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2016 Spring National Conference (55th) - Announcement

Co-sponsored by the Florida Department of Transportation

April 11-14, 2016 - Tampa, Florida

Our attendees on evaluations, and by word-of-mouth, indicate this is the best and most comprehensive conference for ADA coordinators. ***The past 10 conferences rated as outstanding by 99.6% of the participants' evaluations.***

Some organizations with current, multiple attendees registered for Spring 2016:

***Prudential Insurance; Southwest Airlines; Polk State College; Texas Tech University;
Miami-Dade County; University of Tennessee***

"An ADA for the 21st Century"

Trends and Possibilities

Now that the dust has settled on all the celebrations marking the 25th anniversary of the ADA, it's time to get back to fulfilling the goals and obligations of the ADA. The Association's Spring's 2016 conference will focus on the future: on the new and complex issues confronting entities covered by the ADA in the 21st century.

We expect new ADA regulations soon from the Federal government:

on requirements for accessible technology; on new standards for the nation's sidewalks and public rights of way, and Title I employment issues.

the expanded definition of disability in the ADA Amendments Act is now beginning to make an impact in the cases making their way through the court system.

The Spring Conference in Tampa will revisit the ADA's fundamental principles and then explore the possibilities of other new ADA issues and trends.

ANSWERS TO YOUR QUESTIONS FROM THE EXPERTS YOU WANT TO HEAR FROM

SPRING 2016 GENERAL SESSION PANEL SIMILAR TO FALL 2015 CONFERENCE (LEFT TO RIGHT)

Paul Grossman, J.D., Chief Department of Education; DSR, U.S. Department of J.D., LL.M., Acting Director, ADA/GINA Policy Employment Opportunity J.D., Deputy Chief (ret.) Justice; John Wodatch, General (ret.), Former Department of Justice.



Attorney (ret.) U.S. Rebecca Bond, J.D., Chief, Justice; Chris Kuczynski, Associate Legal Counsel, Division, U.S. Equal Commission; Irene Bowen, DSR, U.S. Department of Deputy Assistant Attorney Chief, DSR, U.S.

THE SPRING 2016 NATIONAL CONFERENCE SCHEDULED FACULTY

9 ADA attorneys, 4 ADA architects, 9 ADA Coordinators and Section 504 Compliance Officers and ADA Medical Professionals

See Full Conference Agenda, Faculty Bios on Association in this new sletter.

WHAT YOU TAKE BACK FROM THE CONFERENCE

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

WHAT PARTICIPANTS SAID ABOUT OUR FALL 2015 NATIONAL CONFERENCE

"As always, this training was SUPER! The faculty were very approachable and answered questions asked. I have been recommending this conferences to everyone I come in contact with."

Betty M., ADA Coordinator, Sheriff's Department - California

"As a first time attendee, I appreciate the depth of information provided and thrilled by the caliber and knowledge base of ALL the presenters"

Pamela S., Director, Student Disability Services, Major University, California

"This is the most helpful, professional conference I take part in during the year! The information and guidance is critical to success in my job."

Shelley D., ADA Coordinator, Major University, Florida

WHY PARTICIPANTS RAVE ABOUT OUR 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 270 important ADA Handouts - **FREE** - on the updated Conference 2016 USB ADA Library Drive. The updated USB drive is only available at the Spring 2016 National Conference **and is as part of your conference package at no cost.**

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.

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 \$300, off this 2016 Spring conference. The Associates' Version of this Newsletter contains an additional 13 emailed pages on ADA case law and other information.

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

We recognized 9 new P.A.s at the Fall 2015 conference and another 8 completed their P.A. requirements at the Fall conference. There are over 130 Associates in various phases of completing the PA program. See our website at: www.AskJAN.org/NAADAC for more information on the Association's Professional Associate program

CONFERENCE LOCATION AND HOTEL

The conference is being held at the **Hilton Tampa Airport Westshore, 2225 North Lois Ave., Tampa, FL 33607**. Complimentary shuttle provided from/to Tampa International Airport and within three miles of the hotel. Hotel 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 \$125.00 per night, plus taxes (single/double) if reserved by **3/20/2016**, provided room block has not been sold out. To make lodging reservations *call Hilton reservations at 800-445-8667, or the hotel at 813-877-6688*; and mention you are attending the National Association of ADA Coordinators conference.

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



The Karaoke Challenge Winners



The “Voices” of Karaoke Night



Welcome to some of our Professional Associates



John Wodatch and Irene Bowen
Access Track Faculty. When at DOJ, they wrote the ADA Title II and III regs.



Rebecca Bond, Chief, DRS, DOJ,
receiving ADA 25th Anniversary Plaque
from Paul Hagle, NAADAC Executive
Director



Chris Kuczynski, ADA/GINA Policy
Director, U.S. EEOC, answering
attendees questions. Chris was
responsible for Title I regulations.
Chris has participated in 31 of our
national conferences

Pictures courtesy of Michael Paravagna, Brian Nelson, Joy Trieglaff

ADA ARTICLES

ADA Title Lawsuits Continue to Rise

In 2015, 4,789 ADA Title III lawsuits were filed in federal court, as compared to 4,436 in 2014. That is an 8% increase over 2014. California, Florida, New York, Texas, and Arizona had the most ADA Title III lawsuits — a total of 3,847 cases. Although California and Florida continue to be the most popular venues for ADA Title III lawsuits, the number of cases filed in those states in 2015 decreased by 11% and 14% respectively. Arizona experienced a surge in lawsuits. Plaintiffs in Arizona filed 25 times more cases in 2015 than they did in 2014, for a total of 207 lawsuits in 2015. Other states with substantial increases in the number of lawsuits were Georgia (from 20 to 96), Illinois (from 29 to 84), New York (212 to 366). Federal courts in Alaska, Montana, North Dakota, South Dakota, and Wyoming had no ADA Title III lawsuits.

UBER SLAPPED WITH A \$7.6 MILLION FINE

The California Public Utilities Commission has voted to approve the \$7.6 million fine on Uber. The company plans to pay the fine, though it will also appeal the decision.

Uber never goes down without a fight.

The California Public Utilities Commission is expected to decide if the car-hailing service should be fined \$7.6 million after months of back-and-forth. If they approve the fine, Uber plans to appeal—extending its battle with the Commission that has gone on since the summer.

In July, the Commission fined Uber \$7.3 million for failing to comply with reporting requirements that ensure drivers don't discriminate against passengers when giving out rides. Uber appealed, but an administrative law judge produced a new decision on Wednesday that upped the fine to \$7.6 million, according to the Los Angeles Times. The Commission will vote Thursday on the decision.

State laws require Uber to share specific data with state regulators like the number of rides accepted and denied, the number of requests for wheelchair-accessible rides, the zip codes of pick-ups, miles traveled and amount paid, according to the San Francisco Examiner. Uber eventually provided some of the information to California, and claims it has handed over all of the requested data.

"While we are disappointed by the decision, we look forward to making our case to the California Court of Appeals," an Uber spokesperson said in a statement to Fortune. "In the meantime, we will pay the fine and continue to work in good faith with the Commission."

Uber has been widely criticized by disability rights advocates. They say that the service is trying to dodge the Americans with Disabilities Act, which requires transportation companies to accommodate those with disabilities, such as transporting wheelchair users if the wheelchair can fit in the vehicle. A rash of suits by disabled Uber users claim that drivers have refused to give rides to people in wheelchairs, locked service dogs in trunks, and sped away from users standing next to their service dogs. Just this week, an Uber driver in New York City reportedly refused a ride to a woman in labor.

WHAT YOU SHOULD KNOW ABOUT HIV/AIDS & EMPLOYMENT DISCRIMINATION

The reduction of HIV-related disparities and health inequities, including the reduction of stigma and discrimination against persons living with HIV, is one of the central goals of the National HIV/AIDS Strategy. The EEOC has a critical role in eradicating employment discrimination against those living with HIV/AIDS through our enforcement and litigation efforts, and our work to educate employers, job applicants, and workers on their rights and responsibilities.

Between 1997 and 2014, the EEOC received more than 4,000 charges alleging ADA violations based on a

person's HIV status. In FY 2014, the EEOC received and resolved 197 such charges and obtained \$825, 674 for victims of discrimination. EEOC has filed several lawsuits against employers that refused to hire applicants or terminated employees due to their HIV status.

EEOC v. Maxim Healthcare Services Inc., d/b/a Maxim Staffing Solutions (W.D. Pa.): EEOC alleged that Maxim, a medical staffing service, withdrew an offer for an assignment that involved sitting with patients at a medical facility because the candidate was HIV-positive. In December 2014, the company entered into a consent decree that requires it to pay \$75,000 and to create, enforce, and implement a complaint procedure and policy that prohibits disability discrimination, harassment, and retaliation.

EEOC v. Famous Chicken of Shreveport, L.L.C. d/b/a Popeye's (E.D. Tex.): EEOC sued Famous Chicken of Shreveport, L.L.C., a Popeye's Chicken franchisee, alleging that the company asked the Charging Party to disclose medical information before making a job offer, and then refused to hire him after learning that he was HIV-positive. In September 2014, Popeye's entered into a consent decree that requires it to pay \$25,000 in relief and provide ADA training to its staff.

EEOC v. Maverik, Inc., d/b/a Maverik Country Stores (D. Wyo.): EEOC alleged that a convenience store violated the ADA by failing to accommodate and then firing an HIV-positive bakery clerk. In November 2011, the company entered into a consent decree that requires it to pay \$115,000 in relief, review its ADA non-discrimination policy, and provide ADA training to members of its workforce and management.

EEOC v. Gregory Packaging, Inc. (N.D. Ga.): EEOC alleged that the company, a manufacturer and distributor of juice products, violated the ADA when it fired an employee who worked as a machine operator in the packing department after learning that he was HIV-positive, despite his good job performance and demonstrated ability to work safely. In March 2015, the company entered into a consent decree that requires it to pay \$125,000 in relief and includes provisions for equal employment training, reporting, and postings.

EEOC v. Christian Care Center (E.D. Tenn.): EEOC sued a nursing home facility alleging that it violated the ADA when it fired a licensed practical nurse after learning that the employee was HIV positive. In May 2014, the company entered into a consent decree that requires it to pay \$90,000 in relief and conduct ADA training, maintain records of discrimination complaints, and provide reports to EEOC.

EEOC v. Plasma Biological Services, LLC, and Interstate Blood Bank, Inc. d/b/a Plasma Biological Services (W.D. Tenn.): EEOC alleged that a plasma collection center violated the ADA when it terminated an employee because he showed a viral marker for HIV, even though further testing revealed the employee was negative for HIV. EEOC also alleged that company policy required termination of any employee who tested positive for a viral marker and that the company failed to maintain separate medical and personnel files. In October 2015, the company entered a consent decree requiring that, among other things, it pay \$60,000 in relief, provide annual disability training, and maintain separate medical and personnel files.

EEOC v. KAY QSRS, Inc. d/b/a Subway (S.D. Ind.) (pending): EEOC's suit alleges that a Subway franchise violated the ADA when it terminated an employee after learning

Title I of the Americans with Disabilities Act (ADA) prohibits employers from discriminating against job applicants and employees on the basis of disability. The law also protects applicants and employees who do not have disabilities, but are regarded as having disabilities. Section 501 of the Rehabilitation Act similarly prohibits federal agencies from discriminating against applicants or employees on the basis of a disability, and adopts the standards in the ADA.

A disability under the ADA is a physical or mental impairment that substantially limits one or more major

life activities or a record of such an impairment. A person also qualifies as an individual with a disability if he or she is subject to a prohibited action due to an actual or perceived impairment. Someone who is HIV-positive will easily meet this definition because HIV substantially limits major life activities such as functions of the immune system. Someone who is subjected to a prohibited employment action, such as failure to hire or termination because of HIV or the suspicion of HIV, could also easily show that an action was taken against him or her because of an actual or perceived impairment.

To be protected by the ADA, an individual with a disability must be qualified. An individual with a disability is qualified if he or she meets job-related requirements (e.g., has the necessary skill, education, and training for the job), and can, with or without a reasonable accommodation, perform the essential functions of the job. An employer may select the most qualified applicant available and is not required to prefer an individual with a disability over a better qualified applicant without a disability.

The ADA protects persons who are discriminated against because they have a known association or relationship with an individual who is HIV-positive, such as where an employer refuses to hire or terminates someone because it believes the individual will contract HIV from a family member and transmit it to customers.

An employer must provide a reasonable accommodation to the known limitations of an otherwise qualified individual with a disability who needs one unless providing the accommodation would be an undue hardship. A reasonable accommodation is any modification or adjustment to a job, the job application process, or the work environment that enables a qualified applicant or employee with a disability to have equal employment opportunities. A requested reasonable accommodation imposes an undue hardship on an employer if it involves significant difficulty or expense or requires the employer to change the basic nature of the business.

Example: Bill, an employee with HIV, must take medication on a strict schedule. The medication causes nausea one hour after ingestion, which generally lasts 45 minutes. He asks that he be allowed to take a daily 45-minute break when the nausea occurs. The employer must grant this request absent undue hardship.

The ADA strictly limits when employers may ask medical questions or require medical exams.

An employer may not ask a job applicant disability-related questions, including whether the applicant is HIV-positive, before making a job offer. However, an employer may ask applicants whether they can perform the job and how they would perform the job, with or without an accommodation.

After a job offer, but before an individual starts work, an employer may ask disability-related questions and require medical exams as long as the same questions and exams are required for everyone in the same job category. An employer may only withdraw an offer from an applicant with a disability if it becomes clear that he or she cannot perform the essential functions of the job or would pose a direct threat to health or safety in the workplace.

Example: Ben is given a conditional offer for a social worker position. The employer requires him to take a medical exam, which reveals that he has HIV. The employer may not withdraw the offer due to concerns about reactions that staff or patients may have to persons with HIV.

An employer generally may only ask an employee medical questions or require a medical exam if it reasonably believes that the employee may be unable to perform a job successfully or safely because of a medical condition. The employer's reasonable belief must be based on objective evidence that it observed or learned from others who provided reliable information.

Example: A supervisor learns that Joe, one of his construction workers, is HIV-positive and has been taking medication for the past two years. There have been no incidents indicating a performance problem. The supervisor wants to send Joe for a medical exam to ensure that he is able to perform

his duties. Requiring this exam violates the ADA because the supervisor has no objective evidence that he is unable to perform his job or poses a direct threat.

An employer also may ask an employee for reasonable documentation where an employee requests a reasonable accommodation and the disability and/or the need for an accommodation is not obvious or already known.

Finally, disability-related questions or medical examinations required by another federal law or regulation, such as testing allowed under regulations governing certain types of transportation jobs, are also permitted.

Medical information should be kept confidential even if it contains no medical diagnosis or treatment course, and even if it is not generated by a health care professional.

Example: An employer learns that an employee has HIV through social media. This medical information is subject to the ADA's confidentiality requirements.

In **limited** circumstances, employers may have to disclose medical information about applicants or employees. Information may be disclosed where: (1) it is needed in order to provide a reasonable accommodation; (2) an employee needs emergency treatment or requires assistance due to a medical condition; (3) persons investigating compliance with the ADA and similar state and local laws request information; and (4) the information is needed for workers' compensation or insurance purposes.

Is there a safety concern? Direct threat is defined as a significant risk of substantial harm to the individual or others in the workplace that cannot be reduced or eliminated through reasonable accommodation. This determination must be based on an individualized assessment of the applicant's or employee's present ability to safely perform essential job functions. It cannot be based on generalizations or unfounded fears about a particular condition.

Example: Sue, a phlebotomist who draws blood, has HIV. Since the best available medical evidence indicates that HIV-positive healthcare workers in this type of position do not pose a direct threat to patient safety if they adhere to standard precautions, she does not pose a direct threat based on her HIV-positive status.

The Center for Disease Control (CDC) advises that HIV-positive health care workers who follow standard precautions and who, except in specified circumstances do not perform specially-defined exposure-prone invasive procedures, do not pose a safety risk in their employment based on HIV infection.

According to the Department of Health and Human Services (HHS), HIV/AIDS is not a disease that can be transmitted through food handling.

Example: In response to post-offer questions, Luka, an applicant for a food service job at a restaurant, discloses that he is HIV-positive. HIV is not listed as one of the food borne illnesses on the CDC's list of infectious or communicable diseases transmitted through the handling of food. The restaurant may not withdraw the offer because of concerns about co-worker reactions or assumptions that Luka may tire too easily.

A public or private entity cannot deny a person with HIV an occupational license or admission to a trade school because of his or her disability. Title II of the ADA prohibits state licensing agencies and public trade schools (i.e. barbering, massage therapy, and other occupations) from discriminating on the basis of a disability, including HIV. Title III of the ADA prohibits public accommodations, such as private vocational and technical colleges, from discriminating on the basis of a disability, including HIV.⁴

The Department of Justice (DOJ) enforces Titles II and III of the ADA. An applicant or student seeking an occupational license or admission to a trade school, who believes that he or she has been subject to disability discrimination, should file a complaint with DOJ

Healthcare Entity will Pay \$50,000 to Settle EEOC Pregnancy and Disability Lawsuit

NHC Healthcare/Clinton, LLC, a licensed nursing center that provides a wide array of skilled nursing, therapeutic and rehabilitative services, has agreed to pay \$50,000 and provide substantial injunctive relief to settle a pregnancy and disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced.

According to the lawsuit, around Feb. 21, 2002, NHC Healthcare hired Tonya Aria as a full-time licensed practical nurse at its nursing center facility in Clinton, S.C. Aria suffers from paroxysmal supra ventricular tachycardia (PSVT), which, without medication, can cause rapid heart rate, numbness in the extremities, tunnel vision and occasional blackouts. Aria's PSVT is controlled by medication. NHC was aware of Aria's medical condition.

In mid-December 2012, Aria learned she was pregnant and stopped taking her PSVT medicine due to possible side effects to her unborn child. As a result, Aria's PSVT symptoms became uncontrolled. Additionally, Aria's normal pregnancy symptoms, such as fatigue and nausea, were exacerbated by her PSVT. Due to her medical condition and pregnancy, Aria was placed on bed rest and was out for three work days in early January 2013. On Jan. 15, Aria was fired by the director of nursing because of absences related to her pregnancy and PSVT. EEOC said NHC Healthcare refused to accommodate Aria by allowing her medical leave and subsequently firing her because of her disability and pregnancy.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which protects employees from discrimination based on their disabilities and requires employers to provide employees with disabilities with reasonable accommodations, unless doing so would be an undue hardship for the employer. Additionally, the Pregnancy Discrimination Act (PDA), an amendment to Title VII of the Civil Rights Act of 1964, prohibits employers from discriminating against employees due to their pregnancies. EEOC filed suit in U.S. District Court for the District of South Carolina, Greenville Division (*Equal Employment Opportunity Commission v. NHC Healthcare/Clinton, LLC*, Civil Action No.6:15-CV-02584-MGL-KFM) after first attempting to reach a pre-litigation settlement through its conciliation process.

In addition to providing monetary relief to Aria, the company agreed to a two-year consent decree requiring it to adopt a policy prohibiting the company from taking any future adverse personnel actions against employees based on their disability or pregnancy status. The company also agreed to provide annual training to its managers, supervisors, HR specialists and employees on Title VII and the ADA and to make periodic reports to EEOC.

"This settlement should remind employers that federal law protects pregnant workers who develop a disability during pregnancy," said the regional attorney for EEOC's Charlotte District Office. "All employers should implement effective anti-discrimination policies, procedures and training to ensure proper protections for pregnant employees."

EEOC Seeks Public Input on Enforcement Guidance on Retaliation and Related Issues

The U.S. Equal Employment Opportunity Commission (EEOC) announced recently that it has voted to seek public input on proposed enforcement guidance addressing retaliation and related issues under federal employment discrimination laws. The Commission's enforcement guidance documents inform the public about the Commission's interpretation of the law and promote voluntary compliance.

All of the laws EEOC enforces make it illegal to fire, demote, harass, or otherwise "retaliate" against applicants or employees because they complained to their employer about discrimination on the job, filed a charge of discrimination with EEOC, participated in an employment discrimination proceeding (such as an investigation or lawsuit), or engaged in any other "protected activity" under employment discrimination

laws.

The Commission's last guidance update on the subject of retaliation was issued in 1998. Since that time the Supreme Court and lower courts have issued numerous significant rulings regarding retaliation under employment discrimination laws.

"Retaliation is a persistent and widespread problem in the nation's workplaces," said EEOC Chair Jenny R. Yang. "Ensuring that employees are free to come forward to report violations of our employment discrimination laws is the cornerstone for effective enforcement. If employees face retaliation for filing a charge, it undermines the protections of our federal civil rights laws. The Commission's request for public input on this proposed enforcement guidance will promote transparency. It will also strengthen EEOC's ability to help employers prevent retaliation and to help employees understand their rights."

The percentage of retaliation charges has roughly doubled since 1998, making retaliation the most frequently alleged type of violation raised with EEOC. Nearly 43 percent of all private sector charges filed in fiscal year 2014 included retaliation claims. In the federal sector, retaliation has been the most frequently alleged basis since 2008, and retaliation violations comprised 53 percent of all violations found in the federal sector in fiscal year 2015.

The 30-day input period ends on February 24, 2016. Please provide input in narrative form; do not submit redlined versions of the document. The public is invited to submit its input using www.regulations.gov in letter, email, or memoranda format. Alternatively, hard copies may be mailed to Public Input, EEOC, Executive Officer, 131 M Street, N.E., Washington, D.C. 20507.

The input provided will be posted publicly on www.regulations.gov and may show email addresses. Please do not include other personal information that you would not want made public, e.g., home address, telephone number, etc.

After reviewing the public input received, the Commission will consider appropriate revisions to the draft guidance before finalizing it. A final guidance on retaliation and related issues would replace the existing Compliance Manual on Retaliation that was issued in 1998.

DOES INDEFINITE LEAVE/NON-COOPERATION MAKE LEAVE UNREASONABLE

A recent decision from the Court of Appeals for the District of Columbia provides a result that employers may often think they do not see enough in labor and employment law - a common sense solution to a situation that confronts them often.

What to do under federal and state statutes requiring reasonable accommodation for an employee on what becomes a virtually indefinite leave of absence. The decision shows that there are indeed limits to what may be required of an employer under these laws in terms of having to provide a limitless leave of absence.

In this recent decision, an employee of the chief medical examiner for the District of Columbia suffered from an arthritic condition, aggravated that condition with an on-the-job injury in September 2006, and ultimately stopped working altogether in February 2007. Between February and May 2007, the employer sent her several letters requesting documentation of the injury and her overall condition. She failed to provide any.

Finally, in June 2007 the employer wrote the employee and told her that she needed either to report to work or provide the requested documentation. If not she would be subject to discipline.

Subsequently, the employee provided a physician's certificate which said she was totally disabled and would be disabled indefinitely. The cover letter provided by the employee stated she "hoped" to return by September 2007.

After receiving that correspondence, the employer decided that it could not wait any longer for the

employee's uncertain return, and terminated her employment.

The employee then sued the employer under the ADA as well as the Rehab Act. In the suit, she raised two basic claims: 1) the employer unlawfully refused to accommodate her disability, and 2) the employer retaliated against her for requesting an accommodation.

The case had been dismissed by the trial court which led to an appeal before the Court of Appeals.

The appellate court first looked at the question of whether the employer illegally refused to accommodate the employee's disability. Noting that to prevail on this argument, the employee needed to demonstrate that the employer refused to accommodate her, and that she was a "qualified individual" able to perform the essential functions of her job with or without reasonable accommodation.

The appellate court first concluded that the employer had made reasonable efforts to meet the employee's needs. The employer lawfully engaged in an interactive process with her. Importantly, it found that as of June 2007, when the employee finally provided some medical certification, she was not a qualified individual under either of the federal statutes. Because the court indicated she was (according to her own medical certification) totally disabled and likely to stay that way for at least three more months, she was not able to perform any essential job function even with accommodation, and therefore did not meet the definition of a qualified individual under federal law.

The court went on to find that the employer had waited more than six months for the employee to return to work, had no certainty as to if or when she would be able to return to work, and therefore had waited beyond a reasonable amount of time for the non-performing individual to return. Also, the appeals court rejected the claim that the employee was unlawfully retaliated against because she sought an accommodation.

The employee argued that she was terminated only because she asked her employer to accommodate her need to be on leave for at least three more months. The court rejected that claim as well, finding that the employer had every right to terminate her because she failed to report to work for many months, and gave little reason to believe she would be back at any time in the near future.

Confronting the obligation to reasonably accommodate employees who appear temporarily unable to work in any capacity can be frustrating for any employer. This is true when the employee, and his or her medical provider, provide no information regarding when the employee can or will return to work. Also, provide possible return to work dates that can appear like no resolution is coming down the road.

In some circumstances, employees who claim total disability for extended periods of time may find themselves excluded from coverage under state or federal laws requiring such reasonable accommodation. This may be true if one fails to cooperate with legitimate employer requests to engage in the interactive process. If one doesn't one may find themselves on the wrong side of legal arguments relating to one's rights. Employers can also make tough decisions about employees on long-term leave when they have the facts and circumstances to support those decisions as well as to consult with legal counsel before making decisions.

Can An Employee's Bizarre Behavior Support A "Direct Threat" Defense

The Sixth Circuit Court of Appeals held recently that a police department made an objectively reasonable decision that an officer posed a direct threat and, therefore, was not qualified to do his job under the ADA, based on the officer's bizarre behavior. ***(Michael v. City of Troy Police Department No. 14-2478 (6th Cir. Dec. 14, 2015).***

The plaintiff was a police officer who began acting strangely after undergoing two brain surgeries for a brain tumor.

In 2007, the department learned of the officer's strange behavior after his wife reported that she found a

box of empty steroid vials in his possession, some of which were labeled for veterinary use, and turned them in to the City's Chief of Police. When the Chief of Police refused to return the steroid vials to the Plaintiff, the plaintiff began exhibiting a series of aberrant behaviors, including – (1) secretly recording the Chief of Police; (2) suing the Chief of Police in small claims court; (3) Attempting to serve the Chief of Police with legal process at his retirement party; (4) secretly recording his wife during marriage counseling sessions and family gatherings; (5) on the basis of those recordings, asking the City prosecutor to charge his wife with perjury; and (6) accompanying a cocaine dealer to several drug deals.

Following a third brain surgery in 2009, multiple doctors disagreed about whether the plaintiff was fit to work as a police officer. Two doctors concluded that it was not safe for him to work as a police officer, but others concluded that it was safe for him to return to work. The City decided to keep the plaintiff on unpaid leave and not to allow him to return to work. Thereafter, the plaintiff sued, alleging violations of the ADA. The Sixth Circuit Court of Appeals decided that the employer's actions were objectively reasonable and did not violate the ADA. The court explained that it was not only reasonable for the employer to rely on the opinions of the two doctors who determined plaintiff was not fit for duty, but it was also reasonable for the employer to base its decision on the plaintiff's bizarre behavior.

The court concluded that based on the plaintiff's behavior, it was "eminently reasonable" for the employer to be concerned about whether the plaintiff could safely perform his job duties. Because the employer's decision that the employee posed a direct threat to the safety of himself or others was objectively reasonable, the court concluded that the employer did not violate the ADA by failing to return him to work.

PERCEIVED DISABILITY UNDER THE ADA

One of the most perplexing situations that employers must deal with is when an employee alleges discrimination not due to a disability, but for being "regarded as" disabled. Although the statute does not define "impairment," the regulations define it as "[a]ny physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems." The consideration is when does an employer face problems perceiving an impairment? An old and new case may offer some insight.

Back in 2006, the Sixth Circuit held that to prevail on an ADA "regarded as" claim, the plaintiff must show that the employer perceived an impairment protected under the ADA. The plaintiff claimed that his employer viewed him as disabled because he was overweight, and it terminated his employment as a result. (***U.S. Equal Employment Opportunity Commission v. Watkins Motor Lines, Incorporated***)

The court reasoned that because the plaintiff failed to identify any underlying physiological disorder causing him to be overweight, he could not establish that he was regarded as impaired. This holding is consistent with the EEOC's guidance that an ADA-protected impairment "does not include physical characteristics such as eye color, hair color, left-handedness, or height, weight, or muscle tone that are within 'normal' range and are not the result of a physiological disorder."

Recently, a panel of Eighth Circuit judges heard oral argument in an ADA case where the plaintiff alleged that an employer failed to hire him because it regarded his weight as an impairment. (***Morriss v. BNSF Railway Co.***)

The District Court granted summary judgment to the employer for the same reason as in Watkins—Mr. Morriss failed to link his obesity to any underlying physiological disorder. When pressed on oral argument why Morriss warranted a different outcome than Watkins the plaintiff's counsel and the EEOC as amicus argued that the 2008 amendments to the ADA indicated that "the definition of disability...shall be construed in favor of broad coverage." This argument is unlikely to carry the day for Mr. Morriss; as one of the panel judges pointed out during oral argument, the ADA Amendments Act "address a different subject. They don't even touch on this issue."

Watch for the Eighth Circuit's ruling as the panel's tone at oral argument suggests that the court will rule consistently with *Watkins* that general obesity, without more, does not warrant ADA protection. As the Sixth Circuit noted in *Watkins*, courts have expressed concern about broadening "ADA protection to all 'abnormal' (whatever that term may mean) physical characteristics." If the Eighth Circuit extends protection for "regarded as" claims, employers may need to take a fresh look at how they handle potential disability issues as to current and prospective employees.

U.S. Senators Urge Administration to Issue Website Regulations ASAP

Recently, nine senators (Edward J. Markey (D-Mass), Elizabeth Warren (D-Mass.), Sherrod Brown (D-Ohio), Cory A. Booker (D-N.J.), Barbara A. Mikulski (D-Md.), Richard Blumenthal (D-Conn.), Benjamin L. Cardin (D-Md.), Al Franken (D-Minn.) and Richard J. Durbin (D-Ill.)) sent a joint letter to the Office of Management and Budget (OMB) requesting that office "complete its review" of the Department of Justice's (DOJ) "Advanced Notice of Proposed Rulemaking" (ANPRM) for public accommodations websites, online systems, and other information and communication technologies (ICT).

While the letter's message is one most can agree as OMB reviewed the ANPRM before it was published in 2010. There is nothing more for OMB to do with that document. After OMB's review, the ANPRM published in September 2010 and the public submitted comments to DOJ for consideration by early 2011.

The next step in the regulatory process is for DOJ to issue a Notice of Proposed Rulemaking (NPRM). The NPRM would contain the actual language of the proposed rule. The DOJ must submit the NPRM to OMB for review before the NPRM is announced to the public in the Federal Register. Though we have been waiting for this step since 2011, DOJ has not yet submitted to OMB an NPRM that addresses public accommodations websites or ICT. We know this because OMB publicly announces on its website proposed regulations that are under review in its office, which it has not done for a public accommodations website/ICT NPRM.

Procedural clarifications aside, the letter makes clear that these Senators share the frustration of businesses and advocacy groups alike over DOJ's failure to provide clear and binding regulations on the issue of website and ICT accessibility in a timely fashion. The Administrative Procedure Act requires DOJ to follow the legally-prescribed public notice and comment process in issuing regulations. Five years have passed since DOJ issued the ANPRM stating that it would issue regulations but we still have no proposed rules. Instead, DOJ has chosen to pursue an aggressive enforcement program in which it has pressured businesses to make their websites accessible. The plaintiff's bar has also increasingly begun follow DOJ's lead and take legal action against businesses that may have postponed making accessibility changes to their websites until DOJ issues a final rule. The number of demand letters and lawsuits concerning allegedly inaccessible websites has surged in the past six months.

In their letter, the Senators urge the administration to adopt the privately developed Web Content Accessibility Guidelines (WCAG) 2.0 level AA as the legal standard for accessible public accommodations websites, and then went one step further: They insisted that in addition to conforming with WCAG 2.0 level AA, public accommodations should also be required to make further reasonable modifications on a "case-by-case" basis to ensure access for individual website users who may still have problems accessing a WCAG 2.0 level AA conforming website unless they can demonstrate that doing so would be an undue burden. (Those who are familiar with the practical challenges of making a website conform with WCAG 2.0 level AA and keeping it that way should be cringing at this thought.) Finally, the Senators urged the Administration to make clear in the proposed rule that the websites of online-only businesses are also covered by Title III of the ADA (contrary to the law in the Ninth Circuit Court of Appeals, as we've previously reported) and must be accessible.

We seriously doubt that the Senators' letter will do much to expedite the glacial pace of this rulemaking,

but if we see any change in the pace we will report it to you here.

DOJ Reaches Landmark Settlement Agreement with State of Oregon

In late December, the U.S. District Court for the District of Oregon approved a settlement agreement between the Justice Department, a class of private plaintiffs and the state of Oregon, which resolved the department's and the class plaintiffs' claims against the state under the Americans with Disabilities Act (ADA). The agreement will impact approximately 7,000 Oregonians with intellectual and developmental disabilities (I/DD) who can and want to work in typical employment settings in the community. The private plaintiffs were represented by the Center for Public Representation, Disability Rights Oregon and the law firms of Miller Nash Graham & Dunn LLP and Perkins Coie LLP. The agreement resolves a class action lawsuit by private plaintiffs in which the department intervened. The parties' settlement agreement was approved by U.S. Magistrate Judge Janice Stewart of the District of Oregon, who presided over the lawsuit.

In the department's lawsuit, it alleged that Oregon's employment services system unnecessarily placed people with I/DD in, or at risk of entering, sheltered workshops instead of in integrated jobs in the community, in violation of the ADA. As interpreted by the Supreme Court's landmark decision in *Olmstead v. L.C.*, the ADA affords individuals with disabilities the right to receive services in the most integrated setting appropriate to their needs. Sheltered workshops are segregated facilities that exclusively or primarily employ people with disabilities. They are usually large, institutional facilities in which people with disabilities have little or no contact with non-disabled persons besides paid staff. People with I/DD in sheltered workshops typically earn wages that are well below minimum wage, sometimes pennies per hour. By contrast, supported employment services assist people with I/DD to prepare for, gain and succeed in integrated employment at competitive wages. Approximately 450,000 people with I/DD across the country spend their days in segregated sheltered workshops and facility-based day programs. Approximately 1,900 Oregonians with disabilities currently receive services in sheltered workshops. Since the initiation of the lawsuit, approximately 3,900 Oregonians with disabilities have received services in sheltered workshops, and historically hundreds of students have transitioned each year from Oregon public schools directly into sheltered workshops.

The agreement calls for 1,115 people in sheltered workshops to receive jobs in the community at competitive wages over the next seven years. In addition, 7,000 people will receive employment services that will afford them the opportunity to work in the community, including at least 4,900 youth ages 14 to 24 years old, who are exiting school. At least half of the youth served will receive an Individual Plan of Employment, which sets forth the services and supports necessary to achieve competitive employment, from Oregon's vocational rehabilitation system.

The settlement resolves the first class action lawsuit in the nation to challenge a state funded and administered employment service system, including sheltered workshops, as a violation of the ADA's integration mandate. The class action, *Lane v. Kitzhaber* (since renamed *Lane v. Brown*), was filed in January 2012 by eight named individuals and United Cerebral Palsy of Oregon and Southwest Washington, on behalf of themselves and other individuals with I/DD who are in Oregon sheltered workshops or have been referred to sheltered workshops. In March 2013, the Department of Justice moved to intervene in the lawsuit, seeking to vindicate the rights of thousands of individuals with I/DD across Oregon. The department's claims included that Oregon violated the ADA by unnecessarily segregating adults with I/DD in sheltered workshops and by placing Oregon youth with I/DD at unnecessary risk of segregation in sheltered workshops.

"Work is fundamental to contributing to and being fully included in the community," said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Civil Rights Division. "People with disabilities deserve opportunities to work alongside their friends, peers and neighbors without disabilities and to earn fair

wages, access equal opportunities for advancement and to achieve social and economic independence. We are pleased that the state of Oregon has fully embraced integrated employment services for people with disabilities, and we look forward to seeing the ways in which thousands of Oregonians with intellectual and developmental disabilities will contribute, grow and advance in typical workplaces throughout the state.”

“Individuals with intellectual and developmental disabilities are valuable members of our community,” said U.S. Attorney Billy J. Williams of the District of Oregon. “They contribute to our workforce, our diversity, and they enrich our environment. We have an obligation to remove barriers to their full participation in society. The final approval of the settlement agreement by the court is a great step toward ensuring that sheltered workshops in Oregon will no longer be used to unnecessarily segregate the intellectually and developmentally disabled.”

DOJ Settles with McLennan County, Texas, Regarding Accessibility of County Services

DOJ announced recently an agreement with McLennan County, Texas, to improve access to all aspects of civic life for people with disabilities. McLennan County and the Department of Justice reached an agreement under Project Civic Access (PCA), the department’s wide-ranging initiative to ensure that cities, towns and counties throughout the country comply with the Americans with Disabilities Act (ADA). Under the agreement, the county is required to ensure that people with disabilities can take full advantage of the county’s services, programs and activities. This year, as we celebrate the 25th anniversary of the ADA, it is an ideal time to highlight the impact that the enforcement of this statute has made in the lives of people with disabilities.

“Twenty-five years after the passage of the ADA, we have seen tremendous strides in accessibility nationwide,” said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Civil Rights Division. “Because of the ADA, local governments like McLennan County are taking responsibility to provide citizens with access to programs, services and activities. Agreements such as this one will have a remarkable impact on the everyday lives of individuals with disabilities and allow them to fully participate as citizens of McLennan County.”

Under the agreement, McLennan County will develop and implement a new county website that is compliant with the web content accessibility guidelines (WCAG) version 2.0; the county will also designate a web accessibility coordinator who will be responsible for coordinating the county’s web accessibility compliance. The county will also ensure that its polling locations are accessible to persons with disabilities. In addition, the county will modify its emergency operations plan to ensure that it is accessible to all persons with disabilities in the event of an emergency. McLennan County will also adopt and implement its Sheriff’s Department Effective Communication Policy for People Who are Deaf or Hard of Hearing. Finally, the agreement requires the county to ensure that its courthouses, buildings, parking lots, parks and toilet rooms are accessible to persons with disabilities.

***Learn more about these important issues and those trending at the
Spring 2016 National Conference
Tampa, FL
April 11-14, 2016***

“AN ADA FOR THE 21ST CENTURY”

Trends and Possibilities

Co-sponsored by the Florida Department of Transportation

Day One - Monday, April 11, 2016 - Morning General Sessions, Conference Program - Page 1

8:15 a - 9:00a	Continental Breakfast and Registration
9:00a - 9:30a	WELCOME Phong Nguyen, MD, Association Chairman of the Board and Conference Coordinator Dean Perkins, ADA Coordinator, Florida Dept of Transportation John Wodatch, J.D., Association President & <i>Deputy Assistant Attorney General (ret.), DOJ</i> Paul Hagle, Association Executive Director
9:30a - 10:30a (1 PA CEU)	DOJ KEYNOTE WHAT’S HAPPENING AT THE DOJ - A LOT! DOJ announced it will be issuing the Notice of Proposed Rulemaking (NPRM) covering web accessibility for Title II (State and Local Governments) in January 2016. Other important NPRMs will also be reviewed including defining an individual with a disability. DOJ will review new DOJ technical assistance programs and documents. DOJ covers recent and important emerging ADA case law, issues and the work of DOJ with U.S. Attorneys offices throughout the U.S. 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. Eve Hill, Esq * Deputy Assistant Attorney General Civil Rights Division, U.S. Department of Justice, Washington, DC
10:45a - 12:00p (2 PA CEU)	EEOC KEYNOTE WHAT’S HAPPENING AT EEOC - A LOT! This is an interactive session covering important issues such as harassment, retaliation, the interactive process, reasonable accommodations, leave policies and reassignment. An important update on new, significant ADA case law and Title I and II regulations from a practical point of view is also presented. 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. Other discussions will include the newly issued EEOC guidance on LGBT Discrimination Protections , and Pregnancy -related ADA issues. The session will revolve around cases that are moving through the courts addressing issues such as GINA and other civil rights issues that impact the ADA and ADAAA. Christopher Kuczynski, J.D., LL.M. Acting Associate Legal Counsel & ADA/GINA Policy Director, Office of Legal Counsel, U.S. E.E.O.C., Washington, DC.
12:00p - 1:00p	LUNCHEON - NATIONAL INSTITUTE ON EMPLOYMENT ISSUES

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

Day One - Monday, April 11, 2016 - General Sessions AFTERNOON Workshops
Conference Program - Page 2

Time Periods	Workshop Synopsis
1:00p - 2:00p <u>and</u> 2:15p - 3:15p (2 PA CEU)	<p align="center"><i>THERE IS NO SUCH THING AS PUBLIC OPINION THERE IS ONLY PUBLISHED OPINION</i></p> <p>This double session will continue to examine the recent settlements and Circuit Court decisions applying the rules and regulations of ADA and GINA. Participants are encouraged to ask questions about Title I rules and regulations as well as GINA (Genetic Information Nondiscrimination Act).</p> <p align="center"><i>Christopher Kuczynski, J.D., LL.M. Acting Associate Legal Counsel, ADA/GINA Policy Director, Office of Legal Counsel, U.S. E.E.O.C., Washington, D.C.</i></p>
3:30p - 4:30p (1 PA CEU)	<p align="center"><i>ADA Coordinators - A Perspective</i></p> <p>You are your agency's/entity's/company's ADA Coordinator. The session will help you work within your organization to ensure you have the knowledge, funding, and resources - and buy-in - you'll need to succeed. Where do you start? How do you make progress? What do you need to know? What essential training and/or resources will you and your co-workers (and managers/supervisors) need? Who do you have to work with? How do you convince them that what you need to do is required, essential, and important?</p> <p align="center"><i>Irene Bowen, Melissa Frost, Eve Hill, Chris Kuczynski, Jim Long, John Wodatch</i></p>

You're Invited

Association President's and Board's Reception
Tuesday, April 12, 2016, 4:45 PM

Semi-Annual Karaoke Night and Conference Attendee Get-Together
Wednesday, April 13, 2016, 7:30 PM

(Donated First Prize of \$100, and three other donated prizes of \$30 each based on audience voting. All are WELCOME - singers, audience members, any participation is enjoyable - Come and meet your fellow participants in a relaxed setting.)

Snacks and Refreshments for All Participants at Both the Above Events

Day Two - Tuesday, April 12, 2016 - Concurrent MORNING Workshops

Conference Program - Page 3

Time Periods	Track	Workshop Synopsis
8:15a - 9:00a		Continental Breakfast and Registration
9:00a - 10:20a (1 PA CEU ea BASIC) (2 PA CEU ea ADVANCED)		FOR PAs and PA Candidates only who have completed all three of the ADA basic sessions: There will be advanced workshops available for the next two consecutive sessions for the Access, Services & Design Track; Employment Track; and Higher Education tracks.
	ACCESS, SERVICES, & DESIGN	ADA BASICS: THE FOUNDATION FOR THE NEXT 25 YEARS The principles of the law remain steady and untouched after 25 years. We'll set the stage for the ADA's continuing evolution through new applications, by surveying the basics, broad coverage of people with disabilities, equal opportunity, reasonable modifications of policies, integrated setting, effective communication, accessible new construction and alterations, and program accessibility. <i>Mary Adams, Irene Bowen, Dean Perkins</i> <i>(Jack Catlin and John Wodatch to lead Advanced P.A. Access session)</i>
	EMPLOYMENT	ADA BASIS: WHEN THE GOING GETS TOUGH, THE TOUGH GET GOING What is it you are expected to do as an ADA Coordinator? What are your resources? What about documentation? These and other questions will be addressed in the initial track session, with insight being offered from those who have had the job, those who have the job, and those who oversee the job. <i>John Golom, Brian Nelson, Mary Jo O'Neill</i> <i>(Chris Kuczynski and Paul Hagle to lead advanced P.A. Employment session)</i>
	HIGHER EDUCATION	FUNDAMENTAL COMPLIANCE REQUIREMENTS FOR THE ADA COORDINATOR This session will explain the basic requirements for an ADA Coordinator and provide practical suggestions for best practices to comply with the ADAAA and the DOJ Title II and Title III regulations. Learn how to determine the academic and technical elements of a department, program, and class and recognize requests for fundamental alterations. The session will also include a brief discussion of the 'undue financial or administrative burden' defense. The session will also address the distinction between testing entities covered by Title III, post-secondary institutions covered by Title II that may administer tests, and post-secondary institutions covered by Title III but not by Title II. <i>Michele Clopper, Melissa Frost</i> <i>(Jim Long will lead the advanced P.A. Higher Education session)</i>
10:40a - 12 Noon (2 PA CEU's ea)	ACCESS, SERVICES, & DESIGN	ACCESS TO FACILITIES – MORE FUNDAMENTALS What's really required in new construction and alterations of facilities? We'll explore the 2010 Standards, what they mandate, and how they apply to existing facilities (program accessibility). Learn about the accessibility standards for recreation facilities (covered for the first time by the 2010 Standards) and how to apply the safe harbors. As developments in society outpace regulation (electronic or moveable equipment, crumbling sidewalks and curb cuts, automated pedestrian signals), how do you comply when there are no standards? <i>Mary Adams, Dean Perkins</i>
	EMPLOYMENT	YOU CAN'T JUDGE A BOOK BY ITS COVER What does the ADA actually say? What about the regulations? This session reviews the language of the law and the regulations, providing the framework for all of the decisions associated with ADA situations. Participants will also have the opportunity to hear from and ask questions of federal representatives who enforce the ADA. <i>John Golom, Brian Nelson, Mary Jo O'Neill</i>
	HIGHER EDUCATION	DOCUMENTATION AND THE INTERACTIVE PROCESS FOR THE ADA COORDINATOR Learn how to effectively communicate with healthcare professionals to get the information you need including building a program to effectively serve students with sensory impairments and evaluating requests for temporary conditions such as: accommodation for pregnancy and related conditions or concussions. From Athletics to Extracurricular Activities this discussion will aid you in leaning how to access and provide interim accommodations for disabilities including those of uncertain duration. <i>Michele Clopper, Melissa Frost, Jim Long, Phong Nguyen</i>
12:00 - 1:00p		LUNCHEON - NATIONAL ASSOCIATION OF ADA COORDINATORS

Time Periods	Track	Workshop Synopsis
1:00p - 2:00p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<p>REASONABLE MODIFICATIONS TO POLICIES</p> <p>Changes in our society mandate new approaches to one of the ADA's basic tenets: the requirement to make reasonable modifications to policies and practices. Again, we'll cover the basics. Then we'll see how this requirement applies to topics such as service dogs and miniature horses, mobility devices like Segways, voting, emergency preparedness, and health care.</p> <p><i>Irene Bowen, Jack Catlin, John Wodatch</i></p>
	EMPLOYMENT	<p>A CHAIN IS ONLY AS STRONG AS ITS WEAKEST LINK</p> <p>An employer's policies help shape the employer's culture. Unfortunately, some employers forget that the lack of a policy or strict adherence to an inflexible policy can result in ADA complaints. This session focuses on sound, defensible plans and how flexibility can save employer's both time and money.</p> <p><i>John Golom, Chris Kuczynski, Brian Nelson, Mary Jo O'Neill</i></p>
	HIGHER EDUCATION	<p>HOUSING, SERVICE ANIMALS, CLINICAL AND STUDY ABROAD: IMPLEMENTING EFFECTIVE ACCOMMODATIONS</p> <p>This session will distinguish when you may charge the higher scale single room rate for a student occupying a double room, food service accommodations, assistance animals (service animal v. emotional support), mobility devices and emergency preparedness. Title II and III also require that accessibility extend beyond the classroom. This discussion will highlight legal requirements and best practice for accessibility in clubs, clinical settings, and study abroad.</p> <p><i>Michele Clopper, Melissa Frost, Jim Long</i></p>
2:15p - 3:15p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<p>THE GOOD, THE BAD, AND HOW UGLY IS THAT?</p> <p>The wait is over! Return with us to vivid, big screen examples of compliant, effective accessibility and big FAILS. This ever-popular session often brings participants out of their seats to point to problems in the photos displayed on the screen by our esteemed architects. See new examples gathered from the architects' broad-ranging projects and travels, of tried-and-true approaches, and creative or colossal failures. You can hope that the vivid ugliness of some of the sights will fade after Karaoke night.</p> <p><i>Mary Adams, Jack Catlin, Dean Perkins</i></p>
	EMPLOYMENT	<p>THERE'S NO TIME LIKE THE PRESENT</p> <p>This session provides the opportunity to hear directly from the EEOC. Speakers will address the recent Wellness Program Guidance, as well as discussing GINA issues, establishing employment standards and conducting pre-employment testing.</p> <p><i>John Golom, Paul Hagle, Chris Kuczynski, Brian Nelson, Mary Jo O'Neill</i></p>
	HIGHER EDUCATION	<p>VETERANS ON CAMPUS</p> <p>With Veterans rapidly becoming an increasing percentage of the student body in post-secondary education, the importance of meeting their needs is ever-increasing. This session includes a comprehensive review of common Veteran issues and discusses best practice for effectively accommodating their complex needs.</p> <p><i>Michele Clopper, Melissa Frost, Jim Long</i></p>
3:30p - 4:30p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<p>WHAT IS PROGRAM ACCESSIBILITY?</p> <p>You've heard it before: Providing program access means ensuring that each 'program or activity' 'as a whole' is 'accessible in its entirety' to people with disabilities. But what does each of those terms mean? For example, how many accessible parks in a county will be 'enough' for program access? We'll examine access to existing facilities in several areas, such as parks, pools, and correction facilities, and the limitations on the obligation.</p> <p><i>Irene Bowen, Jack Catlin, John Wodatch</i></p>
	EMPLOYMENT	<p>YOU CAN'T ALWAYS GET WHAT YOU WANT</p> <p>Information from healthcare providers can be both enlightening and frustrating. Participants in this session will hear directly from a physician who is frequently asked to complete ADA, FMLA and other medical questionnaires. Learn first-hand what you may or may not get from a treating physician.</p> <p><i>John Golom, Chris Kuczynski, Brian Nelson, Phong Nguyen, Mary Jo O'Neill</i></p>
	HIGHER EDUCATION	<p>CROSSROADS OF THE ADA AND TITLE IX</p> <p>Overlapping issues between disability and other concerns including cultural diversity, athlete requests, and modifications requested for Title IX issues, international students and confidentiality will also be discussed.</p> <p><i>Michele Clopper, Melissa Frost, Jim Long</i></p>

4:45p - 6:00p – Association President's Reception

Enjoy Hors D'oeuvres and Refreshments

Day Three - Wednesday, April 13, 2016 - Concurrent MORNING Workshops
Conference Program - Page 5

Time Periods	Track	Workshop Synopsis
8:15a - 9:00a		Continental Breakfast and Registration
9:00a - 10:20a (2 PA CEU's ea)	ACCESS, SERVICES, & DESIGN	<p>SELF-EVALUATIONS</p> <p>Can you find your agency's self-evaluation? When did you do one? Do you know what the Federal ADA regulations require for ensuring that your agency's programs are accessible and what goes into a successful transition plan, and when plans should be updated? Understand the theory and how to put it in place.</p> <p><i>Mary Adams, Irene Bowen, Jack Catlin</i></p>
	EMPLOYMENT	<p>ACTIONS SPEAK LOUDER THAN WORDS</p> <p>The heart of the ADA rests in its requirement that employers provide reasonable accommodations. This session focuses on how an employer establishes essential functions, what it means to be qualified for a position, using health care provider documentation, and the claim of undue hardship.</p> <p><i>John Golom, Brian Nelson, Mary Jo O'Neill</i></p>
	HIGHER EDUCATION	<p>THE LEGAL YEAR IN REVIEW</p> <p>Recent case law and OCR settlement agreements will demonstrate the requirements for campus accessibility compliance.</p> <p><i>Melissa Frost, Jim Long</i></p>
10:40a - 12 Noon (2 PA CEU's ea)	ACCESS, SERVICES, & DESIGN	<p>TRANSITION PLANNING - IT'S NOT JUST THEORY - PART 1</p> <p>Learn transition planning by example and by doing. First we'll review the ADA regulation's requirements. Then our architects will give you some examples to work from and walk you through the analysis and completion of a brief transition plan for three buildings. Working with a small group, you will take a detailed but short listing of barriers and consider your program access obligations. Stick around for Part 2.</p> <p><i>Mary Adams, Jack Catlin, Dean Perkins, Jim Terry</i></p>
	EMPLOYMENT	<p>PRACTICE MAKES PERFECT</p> <p>Continuing the discussion from earlier in the morning, this session focuses on the interactive process and providing specific accommodations in unique situations. The scenario-based analysis will provide participants with the opportunity for questions and proposing solutions.</p> <p><i>John Golom, Paul Hagle, Brian Nelson, Mary Jo O'Neill</i></p>
	HIGHER EDUCATION	<p>CODE OF CONDUCT: NON-DISCRIMINATORY APPLICATION</p> <p>This scenario-based session will present the best policy and practice essentials to address conduct issues including distinguishing between academic and conduct dismissal, the importance of threat assessment, and readmission. Learn to identify those who are 'not otherwise qualified' and to recognize the possible overlap between disability and Title IX issues.</p> <p><i>Michele Clopper, Melissa Frost, Jim Long</i></p>
12:00p-1:00p		LUNCHEON - NATIONAL ASSOCIATION OF ADA COORDINATORS

Time Periods	Track	Workshop Synopsis
1:00p - 2:00p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	TRANSITION PLANNING - MAKE IT SO - - PART II Back with your group, you'll finish the analysis. Each group will think creatively, budget and schedule the work based on your financial limitations, and create a short transition plan for those buildings. You'll apply the Federal requirements through a practical, common sense example. . . all in less than three hours. <i>Mary Adams, Jack Catlin, Dean Perkins, Jim Terry</i>
	EMPLOYMENT	THERE'S NO SUCH THING AS A FREE LUNCH How does an employee's disability affect the way an employer responds to issues of misconduct? What about problematic performance? This sessions discusses the interplay between the ADA and an employer's efforts to balance its efforts in addressing employee issues. <i>John Golom, Paul Hagle, Brian Nelson, Allison Nichol, Mary Jo O'Neill</i>
	HIGHER EDUCATION	EQUITABLE GRIEVANCE PROCEDURES Every college and university must create and publish a grievance process to ensure the prompt, equitable resolution of ADA complaints. This session will present the essential elements of compliance together with recent examples of what to do, and what not to do. Bring your policy to compare with the elements presented. . <i>Michele Clopper, Melissa Frost, Jim Long</i>
2:15p - 3:15p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	EFFECTIVE COMMUNICATION When do you need to provide a sign language interpreter? What auxiliary aids work in what circumstances? When is a burden undue and who makes the decision? Renew an understanding of the basics and hear what the most persistent issues are today for public entities. <i>Irene Bowen, John Wodatch</i>
	EMPLOYMENT	BEAUTY IS IN THE EYE OF THE BEHOLDER The little-talked about provisions of the ADA can be as important as the well-known provisions. This session focuses on the 'regarded as', 'record of', and 'association with', provisions of the ADA. We'll also discuss the 'direct threat' provision and its place in the accommodation process. <i>John Golom, Paul Hagle, Brian Nelson, Allison Nichol, Mary Jo O'Neill</i>
	HIGHER EDUCATION	EFFECTIVE USE OF ASSISTIVE TECHNOLOGY - Part 1 Academic Adjustments must be effective and this can be challenging particularly in math, science, and other visual or auditory class work. OCR letters and recent Court decisions explain the 'best ensure' standard. Learn how Assistive Technology will help you implement the 'best ensure' standard on your campus. <i>Michele Clopper, Melissa Frost, Jim Long, Kara Zirkle</i>
3:30p - 4:30p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	COURTS: APPLYING THE PRINCIPLES Using the courts as an example, we'll learn how to navigate the complexities of the ADA in a particular context. Whether it's ensuring accessible facilities, making necessary modifications to policies or practices, or providing effective communication to lawyers, jurors, witnesses, or spectators, making the court system accessible runs the gamut of all ADA issues. <i>Mary Adams, Irene Bowen, Jack Catlin, Jim Terry, John Wodatch</i>
	EMPLOYMENT	DON'T BITE THE HAND THAT FEEDS YOU The DSM V changed the way mental health professionals respond to issues of mental illness. This session reviews the increase in mental health diagnoses and how the workforce is responding. Accommodation needs and specific resources will be explored. <i>John Golom, Paul Hagle, Brian Nelson, Phong Nguyen, Mary Jo O'Neill</i>
	HIGHER EDUCATION	EFFECTIVE USE OF ACCESSIBLE TECHNOLOGY - Part 2 This session will explore ideas for campus technology initiatives, committees, policy, training and implementation to bring accessibility to every technology level. Practical guidance and innovative examples for effective communication, homework, and testing challenges will be presented. Tools for Web and online course work compliance will also be demonstrated. <i>Michele Clopper, Melissa Frost, Jim Long, Kara Zirkle</i>

SEMI-ANNUAL KARAOKE CHALLENGE AND GET TOGETHER

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

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

Day Four - Thursday, April 14, 2016 - Concurrent MORNING Designated Sessions
Conference Program - Page 7

Time Periods	Track	Workshop Synopsis
8:15a - 9:00a		Continental Breakfast and Registration
9:00a - 10:20a (2 PA CEU's ea)	ACCESS, SERVICES, & DESIGN	<p align="center">YES, YOU NEED TO GET THERE FROM HERE</p> <p>An updated session will include discussing new standards, technical assistance and proposed guidelines for transportation facilities, we'll get to the highlights of the Guidelines for Accessible Public Rights of Way, current Standards for Transportation Facilities covering street crossings, curb ramps & detectable warnings, construction & alternate routes; and outdoor developed areas, trails & shared use paths. We'll also discuss the DOJ-DOT Joint Technical Assistance on resurfacing; alterations vs. maintenance.</p> <p align="right"><i>Irene Bowen, Dean Perkins</i></p>
	EMPLOYMENT	<p align="center">NECESSITY IS THE MOTHER OF INVENTION</p> <p>We often hear of sexual harassment claims, but harassment claims happen with individuals with disabilities, too. This session explores disability harassment claims and helps participants understand the concepts of 'hostile work environment' and 'disparate treatment'.</p> <p align="right"><i>John Golom, Paul Hagle, Brian Nelson, Allison Nichol, Mary Jo O'Neill</i></p>
	HIGHER EDUCATION	<p align="center">HOW DOES YOUR CAMPUS MEASURE UP? PHYSICAL CAMPUS ACCESS UPDATE</p> <p>Students, the accessibility office, faculty and staff, each play an important role in providing accessibility. This session will describe the basic necessary components of campus physical access including the importance of the mutual facets of the interactive process, addressing complaints for those with disabilities such as what constitutes a complaint? Who knew about it? When? We will also look at training faculty and staff to recognize complaints, campus collaboration including initiatives, committees and policy that will turn your transition plan into an accessible integration plan for universal design.</p> <p align="right"><i>Jack Catlin, Michele Clopper, Melissa Frost, Jim Long</i></p>
10:40a - 12 Noon (2 PA CEU's ea)	ACCESS, SERVICES, & DESIGN	<p align="center">LAW ENFORCEMENT - PART ONE</p> <p>It seems that law enforcement, whether at the local or state level, is not aware of the need to comply with the regulations. There has been an increase in suits, settlement agreements, memorandums of agreement and findings by state and federal enforcing agencies against sheriff's offices, police departments, jails and prisons. These sessions will highlight cases brought under Title II (and other legislation) as they relate to law enforcement, explain what a program is, training considerations unique to policing, jail and prisons, disability-based behavior confused for criminal acts, and the use of sign language interpreters. The "standard" programmatic access issues and solutions may not work in the criminal justice setting. We will clarify how to attain access without jeopardizing public or officer safety.</p> <p align="center">(PART TWO IS A CONTINUATION FROM 1:00 pm - 2:00 pm, in addition to the other scheduled Thursday Afternoon General Sessions.)</p> <p align="right"><i>Michael Sullivan, Irene Bowen, Allison Nichol, John Wodatch</i></p>
	EMPLOYMENT	<p align="center">ALL GOOD THINGS MUST COME TO AN END</p> <p>After a brief review of service animal/emotional support animal guidelines, this session is for participants to ask all the questions still on their minds that may not have been addressed in the structured sessions. It will also be the time to review a number of ADA scenarios and explore options for solutions.</p> <p align="right"><i>John Golom, Paul Hagle, Brian Nelson, Mary Jo O'Neill</i></p>
	HIGHER EDUCATION	<p align="center">ACCESSIBLE INTEGRATION (TRANSITION) PLANNING FOR UNIVERSAL DESIGN</p> <p>This session will take the basic necessary components of campus physical and program access and then explore campus collaboration including initiatives, committees, policy, and training to turn your transition plan into an accessible integration plan for universal design. Learn these effective strategies to ensure that every campus event from ticketing and seats to accessible routes, sign language interpreters to emergency evacuation is accessible.</p> <p align="right"><i>Michele Clopper, Melissa Frost, Jim Long</i></p>
12:00p-1:00p		LUNCH - MEDICAL EDUCATION DEVELOPMENT AND INTERNATIONAL CONSULTING (MEDIC)

DAY FOUR - THURSDAY, April 14, 2016 - AFTERNOON GENERAL SESSIONS
Conference Program - Page 8

Time Periods	Designated Sessions - All Participants
<p>1:00p - 2:00p (1 PA CEU)</p>	<p style="text-align: center;"><i>CURB CUTS, SIDEWALKS, AND THE REST: HOW DO WE PLAN AND COMPLY WITHOUT ‘STANDARDS’?</i></p> <p>The courts are reminding us that public entities must ensure access to their programs and activities even when there are no specific ‘standards’ in a particular area. DOT is now requiring state transportation agencies to strengthen their transition plans and address areas where no federal standards have been proposed: curb cuts, sidewalks, pedestrian signals, and connections to bus stops. This session reviews the increasing body of case law and settlements bringing about concrete change to intersection curbs, sidewalks, and on-street parking, along with federal guidance and recommended approaches.</p> <p style="text-align: center;"><i>Mary Adams, Irene Bowen, Dean Perkins</i></p> <hr/> <p><i>Please note:</i> There will also be <i>PART TWO of LAW ENFORCEMENT</i> at this time with Michael Sullivan, Allison Nichol, and John Wodatch</p>
<p>2:15p - 3:15p (1 PA CEU)</p>	<p style="text-align: center;"><i>PROJECT CIVIC ACCESS: IT’S BACK AND RE-INVIGORATED</i></p> <p>During 15 years of its comprehensive reviews of cities, towns, and counties, DOJ entered into more than 200 formal settlement agreements, expanding their reach to sidewalks and curb cuts, websites, and emergency preparedness. But then DOJ entered into <u>no</u> agreements from August 2013 through the end of 2014. Now Project Civic Access (PCA) is back, with 15 agreements in the first 11 months of 2015. Learn how the reviews start, what DOJ looks for, and the new requirements that are being placed on public entities.</p> <p style="text-align: center;"><i>Mary Adams, Irene Bowen, John Wodatch</i></p>
<p>3:30p - 4:30p (1 PA CEU)</p>	<p style="text-align: center;"><i>INFORMATION ACCESS IN THE ELECTRONIC AGE</i></p> <p>Websites, e-mail, e-readers, kiosks, digital formats of materials, videos - this is how we communicate now, but how do we make it all accessible without specific regulations? Again, the courts remind us that compliance with the law is mandated even without official rules from the agencies. We’ll survey the latest in proposed rulemaking as well as industry standards and good practices, and help you learn how to plan for equal access for people with all kinds of disabilities.</p> <p style="text-align: center;"><i>Irene Bowen, Melissa Frost, Dean Perkins, John Wodatch, Kara Zirkle</i></p>

Now is the time to plan for the Association’s 56th National ADA Conference
San Diego, CA, October 24 - 27, 2016

Spring 2016 - Conference Keynotes and Faculty

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 29 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

Deputy Assistant Attorney General

Civil Rights Division, U.S. Department of Justice, Washington, D.C.

Eve Hill, Esq *

Ms. Hill works with the U.S. Department of Justice Civil Rights Division, where she practices disability rights enforcement. She implemented the Americans with Disabilities Act (ADA) Mediation Program, supervised 11 investigators handling investigations and settlements of cases under the ADA, as well as activating the program for certifying state and local building codes under the ADA. Ms. Hill has applied and enforced disability civil rights laws in the state government, federal government, and private nonprofit sectors. She was the District of Columbia's first Director of the Office of Disability Rights, responsible for ensuring the ADA was used throughout District Government. She was a Supervisory Attorney with the U.S. Department of Justice's Disability Rights Section, where she supervised ADA investigations, created the Department's ADA Mediation Program, and developed the Department's ADA building code certification program. She was also a Visiting Associate Professor at Loyola Law School and an Adjunct Professor at the University of Southern California School of Law and Loyola Marymount University. Eve received her J.D., cum laude, from Cornell Law School, and her B.A., magna cum laude, from Sweet Briar College. She is admitted to practice law in Maine, California, and the District of Columbia.

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.

Senior Architect, Disability Rights Section, Department of Justice, Washington, DC

Mary Adams

Ms. Adams for 20 years has focused on accessibility and accessible design, and the enforcement of the ADA. She is an expert on the ADA Standards for Accessible Design and implementation of those Standards in the built environment. Mary's work involves working closely with attorneys, investigators, and information specialists to evaluate accessibility, determine compliance with the ADA and to explain requirements of the Standards. Ms. Adams provides technical assistance to businesses and state and local governments to explain how to comply with the Standards. Prior to joining DOJ, she Adams was an architect in private practice for 11 years. She is a graduate of the University of Maryland.

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 non-profits; 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.**

***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.**

***Co-Director, Center for HIV Law and Policy (CHLP), New York, NY
Chief & Deputy Chief (ret.), Department of Justice, Disability Rights Section, CRD , Washington, DC
Allison Nichol, J.D.***

Ms. Nichol, a nationally recognized expert on federal disability anti-discrimination law, was recently appointed as the Co-Director of CHLP. Allison recently retired from the Department of Justice after 21 years. She was the U.S. DOJ's Point-Person on The National HIV/AIDS Strategy and is a National Expert on Disability Rights and HIV Law. As the Chief and Deputy Chief of the Disability Rights Section, she oversaw litigation, policy, regulatory and technical assistance development related to the ADA. In 2012 she began serving as Special Counsel for Disability Resources in the Office of the Associate Attorney General. As an independent consultant, Allison is available for consultation and training on ADA Title I employment matters, diversity, and inclusion. Another principle area is the interaction of law enforcement and marginalized communities. She is an adjunct Professor of Law at the Georgetown University Law Center. She received a B.A. from the University of Indiana, and a J.D. from Valparaiso University.

***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.**

***Assistant Director of Disability Services, Harvard University, Cambridge, MA
Michele Clopper***

Ms. Clopper's focused initially on Title I to develop and integrate the reasonable accommodation process throughout the Schools. Over time, she has expanded her work to include Title III to student processes to identify common and best practices, critical analysis, and implementation of accommodations. Prior to Harvard University, Michele's career as a rehabilitationist included working with individuals in mental health (in- and out-

patient settings), acute care, home care, public health, rehabilitation hospitals, and in correctional facilities. Additionally, Ms. Clopper has served as a college accreditor and has taught at the post-secondary level in several occupational therapy programs. Ms. Clopper has received both baccalaureate and graduate degrees from Boston University in occupational therapy and rehabilitation counseling.

***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.**

***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 has recently served as an expert witness for a major hospital, and also for a major airport, automobile company, airline, and fast food chain. He developed and presented one of the first programs dealing with ADA/Workers' Compensation/FMLA, and 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 Vice Chair, Parks and Recreation 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, CA***

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.**

ADA Consultant for Law Enforcement Issues, Michael Sullivan ADA Consulting, Petaluma, 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, 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, municipal, 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. **Jim is a member of the Association's Board of Directors.**

IT Accessibility Coordinator, George Mason University and Consultant, AccessibilityOZ, Washington, DC

Kara Zirkle

Ms. Zirkle has worked at George Mason University as the IT Accessibility Coordinator for over 8 years. She works to ensure that technology is accessible to faculty, staff, students and public both with and without disabilities. Kara specifically looks at Section 508 and WCAG 2.0 compliance for the University as a whole which includes but not limited to: web and document accessibility, captioning of videos, transcript for audio and purchasing and procurement of applications. Ms. Zirkle has 15+ years' experience working with individuals with disabilities and education/outreach. She is an advocate and educator with regard to providing technical support and guidance on assistive devices and assistive technologies, as well as the laws that protect individuals with disabilities.

Faculty confirmed at time of publication except where * indicates awaiting confirmation. Conference announcements, agendas and faculty subject to change without notice due to unforeseen circumstances.

Spring National Conference Information & Registration (includes Early Bird Info) - April 11-14, 2016 - Tampa, FL

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 February 12, 2016. (No exceptions)**

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.

To **RESERVE** your space, please **FAX** this completed registration form to: **(877) 480-7858, OR scanned PDF copy to NIEIEMAIL@aol.com**

Regular registrations **must be paid in full and received no later than March 24, 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 **Hilton Tampa Airport Westshore, 2225 North Lois Ave., Tampa, FL 33607**. Complimentary shuttle provided from/to Tampa International Airport. Hotel 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 \$125.00 per night, plus taxes (single/double) if reserved by **3/20/2016**, provided room block has not been sold out. To make lodging reservations **call Hilton reservations at 800-445-8667, or the hotel at 813-877-6688**; 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 reserve room.

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

(The Association must know of accommodations required for training **no later than 3/11/2016**. 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.) materials.)

CONFERENCE REGISTRATION

Rate includes hosted continental breakfast(s), breaks, & luncheon(s) for Mon thru Thurs.

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

Conference Dates

ASSOCIATE - Daily Only Rates - NON-ASSOCIATE

Mon. 4/11/16

[] \$575

[] \$675

Tue. 4/12/16

[] \$575

[] \$675

Wed. 4/13/16

[] \$575

[] \$675

Thur. 4/14/16

[] \$575

[] \$675

All Four Days of the Conference

ASSOCIATE - Full Conference After 2/12/2016 [] \$1,995

*** ASSOCIATE - Early Bird by 2/12/2016 [] \$1,895**

NON-ASSOCIATE - Full conference after 2/12/2016 [] \$2,595

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

You must be either a current, up-to-date Associate to register at the Associate rate.

ANY CANCELLATION must be in writing to us no later than 04/2/2016 (*no exceptions*) and is subject to a processing fee of \$575. Remaining balance, after processing fee is deducted for any cancellation on or after 4/2/2016, can only be applied to the Association's Fall 2016 or Spring 2017 national conferences. **There are no refunds or credits for any no-shows on or after 4/6/2016.**

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.askJAN.org/NAADAC) 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 Professional Associate program.

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 will 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 3/24/2016, 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 after the conference 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: _____ (WEB0416)