



# eNewsletter & Fall Conference Announcement

The official e-Newsletter of the National Association of ADA Coordinators

**Serving the ADA Coordination and 504 Compliance Community Since 1991**

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**Volume 24 - No. 5**

**28 pages including New ADA articles**

**August - September 2016**

***Happy 26<sup>th</sup> Anniversary of the ADA***

***Celebrating the Association's 25<sup>th</sup> Anniversary  
of Its First ADA Conference***

***2016 Fall ADA National Conference  
"With You, From the Start"***

**Co-sponsored by the City of San Diego for the Eleventh Year**

**October 17 - 20, 2016**

**San Diego, California**

***Current case law, best practices, policy examples, and reasonable solutions  
to trending and complex ADA situations. Updated Free ADA library on USB drive at conference.***

Twenty-five years ago Paul Hagle had an idea. The Americans with Disabilities Act had just become law and Paul recognized two important things: that the ADA Coordinators and Professionals that were required by the ADA for the State and local governments would be key to the successful implementation of the new law.

These people would need accurate, up-to-date information, if they were going to do their jobs successfully. Thus, was borne the National Association of ADA Coordinators. Also, the idea was developed that one of the best ways to provide sound information was by assembling ADA experts and coordinators together for in-depth training.

Yes, 25 years ago Paul Hagle held this association's first ADA conference. We assembled in Long Beach, California. The idea proved a triumph from the start. Paul convinced the government officials with expertise on the ADA from the U.S. Department of Justice (DOJ) and from U.S. Equal Employment Opportunity Commission (EEOC) to join with State and local leaders and coordinators with in-depth, comprehensive sessions. A few years later, representatives from the U.S. Department of Education (DOE), U.S. Department of Transportation (DOT), and the U.S. Access Board were added.

This conference is the 56th held by the National Association of ADA Coordinators. Over the years the conferences have grown and developed, providing the most up-to-date information, keeping abreast of new trends and developments, and still providing the basics for persons new to their coordinator positions.

Another development in these annual conferences was the role played by the ADA Coordinators themselves. Many coordinators return each year. They share stories and best practices, take ADA concepts and make them relevant and useful to ADA Coordinators. The results make our conferences one of the most valued and interesting ADA training events in the country.

Last summer the ADA celebrated its 25<sup>th</sup> anniversary. This fall it is the Association's turn. The National Association of ADA Coordinators celebrates 25 years of sharing ADA expertise. We're proud of our record and for being "With You, From the Start."

***John Wodatch, J.D., P.A.***

***President, National Association of ADA Coordinators***

***Deputy Assistant Attorney General (ret.), DRS***

***U.S. Department of Justice, Washington, D.C.***

**The Fall 2016 National Conference Scheduled Faculty includes:**

***10 ADA attorneys, 3 ADA architects, 9 ADA Coordinators and Section 504 Compliance Officers, ADA Web Designer, and ADA Medical Professional***

**Some of the confirmed faculty for the designated ADA workshop tracks are:**

**Access, Services and Design Track**

**Rebecca Bond, J.D., (DOJ DRS Chief); Jim Bostrom (DOJ), John Wodatch, J.D., Irene Bowen, J.D. Jack Catlin, FAIA; Dean Perkins, R.A.; Michael Sullivan; Jim Terry, AIA**

**Employment Track**

**Christopher Kuczynski, J.D., LL.M. (EEOC); Mary Jo O'Neill, J.D. (EEOC); John Golom; Brian Nelson, J.D.**

**Higher Education Track**

**Paul Grossman, J.D.; Melissa Frost, J.D.; Jim Long, J.D.**

***Sessions planned on: Law Enforcement, Transportation and Transit, Emergency Preparedness, and Web Site Design and Accessibility Issues***

On May 9, 2016, the Department of Justice published its Supplemental Advance Notice of Proposed Rulemaking titled ***Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities***. This will be discussed during the DOJ Conference keynote. Also, web design and accessibility issues are planned for the track sessions - Employment, Higher Education, and Access, Services and Design - as well.

***See Full Conference Agenda, Faculty Bios on Association in this newsletter and/or on this web site. Early Bird Registration ends August 12, 2016.***

**[www.adacoordinators.org](http://www.adacoordinators.org) and [www.askjan.org/naadac](http://www.askjan.org/naadac)**

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***ADA USB FLASH DRIVE LIBRARY AND CONFERENCE HANDOUTS***

***“WOW! Again a total knockout with a 1, 2, 3 punch. . . Very important info.”***  
***David S., Major County, Georgia; and many others***

**Each participant will receive over 350 important ADA Handouts - *FREE* - on the updated Conference 2016 USB ADA Library Drive. The updated USB drive is only available at the Fall 2016 National Conference and is as part of your conference package. The *value* of these materials, if you had to research, compile, and edit, *is estimated at over several thousands of dollars* as well as the time saving required if you had to develop and produce on your own . . . *AND . . .***

In addition, that at the conference, there are added faulty PowerPoint presentations and handouts dealing with many trending and best practice, and how to save time and money. These can provide information to develop your own ADA training and education programs.

**We did it again for the Spring 2016 conference. It was rated outstanding by 100% of the participants' on their evaluations.**

**Some attendee evaluation comments:**

*"The level of experts exceeded my initial expectations. As a Facilities Access Compliance Manager for a very large Title II agency, the training sessions/workshops for Access, Services, and Design [track] were very informative. I truly appreciated NAADAC [conference] faculty taking the time to sit with me individually and review the efforts that my agency is working towards, and what improvements may be beneficial in performing our self evaluation and transition plan." K.M.A., California*

*"As always well worth the money. Best conference to get info on the latest requirements under the ADA. This [conference] goes to the next level for the ADA Professional." P.M. Florida*

*"This conference has the most up-to-date info on the ever changing Federal Standards for the ADA and the most amazing faculty of instructors who honestly are making a difference ADA across the country." KW, Georgia*

*"This was my first time to this conference and it was great. Learned a lot and make new friends and allies [for networking purposes]." N.S., New York*

*"The conference was awesome. I am feeling more confident [in my job]." T.H., Virginia*  
*"Knowledge and . . . more knowledge. WOW. AWESOME. Great speakers. The Best Conference." D.S., Georgia*

*"Excellent Conference - Thank you! J.R.H., Colorado*

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**OTHER CONFERENCE EVENING EVENTS**

There is an Association President's Reception on Tuesday evening with snacks and refreshments. Your opportunity to meet the speakers and our Board of Directors in a relaxed atmosphere.

Again by popular demand the **KARAOKE CHALLENGE** is planned for Wednesday evening. Refreshment and goodies provided for all. Come join the fun after an informative and busy day at the conference. Be entertained, even if you do not want to sing. At the Fall 2016 Conference \$200 in donated prizes will be awarded in three categories - "First Place" (\$100), "Most Innovative" (\$50), and "Most Inspired", will receive \$50 each. These can be awarded to individuals or groups.

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### ***INFORMATION FOR NON-ASSOCIATES***

If you are not an Associate, now is the time to become an Individual, Professional (P.A.), or Organizational Associate.

If you join when registering for this conference you can register at Associate registration rate on the conference registration form.

Associates received an additional email discount offer, worth \$230, off this 2016 Fall Conference Associate registration rate.

The Associates' Version of this Newsletter contains an additional 15 emailed pages on ADA case law and other information.

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### ***UPDATE OF OUR PROFESSIONAL ASSOCIATES (P.A.) PROGRAM***

We recognized 6 new P.A.s at the Spring 2016 conference and another 7 completed their P.A. requirements at the Spring conference. There are over 140 Associates in various phases of completing the PA program.

See our website at: [www.adacoordinators.org](http://www.adacoordinators.org) for more information on the Association's Professional Associate program.

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### ***CONFERENCE LOCATION AND HOTEL***

The conference is being held at the ***Sheraton Mission Valley San Diego, 1433 Camino Del Rio South, San Diego, CA 92108***. Complimentary shuttle provided from/to San Diego International Airport and within three miles of the hotel. Hotel day time conference self-parking and guestroom Internet are complimentary. ***Participant is responsible for making own lodging reservation. Credit card guarantee is required.*** The Association has negotiated a special conference rate from three days before/after the conference at a per room rate of \$152.00 per night, plus taxes (single/double) if reserved by ***9/2616***, provided room block has not been sold out. To make lodging reservations call the hotel 619-260-0111 and mention you are attending the National Association of ADA Coordinators conference.

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***Remember to register as soon as possible***

***Fall 2016 ADA National conference  
October 17-20, 2016  
San Diego, CA***

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## ADA Articles on Topics To Be Covered At Our Fall 2016 ADA Conference

(Information provided is for training and educational purposes and is not to be considered as legal advice.)

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### ***EEOC DOES REMEMBER***

Employers should be aware that the U.S. Equal Employment Opportunity Commission has and will likely continue to utilize consent decrees to force them to properly accommodate disabled employees.

The EEOC reached an \$8.6 million settlement with Mooresville, North Carolina-based Lowe's Cos. to resolve claims the retailer violated the Americans with Disabilities Act by terminating employees whose medical leaves of absence exceeded the company's 180- or 240-day maximum leave policy.

But a less-discussed aspect was the four-year consent decree that requires Lowe's to retain a consultant with ADA experience to review and revise company policies as appropriate, ***implement effective ADA training for both supervisors and staff***, and develop a centralized tracking system for employee requests for accommodation, among other requirements.

"This is a . . . requirement, and it is something that also allows the EEOC to keep poking into the window of that organization," the vice president of FMLASource, which has program that specializes in reviewing, approving, processing and tracking leave requests.

"We're not just settling it for money to make things go away," said a trial attorney with the EEOC's Chicago district office. "We're also looking at what can we do that we think will solve the company's problems such as compliance going forward."

In 2014, a federal magistrate judge recommended (in EEOC v. Supervalu) that the Eden Prairie, Minnesota-based Supervalu Inc. supermarket chain be held in contempt of court and sanctioned for violating a court decree entered to resolve an ADA lawsuit. The court concluded that the company did not accommodate individuals as required by the consent decree, including looking for open jobs for these individuals or providing assistive devices, which led to Supervalu paying an additional \$482,000 related to the decree violations.

The commission's actions in these cases highlight the importance of employers following the agency's May 2016 statement on ADA leave, which stated that granting leave is a reasonable accommodation and that employers must provide equal access to leave under their leave policies.

The vice president highlighted one case he was involved in, in which the "unnamed" company granted employees a year to attend graduate school but would not consider similar leaves for employees with cancer or other conditions.

"That's sort of a straight-up discrimination problem," he said. "When you review your policies, when you construct your policies, you want to make sure you're not treating disabled people with more restrictive requirements than nondisabled people."

Federal courts have contradicted the EEOC in some cases by finding that employers' time-specified leave policies were reasonable, but these will be fact-specific determinations. For example, if an employer has a six-month leave policy and rejects a request by the employee for one more week of accommodation, that could raise a red flag with the EEOC

"The important thing is not to be so rigid and inflexible when dealing with requests for additional leave," he said.

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## **WRONGFUL TERMINATION LAWSUITS**

Employment is generally presumed to be “at will” absent contract terms to the contrary. Such a presumption enables both the employer and the employee to terminate the work relationship at any time, for any reason. “Employment at will” allows employees to take employment without an obligation to stay for a specific duration of time, unless a contract expressly states a minimum employment period. Because employees are free to leave a job whenever they please, employers are also permitted to terminate employees whenever they desire, so long as the law does not prohibit the termination. But termination of an “at-will” employee may be prohibited by statute or by public policy and thus become wrongful.

Protected classes may not be the basis of employment or termination decisions. A class becomes protected, and therefore becomes an illegal basis for termination, when the federal or a state government passes a law prohibiting discrimination against a member of that class. A terminated employee can successfully assert a wrongful termination claim against his or her former employer if he or she is able to establish the following: 1) membership in a protected class; 2) satisfactory work performance; 3) discharge; and 4) similar individuals (not members of the protected class) were treated more favorably. Examples are:

**Pregnancy:** The Pregnancy Discrimination Act of 1978, an amendment to the Civil Rights Act, forbids employers from terminating employees because of pregnancy, childbirth, or other pregnancy related conditions. The Family and Medical Leave Act (FMLA) provides an additional level of protection for pregnant employees. Under the FMLA, it is wrongful for an employer to discharge an employee for taking FMLA leave or taking time off work for childbirth.

**Disability:** The Americans with Disabilities Act of 1990 (ADA) prohibits employers from terminating employees based solely on disability. Under the ADA, an employee is deemed to be disabled if he or she can show one of the following: 1) physical/mental impairment that substantially limits one or more major life activities, 2) a record of such impairment; 3) the employee is regarded as having such an impairment. The ADA gives a disabled employee the right to request reasonable accommodations to allow performance of essential job functions.

Employers are prohibited from terminating employees for performing a legally protected action. Retaliation (one of EEOC’s major charges) protected actions include:

**Filing a Discrimination or Harassment Suit:** The law protects employees from termination based solely on the premise that they are filing a discrimination lawsuit. Retaliation for filing such a suit, during *or after* employment, is illegal.

**Refusing to Perform Illegal Activities:** An employee may not be terminated for refusing to engage in illegal activities of any kind. Employees should know that an employer’s direction to perform an illegal act provides no defense to an employee who actually performs an illegal act. An employer simply does not have the authority to direct employees to commit illegal acts.

**Vocalizing Complaints about the Working Environment or Wage Practices:** The law does not permit employers to terminate employees solely because the employee expressed dissatisfaction with the working environment or wage practices. However, not all language is protected. For instance, such retaliation laws do not give employees the right to threaten their employer.

An employer’s violation of public policy may give rise to a common law, non-statutory tort claim for wrongful termination. Courts have failed to develop clear guidelines as to what constitutes a public policy prohibiting termination. Most courts refuse to define the term “public policy,” preferring to determine such wrongful termination actions on a case-by-case basis.

Despite the civil wrong's subjective nature, two broad principals are widely applied. First, the dispute must affect the public in some nature. Second the public policy must be clearly mandated.

A claim for wrongful discharge in violation of a public policy requires an employee to prove, beyond a preponderance of evidence - 1) performance of an act encouraged by public policy or refusal to perform an act discouraged by public policy; 2) termination; and, 3) the sole motivating factor for termination was that the employee promoted the best interests of the public.

There are a number of remedies for victims of wrongful termination. Some of these remedies include - 1) entitlement to back pay; 2) reinstatement to the former job position; 3) compensatory damages, and naturally, 4) punitive damages. However, specific remedies available are highly dependent on the facts of the termination.

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### ***SETTLEMENTS FOR 7 STATES, 1 TERRITORY TO ENSURE WEBSITE ACCESSIBILITY***

The U.S. Department of Education's [Office for Civil Rights](#) (OCR) today announced that it has reached settlements with education organizations in seven states and one territory to ensure website accessibility for people with disabilities.

OCR had received complaints involving each of the organizations, resulting in investigations. But before OCR had completed its probes, each of the 11 parties expressed interest in resolving their cases voluntarily, resulting in the agreements announced today. The settlements involved: Juneau, Alaska, School District; the Guam Department of Education; Montana School for the Deaf and Blind; Santa Fe, New Mexico, Public Schools; Washoe County, Nevada, School District; The Davidson Academy of Nevada; Nevada Department of Education; Oregon Department of Education; Granite, Utah, School District; Bellingham, Washington, School District; and the Washington Office of Superintendent of Public Instruction.

"As schools, school districts, states, and territories turn to the internet as a way to provide relevant and up-to-date information to their audiences in a cost-effective manner, they must make sure they are not inadvertently excluding people with disabilities from their online programs, services, and activities," said the assistant secretary for civil rights. "I applaud each of these signatories who have committed to ensuring that their websites are accessible to people with disabilities."

The agreements cover issues raised under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 to online services and programs.

OCR investigations found that on all 11 websites important images were missing text descriptions, called "alt tags," that describe the images to blind and low-vision users who use special software.

#### **Common problems affecting many of the websites included:**

- Some important content of the website could only be accessed by people who can use a computer mouse, which meant that content was not available to those who are blind, many who have low-vision, and those with disabilities affecting fine motor control;
- Parts of the website used color combinations that made text difficult or impossible for people with low vision to see; and
- Videos were not accurately captioned, so they were inaccessible to people who are deaf.

#### **The 11 education groups voluntarily committed to make their websites accessible through a range of actions, which require OCR review and approval at key stages, including:**

- Affirming their commitment to ensuring that people with disabilities have opportunities equal to

those of others to enjoy the recipients' programs, services, and activities, including those delivered online;

- Selecting an auditor who has the requisite knowledge and experience to audit content and functionality and identify barriers to access on the existing website for people with disabilities;
- Conducting a thorough audit of existing online content and functionality;
- Adopting policies and procedures to ensure that all new, newly added or modified online content and functionality will be accessible to people with disabilities;
- Making all new website content and functionality accessible to people with disabilities;
- Developing a corrective action plan to prioritize the removal of online barriers;
- Posting a notice to persons with disabilities about how to request access to online information or functionality that is currently inaccessible; and
- Providing website accessibility training to all appropriate personnel.

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### ***EEOC'S SYSTEMIC PROGRAM SHOWS SIGNIFICANT SUCCESS***

In a review of its systemic program over the past 10 years, the U.S. Equal Employment Opportunity Commission (EEOC) reports significant success in advancing workplace opportunity by tackling systemic discrimination.

"EEOC has transformed its systemic program in the past decade by investing in staff, training, and technology to build systemic expertise in every EEOC district," reflected EEOC. These investments have produced a 250 percent increase in systemic investigations in the past five years. "As a direct result of EEOC's systemic work, more than 71,000 workers have received jobs and recovered lost wages, and many more have benefitted from positive changes in workplace practices," said the EEOC Chair.

Highlighting EEOC's significant achievements in resolving systemic cases, the review reports a 94% success rate in systemic lawsuits. In addition, EEOC tripled the amount of monetary relief recovered for victims in the past five fiscal years from 2011 through 2015, compared to the monetary relief recovered in the first five years after the Systemic Task Force Report of 2006. EEOC also tripled the rate of successful voluntary conciliations of systemic investigations from 21% in fiscal year 2007 to 64% in fiscal year 2015.

The review marks the 10<sup>th</sup> anniversary of EEOC's 2006 Systemic Task Force Report. The Task Force, led by former EEOC Commissioner Leslie E. Silverman, embarked on its work, as its report states, "with the recognition that the Commission cannot effectively combat discrimination without a strong nationwide systemic program."

The review concludes with a preview of the agency's plans to build upon its systemic program to remove persistent and emerging barriers to opportunity. This includes developing solutions that align the interests of employees, employers, and EEOC in fully utilizing the talents of all workers.

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## **FEDERAL APPELLATE DECISIONS**

(NOTE: The EEOC will now redact Complainants' names when it publishes decisions. Beginning on October 1, 2015, all federal sector appellate decisions issued for publication will use a randomly generated name as a substitute for the name of the complainant, rather than the generic term "Complainant." This randomly generated name will consist of a first name and last initial, and will be assigned using a computer program that selects names from a list of pseudonyms bearing no relation to the complainant's actual name.)

**Case 1:** Complainant worked as a Transportation Security Officer (TSO). After twice failing a required recertification test, Complainant asked for someone to read the questions to her.

The Training Manager denied a request by Complainant's supervisor for a reader, and Complainant advised the supervisor that she had dyslexia. The Training Manager again denied the request, stating that reading English was a requirement of the TSO job, and Complainant must read the questions herself. After failing the exam a third time, Complainant filed an EEO complaint alleging that she was denied reasonable accommodation. Following a hearing, the AJ determined that the Agency violated the Rehabilitation Act when it denied Complainant a reader for the test, and the EEOC affirmed the AJ's decision on appeal.

The EEOC initially determined that it had jurisdiction over the issue since Complainant did not challenge a statutorily-mandated standard and requested an accommodation in the administration of the exam. The EEOC then found that Complainant was an individual with a disability based on her dyslexia and was qualified to perform the TSO position. The Agency failed to engage in the interactive process and did not request additional information from Complainant regarding her request for a reader. Therefore, the EEOC held that the Agency failed to provide Complainant with a reasonable accommodation. As relief, the Agency was ordered, among other things, to pay attorney's fees and costs as well as \$5,000 in proven non-pecuniary damages. *Melani F. v. Dep't of Homeland Sec., EEOC Appeal No. 0720150027 (March 15, 2016).*

**Case 2:** The EEOC found that the Agency discriminated against Complainant when it denied her reasonable accommodation. Complainant was a qualified individual with a disability because she was substantially limited in walking, and successfully performed the essential functions of her position as reflected in her "fully successful" performance evaluations. Further, Complainant provided the Agency with medical documentation demonstrating her need to avoid fluorescent light because those lights induced headaches and seizure-like episodes; her need to use automatic doors because her considerable difficulty in walking and mobility impairments made it difficult for her to open the doors in her workplace; and a need to avoid loud sounds which could precipitate migraines and allergies.

The EEOC found that the Agency did not provide Complainant with an effective accommodation when it required her to seek assistance in opening doors from security guards and co-workers because there were many times from 2010 until 2012, when she could not obtain such assistance. Further, requiring Complainant to be at the mercy of others to provide her with access to her workplace was unacceptable. The Agency did not install automatic doors at Complainant's work suite until almost two years after she notified the Agency of her difficulty in using non-automatic doors, and there was no evidence the Agency ever installed an automatic door at the garage entrance. The EEOC also found that Complainant proved that she was denied a reasonable accommodation when the disabled access door near the lobby was blocked with equipment, and when the Agency failed to assist her with packing and moving her belongings to the new office; did not allow her to telework during a 10-week period of construction on her building; and did not replace the fluorescent bulbs in the room in which Complainant worked. The EEOC reminded the Agency that it has a responsibility to make sure that its facilities are accessible, and ordered the Agency to, among other things, install automatic doors at Complainant's work facility, including the entrances/exits to

the garage area and suites, as well as provide Complainant with other specified accommodations. The EEOC found that the Agency did not discriminate against Complainant with regard to additional matters raised in her complaints. (***Latarsha A. v. Fed. Energy Regulatory Comm'n, EEOC Appeal Nos. 0120123215 & 0120131079 (March 15, 2016)***).

**Case 3:** The EEOC found a violation of the Agency's responsibilities under the Rehabilitation Act regarding the record keeping of confidential medical information. Specifically, the Agency disclosed Complainant's medical diagnosis to the Chief Union Steward who **did not have a need to know** during the Agency's handling of Complainant's Notice of Proposed Removal. The information was confidential and the Agency acknowledged that it was released without Complainant's consent. The Agency was ordered, among other things, to investigate Complainant's claim for damages. (***Buster D. v. Dep't of Agric., EEOC Appeal No. 0120141171 (March 11, 2016)***).

**Case 4:** Complainant filed an EEO complaint alleging that the Agency denied him a reasonable accommodation. Complainant indicated that while his supervisor initially allowed him to shift the computer on his desk from the "standard" position to a position that lessened his back pain, his manager subsequently ordered him to return his computer to the "standard" position. The Agency's District Reasonable Accommodation Committee (DRAC) closed the request because Complainant allegedly did not provide supporting documentation. On appeal, the EEOC found that the Agency discriminated against Complainant when it failed to reasonably accommodate him. The Agency acknowledged that Complainant was an individual with a disability, and there was no indication that he could not perform his modified limited duty position. Further, the EEOC found that the record did not support the manager's actions. Complainant had been provided with a reasonable accommodation as authorized by the supervisor. The accommodation was merely a shift of a monitor on the desk without a request for additional equipment and did not disrupt the workplace. While the manager alleged that it was a safety concern, she did not consider the fact that it was a safety issue for Complainant to have the computer in the "standard" position due to his back condition. The EEOC found no support for the manager's requirement that Complainant obtain further authorization for his requested accommodation by going before the DRAC. The Agency was ordered, among other things, to investigate Complainant's claim for compensatory damages, allow Complainant to move the computer monitor on his desk such that it lessens his back pain, and provide training for the manager addressing her responsibilities with respect to reasonable accommodation. (***Faustino M. v. U.S. Postal Serv., EEOC Appeal No. 0120160319 (February 25, 2016)***).

**Case 5:** The EEOC found that the Agency failed to provide reasonable accommodation for Complainant's disability when it denied him an accessible parking space. Complainant's condition substantially limited the major life activity of walking, and Complainant's request for a designated parking space went unresolved for more than seven months. Complainant pointed out an area to the supervisor that would have provided him with a short, easy walk to his facility. However, the supervisor responded that the location was "first come, first serve," and instead of designating the area as reserved for individuals with disabilities, the supervisor told Complainant to investigate how to obtain designated parking spaces. While the supervisor averred that his requests for disability parking were denied by the Security Office, there was no indication that Complainant would have been more successful in obtaining designated parking. As part of the relief awarded, the EEOC ordered the Agency to conduct a supplemental investigation to determine whether Complainant was entitled to compensatory damages and provide training for the supervisor. The EEOC affirmed the Agency's finding that Complainant was not subjected to discriminatory harassment or discriminated against with regard to his termination. (***Freddie M. v. Dep't of Def., EEOC Appeal No. 0120140976 (January 8, 2016)***).

**Case 6:** Complainant filed an EEO complaint in which she alleged, among other things, that she was subjected to **harassment on the basis of disability**. Following an investigation, Complainant requested that the Agency issue a final decision, and the case was received by the Agency's adjudication office on December 5, 2012. After Complainant submitted a motion to the EEOC for sanctions, the Agency issued a final decision on February 10, 2014, finding that Complainant did not prove that she was subjected to unlawful discrimination or harassment. On appeal, the EEOC found that the Agency's conduct in this case warranted sanctions. The EEOC's regulations provide that an agency shall issue its final decision within 60 days of receiving notification that a complainant has requested an immediate decision. In this case, the Agency waited over one year after the regulatory time frame to issue its final decision. The Agency did not provide any explanation for its extraordinary delay in issuing the final decision, despite receiving notice of Complainant's motion for sanctions. In considering the appropriate sanction, the EEOC noted that Complainant was stranded in a "procedural no man's land" wherein she had no recourse within the administrative process until the Agency issued a final decision. The EEOC further noted that it previously warned the Agency that its lengthy delay in issuing final decisions was a serious matter. The EEOC determined that default judgment in favor of Complainant was warranted as a sanction in this case. With regard to the appropriate remedy, the EEOC found that posting a picture on Complainant's office door that singled her out for ridicule because of her medical condition was severe enough to create a hostile work environment, and Complainant established a prima facie case of harassment. The Agency was ordered, among other things, to investigate Complainant's claim for compensatory damages, and provide at least eight hours of in-person EEO training to all management and supervisory officials at Complainant's facility. ***(Glynda S. v. Dep't of Justice, EEOC Appeal No. 0120133361 (February 23, 2016)).***

**Case 7:** The EEOC found that the Agency improperly dismissed Complainant's claim that she was denied an eight hour work day for failure to timely contact an EEO Counselor. Complainant indicated that she cannot work for more than eight hours per day due to her medical restrictions, but the Agency denied her a full eight hour day and required her to take leave for the additional time. The EEOC found that Complainant was in essence alleging that she was denied reasonable accommodation which constitutes a recurring violation each time accommodation is needed. ***(Larissa E. v. U.S. Postal Serv., EEOC Appeal No. 0120160683 (February 23, 2016); see also Major D. v. U.S. Postal Serv., EEOC Appeal No. 0120152351 (March 22, 2016) (Complainant timely raised a claim that the Agency denied him reasonable accommodation. An employer has an ongoing obligation to provide reasonable accommodation, and, therefore, the failure to provide that accommodation constitutes a violation each time the employee needs it).***

**Case 8:** The EEOC awarded Complainant \$150,000 in damages after finding that the Agency subjected Complainant to a discriminatory hostile work environment and denied him reasonable accommodation. Complainant stated that the Agency's discriminatory actions led him to skip family dinners and become less communicative, and that he had difficulty sleeping, and became isolated at work and home. He had panic attacks which created problems with his blood pressure. The EEOC determined that Complainant experienced embarrassment, humiliation, panic attacks, anxiety, and sleeping problems, and withdrew from his family and co-workers. The EEOC previously found that Complainant was subjected to harassment nearly every day for almost two and one-half years, and the harassment was perpetrated not only by co-workers but also by management officials. Complainant's wife provided an affidavit supporting his claim, stating that Complainant described the situation as "torture." ***(In Brendon L. v. U.S. Postal Serv.)***

**Case 9:** the EEOC increased the Agency's award of damages for disability discrimination from \$50,000 to \$100,000. The EEOC found that the Agency's award was not sufficient in light of the length of time that the unlawful failure to accommodate continued and the extent of the harm caused. Complainant was denied reasonable accommodation for more than four years, and stated that the denial exacerbated her depression causing her to start taking antidepressants. The discrimination also resulted in anxiety, increased hair loss, sleep disturbances, and headaches. Complainant indicated that the symptoms required more frequent visits to her physician and therapist, and provided a letter from her physician to corroborate her assertions. The physician noted that Complainant had to be placed on additional medication due to the worsening of her medical conditions. Complainant did experience additional stress from other events which impacted her medical condition. The EEOC stated, however, that the additional stress occurred only in the last six months of the period at issue, and both Complainant and her physician cited the Agency's failure to provide accommodation as the reason for the deterioration of Complainant's medical condition. The EEOC agreed with the Agency that Complainant failed to provide documentation to establish a nexus between her purported pecuniary losses and the discrimination. (*In Sana I. v. Soc. Sec. Admin.*)

**Case 10:** The EEOC increased the Agency's award of damages for retaliation from \$40,000 to \$65,000 While Complainant acknowledged that she experienced health problems prior to the discrimination, she provided documentation indicating that her health worsened after the cancellation of her reassignment. Complainant experienced anxiousness, depression, crying, headaches, insomnia, and high blood pressure. Complainant sought medical treatment and took medication. Complainant's psychiatrist noted that stressors at work negatively affected her blood pressure, and another physician treated Complainant on 25 occasions for job-related stress. Complainant's sister stated that Complainant suffered from severe depression due to the discrimination, and she stopped attending family functions and caring for her home. The EEOC noted that a portion of Complainant's emotional harm related to her removal and other claims for which no discrimination was found. (*Lula N. v. Dep't of Veterans Affairs*)

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### ***EEOC INCREASES PENALTIES FOR POSTING VIOLATIONS***

While an array of well-publicized cases under federal discrimination laws have made employers well aware of the legal costs and ramifications of litigation under Title VII of the Civil Rights Act of 1964 ("Title VII"), the American with Disabilities Act ("ADA"), and/or the Genetic Information Nondiscrimination Act ("GINA"), the cost of failing to post proper notice of these laws may be less apparent, but is no less important. Under Title VII, as well as the ADA and GINA, which incorporate Title VII's posting requirements, an employer must post, in a conspicuous and accessible location where notices are customarily maintained, a notice excerpting or summarizing the pertinent provisions of the laws and the employees' rights thereunder. Should an employer fail to post such notices, it would be subject to a fine for its violation.

On Thursday, June 2, 2016, the U.S. Equal Employment Opportunity Commission ("EEOC"), published its final rule in accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the "Act"), which adjusted for inflation the civil monetary penalty for a violation of the notice-posting requirements of Title VII, ADA and GINA. 81 Fed. Reg. 35269. Specifically, the final rule increased penalties for failure to post violations by more than double the previous amount, from \$210 to \$525 per violation (a 150% increase). The new rule will go into effect on July 5, 2016 and the adjusted penalty will only apply to those penalties assessed after the adjustment's effective date.

Further, under the Act, Federal agencies are now required to issue annual regulations "adjusting for

inflation” the maximum civil penalty that may be imposed for a violation of a statute enforced by the agency in question. The periodic adjustments to the penalties will be calculated in accordance with the cost-of-living adjustment as detailed in Section 5(b) of the Act. While in the last ten years only a small percentage of the charges filed under Title VII, GINA and ADA, contained a notice posting violation, with the current increase in penalties and the potential further annual increases under the Act’s cost-of-living adjustment, employers would be well advised to protect themselves against liability.

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***Do not delay registration for the***

**Fall 2016 National ADA Conference  
October 17-2016  
San Diego, CA**

**Early Bird Registration Ends August 12, 2016**

**Final Registration date is September 30, 2016**



**KEVIN L. FAULCONER**

MAYOR



**WELCOME TO THE**

**NATIONAL ASSOCIATION OF ADA COORDINATORS' 56<sup>TH</sup>  
NATIONAL ADA CONFERENCE**

OCTOBER 17-20, 2016

On behalf of the citizens of San Diego, I am pleased to welcome the National Association of ADA Coordinators to its 2016 National ADA Conference.

The City of San Diego places a high priority on ADA compliance efforts and is honored to co-host this important conference in America's Finest City.

San Diego is diverse in its people and culture and offers many accessible entertainment options including world-class beaches, Balboa Park and its many museums, SeaWorld San Diego and the San Diego Zoo.

Please accept my best wishes for a successful conference and pleasant stay in San Diego. I invite you to come back and visit us again soon.

Best personal regards,

Kevin L. Faulconer  
Mayor



# *The Association - With You, From the Start*

Cosponsored by the City of San Diego

Day One - Monday, October 17, 2016 - Morning General Sessions

*Conference Program - Page 1*

8:15 a - 9:00a	<b>Continental Breakfast and Registration</b>
9:00a - 9:30a	<p style="text-align: center;"><b>WELCOME</b></p> <p style="text-align: center;">Phong Nguyen, M.D., P.A. - Association Chairman and Conference Coordinator  Kevin Faulconer, Mayor, City of San Diego (invited)  John Wodatch, Association President  Paul Hagle, P.A., Association Executive Director</p>
9:30a - 10:30a (1 PA CEU)	<p style="text-align: center;"><b>DOJ KEYNOTE</b> <b>WHAT'S HAPPENING AT THE DOJ</b></p> <p>DOJ covers recent and important emerging ADA case law, issues and the work of DOJ with U.S. Attorneys offices throughout the U.S.</p> <p>Status report on revising the regulation implementing Title II of the Americans with Disabilities Act (ADA or Act) in order to establish specific technical requirements to make accessible the services, programs, or activities State and local governments offer to the public via the Web.</p> <p>With the goal of avoiding litigation while assuring your ADA policies and decisions are up-to-date, we open the floor to your questions relating to best practices and how we can help you be your most effective in meeting your responsibilities.</p> <p style="text-align: center;"><b>Rebecca Bond, J.D.</b> <b>Chief, Disability Rights Section</b> <b>Civil Rights Division, U.S. Department of Justice, Washington, DC</b></p>
discusses10:45a - 12:00p  (2 PA CEU)	<p style="text-align: center;"><b>EEOC KEYNOTE</b> <b>WHAT'S HAPPENING AT EEOC</b></p> <p>This interactive session covers important issues such as an update on new, significant ADA case law and Title I and II regulations from a practical point of view.</p> <p>A review of new EEOC guidance and resource documents to implement workplace discrimination laws. A discussion on the new resource document <b><i>Employer-Provided Leave and the Americans with Disabilities Act</i></b> that addresses the rights of employees with disabilities who seek leave as a reasonable accommodation under the ADA. EEOC will also review the final rules that describe <b>how Title I of the ADA and Title II of the GINA apply to wellness programs offered by employers that request health information from employees and their spouses.</b> The rules provide guidance to both employers and employees about how workplace wellness programs can comply with the ADA and GINA consistent with provisions governing wellness programs in the Health Insurance Portability and Accountability Act, as amended by the ACA (Affordable Care Act).</p> <p>This is the participants' opportunity to ask questions and to determine the impact the cases will have on their respective workplaces and the best practices that can be considered by employers.</p> <p style="text-align: center;"><b>Christopher Kuczynski, J.D., LL.M.</b> <b>Acting Associate Legal Counsel &amp; ADA/GINA Policy Director, Office of Legal Counsel,</b> <b>U.S. E.E.O.C., Washington, DC.</b></p>
12:00p - 1:00p	<b>LUNCHEON - National Institute on Employment Issues</b>

*Conference sessions and faculty subject to change \* without notice due to unforeseen circumstances.*

**Day One - Monday, October 17, 2016 - General Sessions AFTERNOON Workshops  
Conference Program - Page 2**

Time Periods	Workshop Synopsis
<p>1:00p - 2:00p <i>and</i> 2:15p - 3:15p  ( 2 PA CEU )</p>	<p><b><i>PUBLIC OPINION DOESN'T COUNT BUT PUBLISHED OPINION DOES</i></b>            An update of important ADA employment case law that all ADA professionals need to hear about and the impact on Title I issues for employers. This is an interactive session where you can ask questions about the legal issues and inquire about practical solutions.   <b><i>Christopher Kuczynski, J.D., LL.M.</i></b>  <b><i>Acting Associate Legal Counsel, ADA/GINA Policy Director, Office of Legal Counsel, U.S. E.E.O.C., Washington, D.C.</i></b></p>
<p>3:30p - 4:30p  ( 1 PA CEU )</p>	<p><b><i>EFFECTIVE COMMUNICATION: I'M NOT SURE YOU UNDERSTAND WHAT YOU THINK I SAID BUT. . .</i></b>            A special faculty panel on how to ensure that your customers and program participants understand what you are sharing? What does "effective communication" mean? When, where and how do you provide alternate methods of communication. Do you always provide sign-language interpreters? Do you always provide Braille documents?   <b><i>John Wodatch with Rebecca Bond, Irene Bowen, Paul Grossman, Chris Kuczynski</i></b></p>

**SPECIAL CONFERENCE EVENTS**

**Association President's and Board's Networking Reception**  
**Tuesday, October 18, 2016, 4:45 PM**  
**Meet the Other ADA Coordinators and Faculty**

**Semi-Annual Karaoke Night and Get-Together**  
**Wednesday, October 19, 2016, 7:30 PM**  
**"Association's Got Talent" - Discover the Association's next "Voice"**

First Prize of \$100, and two other special prizes of \$40 each based on audience voting.  
 Meet your fellow participants and faculty in a relaxed setting.  
 All are welcome - singers (single and/or groups) and voting audience members

***Snacks and Refreshments for All at Both Traditional Events***

**Day Two - Tuesday, October 18, 2016 - Concurrent MORNING Workshops  
Conference Program - Page 3**

Time Periods	Track	Workshop Synopsis
8:15a - 9:00a		<b>Continental Breakfast and Registration</b>
9:00a - 10:20a  ( 1 PA CEU ea BASIC )  ( 2 PA CEU ea ADVANCED )	<b>ACCESS, SERVICES, &amp; DESIGN</b>	<p><b>FOR PAs and PA Candidates only who have completed all three of the ADA basic sessions:</b> There will be advanced workshops available for the next two consecutive sessions for the Access, Services &amp; Design Track; Employment Track; and Higher Education tracks.</p> <hr/> <p align="center"><b>ADA BASICS: WHAT THE 'RULES' (I.E., REGULATIONS) SAY</b></p> <p>An overview of the ADA and the ADA regulations and how they impact your Title II 'business': the provision of public services, programs and activities by state and local governments.</p> <p align="center"><i>John Wodatch with Jim Bostrom, Dean Perkins, Jim Terry (Irene Bowen and Jack Catlin to lead Advanced P.A. Access session)</i></p>
	<b>EMPLOYMENT</b>	<p align="center"><b>WE DON'T NEED NO BADGES!</b></p> <p>ADA Coordinators are in a unique position to engage with employees and represent the employer. This session explores the role of the ADA Coordinator and the Coordinator's relationship with both the employer and the employee.</p> <p align="center"><i>John Golom with Brian Nelson, Mary Jo O'Neill ( Chris Kuczynski and Paul Hagle to lead advanced P.A. Employment sessions)</i></p>
	<b>HIGHER EDUCATION</b>	<p align="center"><b>A POST-SECONDARY ADA COORDINATOR'S GUIDE TO COMPLIANCE</b></p> <p>This session will explain the basic compliance requirements and provide practical suggestions for best practices to comply with the ADA-AA and the DOJ Title II and Title III regulations. Learn how to evaluate course academic and technical requirements, to determine whether accommodation requests pose a fundamental alteration, and to recognize when you must make modifications to posted standards.</p> <p align="center"><i>Melissa Frost with Paul Grossman (Jim Long will lead the advanced P.A. Higher Education sessions)</i></p>
10:40a - 12 Noon  ( 2 PA CEU's ea )	<b>ACCESS, SERVICES, &amp; DESIGN</b>	<p align="center"><b>ADA BASICS: WHAT YOUR 'FACILITIES' SHOULD LOOK LIKE</b></p> <p>When you need to modify existing sites and buildings to provide access to your services, what do you 'have' to do and what 'should' you do, and why is there a difference? Includes an overview of ADA Title II 'program access' requirements and Title II 'barrier removal' requirements.</p> <p align="center"><i>Jim Terry with Irene Bowen, Dean Perkins, John Wodatch (Jim Bostrom and Jack Catlin to lead Advanced P.A. Access session)</i></p>
	<b>EMPLOYMENT</b>	<p align="center"><b>ELEMENTARY, MY DEAR WATSON</b></p> <p>Once again, we'll spend time in the language of the ADA itself, as well as the implementing regulations. This session brings focus the ADA's terms of art and how employers should respond to an ADA request.</p> <p align="center"><i>John Golom with Brian Nelson, Mary Jo O'Neill</i></p>
	<b>HIGHER EDUCATION</b>	<p align="center"><b>2016 LEGAL UPDATE - PART 1</b></p> <p>A review of recent, relevant Court decisions will outline important legal requirements and highlight best practices to comply with the ADA-AA and the DOJ Title II and Title III regulations.</p> <p align="center"><i>Paul Grossman with Melissa Frost, Jim Long</i></p>
<b>12:00 - 1:00p</b>		<b>LUNCHEON - National Association of ADA Coordinators</b>

**Day Two - Tuesday, October 18, 2016 - Concurrent AFTERNOON Workshops  
Conference Program - Page 4**

Time Periods	Track	Workshop Synopsis
1:00p - 2:00p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<p style="text-align: center;"><b>REASONABLE MODIFICATIONS: HOW TO MAKE YOUR POLICIES &amp; PROCEDURES MORE ACCESSIBLE</b></p> <p>Under Title II, you must make reasonable modifications to your policies and procedures to ensure that you are not discriminating in your public services, programs and activities. This session will discuss how you go about this., We'll look at what 'reasonable' modifications really means. <i>Irene Bowen with Jack Catlin, Dean Perkins, John Wodatch</i></p>
	EMPLOYMENT	<p style="text-align: center;"><b>WELL, HERE'S ANOTHER NICE MESS YOU'VE GOTTEN ME INTO!</b></p> <p>Fewer things bring about complaints more quickly than troublesome employer policies. This session focuses on creating and implementing reasonable and defensible policies. <i>Mary Jo O'Neill with John Golom, Brian Nelson</i></p>
	HIGHER EDUCATION	<p style="text-align: center;"><b>LEGAL UPDATE - PART II: SERVICE AND ASSISTANCE ANIMALS</b></p> <p>This session will outline the important elements for your campus service animal policy and distinguish when a request for an assistance animal must be considered as an accommodation. <i>Paul Grossman with Jim Long</i></p>
2:15p - 3:15p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<p style="text-align: center;"><b>WE GOT PICTURES: GOOD IDEAS AND SOME REALLY BAD ONES, TOO.</b></p> <p>Lot's of 'new' pictures to show what accessibility should look like - and what it should not look like. <i>Jim Terry with Jim Bostrom, Irene Bowen, Jack Catlin, Dean Perkins, John Wodatch</i></p>
	EMPLOYMENT	<p style="text-align: center;"><b>LOUIS, I THINK THIS IS THE BEGINNING OF A BEAUTIFUL FRIENDSHIP</b></p> <p>This session provides the opportunity to hear directly from the EEOC. Speakers will address GINA issues, establishing employment standards and conducting pre-employment testing. The recent EEOC guidance on administration of leave will also be discussed. <i>Mary Jo O'Neill with John Golom, Brian Nelson</i></p>
	HIGHER EDUCATION	<p style="text-align: center;"><b>LEGAL UPDATE - PART III: CLINICAL SETTINGS AND FIELD WORK</b></p> <p>This scenario-based discussion will present best practice for accommodation requests outside the classroom including internships, and study abroad. This discussion will highlight legal requirements and best practice for accessibility in clubs, clinical settings, and study abroad. <i>Jim Long with Paul Grossman</i></p>
3:30p - 4:30p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<p style="text-align: center;"><b>PROGRAM ACCESS: WHAT IT REALLY MEANS</b></p> <p>What does 'accessible to and useable by' mean? Do you have to modify any facilities in order to provide 'program access'? If so, do you have to modify 'all' facilities? If not, how many do you have to modify? (Usual answer: 'It depends.')</p> <p style="text-align: center;"><i>Irene Bowen with Jim Bostrom, Jack Catlin, Dean Perkins</i></p>
	EMPLOYMENT	<p style="text-align: center;"><b>FRANKLY, MY DEAR, I DON'T GIVE A . . .</b></p> <p>What do healthcare providers think about those wonderful ADA forms we ask them to complete? In one of the most popular (and helpful) sessions, hear directly from a physician what you're going to get in response to your requests, and how the healthcare provider interacts with both the employee and the employer as well as the workers' comp impact and considerations. <i>Phong Nguyen with John Golom, Brian Nelson, Mary Jo O'Neill</i></p>
	HIGHER EDUCATION	<p style="text-align: center;"><b>LEGAL UPDATE - PART IV: ELECTRONIC INFORMATION</b></p> <p>In today's world, most interactions begin electronically. Learn basic accessibility requirements for your campus communication for this time when regulations may appear uncertain. <i>Paul Grossman with Melissa Frost</i></p>

**4:45p - 5:45p – Association President's Networking Reception  
Enjoy Hors D'oeuvres and Refreshments**

**Day Three - Wednesday, October 19, 2016 - Concurrent MORNING Workshops  
Conference Program - Page 5**

Time Periods	Track	Workshop Synopsis
8:15a - 9:00a		<b>Continental Breakfast and Registration</b>
9:00a - 10:20a ( 2 PA CEU's ea)	<b>ACCESS, SERVICES, &amp; DESIGN</b>	<p style="text-align: center;"><b><i>PUBLIC RIGHTS OF WAY: BEST PRACTICES IN TRANSPORTATION ACCESS</i></b></p> <p>A detailed look at changes to accessible facilities and services as described in the (upcoming/recently finalized?) Public Rights of Way Accessibility Guidelines (PROWAG). How PROWAG criteria matches the ADA Standards and how/where it may differ.</p> <p style="text-align: center;"><i>Dean Perkins with Jack Catlin</i></p>
	<b>EMPLOYMENT</b>	<p style="text-align: center;"><b><i>IF YOU BUILD IT, HE WILL COME</i></b></p> <p>In today's multimedia environment, individuals with disabilities must rely on multiple aspects of online and video accessibility in order to access information and participate in society. A website expert presents this session on Web Content Accessibility Guidelines (WCAG 2.0 AA) and how employers can make public-facing websites, intranets, and electronic training materials both accessible and guideline compliant.</p> <p style="text-align: center;"><i>Joe Dolson with John Golom, Brian Nelson, Mary Jo O'Neill</i></p>
	<b>HIGHER EDUCATION</b>	<p style="text-align: center;"><b><i>THE INTERACTIVE PROCESS FOR EFFECTIVE COMMUNICATION AND SENSORY IMPAIRMENTS</i></b></p> <p>Academic Adjustments must be effective and this can be challenging particularly in math, science, and other visual or auditory coursework. Learn how to build a program to effectively serve students with sensory impairments and how to obtain the necessary medical documentation to establish the limitation and select appropriate academic adjustments. OCR letters and recent court decisions will illuminate how to apply the 'best ensure' standard in delivering academic adjustments for your campus programs, services and activities.</p> <p style="text-align: center;"><i>Paul Grossman with Melissa Frost, Jim Long, Phong Nguyen</i></p>
10:40a - 12 Noon ( 2 PA CEU's ea)	<b>ACCESS, SERVICES, &amp; DESIGN</b>	<p style="text-align: center;"><b><i>WEB ACCESS: HOW DO CUSTOMERS GET TO YOUR ONLINE STUFF?</i></b></p> <p>This session will discuss how users can access and navigate your Website(s) to learn the information you have to share and to offer input, provide responses or ask questions. Topics will include the requirements under the recently updated federal guidance for public agency websites and discuss the latest World Wide Web Consortium's (W3C) Web Content Accessibility Guidelines (WCAG 2.0 AA).</p> <p style="text-align: center;"><i>Joe Dolson with Jim Bostrom, Irene Bowen</i></p>
	<b>EMPLOYMENT</b>	<p style="text-align: center;"><b><i>I'M GONNA MAKE HIM AN OFFER HE CAN'T REFUSE</i></b></p> <p>This session focuses on the reasonable accommodation process, including establishing essential functions and the beginnings of the interactive process. Much of the session is scenario-based, with an opportunity for participants to pose questions to faculty members.</p> <p style="text-align: center;"><i>John Golom with Brian Nelson, Mary Jo O'Neill</i></p>
	<b>HIGHER EDUCATION</b>	<p style="text-align: center;"><b><i>CONDUCT, GRIEVANCE AND DUE PROCESS</i></b></p> <p>This scenario-based session will present the best practice essentials to address conduct issues as we take a student through the process for academic dismissal, conduct dismissal, threat assessment for inappropriate conduct, and the request for readmission. Learn to identify those who are 'not otherwise qualified' and to recognize the possible overlap between disability and Title IX issues.</p> <p style="text-align: center;"><i>Paul Grossman with Jim Long</i></p>
<b>12:00p-1:00p</b>	<b>LUNCHEON - National Association of ADA Coordinators</b>	

**Day Three - Wednesday, October 19, 2016 - Concurrent AFTERNOON Workshops  
Conference Program - Page 6**

Time Periods	Track	Workshop Synopsis
1:00p - 2:00p ( 1 PA CEU ea )	ACCESS, SERVICES, & DESIGN	<b>ARE YOUR SELF-EVALUATION PLANS VALID TODAY?</b> Even if you did your ADA plans when they were first required in 1992, they're almost certainly in need of updating in light of the 2010 regulations. The regulations add or expand on requirements about program access, service animals, and communication. DOJ also issued guidance on emergency preparedness, health care, and polling places. The regulations don't specify that you must do a new barrier removal plan or self-evaluation or transition plan, but it is difficult to comply with the requirements unless you see how you measure up to them - <i>now</i> . <i>Irene Bowen with Jim Bostrom, Jack Catlin</i>
	EMPLOYMENT	<b>WHAT WE'VE GOT HERE IS A FAILURE TO COMMUNICATE</b> Finishing the reasonable accommodation discussion, this session focuses on the interactive process, specific accommodation requests and the EEOC guidance related to accommodation issues. Accommodation resources will also be explored. <i>John Golom with Brian Nelson, Mary Jo O'Neill</i>
	HIGHER EDUCATION	<b>OCR PROCESS: TOP 10 TIPS</b> Learn what to expect from OCR and how to effectively respond if you receive a charge of discrimination. From the initial notice to Early Complaint Resolution, these tips will help you avoid common pitfalls. <i>Jim Long with Paul Grossman</i>
2:15p - 3:15p ( 1 PA CEU ea )	ACCESS, SERVICES, & DESIGN	<b>TRANSITION PLANS - PART 1: HOW TO REMOVE BARRIERS IN YOUR FACILITIES</b> What are our responsibilities to conduct ADA Transition Plans? What are the steps and what is included? Who should be included in the process? Is there good guidance? Are there good examples? Enquiring minds (and budgets) want to know. <i>Jim Terry with Jim Bostrom, Irene Bowen, Jack Catlin, Dean Perkins</i>
	EMPLOYMENT	<b>HERE'S LOOKING AT YOU, KID</b> Mental health issues seem to cause consternation among many ADA Coordinators. Given the rise in mental health diagnoses, this session focuses on engaging with employees with mental health issues and resources for responding to and providing effective accommodations. <i>Brian Nelson with John Golom, Mary Jo O'Neill</i>
	HIGHER EDUCATION	<b>PROGRAM ACCESS, VISITORS AND EVENTS</b> The new basic requirements for all Title II and III colleges and universities to comply with the ADA are presented to include: Other Power-Driven Mobility Devices, Events and Ticketing and more. <i>Melissa Frost with Paul Grossman, Jim Long</i>
3:30p - 4:30p ( 1 PA CEU ea )	ACCESS, SERVICES, & DESIGN	<b>TRANSITION PLANS - PART 2: HOW TO REMOVE BARRIERS TO YOUR PROGRAMS</b> A continuation of Part 1, this session talks about how good transition planning will help with your program access responsibilities. <i>Jim Terry with Jim Bostrom, Irene Bowen, Jack Catlin, Dean Perkins</i>
	EMPLOYMENT	<b>YOU CAN'T HANDLE THE TRUTH!</b> Does an employee's disability excuse misconduct? Does an employer need to modify performance standards to accommodate an individual's disability? These and other questions will be explored and explained by the EEOC's Regional Attorney. <i>Mary Jo O'Neill with John Golom, Brian Nelson</i>
	HIGHER EDUCATION	<b>ACCESSIBLE INTEGRATION PLANNING FOR UNIVERSAL DESIGN</b> This session will discuss the basic concepts that define Universal design and provide practical examples of how they can increase campus collaboration including initiatives, committees, policy, and training to turn your transition plan into an accessible integration plan for universal design. <i>Jack Catlin with Jim Long</i>

**SEMI-ANNUAL KARAOKE CHALLENGE AND GET TOGETHER**

**7:30 PM - goodies and refreshments for all participants - PRIZES**

For those of you who don't want to sing - come and enjoy the entertainment provided by those who will make you cheer and applaud for your favorites. Maybe you will hear the next "Voice".

**Day Four - Thursday, October 20, 2016 - Concurrent MORNING Designated Sessions  
Conference Program - Page 7**

Time Periods	Track	Workshop Synopsis
8:15a - 9:00a		<b>Continental Breakfast and Registration</b>
9:00a - 10:20a ( 2 PA CEU's ea)	<b>ACCESS, SERVICES, &amp; DESIGN</b>	<p align="center"><b>HOT! HOT! HOT!</b></p> <p>This section takes a look at “hot topics”– recent developments on the federal level in rulemaking, policy guidance, and case law – and what we might expect in the near future. Possible topics include (1) the latest developments on guidelines and standards (2) DOJ’s work on generation 9-11; (3) issues that the U.S. Access Board is working on; and (4) what are the Department of Transportation’s upcoming guidelines.</p> <p align="center"><i>John Wodatch with Jim Bostrom, Irene Bowen, Jack Catlin, Dean Perkins</i></p>
	<b>EMPLOYMENT</b>	<p align="center"><b>TOTO, I’VE GOT A FEELING WE’RE NOT IN KANSAS ANYMORE</b></p> <p>We often refer to it as the Bermuda Triangle - the interplay between Workers’ Compensation, FMLA and the ADA. This session will focus on some practical advice when trying to maneuver through the maze.</p> <p align="center"><i>John Golom with Brian Nelson, Mary Jo O’Neill</i></p>
	<b>HIGHER EDUCATION</b>	<p align="center"><b>ACCESSIBLE HOUSING ON CAMPUS: HOW DOES YOUR CAMPUS MEASURE UP?</b></p> <p>Students, admissions, housing, facilities, and accessibility office, play an important role in providing accessible housing. Learn the basic necessary components to meet campus housing physical access requirements including: how to distinguish when you may charge the higher single room rate for a student occupying a double room, food service accommodations and components for emergency preparedness.</p> <p align="center"><i>Jack Catlin with Melissa Frost, Jim Long</i></p>
10:40a - 12 Noon ( 2 PA CEU's ea)	<b>ACCESS, SERVICES, &amp; DESIGN</b>	<p align="center"><b>WHAT YOU NEED TO KNOW ABOUT LAW ENFORCEMENT AND THE ADA</b></p> <p>The ADA has been in effect since 1990 and new regulations were promulgated in 2010 providing specific information for law enforcement/corrections. Law enforcement has been slow to realize the impact of the ADA on day to day operations. The “one size fits all” programmatic access solutions used by many entities may not be applicable in the criminal justice setting.</p> <p>This updated workshop will review significant cases, settlement agreements, and other actions brought under Title II (and other regulations) exhibiting the impact on law enforcement, explaining what a program is, training considerations unique to policing, jail and prisons operations, disability based behavior confused for criminal acts, and the use of sign language interpreters.</p> <p align="center"><i>Michael Sullivan with Irene Bowen</i></p>
	<b>EMPLOYMENT</b>	<p align="center"><b>MAY THE FORCE BE WITH YOU</b></p> <p>In this final Conference session we’ll discuss service and emotional support animals, ‘regarded as/record of’ issues, and direct threat considerations. We’ll also provide some best practices advice. This will also be the session for participants to ask any lingering questions.</p> <p align="center"><i>Brian Nelson with John Golom, Paul Hagle, Mary Jo O’Neill</i></p>
	<b>HIGHER EDUCATION</b>	<p align="center"><b>ELECTRONIC INFORMATION AND ACCESSIBLE TECHNOLOGY</b></p> <p>This session will provide practical guidance for effective electronic information and explore innovative examples and tools for accessible web and online communication. Learn ideas for developing campus technology initiatives, policy, committees, and practical guidance and innovative examples for training and tools to implement accessibility at every level from homework to testing, on your campus.</p> <p align="center"><i>Joe Dolson with Melissa Frost, Jim Long</i></p>
12:00p-1:00p		<b>LUNCH - Medical Educational Development and International Consulting</b>

**DAY FOUR - THURSDAY, October 20, 2016 - AFTERNOON GENERAL SESSIONS**  
**Conference Program - Page 8**

Designated General Sessions - All Participants	
<p>1:00p - 2:00p ( 1 PA CEU )</p>	<hr style="border: 1px solid blue;"/> <p align="center"><i>Please note: There will also be PART TWO of LAW ENFORCEMENT at this time with Michael Sullivan</i></p> <hr style="border: 1px solid blue;"/> <p align="center"><b>EMERGENCY PREPAREDNESS - Part 1</b>  <b>WHAT NEEDS TO BE DONE BEFORE THERE IS AN EMERGENCY?</b></p> <p>How does the non-first responder (the entity) begin to develop an approach to such issues as emergency drills, evacuation plans, rescue, accessible paths of travel which become unaccessible, shelter-in-place, and assisting visitors and employees with disabilities? There are many “how-to” references and “best practices” available for emergency planning. The Department of Justice Toolkit (on your USB ADA library drive) is one such source. This session is intended to be interactive and address the fundamentals and needs for a plan.</p> <p align="center"><i>Michael Smith with Irene Bowen, Phong Nguyen, John Wodatch</i></p>
<p>2:15p - 3:15p ( 1 PA CEU )</p>	<p align="center"><b>EMERGENCY PREPAREDNESS – Part 2</b>  <b>UNDERSTANDING EVACUATION FROM YOUR FACILITIES . . .</b>  <i>There is an Event - Are you really ready?</i></p> <p>The evacuation plan is in place. You had all your meetings. Everyone knows their role. You even had a few practice drills that have gone well. Then the real thing happens. The first responders show up, and you hadn’t anticipated your accessible route to the gathering point is now blocked by fire hoses connected to the fire hydrant. This session is intended to be interactive. The session addresses real-life issues such as effective communications, mobility devices, service animals, and planning with first responders.</p> <p align="center"><i>Michael Smith with Irene Bowen, Phong Nguyen, John Wodatch</i></p>
<p>3:30p - 4:30p ( 1 PA CEU )</p>	<p align="center"><b>“HOW DO I . . .”</b>  <b>HELPING THE ADA COORDINATOR TO SUCCEED</b></p> <p>Professionals dealing with ADA compliance issues need to find ways to get things done even in the toughest circumstances. Many times success depends on working one’s way through the respective bureaucracy, public or private. Three common pitfalls in dealing with bureaucracy when negotiating are failure to understand the bureaucracy’s interests, failure to understand its power, and failure to understand the fact that bureaucracy is not monolithic. This is a time for you to ask questions in order for you to learn successful ways to get the job done . . . efficiently and effectively.</p> <p align="center"><i>John Wodatch with Irene Bowen, Melissa Frost, John Golom, Jim Long, Brian Nelson, Dean Perkins</i></p>

**Now is the time to plan for the Association’s 57<sup>th</sup> National ADA Conference**  
**April 23-28, 2017 - Tampa, FL**

**Fall 2016 National Conference Information & Registration - October 17-20, 2016 - San Diego**

**Must Pre-Register**

**NO Registrations Accepted at the Door**

**Conference information includes Early Bird Discount**

**EARLY BIRD, full conference, registration fee (\* see below) available if registration and payment, by credit card or check only, is received by the Association, no later than August 12, 2016. (No exceptions)**

**To RESERVE your space, please FAX this completed registration form to: (877) 480-7858, OR scanned PDF copy to NIEIEMAIL@aol.com**  
**If three or more participants from the same entity wish to register and pay in full at the same time, please call for special registration rates.**  
**Regular registrations must be paid in full and received no later than September 30, 2016, or space/materials will be not reserved.**

For information, please call **888-679-7227** and leave message with your contact number and best time to contact you.

**Mail registrations and make payments to: National Association of ADA Coordinators, P.O. Box 958, Rancho Mirage, CA 92270**

**CONFERENCE AND HOTEL INFORMATION**

The conference is being held at the Sheraton Mission Valley San Diego Hotel, 1433 Camino Del Rio South, San Diego, CA 92108. Complimentary shuttle provided from/to San Diego International Airport. Guest room Internet is complimentary. Only daytime self-parking (no overnight) is at no charge to attendees. **Participant is responsible for making own lodging reservation. Hotel requires credit card guarantee.** The Association has negotiated a special conference rate from three days before/after the conference at a per room rate of \$152 plus taxes (single/double) if reserved **no later than 9/26/2016**, provided room block has not been sold out. To make lodging reservations call hotel reservations at **619-260-0111** and mention you are attending the National Association of ADA Coordinators conference. Persons with disabilities please make requests for any sleeping room accommodations at the time you make reservations.

In order to participate in the training, I have need of:

(The Association must know of accommodations required for training **no later than 9/17/2016**. If an assistant attends, the person must register, attend same conference workshop sessions as person requiring the accommodation, and pay \$325 per day to cover costs of food and materials.)

**CONFERENCE DISCOUNTED REGISTRATION INFORMATION**

Rate includes hosted continental breakfast(s), breaks, & luncheon(s) for Monday Through Thursday of conference

**(Federal Tax Number is 33-0595554, nonprofit 501(c)(3) corporation)**

**Conference Dates Associate Only - Daily Only Rates - Non-Associates**

Mon.	10/17/2016	[ ] \$575	[ ] \$685
Tue.	10/18/2016	[ ] \$575	[ ] \$685
Wed.	10/19/2016	[ ] \$575	[ ] \$685
Thu.	10/20/2016	[ ] \$575	[ ] \$685

**All Four Days of the Conference**

**Please note: You must be a current up-to-date Associate or join on this form to register at the Associate's conference rate.**

**ASSOCIATE - Full Conference After 8/12/2016 [ ] \$1,995**

**\* ASSOCIATE - Early Bird by 8/12/2016 [ ] \$1,895**

**NON-ASSOCIATE - Full conference after 8/12/2016 [ ] \$2,695**

**\* NON-ASSOCIATE - Early Bird by 8/12/2016 [ ] \$2,395**

**ANY CANCELLATION** must be in writing to us no later than 9/30/2016 (no exceptions) and is subject to a processing fee of \$500. Remaining balance, after processing fee is deducted for any cancellation on or after 10/3/2016, can only be applied to the Association's Spring 2017 or Fall 2017 national conferences.

**There are no refunds or credits for any no-shows on or after 10/12/2016.**

**JOIN or RENEW YOUR ASSOCIATE STATUS**

The Association offers many benefits including reduced rates for workshops/conferences, a bi-monthly newsletter, an annual Associates' Directory for networking purposes, and a lapel pin. To join, complete contact information, check appropriate associate box below and include your fee. **If you join or renew and pay the first year dues at the time of registration, you can attend the conference at the Associate's rate.**

**Individual Associate - \$195;**

**Organization Associate - \$345**

See our web site - [www.ADACorrdinators.org](http://www.ADACorrdinators.org) - for updated information on the **Professional Associates (PA) Program**: You must include a completed copy of the PA application form found on the web site and include an additional one-time  **\$125 application fee per application**, to become a participant in the Association's P.A.

**TOTAL AMOUNT and METHOD OF PAYMENT**

Visa/MasterCard  Amex  Check

**Cardholder:** \_\_\_\_\_

**Card number:** \_\_\_\_\_

**Expiration:** \_\_\_\_\_ **Total Amount: \$** \_\_\_\_\_

**(Credit cards processed for the Association by conference planner, may show the words National Institute on Employment Issues - NIEI on your statement)**  
 A copy of a fully **approved** purchase order by your organization **must be** received with registration form(s) **no later than 10/3/2016, and be accepted and invoiced by the National Association of ADA Coordinators** or space will not reserved. Any P.O. must be paid within ten days or an additional charge of \$100 may be applied.

**PARTICIPANT/ASSOCIATE INFORMATION**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

**PLEASE ENTER: Conference track of greatest interest to you:** \_\_\_\_\_ **(If left blank, ACCESS Track entered)**

Organization: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone:(\_\_\_\_\_) \_\_\_\_\_ FAX:(\_\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

**May we list your email in the conference participant list for networking purposes? Please circle: Yes No**

Signature Required: \_\_\_\_\_ Date Approved/Received: \_\_\_\_\_ (WEB1016)

# ***Fall 2016 - Conference Keynotes and Faculty***

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## **ADA TITLE I AND GINA**

***Acting Associate Legal Counsel and Director, ADA/GINA Policy Division***

***U.S. E.E.O.C., Washington, D.C.***

**Christopher Kuczynski, J.D., LL.M.**

Mr. Kuczynski joined the Commission in February 1997 as Assistant Legal Counsel and Director of the ADA Policy Division (now the ADA/GINA Policy Division). Chris supervises the development of regulations, policy guidance, and technical assistance publications on Title I of the Americans with Disabilities Act (ADA) and Title II of the Genetic Information Nondiscrimination Act (GINA), and regularly advises EEOC field and headquarters offices, including the offices of the Chair and Commissioners, on complex ADA and GINA issues. His leadership was critical in the issuance of final regulations implementing GINA (published in November 2010) and the ADA Amendments Act (published in March 2011).

Chris has made 32 presentations on the ADA, and more recently on GINA, to our Association's national conference audiences, including human resources and EEO professionals, supervisors and managers in the public and private sectors, medical professionals, and plaintiff and defence counsels. He has been interviewed on the ADA and GINA by numerous media outlets including The New York Times, USA Today, The Wall Street Journal, and The Washington Post. He has done radio or television interviews for ABC News, the CBS Morning News, and MSNBC, and has been a guest on C-SPAN's Washington Journal.

From January to October 2003, Chris was a Special Assistant to former EEOC Chair Cari Dominguez, and from October 2003 through April 2004, he was Associate Director of the White House Domestic Policy Council. Chris was a trial attorney in the Disability Rights Section of the U.S. Department of Justice from July 1993 until February 1997, and was a litigation associate for three years with a major Philadelphia law firm.

He has a B.A. in English from Villanova University, where he was a member of Phi Beta Kappa and from which he received the School of Liberal Arts and Sciences 2007 Alumni Medallion; a J.D. from Temple Law School; and an LL.M. from Yale Law School.

## **ADA TITLE II and III**

***Chief, Disability Rights Section, Civil Rights Division***

***U.S. Department of Justice, Washington, D.C.***

**Rebecca Bond, J.D.**

Rebecca Bond is the Chief of the Justice Department's Disability Rights Section. In that capacity, Ms. Bond oversees the Section's management team, develops and supervises investigations and litigation affecting all aspects of the Section's enforcement program, and leads the development and implementation of the Section's strategic vision, guidance, regulations, and policies. Rebecca is an experienced and dedicated civil rights advocate with a deep personal commitment to disability rights. She previously served as a Trial Attorney and a Deputy Chief of DOJ's Housing and Civil Enforcement Section, taking on Fair Housing Act, sexual harassment, race discrimination, and disability cases. She also handled cases under the Americans with Disabilities Act, Religious Land Use and Institutionalized Persons Act, and Title II of the Civil Rights Act of 1964. She became a Deputy Chief of the Housing and Civil Enforcement Section in 2006, where, in addition to supervising litigation, she was the Section's Legal and Policy Counsel, oversaw the Fair Housing Testing Program, and chaired the Section's professional development committee. Rebecca is a 1997 graduate of Harvard Law School and a 1993 graduate of Yale University. She joined the Division in 2000 after clerking and practising law in Puerto Rico and California.

***Deputy Chief, Disability Rights Section, Civil Rights Division, U. S. Department of Justice,  
Washington, DC***

**Jim Bostrom**

Mr. Bostrom manages the ADA Design Unit where he supervises a team of architects, accessibility and code specialists, and a web development team. The Unit provides key technical expertise on the ADA and ADA Standards for the Section's enforcement, regulatory, and technical assistance activities. The Section also develops and manages the ADA website **www.ADA.gov**. For more than 35 years, Mr. Bostrom has focused on accessibility and accessible design issues. For the past 18 years, Mr. Bostrom has been with the Disability Rights Section of the Civil Rights Division. Mr. Bostrom earned a B. ARCH. and M. ARCH. from Virginia Tech.

***Regional Attorney, U.S. Equal Employment Opportunity Commission, Phoenix, AZ***

**Mary Jo O'Neill, J.D.**

Ms. O'Neill began her work at the E.E.O.C. as a trial attorney, then as a supervisory trial attorney, until she was selected as the Regional Attorney in 2002. Mary Jo manages the legal staff, litigates employment discrimination cases in federal court in five states, advises her enforcement colleagues, and is a frequent national trainer/speaker for the E.E.O.C. This will be Mary Jo's 14<sup>th</sup> time she has participated in our ADA Conferences.

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***ADA Enforcing Agency Faculty (Ret.)***

***Deputy Chief (ret.), Disability Rights Section, U.S. Department of Justice, Washington, D.C.***

***President, ADA One, LLC, Silver Spring, MD***

**Irene Bowen, J.D., P.A.**

Ms. Bowen is a nationally recognized ADA consultant, trainer, and speaker. Before starting her firm in 2009, she was Deputy Chief of the Disability Rights Section at DOJ, where she oversaw enforcement of the ADA and was actively involved in the development of the ADA accessibility guidelines as well as DOJ's Title II and Title III regulations. Irene's clients include local governments, colleges and universities, public accommodations, and a Federal agency. She teams with architectural firms and others in assisting entities with self-evaluations and transition plans, and development of cost-effective approaches to compliance. Since 2011, Ms. Bowen has presented internationally, assisted in self-evaluations of Fulton County, GA, the City of Chicago, IL, several universities, and health-care providers; and authored or co-authored six ADA guides including three in the last year (an ADA guide for nonprofits; a resource for accommodating students who are deaf or hard of hearing at the post-secondary level from pepnet 2; and a guide for court officials). **Irene is a member of the Association's Board of Directors.**

***Chief Regional Attorney (ret.), U.S. Department of Education, Office for Civil Rights,  
Adjunct Professor of Disability Law at Hastings College of Law and the University of  
California***

**Paul D. Grossman, J.D., P.A.**

Paul is an Adjunct Professor of Disability Law at Hastings College of Law and the University of California. He regularly lectures or publishes on disability law at U.C. Berkeley, U.C. Davis, Ohio State University, LDAA, and the National Association of ADA Coordinators. Paul was one of the first individuals to bring the issue of educating returning war veterans to the attention of the higher education community and to develop both compliance and best practice strategies for this population. Many of Paul's compliance decisions, developed in his capacity as Chief Regional Attorney and Coordinator of OCR's National Disability Network are highlighted in the online publication "***Disability Compliance in Higher Education.***" Paul is co-author of *The Law of Disability Discrimination* (8<sup>th</sup> edition). Insights into this area of law are often drawn from his own challenges attending college and law school as an individual with a disability.

***Senior Attorney (ret.), Office for Civil Rights, U.S. Department of Education,  
Denver Enforcement Office, Denver, CO***

***James D. Long, Jr., J.D., P.A.***

Jim Long served for more than 10 years in the Office for Civil Rights of the U.S. Department of Education. Before joining the Office for Civil Rights he served as a litigation counsel for U.S. Department of Energy. Jim served as an officer in the Army's Judge Advocate General's Corp for 23 years. As the Chief Counsel at the Walter Reed Army Medical Center, he handled his first ADA case, involving deaf students from Gallaudet College. He also served as the Command Judge Advocate for the Army's Medical Command. Jim was the Legal Advisor to the Surgeon General of the Army. He was an assistant professor at the U.S. Military Academy, West Point. He has an undergraduate degree from Creighton University and went to the University of Texas School Of Law. **Jim is a member of the Association's Board of Directors.**

***Deputy Assistant Attorney General (ret.), DRS  
U.S. Department of Justice, Washington, D.C.***

***John Wodatch, J.D., P.A.***

John Wodatch is a disability rights attorney who retired after 42 years of Federal government service. He authored the Federal government's first comprehensive disability rights regulations, the regulations implementing section 504 of the Rehabilitation Act. He is one of the drafters of the Americans with Disabilities Act as he served as the Department of Justice's chief technical expert during the writing and passage of the ADA. He was the chief author of the Department of Justice's 1991 ADA regulations, created DOJ's initial ADA technical assistance programs, and assembled the Department's ADA enforcement staff. From 1990 until 2011 he served as the Director and Section Chief overseeing all interpretation, technical assistance, and enforcement of the ADA at the Department of Justice. Just before he retired, he was responsible for the first major revision of the Department's ADA regulations, including the 2010 Standards for Accessible Design. In 2010 he was honored with the Presidential Distinguished Rank Award for exceptional achievement in his career. He is now serving clients as an expert in the application of the ADA's requirements for accessible design and program accessibility for State and local governments and private businesses. On the international level, John is continuing his work seeking U.S. ratification of the United Nations Convention on the Rights of Persons with Disabilities. He received a B.A. from Trinity College, an M.P.A. from Harvard University, and a J.D. from the Georgetown University Law School. **John is the President/CEO of the Association and is a member of the Association's Board of Directors.**

***Featured Senior ADA Professional Faculty Members***

***Former Chair, U.S. Access Board, Washington, D.C.; Partner, LCM Architects, Chicago, IL***

***John H. Catlin, FAIA, P.A.***

Mr. Catlin was the first practicing architect to chair the U.S. Access Board, and also chaired the ad hoc subcommittee on the revision of the ADA Accessibility Guidelines. He applied universal design principles to the Access Living headquarters building in Chicago, for which he received the Barrier-Free America Award from the Paralyzed Veterans of America. LCM Architects manages HUD's Fair Housing Accessibility FIRST technical assistance program. Jack provides nationwide design and construction training as part of the FHA FIRST program. **Jack is a member of the Association's Board of Directors.**

***Director Equal Opportunity & Affirmative Action, Title IX Coordinator, Equity Officer  
Utah Valley University, Orem, UT***

***Melissa L. Frost, J.D., P.A.***

Melissa has a history of public service that includes: Executive Director of Provo School District, State of Utah as the ADA Coordinator, Workers' Compensation Administrator, and a Loss Control Consultant advising all state agencies, school districts and post-secondary institutions regarding Family Medical Leave, ADA, Title VII discrimination, PDA, Title IX and other campus/student issues. She has also served the state as a Liability Prevention Specialist for the Developmental Center and as an Administrative Law Judge for the Department of

Workforce Services. Prior to state service, Melissa worked fourteen years in healthcare management and administration in both California and Washington D.C. Melissa received her B.A. in Government and Politics from the University of Maryland and her J.D. from the J. Reuben Clark Law School at Brigham Young University. Melissa is a member of the Association's Board of Directors.

***Trainer, Risk Management Division, State of Utah, Salt Lake City, UT***

**John Golom, P.A.**

Mr. Golom joined the Utah Division of Risk Management in September 2013. John now provides HR/ADA/Sec 504 consultation to 18 colleges and universities around the State of Utah, and to six of the larger school districts. Mr. Golom has 13 years in human resource offices across the State of Utah. John served as the Human Resource Director for the Utah Department of Corrections, the second largest agency in state government. He was with the Utah Labor Commission and served as a Hearing Officer for the Wage and Hour Division and as the Manager of the Utah Anti-discrimination Division. Prior to his state employment, John served as a Special Agent in the Air Force Office of Special Investigations. John received his undergraduate degree from the Southern Illinois University at Carbondale and received his graduate degree from the Brigham Young University. **John is a member of the Association's Board of Directors.**

***Executive Director, National Association of ADA Coordinators, Rancho Mirage, CA  
Managing Director, National Institute on Employment issues, Rancho Mirage, CA***

**Paul D. Hagle, P.A.**

Mr. Hagle has been associated with the ADA since its passage in 1990. He is recognized for his seminars on ADA Title I throughout the United States. He serves as an expert witness for major hospitals on effective communications, and ADA Title I for a major airport, automobile company, airline, and a major fast food chain. He developed and presented one of the first programs dealing with ADA/Workers' Compensation/FMLA interface, the importance of disability awareness perception, and legal issues of Title I of the ADA since 1992. He was on the original Board of Directors and appointed the Association's Executive Director in 1992. He serves as Chair, Parks, Recreation and Trails Commission, and works with the City Council on ADA issues for the City of Rancho Mirage, CA. He received his B.A. from the University of Michigan and did graduate work at the University of California, Los Angeles. **Paul is the Executive Director and a member of the Association's Board of Directors.**

***Assistant Director, State of Utah Risk Management, Salt Lake City, UT***

**Brian Nelson, J.D., P.A.**

Mr. Nelson directs a team of loss control professionals, who are charged with recognizing and avoiding physical and nonphysical losses among all state agencies, public schools, and institutions of higher education. Previously, Brian served as ADA/504 Coordinator advising and directing all public state institutions to effect compliance with the ADA. He received his J.D. from Brigham Young University. **Brian is an Emeritus Member of the Board.**

***Medical Director, Redlands Yucaipa Medical Group, Past Chief of Staff for Redlands  
Community Hospital, Adjunct Professor, University of California Medical School, Riverside***

**Phong Nguyen, M.D., P.A.**

Dr. Nguyen is Medical Director for a large medical group. Phong is a member of the Interdisciplinary Committee; Medical Director of the Redlands, Rialto/Loma Linda, and San Manuel Fire Departments; Medical Director for the Paramedic Program at Crafton Hills College; Medical Director for Aeromedics, and ACLS Course Director/ Instructor. **Phong is the Chairman of the Board, Vice President of the Association, and is the Conference Coordinator**

***ADA Coordinator, Florida Department of Transportation, Tallahassee, FL***

**Dean Perkins, R.A., P.A.**

An architect since 1984, Dean Perkins joined the Florida Department of Transportation in 1988 to manage rest area design and production projects. He was appointed as the FDOT's statewide ADA Coordinator in January 1992. In this position, Dean is principal in initiating Department policies, developing procedures and managing practices related to accessibility for persons with disabilities for agency services and facilities along the state highway system and for buildings owned and operated by the Department. He has served as an expert witness in ADA matters. Dean designs and conducts training in ADA compliance around Florida and at national conferences. He provides technical support on accessible design and construction for city and county engineering and public works staff. He has a Master of Architecture from Florida A&M University. **Dean is the Secretary of the Association and a member of the Association's Board of Directors.**

***Fire Chief and Commissioner and Vice Chair of the Department of Safety and Health Services,  
San Manuel Band of Missions Indians, San Bernardino County, CA***

**Michael J. Smith, M.S.**

Chief Smith is responsible for the supervision of all emergency activities and operations. He established a 33 member fire department which serves the region under the California mutual aid system as well as a community preparedness, mitigation, response, and recovery nexus. In 2012, Michael was honored at the White House by the President as a "Champion of Change" for emergency preparedness. He was a principal in the development of San Bernardino County's Mutual Aid plan in which two or more jurisdictions furnish resources, facilities and services to each to prevent and to combat all emergencies. His jurisdiction includes one of the largest entertainment venues in CA. He was deployed to aid in the recovery from the "9-11-01" attacks as well as gulf-coast hurricanes, including Katrina. Mike is a graduate of the National Fire Academy, has a B.S. from the University of Redlands, an M.S. in Fire Service Leadership, & M.S. in Public Administration.

***ADA Consultant for Law Enforcement Issues, Michael Sullivan ADA Consulting, Petaluma, CA  
ADA Coordinator (ret.), San Francisco Police Department, San Francisco, CA***

**Michael J. Sullivan, B.A., P.A.**

Mr. Sullivan is a nationally known and award-winning consultant specializing in ADA law enforcement issues. Michael also advises on both program and physical accessibility issues. He has extensive expertise in developing reasonable accommodations and implementing training for peace officers regarding the ADA requirements and responsibilities. Michael was the San Francisco Police Department's ADA Coordinator for 17 years and was honored for his work by the City of San Francisco, the California State Legislature, U.S. Congress, and numerous community groups and non-profits. Michael was a member of the Executive Board of the President's Committee on the Employment of People with Disabilities from 1999 through 2001. Michael has a B.A. in Health Science with emphasis in Community Health Education from San Francisco State University. **Michael is an emeritus member of the Board of Directors.**

***Chief Executive Officer, Evan Terry Associates and Corada.com, Birmingham, AL***

**James Terry, AIA, CASp, P.A.**

Mr. Terry is a licensed architect in eight states with extensive access training and consulting experience in corporate, governmental, healthcare, schools, universities, libraries, retail, and recreational facilities. Under his leadership, ETA assists organizations in understanding their access requirements, cataloging barriers, and managing the implementation of their ADA and local access compliance plans. ETA developed **Corada** as a comprehensive online resource providing extremely fast and focused access to the regulations and standards, technical assistance, product information, just-in-time training, and other resources for ADA Coordinators. **Jim is a member of the Association's Board of Directors.**

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Faculty confirmed at time of publication. Conference announcements, agendas and faculty subject to change without notice due to unforeseen circumstances.