

TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION TO DAMAGES	1
I. GENERAL DISCUSSION OF DAMAGES	4
A. EEOC REGULATIONS CODIFY REMEDIES AND RELIEF	5
CHAPTER 2: TITLE VII EQUITABLE DAMAGES	11
I. TRAINING	11
II. PURGING EMPLOYER'S RECORDS OF NEGATIVE INFORMATION	14
III. REQUIRING EMPLOYER TO APOLOGIZE	17
IV. INJUNCTIVE RELIEF	19
A. PRELIMINARY INJUNCTIONS	19
1. Likelihood of Success	20
2. Irreparable Harm	20
B. INTERIM INJUNCTIVE RELIEF FOR GOVERNMENT EMPLOYEES	20
1. EEOC's Authority to Enjoin Employment Practices	22
C. INTERIM ADMINISTRATIVE RELIEF FOR GOVERNMENT EMPLOYEES	22
D. INTERIM RELIEF MAY ENJOIN FUTURE DISCIPLINE WITHOUT AN INDEPENDENT REVIEW	25
V. BACK PAY	26
A. LOSS OF OPPORTUNITY	30
B. LIMITATIONS ON BACK PAY	35
1. Interim Earnings May Be Set Off Against an Award of Back Pay	36
2. Commencing the Period for Back Pay	39
3. Commencing the Period for Back Pay in Disability Claims Alleging a Failure to Provide Reasonable Accommodation	40
4. Subsequent Promotions in an Award of Back Pay	40
5. Ending the Period for Back Pay	45
6. Subsequent Disabling Injury	49
7. Voluntary Resignation or Retirement	50
8. Other EEOC Decisions on Ending Back Pay Period	54
9. Effect of Bonuses or Other Discretionary Salary Increases	54
C. BACK PAY LIMITED TO TWO YEARS PRIOR TO ADMINISTRATIVE COMPLAINT	56
1. Continuing Violations and Back Pay	56
2. Back Pay Awards in Continuing Violations Claims Generally Available Only in Hostile Work Environment Cases	56
D. HEALTH INSURANCE AND RELATED BENEFITS	58
E. SENIORITY BENEFITS	59
F. OVERTIME	59
G. INTEREST ON BACK PAY	61
H. DETERMINING BACK PAY BY COMPARING EARNINGS OF OTHER EMPLOYEES	66
I. OTHER BENEFITS OF EMPLOYMENT	67
VI. FRONT PAY	69

A.	SUPREME COURT DECIDES THAT FRONT PAY IS NOT SUBJECT TO CAPS.....	77
B.	WHEN FRONT PAY IS APPROPRIATE	79
C.	DURATION OF FRONT PAY	85
D.	OTHER CONSIDERATIONS IN AWARDING FRONT PAY	94
VII.	FRINGE BENEFITS	101
A.	CALCULATING THE VALUE OF FRINGE BENEFITS	102
B.	EMPLOYER MATCHING FOR PENSION AND 401(K) PLANS.....	104
C.	THRIFT SAVINGS PLAN (TSP) BENEFITS.....	105
D.	SURVIVOR BENEFITS	107
E.	ANNUAL AND OTHER LEAVE	107
VIII.	REINSTATEMENT.....	111
A.	WHEN REINSTATEMENT IS NOT PRACTICAL	113
B.	REINSTATEMENT NOT APPROPRIATE WHERE SAME ACTION WOULD HAVE BEEN TAKEN.....	115
C.	AFTER-ACQUIRED EVIDENCE	115
D.	WHERE HOSTILITY MAKES EMPLOYMENT RELATIONSHIP IMPOSSIBLE.....	117
E.	WHERE INNOCENT EMPLOYEE WOULD BE DISPLACED	120
F.	REINSTATEMENT DOES NOT PRECLUDE FRONT PAY	122
G.	RERUNNING THE SELECTION PROCESS	122
H.	AWARDING THE POSITION WHERE COMPLAINANT NOT CONSIDERED FOR THE POSITION	124
I.	FAILURE TO MITIGATE DAMAGES DOES NOT PRECLUDE REINSTATEMENT ...	125
IX.	BUMPING.....	125
A.	EEOC AUTHORITY TO ORDER BUMPING.....	128
X.	REINSTATEMENT MAY REQUIRE REPAYMENT OF ANY LUMP SUM PAYMENT FOR UNUSED ANNUAL LEAVE	128
XI.	UNION DUES MAY BE DEDUCTED FROM AN AWARD OF BACK PAY	129

CHAPTER 3: THE CIVIL RIGHTS ACT OF 1991 AND COMPENSATORY DAMAGES 131

I.	OVERVIEW OF THE 1991 ACT	131
A.	NO CLAIM FOR COMPENSATORY DAMAGES PRIOR TO 1991.....	132
II.	COMPENSATORY DAMAGES ARE AVAILABLE IN ADMINISTRATIVE HEARINGS..	133
A.	THE EEOC RULES IT HAS AUTHORITY TO ORDER DAMAGES.....	133
B.	A DISPUTE WITHIN THE CIRCUITS	135
C.	THE SUPREME COURT SETTLES THE DISPUTE.....	140
III.	DAMAGE PROVISIONS OF THE CIVIL RIGHTS ACT OF 1991 ARE NOT RETROACTIVE.....	144
A.	WHERE UNLAWFUL EMPLOYMENT ACT CONTINUED AFTER ENACTMENT...	146
B.	ALLOCATING REMEDIES WHERE CONDUCT CONTINUED AFTER ENACTMENT	148
IV.	COMPENSATORY DAMAGES DO NOT PUNISH BAD CONDUCT.....	149
V.	COMPENSATORY DAMAGES NOT AVAILABLE IN CASES OF DISPARATE IMPACT	150
VI.	COMPENSATORY DAMAGES NOT AVAILABLE WHEN THE EMPLOYER ACTED WITH LEGITIMATE AS WELL AS DISCRIMINATORY MOTIVES	150
VII.	COMPENSATORY DAMAGES NOT AVAILABLE UNDER THE ADEA.....	153
VIII.	COMPENSATORY DAMAGE AWARDS ARE LIMITED BY STATUTORY CAPS.....	153

A. DAMAGE CAPS APPLY TO EACH AGGRIEVED INDIVIDUAL	156
IX. TRIAL BY JURY	160
X. ADMINISTRATIVE HEARINGS AND BIFURCATED PROCEEDINGS.....	161
XI. TYPES OF DAMAGES AVAILABLE	163
XII. PECUNIARY DAMAGES	163
A. PAST PECUNIARY DAMAGES	164
B. PAST PECUNIARY DAMAGES MUST BE PROVEN.....	168
C. FUTURE PECUNIARY DAMAGES	174
XIII. NONPECUNIARY DAMAGES	177
A. INCONVENIENCE	180
B. LOSS OF FUTURE EARNINGS CAPACITY.....	181
C. DAMAGE TO PROFESSIONAL REPUTATION	185
D. FUTURE EMOTIONAL DISTRESS	186
E. LOSS OF CONSORTIUM.....	187
F. LOSS OF OPPORTUNITY	187
XIV. INTEREST	188
XV. RAISING A CLAIM FOR COMPENSATORY DAMAGES	189
A. WHEN A CLAIM FOR COMPENSATORY DAMAGES MUST BE RAISED BEFORE THE EEOC.....	189
B. WHERE A FEDERAL AGENCY ACTS TO DISMISS A CLAIM AS MOOT	191
C. IN CASES WHERE THERE IS NO HEARING	192
D. A CLAIM FOR DAMAGES MAY BE RAISED ON APPEAL FROM A FINAL AGENCY DECISION	192
E. IN CASES WHERE AN EEOC HEARING IS HELD	194
F. ON APPEAL FROM THE MSPB.....	195
XVI. EXHAUSTION OF REMEDIES	196
A. A FEDERAL COURT MAY BAR A CLAIM FOR DAMAGES IF NOT RAISED IN ADMINISTRATIVE FORUM	196
XVII. NOMINAL DAMAGES.....	200
XVIII. PUNITIVE DAMAGES	203
XIX. NO COMPENSATORY DAMAGES FOR STRESS RELATED TO FILING A COMPLAINT.....	204

CHAPTER 4: PROVING DAMAGES..... 207

I. PROOF OF DAMAGES	207
II. NATURE, SEVERITY AND DURATION OF THE HARM	211
III. CAUSATION	214
A. PROOF OF CAUSATION IN NONPECUNIARY DAMAGES.....	215
B. PROOF OF CAUSATION IN PECUNIARY DAMAGES.....	217
IV. PROOF OF ACTUAL HARM OR INJURY	223
V. PROOF OF LOSS OF EARNINGS.....	229
VI. PROOF OF DAMAGES WITHOUT A HEARING	231
VII. PROOF OF PECUNIARY DAMAGES.....	233
A. PROOF OF FUTURE PECUNIARY DAMAGES	241
VIII. PROOF OF NONPECUNIARY DAMAGES.....	245
A. EMOTIONAL HARM CAN BE PROVEN FROM COMPLAINANT'S TESTIMONY ALONE	246
1. The Plaintiff's Testimony as Evidence for Damages	247

2.	The Need for Corroborating Evidence to Substantiate Plaintiff's Testimony and Large Awards.....	252
3.	The Sufficiency of the Evidence Provided	255
B.	DOCUMENTING EVIDENCE OF NONPECUNIARY DAMAGES	257
C.	GENERAL ALLEGATIONS OF EMOTIONAL HARM GENERALLY WILL SUPPORT ONLY MODEST AWARDS	258
IX.	CREDIBILITY OF WITNESSES	260
X.	EXPERT WITNESSES.....	270
A.	EXPERT TESTIMONY IS NOT REQUIRED TO PROVE DAMAGES.....	271
B.	USE OF EXPERT WITNESSES	276
C.	TYPES OF EXPERT WITNESSES	278
D.	EXPERT WITNESSES AND ECONOMIC HARM.....	279
E.	EXPERT TESTIMONY AND EMOTIONAL HARM.....	281
F.	TESTIMONY OF TREATING PHYSICIAN OR OTHER HEALTH CARE PROVIDER GENERALLY DOES NOT REQUIRE CERTIFICATION OR DISCLOSURE AS AN EXPERT	289
G.	EXPERT TESTIMONY AND PHYSICAL INJURIES	292
H.	OTHER USE OF EXPERTS.....	293
I.	EXPERT REBUTTAL TESTIMONY.....	297
XI.	EMPLOYER'S USE OF REBUTTAL WITNESSES	300
XII.	RECORD MAY NOT BE SUPPLEMENTED ON APPEAL.....	301

CHAPTER 5: MITIGATION AND OFFSET..... 303

I.	OFFSETS AND THE DUTY TO MITIGATE DAMAGES	303
A.	BACK PAY MAY BE CALCULATED USING A PERIODIC RATHER THAN AN AGGREGATE COMPARISON OF EARNINGS	304
B.	REASONABLE DILIGENCE IN SEEKING OTHER EMPLOYMENT	307
1.	Unconditional Offer of Re-Employment May End Right to Back Pay	308
2.	An Unconditional Offer of Reinstatement Must Include Reasonable Accommodation, if Needed	312
3.	An Unconditional Offer of a Position Intended to Cut Off Back Pay Must Be in the Same Geographic Location.....	315
4.	Failure to Mitigate Damages Does Not, in Itself, Bar Reinstatement	316
5.	EXTENDED LEAVE OF ABSENCE WITHOUT PAY MAY SIGNAL UNAVAILABILITY FOR WORK.....	317
C.	DUTY TO MITIGATE EXTENDS TO MAINTAINING FUTURE EMPLOYMENT....	317
D.	CONTINUED EMPLOYMENT AFTER DENIAL OF A PROMOTION; CONSTRUCTIVE DISCHARGE	320
E.	MITIGATING DAMAGES IN CLAIMS OF SEXUAL HARASSMENT.....	325
F.	REASONABLE DILIGENCE MUST BE IN LIGHT OF THE PARTICULAR FACTS OF A CASE	326
G.	THE DUTY TO MITIGATE REQUIRES A SUSTAINED EFFORT TO FIND WORK ...	329
H.	PURSUING EDUCATION EFFECTIVELY REMOVES AN INDIVIDUAL FROM THE WORKFORCE.....	331
1.	Cases Where Pursuing Education Ended the Period for Back Pay	332
2.	Cases Where Pursuing Education Did Not End the Period for Back Pay ..	333
I.	SUBSTANTIALLY EQUIVALENT EMPLOYMENT	336
J.	REASONABLE DILIGENCE.....	342

K.	REASONABLE DILIGENCE AND SELF-EMPLOYMENT	345
L.	INABILITY TO WORK BECAUSE OF DISABILITY	348
II.	BURDEN IS ON EMPLOYER TO SHOW FAILURE TO MITIGATE.....	348
A.	BURDEN SHIFTS WHERE EMPLOYEE MAKES NO EFFORT TO FIND OTHER EMPLOYMENT.....	352
B.	EMPLOYEE'S BURDEN LOWERED WHERE WORK IN THE SAME FIELD IS NOT AVAILABLE BECAUSE OF EMPLOYER'S MISCONDUCT	354
C.	DOCUMENTING EFFORTS TO MITIGATE DAMAGES	358
III.	FAILURE TO MITIGATE MAY BAR FRONT PAY.....	358
IV.	NO DUTY TO MITIGATE WHERE EMPLOYEE IS STILL ON COMPANY ROLLS	358
V.	MITIGATION AND OTHER DAMAGES	360
A.	EEOC HOLDS NO DUTY TO MITIGATE NONPECUNIARY DAMAGES	360
B.	DUTY TO MITIGATE OTHER PECUNIARY DAMAGES.....	361

**CHAPTER 6: OTHER FACTORS IMPACTING CALCULATIONS
OF REMEDIES..... 363**

I.	COLLATERAL SOURCE RULE.....	363
A.	UNEMPLOYMENT COMPENSATION.....	368
B.	WORKER'S COMPENSATION BENEFITS.....	369
C.	PUBLIC ASSISTANCE BENEFITS.....	371
D.	DISABILITY INSURANCE BENEFITS.....	371
E.	VETERAN'S AND SOCIAL SECURITY BENEFITS	373
F.	PENSION BENEFITS.....	374
G.	HEALTH INSURANCE BENEFITS	376
II.	THE EGGHELL PLAINIFF.....	378
III.	THE EFFECT OF PREEXISTING INJURIES ON A CLAIM FOR DAMAGES	381
A.	WHERE PREEXISTING CONDITION WOULD HAVE WORSENERD.....	386
B.	ALLOCATING CAUSATION.....	392
C.	MULTIPLE CAUSES OF EMOTIONAL HARM.....	398
IV.	TAX CONSEQUENCES OF COMPENSATORY DAMAGES.....	401
A.	COMPENSATORY DAMAGES AWARDS FOR EMOTIONAL INJURIES ARE TAXABLE INCOME	401
B.	THE CIVIL RIGHTS TAX RELIEF ACT	402
C.	TAXATION OF ATTORNEY FEES.....	403
D.	TAX WITHHOLDING OF DAMAGE AWARDS.....	403
E.	ENHANCEMENT OF DAMAGES TO ADJUST FOR TAXES.....	404
F.	TAX GROSS-UP UNDER THE FMLA.....	410
G.	COMPENSATION TO OFFSET THE EFFECT OF A LUMP SUM PAYMENT OF BACK PAY, NOT SUBJECT TO THE STATUTORY CAPS	411
H.	ADDITIONAL AWARD TO COMPENSATE FOR TAX CONSEQUENCE OF NONPECUNIARY DAMAGES.....	413
V.	SEEKING REVIEW OF DAMAGE AWARDS IN FEDERAL COURT AFTER A FAVORABLE DECISION BY THE EEOC	414
VI.	SEEKING ENFORCEMENT OF EEOC DAMAGE AWARDS IN FEDERAL COURT	417
VII.	A NOTE ABOUT TIMELINESS.....	419
VIII.	EFFECT OF FAILING TO DISCLOSE EXISTENCE OF COMPLAINT OF DISCRIMINATION IN BANKRUPTCY PROCEEDING.....	420

CHAPTER 7: CONSIDERATIONS IN APPROACHING SETTLEMENT..... 423

I. A FINDING OF DISCRIMINATION IS NOT REQUIRED TO SETTLE A COMPLAINT 424

II. THERE MUST BE A MEETING OF THE MINDS 424

III. ENFORCEABLE AND UNENFORCEABLE PROVISIONS UNDER SETTLEMENT AGREEMENTS 426

IV. PARTIES MUST BE AWARE OF AVAILABLE RELIEF 428

V. SETTLEMENT AGREEMENTS MUST STATE THE PARTIES' AGREED UPON TERMS WITH PARTICULARITY 429

VI. AGENCIES SHOULD CONSIDER THE OVERALL COST TO THE GOVERNMENT..... 430

VII. NO PERSONNEL ACTION IS REQUIRED FOR SETTLEMENT 430

VIII. CONFIDENTIALITY CLAUSES 431

IX. LUMP SUM SETTLEMENTS 432

X. A GOOD FAITH RESPONSE IS REQUIRED TO DAMAGE INQUIRIES DURING SETTLEMENT DISCUSSIONS..... 434

XI. OLDER WORKERS BENEFIT PROTECTION ACT 435

XII. WHERE RETIREMENT BENEFITS ARE INVOLVED 439

XIII. ENFORCEMENT OF SETTLEMENT AGREEMENTS 441

XIV. COMPENSATORY DAMAGES ARE NOT AVAILABLE FOR BREACH OF A SETTLEMENT AGREEMENT 442

XV. ATTORNEY FEES AVAILABLE FOR SUCCESSFUL PETITION TO ENFORCE SETTLEMENT AGREEMENT 442

XVI. INTEREST ON DELAYED PAYMENT OF MONETARY BENEFITS AFTER SETTLEMENT 443

XVII. OFFERS OF RESOLUTION 443

XVIII. SAMPLE SETTLEMENT PROPOSAL 445

CHAPTER 8: REMEDIES UNDER OTHER STATUTES 455

I. THE EQUAL PAY ACT 455

 A. COMMISSION AWARDS OF LIQUIDATED DAMAGES IN EQUAL PAY ACT CASES 457

II. DAMAGES UNDER THE ADA AND REHABILITATION ACT OF 1973..... 458

 A. AGENCIES ARE LIABLE FOR COMPENSATORY DAMAGES WHEN THEY FAIL TO MAKE A GOOD FAITH EFFORT TO PROVIDE REASONABLE ACCOMMODATION 459

 B. ENTITLEMENT TO DAMAGES UNDER THE ADA AND REHABILITATION ACT RESULTING FROM UNLAWFUL PREEMPLOYMENT MEDICAL EXAMINATIONS AND INQUIRIES..... 460

III. FAMILY MEDICAL LEAVE ACT 463

IV. DAMAGES ARE NOT AVAILABLE UNDER THE ADEA..... 464

V. DAMAGES UNDER THE WHISTLEBLOWER PROTECTION ACT 467

VI. THE GENETIC INFORMATION NONDISCRIMINATION ACT 467

CHAPTER 9: MANAGING DISCOVERY ABOUT DAMAGES 469

I. DISCOVERY BY THE EMPLOYEE 469

II. DISCOVERY BY THE EMPLOYER 470

III. BIFURCATED DISCOVERY 472

IV. PROTECTIVE ORDERS 473

V.	MEDICAL EXAMINATIONS	475
A.	SOURCES OF AUTHORITY FOR CONDUCTING MEDICAL EXAMINATIONS	475
1.	Medical Examinations Are Authorized by EEOC MD-110	476
2.	Medical Examination Under Rule 35 of Federal Rules	477
3.	Guidance on Medical Examinations in AJ Handbook.....	478
B.	WHEN MEDICAL EXAMINATIONS ARE APPROPRIATE	479
C.	MEDICAL EXAMINATION GRANTED	484
D.	WHO MAY ATTEND THE MEDICAL EXAMINATION.....	489
E.	OTHER MATTERS RELATED TO MEDICAL EXAMINATIONS.....	490
VI.	WHERE EVIDENCE OF DAMAGES IS NOT REVEALED THROUGH DISCOVERY.....	490

CHAPTER 10: CALCULATING AN AWARD OF DAMAGES..... 493

I.	DETERMINING AN APPROPRIATE AWARD	493
A.	COUNSEL CAN INFLUENCE AN AWARD OF DAMAGES.....	494
B.	AWARDS OF COMPENSATORY DAMAGES SHOULD BE CONSISTENT WITH AWARDS IN OTHER CASES EVIDENCING SIMILAR HARM	495
C.	INITIAL EEOC DAMAGE AWARDS WERE LIMITED	496
D.	COMMISSION RULES SET NO FORMULA FOR CALCULATING DAMAGES	503
E.	FACTORS AFFECTING AN AWARD OF DAMAGES	504
F.	MULTIPLE CAUSES OF EMOTIONAL HARM.....	509
G.	POST JUDGMENT INTEREST	510
II.	APPELLATE REVIEW OF DAMAGE AWARDS.....	510
A.	ON APPEAL AN AWARD OF DAMAGES MAY BE REDUCED TO THE MAXIMUM WARRANTED BY THE FACTS.....	513
B.	APPEALING AN AWARD OF DAMAGES IN THE ADMINISTRATIVE FORUM TO THE EEOC	515
C.	CREDIBILITY DETERMINATIONS AND DAMAGES.....	516
D.	BURDEN IS ON THE PARTY SEEKING TO MODIFY DAMAGES TO PRODUCE EVIDENCE.....	519
E.	IN GENERAL, ADDITIONAL EVIDENCE MAY NOT BE ADDED ON APPEAL	520
F.	CLAIM FOR COMPENSATORY DAMAGES MAY PRECLUDE DISMISSAL OF AN ADMINISTRATIVE CLAIM FOR MOOTNESS	520
G.	EEOC IMPOSES NO REQUIREMENT TO REPAY AWARD OF DAMAGES PENDING APPEAL	521
H.	OPTIONS WHEN AN AGENCY FAILS TO IMPLEMENT RELIEF ORDERED BY THE EEOC	521

CHAPTER 11: ATTORNEY FEES AND COSTS 523

I.	ATTORNEY FEES ARE NOT RECOVERABLE FOR ADEA ADMINISTRATIVE CLAIMS.....	528
II.	PRO SE COMPLAINANTS MAY NOT RECOVER ATTORNEY FEES.....	528
III.	COMPUTING ATTORNEY FEES	529
A.	COMPLAINANT HAS THE BURDEN TO ESTABLISH ENTITLEMENT TO ATTORNEY FEES	530
B.	ATTORNEY FEES ARE GENERALLY NOT AVAILABLE FOR TIME SPENT PRIOR TO FILING A COMPLAINT, EXCEPT WHERE AN AGENCY SUBSEQUENTLY FILES AN APPEAL	531

C.	FEES ARE AWARDED BASED ON THE NUMBER OF HOURS REASONABLY EXPENDED	534
1.	Time Spent on FOIA Requests May Be Hours Reasonably Expended	538
2.	Time Spent Attending EEO Investigations May Be Reasonably Expended	539
3.	Time Spent on Related Matters and Clerical Tasks May Be Recovered Where Clerical Tasks are an Integral Part of the Attorney's Work.....	539
4.	Filing an Unsuccessful Request to Reconsider Is Not Reasonable Expenditure of Time to Warrant Award of Attorney Fees	540
5.	Attorneys' Fees May Be Awarded Where the Matter Must Be Retried.....	541
D.	CONTINGENCY FEE ARRANGEMENTS SHOULD NOT IMPACT FEE SHIFTING	542
E.	WHERE FEE REDUCTION IS APPROPRIATE	543
1.	Awards May Be Reduced Where There Is Duplication of Work.....	543
2.	Awards May Be Reduced Where Employee Prevails on Fewer Than All Claims Raised.....	548
3.	Attorney Fees May Be Denied if Relief Is Insubstantial.....	556
4.	Attorney Fees May Be Denied or Reduced Where Fee Petition Lacks Specificity.....	559
F.	REASONABLE HOURLY RATE	561
1.	Agency Has Burden of Proof to Argue That Complainant's Retention of Out-Of-Area Counsel Was Unreasonable	566
2.	Complainant Can Claim Fees at Current Rather Than Historical Rates	571
3.	Attorney Firm Overhead and the Hourly Rate.....	572
G.	ATTORNEY FEES AVAILABLE WHEN ATTORNEY MUST PERFORM ADDITIONAL WORK DUE TO AGENCY'S ACTIONS.....	572
H.	ATTORNEY FEES AVAILABLE FOR PREPARING AND DEFENDING A PETITION FOR ATTORNEY FEES.....	574
I.	FEES FOR USE OF PARALEGALS AND LAW CLERKS.....	577
J.	ATTORNEY TRAVEL TIME	579
K.	ATTORNEY FEES AWARDS MAY BE ENHANCED	581
IV.	COMPUTING COSTS.....	582
A.	WITNESS FEES.....	583
B.	TRAVEL AND MEAL EXPENSES.....	584
C.	TELEPHONE EXPENSES	586
D.	REVENUE TAXES.....	586
E.	RESEARCH COSTS.....	586
F.	PRINTING AND SCANNING COSTS.....	587
G.	CONSULTANTS.....	588
V.	INTEREST ON ATTORNEY FEES	589
VI.	ATTORNEY FEES AND SETTLEMENT AGREEMENTS	591
VII.	COUNSEL FOR COMPLAINANT HAS NO INDIVIDUAL RIGHT TO APPEAL AN AWARD OF ATTORNEY FEES	594
VIII.	COMPLAINANTS CAN FILE CIVIL ACTIONS AFTER PREVAILING BEFORE THE EEOC SOLELY ON THE ISSUE OF ATTORNEY FEES	595
IX.	FILING OF A CIVIL ACTION CEASES PROCESSING OF ANY CLAIM FOR ATTORNEY FEES IN THE ADMINISTRATIVE FORUM	598

X.	AWARDS OF ATTORNEY FEES CAN BE DEDUCTED ON COMPLAINANT'S TAX RETURNS	598
CHAPTER 12: A SUMMARY OF SELECTED COMMISSION DAMAGE AWARDS..... 599		
I.	AWARDS UP TO \$10,000	599
II.	AWARDS OF \$10,001 TO \$25,000	614
III.	AWARDS OF \$25,001 TO \$50,000	626
IV.	AWARDS OF \$50,001 TO \$100,000.....	636
V.	AWARDS IN EXCESS OF \$100,000	650
CHAPTER 13: A HISTORICAL CHART OF SIGNIFICANT EEOC NONPECUNIARY DAMAGE AWARDS 663		
APPENDIX A: EEOC FEDERAL SECTOR REGULATIONS ON REMEDIES—29 CFR PART 1614..... 707		
APPENDIX B: SECTION 102 OF THE CIVIL RIGHTS ACT OF 1991 717		
APPENDIX C: COMPENSATORY AND PUNITIVE DAMAGES AVAILABLE UNDER SECTION 102 OF THE CIVIL RIGHTS ACT OF 1991, EEOC NOTICE NO. N 915.002..... 719		
APPENDIX D: IRS—LAWSUITS, AWARDS, AND SETTLEMENTS AUDIT TECHNIQUES GUIDE 731		
APPENDIX E: EEOC REGIONAL ATTORNEYS' MANUAL, 2005, PART 2,II.D.—NONPECUNIARY COMPENSATORY DAMAGES: ISSUES FOR REVIEW WITH CLAIMANTS PRIOR TO FILING SUIT 761		
APPENDIX F: THE TAX CONSEQUENCES OF SETTLING AN EMPLOYMENT CLAIM 771		
TABLE OF CASES..... 775		