11-15
		Nonqualified Deferred Compensation	11 1.
	11.0.171	Plans Under Section 409A	11-15
	11.8.2	Release of Claims	11-18.2
	11.8.3	Additional Terms in Separation and	11-10.2
	11.0.5	Termination Agreements	11-19
11.9	Employe		11-19
Form 11.1.1 A		e Settlement Agreements	11-15
		bb Safety and Health – It's the Law!	
Form 11.1.1 B Form 11.4		Imployee Polygraph Protection Act	11-20.1
		issal Risk Assessment	11-20.2
Form 11.5 A		ion Policy	11-22
Form 11.5 B		ion Policy	11-23
Form 11.5 C		ion/Severance Policy	11-25
Form 11.5 D		tion of Health Coverage ("COBRA")	11.0
E 11.5 D(1)	•		11-26
Form 11.5 D(1)		eneral Notice of COBRA	11.00
E 44.55(0)		tion Coverage Rights	11-27
Form 11.5 D(2)		OBRA Continuation Coverage	
		Notice	
Form 11.5 E		for COBRA Administration	
Form 11.5 E(1)		Continuation Coverage	11-28.15
Form 11.5 F		e Departure; Return of Company	
		Policy	
Form 11.5 G		olicy	
Form 11.5 H		e Policy	11-29
Form 11.5 I	Sample R	Reference Letter	11-29
Form 11.5 J	Reference	e Authorization and Release	
		ty	11-30
Form 11.5 K		view Policy	11-30
Form 11.5 L	Employee	e Exit Interview/Separation Checklist	11-30
Form 11.5 M	Exit Inter	view Information (For Employer to	
		2)	11-33
Form 11.5 N	Separatio	n Survey (For Employee to	
	Complete	e)	11-34

Form 11.6 A	Termination I	Letter for At-Will Employee	11-36
Form 11.6 B		etter	11-37
Form 11.7 A		Letter to State	11-39
Form 11.7 B	-	Letter to Employee	11-40
Form 11.8 A	_	hecklist of Points for	11 40
10IIII 11.0 A		of Items That May Be Included	
		tion and/or Settlement	
			11-41
Form 11.8 B		Separation Agreement and	11-41
10IIII 11.0 <b>D</b>		loyee 40 Years of Age & Older)	11-42
Form 11.8 C	` 1	Severance or Separation Agreement	11-42
10IIII 11.6 C		Employee under 40 Years Old)	11-47
Form 11.8 C(2)		eference (Attachment)	11-47
Form 11.8 D		eparation Agreement and Mutual	11-30
10IIII 11.6 D		Restrictive Covenants (For	
		Years of Age & Older)	11-50
Form 11.8 E		er and General Release:	11-30
10IIII 11.0 L		s of Employees Age 40 and	
		• •	11-64
Form 11.8.2 A		dical Leave Act Provision for	11-0-
101111 11.0.2 A		eparation/Settlement	
			11-64.3
Form 11.9 A		ettlement Agreement and Mutual	11-0
10IIII 11.7 A		loyee under 40 Years Old)	11-64.3
Form 11.9 B	_	ettlement Agreement of Claims and	11-0
10IIII 11.7 <b>D</b>	_	use (Employee 40 Years	
		er)	11-66.1
Form 11.10	•	nue Code Section 409A Compliance	11 00.1
101111 11.10		Employment Separation/Severance	
		roviding for Nonqualified Deferred	
	-	1	11-72
	compensation		11 /2
CHAPTER 12.	ALTERNATI	VE DISPUTE RESOLUTION	12-1
12.1	What is ADR	?	12-1
12.2		es and Disadvantages of ADR	12-2
12.3			12-3
12.4			12-3
		al Basis of Employment	
		itration	12-4
		itration Policies and Agreements	12-5
		4.2.1 What Kind of Document Is	
		Required for an Arbitration	
		Agreement?	12-6

		12.4.2.2	Consideration Required to Support the Arbitration	10.7		
		12.4.2.3	Agreement Fairness Concerns	12-7 12-9		
	12.4.3		rovisions for Inclusion in	12-9		
	12.7.3	-	n Agreements	12-10		
Form 12.3 A		lone, Short-	Form Policy for Mediation putes (Non-Mandatory,	12 10		
	_			12-16		
Form 12.3 B	-		re for Mediation of			
	•		es (Mandatory, Pre-Dispute,			
		_	ent Form)	12-16		
Form 12.3 B(2)		_	ation of Employment			
	_		nt)	12-19		
Form 12.3 C	Agreem	ent to Media	ate and Maintain			
	Confide	ntiality (Sho	ort Form Post-Dispute)	12-19		
Form 12.3 D	Employ	ment Media	tion Rules (AAA Rules and			
	Procedu	re)		12-20		
Form 12.3 E	Four Ste	Four Step Dispute Resolution Procedure; Open				
	Door Po	licy, Peer R	eview, Mediation,			
	Arbitrat	ion		12-24		
Form 12.3 E(2)	Signatu	re and Ackno	owledgment Form			
	(Attachi	ment)		12-26		
Form 12.3 F	Employ	ee Dispute F	Resolution Program (Mandatory			
	Mediati	on, Arbitrati	on)	12-27		
Form 12.4 A	_	_	eement to Arbitrate	12-30		
Form 12.4 B			nt Agreement (with Mandatory			
			n in the Nature of Private			
				12-38		
Form 12.4 B(2)			pute Resolution Policies and			
			ment)	12-41		
Form 12.4 C		_	ployment, Agreement to			
				12-44		
Form 12.4 D			n Employment			
				12-46		
Form 12.4 E			n Employment	10.16		
E 10.4E				12-46		
Form 12.4 F		-	tion Agreement	12-47		
Form 12.4 G			n Association – Employment			
			Demand For Arbitration	10.50		
E 12.4 II				12-50		
Form 12.4 H			on Association Rules for			
			al Rules for the Resolution of	10.51		
F 12.4.I			es	12-51		
Form 12.4 I	Class A	cuon waivei	for Arbitration Agreement	12-68		

## **INDICES**

Forms Index	INDEX-1
Table of Maryland Laws	INDEX-14
Table of Federal Laws	INDEX-20
Table of Cases	INDEX-28
General Index	INDEX-37