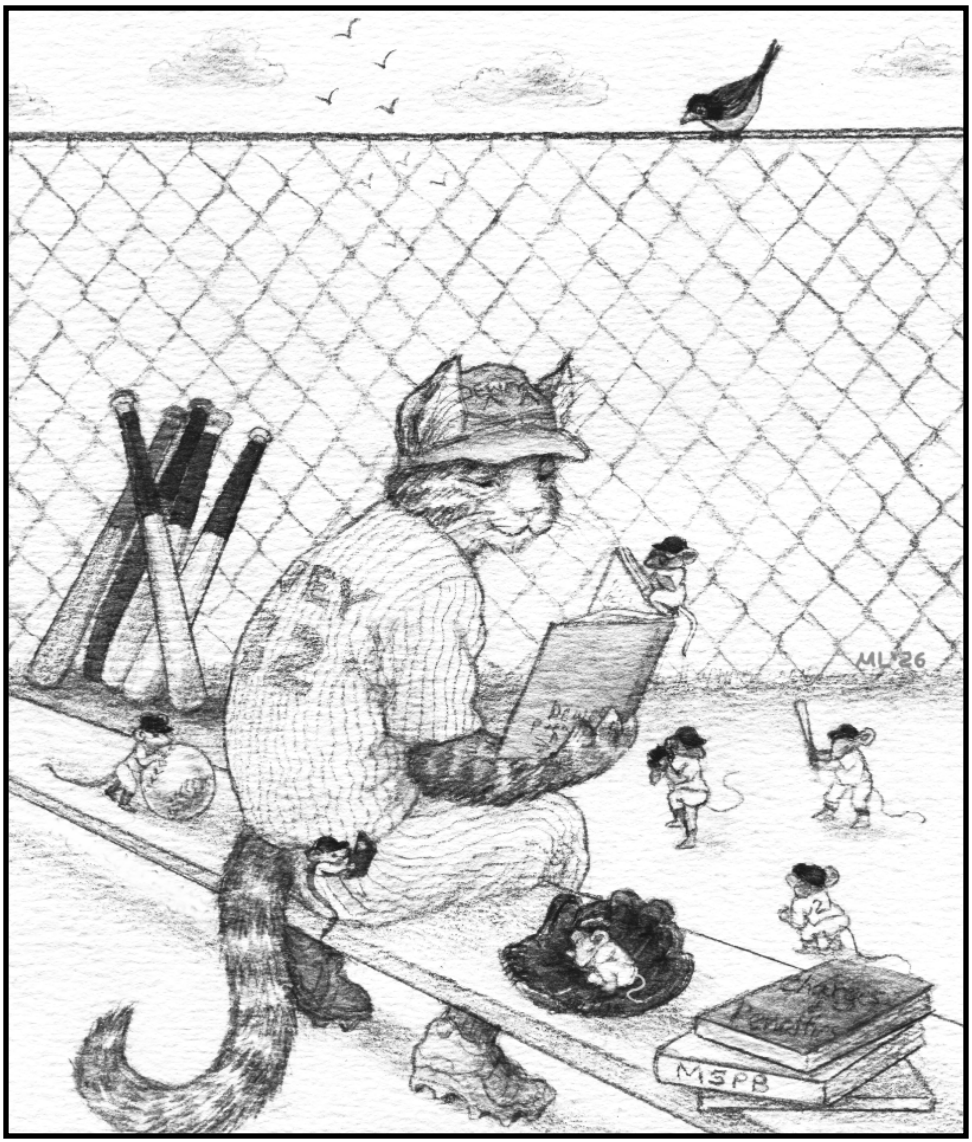

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A Guide to Federal Sector Equal Employment Law and Practice, Thirty-Ninth Edition *Natania M. Davis and Ernest C. Hadley, Founding Author*

Updated annually, the *EEO Guide* offers the most comprehensive analysis of federal sector EEO decisions, litigation practice, statutes, regulations, policies, guidance, and practical advice available to practitioners. Major topics include:

- jurisdiction;
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- theories and bases of discrimination;
- disabilities and GINA;
- reprisal and personnel actions;
- class actions;
- remedies;
- EEO alternatives;
- attorney fees and representatives.

New in 2026

The 2026 edition includes analysis of 2025 and early 2026 decisions of the courts, and major developments in 2025–2026. Highlights include:

- Commission changes:
  - quorum restored,
  - Enforcement Guidance on Harassment in the Workplace rescinded, and
  - focus on "systemic race discrimination" outside the federal section.
- Supreme Court: *Ames v. Ohio Dept. of Youth Serv.*, 605 U.S. 303 (2025), involving reverse discrimination.
- Federal Court cases involving:
  - whether harassment was discriminatorily motivated,
  - proximity in time in a nonselection case, and
  - unfair treatment did not qualify as a protected activity in a retaliation case.
- Commission cases:
  - attorney fees,
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  - reasonable accommodation,
  - religious accommodation, and
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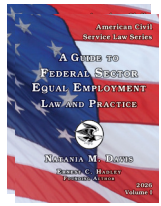

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A Guide to Merit Systems Protection Board Law and Practice, Forty-Third Edition *Peter Broida*

Revised annually since 1984, *A Guide to Merit Systems Protection Board Law and Practice* provides analysis and summaries of MSPB precedential and nonprecedential decisions issued since the inception of that agency in 1978, along with decisions of the Board's reviewing court, the Federal Circuit, since the inception of that court in 1982. The 2026 edition includes analysis of 2025 and early 2026 decisions of MSPB and the courts, and regulatory and executive order developments in 2025–2026. Statutes and regulations are analyzed, and practical litigation advice is provided in a four-volume set of over 5,000 pages in print, and in a PDF format linked to internet sources of significant cases and internally linked to permit cross-referencing during research, with the ability to cut and paste text from the PDF into documents. The *Guide* is a principal research source for civil service law. Its author litigates cases at MSPB and the Federal Circuit. Chapters of the *Guide* include:

Volume I
- MSPB Structure and Jurisdiction
- Appeals
- Discovery
- Hearing

Volume II
- Evidence
- Initial Decisions
- Petitions for Review
- Adverse Actions
- Nexus
- Penalty Determinations
- Substantive Offenses

Volume III
- Performance Cases
- Reduction in Force
- Harmful Error
- Discrimination
- Prohibited Personnel Practices
- Retirement

Volume IV
- Reemployment
- Attorney fees
- Settlement
- Remedies
- Enforcement
- Sanctions
- Judicial Review
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- Bibliography

New in 2026

- Effect on Board jurisdiction of Schedule Policy/Career; loss of adverse action jurisdiction over appeals of administrative judges exercising quasi-executive or policy-making functions;
- Transfer of MSPB appellate jurisdiction to OPM for RIF, suitability, and probationary termination challenges; impact on review authority of arbitrators;
- Executive orders and OPM regulations affecting clean paper settlements, duration of PIPs, arbitrators' mitigation authority;
- Decisions interpreting unitary penalties; USERRA reprisal; performance standards structure; due process requirements for proposing and deciding officials; application of *Weingarten* rights in agency investigations; IRA coverage for employees who file grievances; pecuniary damages in mixed-case appeals cases for tax increases resulting from lump sum back pay awards; USERRA pay adjustments for reservists; notice to agencies of FMLA use.

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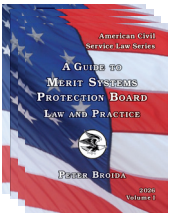

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A Guide to Federal Labor Relations Authority Law and Practice, Thirty-Ninth Edition *Peter Broida*

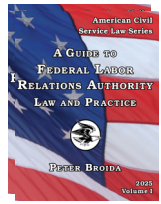
TWO VOLUME SET

Updated annually, the *FLRA Guide* is a complete research tool on unit determinations, negotiability and the collective bargaining process, unfair labor practices, and arbitration. The 2026 edition includes analysis of 2025 and early 2026 decisions of the FLRA and the courts, and major regulatory and executive order developments during 2025-2026. Major topics include:

- jurisdiction;
- unit determinations and elections;
- labor organizations;
- negotiability procedures;
- negotiability determinations;
- the Federal Service Impasses Panel;
- ULPs and remedies;
- review of arbitration awards;
- administrative reconsideration and judicial review.

New in 2026

- New regulations governing representation petitions; transfer of their processing from regional offices to FLRA HQ;
- Impact of executive orders disenfranchising unions;
- Guidance concerning revocation of union dues authorizations;
- Planned revisions in hearing procedures for ULP complaints;
- Executive orders and implementing OPM regulations affecting arbitrators' authority to mitigate disciplinary penalties, review reductions in force;
- Decisions affecting negotiability of contract proposals involving remote work; application of *Consumer Financial Protection Bureau* to arbitrators' awards that do not explicitly analyze contractual appropriate arrangements provisions; interpretation of the "officially ordered or approved" requirement of the Federal Employees Pay Act; requirements for notices concerning union petitions for changes in affiliation; elements of the contract bar doctrine implicated by contract extension; Back Pay Act requirements for hazard pay entitlement; findings under the Back Pay Act to support arbitrators' awards reversing or modifying disciplinary actions; availability of Title VII lawsuit to remedy discrimination by a union against a grievant.



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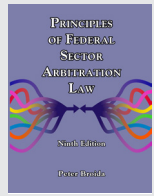
Principles of Federal Sector Arbitration Law, Ninth Edition (2025)

Peter Broida



With its unique approach to digesting arbitration awards by major topics and keying each award to the issuing arbitrator, *Principles* allows practitioners to research arbitrators' awards to assist in case preparation and arbitrator selection. *Principles of Arbitration* also includes an index cross-referencing arbitrators to the awards they have issued. Practitioners rely on this book to learn the experience level of the arbitrator they are considering for selection, to gain better insight on how that arbitrator has ruled on similar issues, and to research awards by other arbitrators on issues being decided. A detailed index is also included. Major topics include:

634 pages/2025

- nature of arbitration;
- governing law for arbitrators;
- collective bargaining agreements;
- arbitrability;
- grievances;
- hearings;
- evidence;
- arbitrator's role;
- management rights;
- contract interpretation;
- substantive topics; commonly encountered;
- settlements;
- correction, clarification of arbitration awards, retention of jurisdiction, enforcement;
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ACSLS Related Products

Merit Systems Protection Board Case Summaries, Sixteenth Edition (2026)

Peter Broida and Natania M. Davis

Updated annually, this guide condenses MSPB and Federal Circuit decisions from 1999 through early 2026 into concise summaries. Cases are arranged by subject matter areas of Board jurisprudence and categorized alphabetically. A detailed Index and Table of Cases aid research. Also included is a free Reference Materials download, containing MSPB statutes and regulations, the WPEA, and PPD-19. Topics include:

- adverse and performance actions;
- arbitration/collective bargaining issues;
- attorney fees;
- Board procedure;
- defenses;
- discrimination;
- evidence;
- hearings;
- harmful error;
- jurisdiction and judicial review;
- prohibited personnel practices;
- retirement;
- reemployment;
- remedies;
- RIFs;
- settlements;
- substantive offenses;
- timeliness;
- USERRA;
- VEOA.

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MSPB Charges and Penalties: A Charging Manual, Seventeenth Edition (2025) with 2026 Supplement

Renn C. Fowler and Samuel A. Vitaro

Nothing is more important than the agency charge. Appellant's don't win—agencies lose by mischarging.

MSPB Charges and Penalties: A Charging Manual is the bible on adverse action charges, charge drafting, proof requirements and elements, defenses to each charge, due process notice issues, and penalties.

Part I is a close cousin to a military charging manual, listing virtually all charges, their nuances, elements and proof requirements, the prominent cases won and lost on each charge, as well as the pros and cons, pitfalls, and defenses on each charge. Part II details how to select and draft charges and how to avoid charging errors, including tips on using easy-to-prove charges. Part III covers the *Douglas* factors, penalty deference, how to make a penalty showing, and how to avoid penalty missteps. Both Parts II and III offer extensive discussion on providing clear notice, distinguishing between constitutional and statutory violations, as well as tips on avoiding common due process traps. A key feature of these two parts: each chapter provides at its start and conclusion Quick-Guides in bullet form containing the essentials of that chapter. These comprehensive checklists are a must-know for counsel (agency and private), union representatives, and HR personnel. Part IV "How to Do It (In Real Time)" illustrates how to apply the tips and techniques explained throughout the book. And finally, Part V details affirmative defenses usually invited by certain charges.

New in 2026 is an informational supplement, which updates the *MSPB Charges and Penalties, 17th edition*. The *2026 Supplement* includes updated regulations, executive orders, and guidance. New case law (nonprecedential, precedential, and courts) is also included. The *2026 Supplement* is included with a new purchase of the *17th edition* or can be purchased separately.

1390 pages/2025 and 2026 Supplement

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New Arrivals in 2026

Surviving EEO Complaints, Fourth Edition

Dora Malykin and Sarah S. Tuck

Surviving EEO Complaints takes supervisors and managers step-by-step through the EEO complaint process and governing laws. It serves as a comprehensive analysis of the sweeping statutory and policy developments shaping the modern federal workforce. This edition also offers refined, practice oriented guidance for managers, including effective strategies for responding to EEO complaints and proven best practices designed to reduce risk and foster a compliant, inclusive, and well managed workplace. Federal managers and supervisors rely on this handbook for practical explanation and advice on topics including:

- discrimination laws—race, color, sex, national origin, age, pregnancy, disability and religion discrimination, GINA, Equal Pay Act, and retaliation;
- identifying the employee who may bring an EEO complaint;
- the difference between disparate treatment and disparate impact;
- harassment;
- reasonable accommodation of religious beliefs and disability;
- strategies for reducing complaints;
- the EEO complaint process;
- the hearing process;
- use of government property and time; and
- advice on coping with the litigation process.

New in 2026

Major topics covered in this new edition:

- the evolving landscape of diversity, equity, and inclusion;
- implementation of the Pregnant Workers Fairness Act;
- the legal and operational implications of remote and hybrid work;
- the expanding role of artificial intelligence in organizational decision making;
- the influence of recent executive orders;
- the enduring impact of COVID 19 on federal employment practices; and
- the latest guidance and legal standards concerning sexual orientation and transgender policies.

Appx. 200 pages/2026

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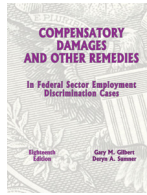
Compensatory Damages and Other Remedies in Federal Sector Employment Discrimination Cases, Eighteenth Edition



Gary M. Gilbert and Deryn A. Sumner

Compensatory Damages presents an in-depth examination of damages available before the EEOC, MSPB, and federal courts as they relate to discrimination cases. The authors review significant developments and case law affecting damages awards and analyze recent trends. The *Eighteenth Edition* includes case summaries through early-2026. Major topics include:

- Title VII equitable damages;
- the Civil Rights Act of 1991 and compensatory damages;
- proving damages;
- mitigation and offset;
- considerations in approaching settlement;
- remedies under other statutes—the Equal Pay Act, ADA and Rehabilitation Act, Family Medical Leave Act, ADEA, and Whistleblower Protection Act;
- managing discovery about damages;
- calculating an award of damages;
- attorney fees and costs;
- a summary of selected Commission damage awards; and
- a historical chart of significant EEOC nonpecuniary damages awards.

Appx. 800 pages/2026

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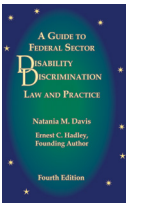
A Guide to Federal Sector Disability Discrimination Law and Practice, Fifth Edition

Natania M. Davis and Ernest C. Hadley, Founding Author



Updated in 2026, the *Guide to Federal Sector Disability Discrimination Law and Practice* is a text on disability discrimination case law, statutes, and regulations interpreting and implementing the ADA, ADAAA, Rehabilitation Act, GINA, and Drug Abuse Act.

Federal agency managers, supervisors, personnel specialists, and EEO and EAP counselors dealing with medical issues and reasonable accommodation requests, as well as counselors, investigators, and advocates who litigate disability cases, rely on the *Disability Guide* for its comprehensive reporting and commentary. Major topics include:

- Overviews of the ADA, Rehabilitation Act and ADAAA
- Impairments under the ADA
- Major life activities
- Substantial limitation
- Regarded as disabilities
- Qualified individuals
- Reasonable accommodation
- Undue hardship
- Forms of prohibited discrimination
- Timeliness and remedies
- Genetic Information Nondiscrimination Act

New in 2026

Major topics covered in this new edition:

- essential functions;
- reasonable accommodation;
- undue hardship;
- disclosure of medical information;
- fitness for duty examinations;
- delay in providing accommodation;
- harassment claims;
- direct threat;
- remote work; and
- the latest guidance, regulations, statutes, and case law related to disability discrimination.

Also included is a free Reference Materials download containing statutes; regulations; Public Law; Federal Register Notice; and EEOC enforcement guidance, policy guidance, questions & answers, practical advice, fact sheets, and instructions.

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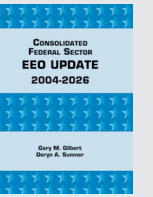
Consolidated Federal Sector EEO Update 2004-2026, Seventeenth Edition

Gary M. Gilbert and Deryn A. Sumner



Updated annually, this comprehensive text digests notable Commission and federal court employment discrimination cases from 2003 through early 2026 and reviews EEO laws, regulations, guidance, and recent trends that are arranged by subject matter areas of employment discrimination. A thorough Index and Table of Cases make this text an excellent research tool.

Major topics include:

- affirmative action;
- attorney fees;
- class actions;
- compensatory damages;
- constructive discharge/ retirement;
- discrimination: age, disability, national origin, race, religious, and sex;
- discipline;
- disparate impact;
- EEO investigations;
- Equal Pay Act;
- evidence;
- harassment;
- hearings;
- independent contractors;
- labor-relations and EEO;
- legitimate nondiscriminatory reasons (inadequacy of);
- mixed cases;
- nonselection claims;
- official time;
- performance-related cases;
- procedures;
- remedies;
- representation;
- reprisal;
- security clearances and state secrets;
- settlement;
- sexual orientation;
- summary judgment;
- timeliness.

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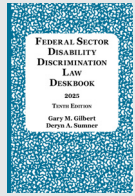
Federal Sector Disability Discrimination Law Deskbook, Tenth Edition



Gary M. Gilbert and Deryn A. Sumner

Disability Deskbook is an extensive compilation of cases interpreting the Rehabilitation Act, ADA, ADAAA, and other statutes and implementing regulations, and is updated and expanded on all disability-related topics. Major topics include:

- who is covered by the ADA;
- specific impairments—including the impact of the ADAAA on mitigating measures and analysis of 60 specific impairments considered in EEOC decisions, e.g., allergies, HIV, pregnancy;
- major life activities;
- record of having such an impairment;
- regarded as having a disability;
- "qualified individual with a disability";
- reasonable accommodation—including requests, job modification, entitlement, reassignment, the interactive process, misconduct, and discussion of 19 types of reasonable accommodations;
- undue hardship;
- direct threat defense;
- disability-related inquiries;
- good faith as a defense to compensatory damages awards;
- other theories of disability discrimination.

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Federal Sector LGBTQIA+ Law and Procedure, First Edition

Shannon C. Leary

Written by Shannon Leary, practitioner before the EEOC and Chair of her law firm's LGBTQIA+ Practice Group, *Federal Sector LGBTQ Law and Procedure* is a federal sector EEO practice guide for representatives litigating complaints involving allegations of sexual orientation and gender identity discrimination.

Case law is discussed and applied to circumstances confronted by the practitioner when preparing and trying cases before the EEOC. The book contains discussion and analysis of the evolution of protections for LGTBQIA+ federal employees, as well as practical tips.

Federal Sector LGBTQIA+ Law and Procedure offers the history of relevant case law, policy, and guidance applicable to LGBTQIA+ federal employees; legal claims and theories LGBTQIA+ federal employees may bring complaints under; strategies for the stages of a federal sector complaint, including the informal and formal complaint processes, litigation, motions practice, and hearings before EEOC Administrative Judges; attorney fees and costs; compliance and enforcement.

This book helps practitioners on both sides better prepare, settle, and try EEO cases.

114 pages/2025

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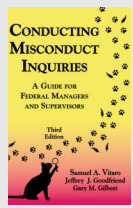
Conducting Misconduct Inquiries: A Guide for Federal Managers and Supervisors, Third Edition



Samuel A. Vitaro, Jeffrey J. Goodfriend, and Gary M. Gilbert

Learn how to effectively and efficiently investigate allegations of employee misconduct with examples, sample forms, and case law discussion. Major topics include what a management inquiry is and how it differs from an administrative investigation, the advantages of an inquiry, how to select a good inquirer, discussion of rights and responsibilities of the inquirer and inquiree, limitations on the inquirer's authority, interim action, typical charges and penalties, inquiry basics, initiating the inquiry, defining the issues, identifying witnesses, preparing for the inquiry, document gathering, the interview and other means to collect information, post report activity, and how the report will be used.

324 pages/2025

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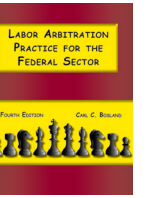
Recent Releases

Labor Arbitration Practice for the Federal Sector, Fourth Edition

Carl C. Bosland



Newly updated and written by an advocate, arbitrator, lecturer, and author on federal labor arbitration, this handbook provides advocates with practical guidance and best practices to effectively prepare and present their case to a neutral arbitrator.

This guide also includes strategies, tactics, tips, and pitfalls to avoid on topics including:

- advocate selection, case investigation and evaluation;
- arbitrator selection;
- case preparation;
- prehearing practice;
- witness selection and preparation;
- hearing day preliminaries;
- opening statements;
- making your record;
- witness testimony;
- effective direct examination techniques;
- effective cross-examination techniques and impeachment;
- effective use of exhibits;
- closing arguments—preparation and execution;
- post-award practice—remedies, motions, challenging awards, and FLRA exceptions to arbitration awards.

352 pages/2025

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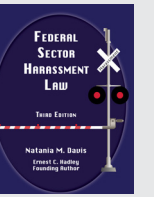
Federal Sector Harassment Law, Third Edition

Natania M. Davis and Founding Author, Ernest C. Hadley



This text covers harassment law based on sex, race and color, religion, disability, national origin, age and reprisal. The history of harassment law is rooted in sexual harassment law and cases. Each chapter begins with that history and then explains what the law is today and how/if it differs for the various bases. Case law examples and analyses are provided from the EEOC, the Office of Federal Operations, and the courts; analyzes EEO enforcement guidance, EEO policy guidance, statutes and regulations. Major topics include:

- tangible employment actions;
- hostile work environment;
- timeliness;
- unwelcome conduct;
- basis of conduct;
- severe or pervasive conduct;
- objective and subjective elements;
- liability for harassment;
- avoiding liability.

396 pages/2025

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Featured Dewey Classic

Reduction in Force: A Practical Guide, First Edition

Renn C. Fowler

RIFs are complex: competitive levels and competitive areas, retention registers, bump and retreat rights, severance pay and DSRs, veterans preference, demotion and termination appeals. Absent a solid command of this highly technical area, this is a minefield of reversals on appeal. Whether an employee, HR official, agency counsel, or employee representative, this text assists you in mastering the regulations, statutes, and case law. Major topics include: RIF law—controlling authority, coverage; challenges—burdens, *bona fides*; competitive area—agency responsibilities; competitive level—requirements and restrictions, supervisory positions, undue interruption, details and time limited promotions, pay bands, challenges; retention—tenure groups and subgroups, length of service, performance ratings, records maintenance, registers; abolishing positions; rounds of competition—bumping, qualifications, retreat rights, vacancies, temporary positions, exceptions; DOD RIF rules, release from competitive level, assignment rights; transfer of function; SES; RIF notices; appeals and grievances.

351 pages/2017

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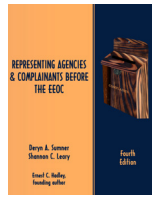
Representing Agencies and Complainants Before the EEOC, Fourth Edition



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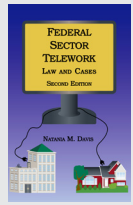

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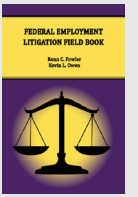

The guide provides an advocate's roadmap for hearings at MSPB, EEOC, and other tribunals. The authors cover case overview and preparation, motions practice, discovery, direct and cross-examination, use of expert witnesses, the important Federal Rules of Evidence, treatment of hearsay, evidentiary development and objections, preparation and use of exhibits, opening and closing arguments, hearing management and settlement. Contains practice guidance and checklists.

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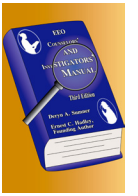
Deryn A. Sumner and Ernest C. Hadley, Founding Author



A guide to counseling and investigating EEO complaints, this manual explores the essentials of the EEO complaint process. The manual combines EEOC's Part 1614 regulations and guidance with the authors' years of practical experience. New counselors and investigators will learn what they need to know, and seasoned counselors and investigators will gain fresh insights and techniques. The information is comprehensive, and the book is divided into three separate sections: introduction to discrimination law and practice, EEO counselor's role, and EEO investigator's manual.

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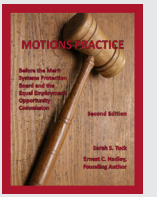

In its second edition, *Motions Practice* provides guidance on motions practice before the MSPB and EEOC. The authors address matters that arise before, during, and after the hearing. Updated samples and form motions are included with citations to governing statutes, regulations, and guidance such as the MSPB Judge's Handbook, the MSPB's Hearing Procedures Guide, Federal Rules of Civil Procedure, MD-110, and case law. Major topics include: Federal Rules of Civil Procedure, basic motion practice, prehearing motion practice, and post hearing motion practice.

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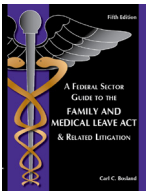
A Federal Sector Guide to the Family and Medical Leave Act & Related Litigation, Fifth Edition

Carl C. Bosland



The *FMLA Guide* provides comprehensive reporting and analysis of the statutes, regulations, and case law governing the Family & Medical Leave Act. How to coordinate FMLA leave rights with other legal rights and responsibilities of employees and employers is covered. Chapters are broken down by major topics, and topics are broken down according to their applicability under Title I, Title II, and Title V of the FMLA, the Congressional Accountability Act of 1995 (CAA), and the Presidential and Executive Office Accountability Act of 1996 (PEOAA). Best practice tips are also included.

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