

Labor and Employment Law Practice

Westlaw® Research Tips

West Customer Service

Westlaw Technical and Search Assistance (available 24 hours a day)

If you have general or technical questions about Westlaw, call West Customer Technical Support at 1-800-WESTLAW (1-800-937-8529) or send an e-mail message to west.support@thomson.com.

If you have search questions about Westlaw, call the West Reference Attorneys at 1-800-REF-ATTY (1-800-733-2889) or send an e-mail message to west.referenceattorneys@thomson.com.

Technical and search assistance is also available online at www.westlaw.com/customersupport.

Law students with general, technical, or search questions about Westlaw can call 1-800-850-WEST (1-800-850-9378) or send an e-mail message to west.student@thomson.com.

Accessibility Support

For information on West's accessibility policy, go to west.thomson.com/accessibility or send an e-mail message to west.accessibility@thomson.com.

Billing and Account Assistance

For billing and account assistance, call 1-800-328-4880.

Billing and account assistance is also available online at west.thomson.com/customerservice.

Westlaw Training

For information about Web-based training, telephone training, or in-person training, visit west.thomson.com/training.

Reference Materials

To browse and order free Westlaw reference materials, visit west.thomson.com/documentation.

Westlaw and other West products also contain valuable online help.

Information in this guide is current through August 1, 2003.

Author: Ann T. Laughlin, J.D.

ALR, KeyCite, KeySearch, *United States Code Annotated*, USCA, U.S.C.A., WestClip, West Key Number System, Westlaw, westlaw.com, and West Legal Directory are registered trademarks of West Publishing Corporation.

© 2003 West, a Thomson business. All rights reserved.

West

610 Opperman Drive

Eagan, MN 55123-1396

Printed in the United States of America

Table of Contents

About This Guide	ii
Retrieving Documents When You Know the Citation.....	1
Searching with Natural Language	2
Searching with Terms and Connectors.....	2
Using KeySearch to Retrieve Documents	3
Retrieving Case Law.....	4
Retrieving Statutes and Legislative History	5
Retrieving Session Laws	5
Retrieving Pending Legislation	6
Retrieving Rules and Regulations	6
Retrieving Administrative Decisions.....	7
Retrieving Topical Highlights.....	8
Retrieving News and Information	8
Retrieving Legal Texts and Periodicals.....	9
Using a Tabbed Practice-Area Page	10
Using KeyCite and KeyCite Alert.....	12
Using WestClip	12

About This Guide

This research guide provides information on conducting labor and employment law research on Westlaw. It will show you how to retrieve decisions from federal and state courts; statutes, rules, and regulations; federal and state administrative materials; news and information; and legal texts and periodicals. By modeling your own search requests on the examples in this guide, you can quickly retrieve the information you need.

The instructions in this guide are based on accessing Westlaw via the Internet. Because of the evolving nature of Internet technology, there may be recent changes to the Westlaw interface and functionality that are not reflected in this documentation.

Retrieving Documents When You Know the Citation

When you know a document's citation, use the Find service. At the tabbed Westlaw page, type your citation in the *Find this document by citation* text box and click **GO**. You can also click **Find** on the toolbar to display the Find a Document page.

Document	Citation	Format
Federal Cases		
Supreme Court	123 S. Ct. 2148	123 sct 2148
Courts of appeals	325 F.3d 997	325 f3d 997
State Cases		
California Court of Appeals	135 Cal. Rptr.2d 477	135 calrptr2d 477
Florida Supreme Court	615 So.2d 671	615 so2d 671
Federal Legislation and Regulations		
<i>United States Code Annotated</i>	29 U.S.C.A. § 1823	29 usca 1823
Public law	Pub. L. No. 108-1	us pl 108-1
Senate bill	S. 224, 108th Cong. (2003)	2003 cong us s 224
<i>Code of Federal Regulations</i>	29 C.F.R. § 1904.12	29 cfr 1904.12
<i>Federal Register</i>	68 Fed. Reg. 15560	68 fr 15560
State Statutes and Regulations		
New York Labor Law	N.Y. Lab. Law § 807	ny labor s 807
<i>Hawaii Revised Statutes Annotated</i>	Haw. Rev. Stat. Ann. § 378-6	hi st s 378-6
<i>New Mexico Statutes Annotated</i>	N.M. Stat. Ann. § 50-11-3	nm st s 50-11-3
Texts and Periodicals		
<i>Labor Lawyer</i>	18 Labor Lawyer 137	18 lab law 137
<i>American Law Reports, Federal Series</i>	93 A.L.R. Fed. 335	93 alrfed 335

Note: If you are not sure of the correct publication abbreviation to use in a Find request, click **Publications List** in the left frame of the Find a Document page to view a list of publications and abbreviations that can be used in the Find service.

Searching with Natural Language

The Natural Language search method allows you to search databases by typing a description of your research issue in plain English to retrieve relevant documents. Documents are retrieved according to how closely they match the concepts in your description. Natural Language searching is available in most Westlaw databases.

To search for documents using Natural Language, follow these steps:

1. Access a database. The Search page is displayed.
2. Click **Natural Language** at the top of the page.
3. Type a description of your issue in the text box and click **Search**. The 20 documents that most closely match the concepts in your description are displayed.

Here are some sample Natural Language searches.

<u>To retrieve</u>	<u>Access this database</u>	<u>Then type</u>
federal cases involving breach of employment contracts	Federal Labor and Employment—Cases (FLB-CS)	breach of employment contracts
National Labor Relations Board (NLRB) decisions involving single location bargaining units	Federal Labor and Employment—National Labor Relations Board—Board Decisions (FLB-NLRBDEC)	single location bargaining units
articles discussing employer monitoring of employee e-mail	Labor Lawyer (LABLAW)	monitoring of employee e-mail

Searching with Terms and Connectors

Most of the search examples in this booklet use the Terms and Connectors search method. Terms and Connectors searching allows you to enter key terms from your issue and use connectors to specify the relationship between those terms. For example, you can specify that your terms appear in the same sentence or the same paragraph. Terms and Connectors searching is available in all Westlaw databases.

To search for documents using Terms and Connectors, follow these steps:

1. Choose search terms significant to your issue. In choosing your terms, consider alternatives, such as synonyms and antonyms. To retrieve variations of your terms, use the root expander (!) and the universal character (*).
2. Decide which connectors to place between your terms (see chart on the next page).
3. Access a database. The Search page is displayed. Click **Terms and Connectors** at the top of the page.
4. Type your query in the text box and click **Search**.

Use this connector	To search for documents that contain
& (and)	Both terms
space (or)	Either term or both terms
/s	Terms in the same sentence
/p	Terms in the same paragraph
/n	Terms within <i>n</i> terms of each other (where <i>n</i> is a number from 1 to 255)
+n	The first term preceding the second by <i>n</i> terms (where <i>n</i> is a number from 1 to 255)
+s	The first term preceding the second within the same sentence
“ ”	Terms appearing in the same order as in the quotation marks
Use this connector	To exclude documents that contain
% (but not)	Search terms following the percent symbol

Many of the search examples in this guide include field restrictions. Documents on Westlaw are composed of searchable components called *fields*. Each field contains a specific type of information. Rather than searching the entire document, you can restrict your search to one or more fields. Doing so saves searching and browsing time and makes your search more efficient.

To restrict your search to a specific field, type the field name or abbreviation followed by your search terms enclosed in parentheses. For example, to search for articles in *American Law Reports* about union activities, access the American Law Reports database (ALR) and restrict your search to the title field (ti):

ti(union & activity organiz!)

Using KeySearch to Retrieve Documents

KeySearch is a tool powered by the West Key Number System that identifies key numbers and terms related to your legal issue and runs a Terms and Connectors query for you that was created by a West attorney-editor. KeySearch retrieves documents that contain key numbers, such as cases with West headnotes, as well as documents that don't contain key numbers, such as law review articles and cases without West headnotes.

To access KeySearch, click **KeySearch** on the toolbar.

Retrieving Case Law

When you know	Access this database	Then type
<p>a title</p> <p><i>Hoffman Plastic Compounds, Inc. v. NLRB</i></p>	Federal Labor and Employment–Cases (FLB-CS) and restrict your search to the title field (ti)	ti(“hoffman plastic” & n.l.r.b.)
<p>a judge’s name</p> <p>decisions by U.S. District Judge Motley in which the Equal Employment Opportunity Commission (EEOC) is a party</p>	Federal Labor and Employment–District Courts Cases (FLB-DCT) and restrict your search to the judge (ju) and title (ti) fields	ju(motley) & ti(“equal employment opportunity commission” e.e.o.c.)
<p>a West topic and key number</p> <p>U.S. courts of appeals cases with headnotes classified to topic 232A (Labor Relations) and key number 65 (Agricultural Laborers)</p>	Federal Labor and Employment–Courts of Appeals Cases (FLB-CTA)	232ak65
<p>State court cases with headnotes classified to topic 232A (Labor Relations) and key number 44 (State Acts in General)</p>	Multistate Labor and Employment Cases (MLB-CS)	232ak44
<p>an issue</p> <p>runaway shops in collective bargaining situations</p>	Federal Labor and Employment–Cases (FLB-CS)	“run-away shop” /p collectiv! /s bargain!
<p>U.S. courts of appeals cases discussing the application of the single filing rule</p>	Federal Labor and Employment–Courts of Appeals Cases (FLB-CTA)	“single filing rule”
<p>U.S. Supreme Court cases discussing violations of the Family and Medical Leave Act</p>	Federal Labor and Employment–Supreme Court Cases (FLB-SCT)	“family and medical leave act” f.m.l.a. /p violat!
<p>claims for defamation in state employment discrimination lawsuits</p>	Multistate Labor and Employment Cases (MLB-CS)	defam! /s employ! /5 discriminat!

Retrieving Statutes and Legislative History

When you know	Access this database	Then type
<p>the statute's popular name</p> <p>and you want to see USCA sections enacted by the public law, e.g., the Drug-Free Workplace Act of 1988</p>	<p>USCA Popular Name Table (USCA-POP); then click Edit Search to display the Search page and restrict your search to the citation field (ci)</p>	<p>ci(drug-free &work-place & 1988)</p>
<p>a Senate or House report number</p> <p>H. Rep. No. 102-1024 on the Privacy for Consumers and Workers Act</p>	<p>Legislative History–U.S. Code, 1948 to Present (LH) and restrict your search to the title field (ti)</p>	<p>ti(house +5 102-1024)</p>
<p>an issue</p> <p>state and federal statutes discussing the minimum wage</p>	<p>Wage and Hour Statutes (WH-ST) and restrict your search to the prelim (pr) and caption (ca) fields</p>	<p>pr,ca(minimum /p wage)</p>
<p>federal statutes discussing whistleblower protection</p>	<p>Federal Labor and Employment–U.S. Code Annotated (FLB-USCA) and restrict your search to the prelim (pr) and caption (ca) fields</p>	<p>pr,ca(whistle-blower /p protect!)</p>

Retrieving Session Laws

When you know	Access this database	Then type
<p>a bill number</p> <p>S. 2323 as enacted by the 106th Congress amending the Fair Labor Standards Act of 1938</p>	<p>United States Public Laws 1973–2000 (US-PL-OLD) and add a caption field (ca) restriction to your search</p>	<p>ca(2323) & “fair labor standards”</p>
<p>an issue</p> <p>laws passed in the current session of Congress that concern unemployment compensation</p>	<p>United States Public Laws (US-PL)</p>	<p>unemploy! /s comp! benefit</p>

Retrieving Pending Legislation

When you know	Access this database	Then type
<p>the name of a bill's author or sponsor</p> <p>status information and summary of a bill authored by Sen. Harkin amending the Employee Retirement Income Security Act</p>	<p>Bill Tracking–Federal–Summaries and Status (US-BILLTRK) and add an author field (au) restriction to your search</p>	<p>au(harkin) & employee /s retirement /s income</p>
<p>an issue</p> <p>full text of proposed legislation concerning the rights of employees to receive overtime compensation</p>	<p>Congressional Bills (CONG-BILLTXT) and restrict your search to the title field (ti)</p>	<p>ti(overtime & compensation)</p>

Retrieving Rules and Regulations

When you know	Access this database	Then type
<p>an issue</p> <p>rules of practice and procedure before the NLRB in unfair labor practice cases</p>	<p>Federal Labor and Employment–Code of Federal Regulations (FLB-CFR) and restrict your search to the prelim (pr) and caption (ca) fields</p>	<p>pr,ca(“national labor relations board” n.l.r.b. & practice procedure & “unfair labor practice”)</p>
<p>federal acquisition regulations (FARs) dealing with collective bargaining agreements</p>	<p>Federal Labor and Employment–Code of Federal Regulations (FLB-CFR) and restrict your search to the prelim (pr) and caption (ca) fields</p>	<p>pr,ca(“federal acquisition” & collective! /s bargain!)</p>
<p>federal regulations proposed in March 2003 by the Department of Labor regarding overtime pay under the Fair Labor Standards Act</p>	<p>Federal Labor and Employment–Federal Register (FLB-FR) and add a date restriction (da) to your search</p>	<p>overtime /p “fair labor standards act” & da(3/2003)</p>
<p>state and federal regulations regarding eligibility of employees for family and medical leave</p>	<p>Wage and Hour Regulations (WH-REG)</p>	<p>family /s medical /s leave /s eligib!</p>
<p>state regulations relating to noise levels in the workplace</p>	<p>ENFLEX State Environmental, Health, and Safety Regulations (ENFLEX-STATE)</p>	<p>noise /s level /p work-place employ!</p>

Retrieving Administrative Decisions

When you know	Access this database	Then type
a party's name		
Wal-Mart	Federal Labor and Employment–Federal Labor Administrative Materials (FLB-ADMIN) and restrict your search to the title field (ti)	ti(wal-mart)
NLRB decisions involving the Dayton Hudson Corporation	Federal Labor and Employment–National Labor Relations Board–Board Decisions (FLB-NLRBDEC) and restrict your search to the title field (ti)	ti(dayton-hudson)
Employees' Compensation Appeals Board decisions involving U.S. Postal Service workers with post-traumatic stress disorder	Federal Labor and Employment–Employees' Compensation Appeals Board Decisions (FLB-ECAB) and add a name field (na) restriction to your search	na("postal service") & post-traumatic /s stress
an issue		
EEOC decisions involving claims of religious discrimination by Muslims	Federal Labor and Employment–Equal Employment Opportunity Commission Decisions (FLB-EEOC)	religio** /s discriminat! /s muslim
NLRB decisions involving salting campaigns by unions	Federal Labor and Employment–National Labor Relations Board–Board Decisions (FLB-NLRBDEC)	salting /s campaign /p union
Federal Mine Safety and Health Review Commission decisions involving violations of safety standards regulating float coal dust	Federal Labor and Employment–Federal Mine Safety and Health Review Commission (FLB-FMSHRC)	float /3 coal /3 dust /p violat! /s standard regulation
a case or docket number		
advice memoranda from NLRB general counsel concerning Case 4-CA-31560	Federal Labor and Employment–National Labor Relations Board General Counsel Memoranda (FLB-NLRBGC) and restrict your search to the prelim field (pr)	pr(4-ca-31560)

Retrieving Topical Highlights

To retrieve	Access this database	Then type
<p>developments in labor and employment law</p> <p>summaries of recent developments in labor and employment law</p>	<p>Westlaw Topical Highlights–Labor and Employment (WTH-LB)</p>	<p>[a list of the most recent documents is automatically displayed]</p>

Retrieving News and Information

When you know	Access this database	Then type
<p>an attorney's name or geographic area</p> <p>information about an attorney who practices labor law, e.g., Ira Mitzner</p>	<p>West Legal Directory–Labor Law (WLD-LAB)</p>	<p>mitzner in the <i>Individual Last Name</i> text box and ira in the <i>Individual First Name</i> text box</p>
<p>information about attorneys who practice age discrimination law in Houston, Texas</p>	<p>West Legal Directory–Labor Law (WLD-LAB)</p>	<p>houston in the <i>City, Zip</i> text box and “age discrimination” in the <i>Areas of Practice</i> text box</p>
<p>an issue</p> <p>recent news about the Bush administration's proposed changes to overtime pay regulations</p>	<p>Labor News (LBNEWS) and add a date restriction (da) to your search</p>	<p>bush /p overtime & da(aft 4/2003)</p>
<p>news about the Fair Labor Association's monitoring of conditions in factories operated by multinational companies</p>	<p>Labor News (LBNEWS)</p>	<p>“fair labor association” & multinational & factory</p>
<p>recent newspaper articles about whistleblower activity involving the FBI</p>	<p>Dow Jones Major Newspapers (NPMJ) and add a date restriction (da) to your search</p>	<p>whistle-blow! & f.b.i. & da(aft 4/2003)</p>
<p>arbitration decisions involving violations of employers' zero-tolerance policies</p>	<p>BNA Combined Labor Arbitration Decisions (LA-COMB)</p>	<p>violat! /s zero-tolerance</p>
<p>recent article from <i>The Wall Street Journal</i> regarding antidumping duties charge by the United States on foreign imports</p>	<p>The Wall Street Journal (WSJ) and restrict your search to the title(ti) and summary (su) fields and add a date restriction (da) to your search</p>	<p>ti,su(anti-dumping & u.s. “united states”) & da(aft 2002)</p>

Retrieving Legal Texts and Periodicals

When you know	Access this database	Then type
<p>a title</p> <p>an article appearing in <i>Hofstra Labor and Employment Law Journal</i> titled “Revitalizing the FLSA”</p>	<p>Hofstra Labor and Employment Law Journal (HOFLELJ) and restrict your search to the title field (ti)</p>	<p>ti(revitalizing & f.l.s.a.)</p>
<p>an author</p> <p>articles written by Catherine Fisk</p>	<p>Labor and Employment–Law Reviews, Texts, and Bar Journals (LB-TP) and restrict your search to the author field (au)</p>	<p>au(catherine /3 fisk)</p>
<p>an issue</p> <p>reasonable accommodation for employees under the Americans with Disabilities Act</p>	<p>Americans with Disabilities: Practice and Compliance Manual (AMDISPCM) and restrict your search to the title field (ti)</p>	<p>ti(reasonabl! & accommodat!)</p>
<p>invasion of privacy claims by employees</p>	<p>Andrews Employment Litigation Reporter (ANEMPLR)</p>	<p>invasion invad! /s privacy</p>
<p>whether an employer’s handbook constitutes an employment contract</p>	<p>Employee Dismissal Law and Practice (JW-EMPDIS)</p>	<p>employer /s hand-book manual /p contract</p>
<p>whether random drug testing of employees violates the Fourth Amendment</p>	<p>Drug Testing Law, Technology, and Practice (DRUGTEST)</p>	<p>random /s drug /s test! /p fourth /5 amendment</p>
<p>unlawful discharge of employees under the Immigration Reform and Control Act of 1986 (IRCA)</p>	<p>Immigration Employment Compliance Handbook (IMECH)</p>	<p>unlawful! /5 discharg! /p “immigration reform and control act” i.r.c.a.</p>

Using a Tabbed Practice-Area Page

When you access Westlaw via westlaw.com, you can select a tabbed page that is customized for a practice area. The tabbed page places preselected search options within easy reach to help you quickly access primary legal materials, practice guides and forms, and legal texts and periodicals.

To select a tabbed page, click **My Westlaw** in the upper-right corner of any westlaw.com page to display the Welcome to My Westlaw page, which lists all available tabbed custom pages. Select a page, e.g., **Labor and Employment**, then click **Next**. Select a default page and click **Save**.

The tabbed Labor and Employment page with the default options is shown on the next page. The *Quick Search* section allows you to type a Terms and Connectors query or a Natural Language description, select a database, and run the search all from the same page. You can choose from a variety of databases, including cases, statutes, administrative materials, and secondary sources. The *Shortcuts* section provides quick access to common research tasks.

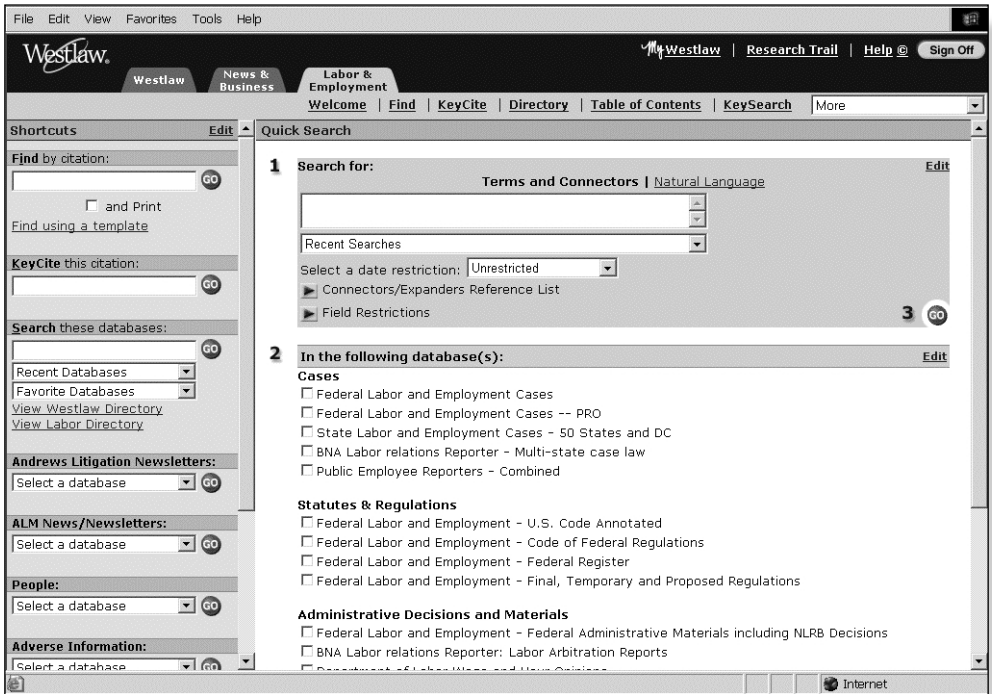
Once you've added a tabbed page, you can personalize it to reflect the research tasks you frequently perform. You can add or remove options—or return to the default settings—at any time.

To personalize the search options, follow these steps:

1. Click **Edit** in the section you want to personalize (the *Shortcuts* section in the left frame or the *Quick Search* section in the right frame). An Edit page is displayed with options for that section.
2. To add an option, select its check box. To remove an option, clear its check box. To see the choices available for a specific option, click its hypertext link. A second Edit page is displayed from which you can also add and remove options. If you make any changes at this page, click **Save** to save your changes and return to the first Edit page.

Note: To return a tabbed page to its default settings, click **Restore Default Settings**.

3. When you are finished making your selections, click **Save**.



Tabbed Labor and Employment page

Using KeyCite and KeyCite Alert

KeyCite is the citation research service from West that helps you determine whether a case, statute, administrative decision, or regulation is good law and retrieve cases, legislation, administrative materials, and secondary sources that cite it. To access KeyCite from any westlaw.com page, click **KeyCite** on the toolbar.

KeyCite Alert automatically monitors the status of cases, statutes, and other documents and sends you updates when their KeyCite information changes. When you create a KeyCite Alert entry, you specify how frequently your document should be checked (e.g., daily, every weekday, weekly, biweekly, or monthly). KeyCite Alert can deliver results to several destinations, such as an e-mail address, a printer, or a fax machine, or download the results to disk. To access KeyCite Alert, choose **KeyCite Alert** from the *More* drop-down list on the toolbar.

For more information about KeyCite and KeyCite Alert, see *Using KeyCite in westlaw.com* available at west.thomson.com/documentation.

Using WestClip

Use the WestClip clipping service to monitor sources of labor and employment information on Westlaw and stay up-to-date on news and developments that could affect your clients. WestClip will run your Terms and Connectors queries on a regular basis and deliver the results to you automatically.

To create a WestClip entry, follow these steps:

1. Choose **WestClip** from the *More* drop-down list on the toolbar. The WestClip page is displayed.
2. Click **Create Entry** at the top of the page. The WestClip: Create Entry page is displayed.
3. Type a database identifier and a query in the appropriate text boxes.
4. To change your delivery settings, click **Edit**. After you have changed your settings click **Save** at the bottom of the WestClip: Edit Delivery Settings page and the WestClip: Create Entry page.

To add your current Terms and Connectors query to WestClip, click **WestClip** in the left frame of your search result.

For more information about WestClip, see *Using WestClip in westlaw.com* available at west.thomson.com/documentation.

Printed 8/03. Material #40205020. Replaces Material #18412497.

© 2003 West, a Thomson business

L-300743



For assistance using Westlaw, call 1-800-WESTLAW (1-800-937-8529).
For free reference materials, visit west.thomson.com/documentation.