



eNewsletter & Fall Conference Announcement

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

Serving the ADA Coordination and 504 Compliance Community Since 1991

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Volume 24 - No. 4

34 pages with ADA articles, Conference Agenda and Faculty

June - July 2016

2016 Fall ADA Conference - Announcement

“With You, From the Start”

Celebrating the Association’s 25th Anniversary of Its First ADA Conference

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

October 17 - 20, 2016

San Diego, California

***Current case law, best practices, policy examples, and reasonable solutions
to trending and complex ADA situations. Updated free ADA library on USB drive for all attendees.***

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

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

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

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

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

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

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

The Fall 2016 National Conference Scheduled Faculty includes:

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

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

Access, Services and Design Track

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

Employment Track

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

Higher Education Track

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

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

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

***See Full Conference Agenda, Faculty Bios on Association in this newsletter
and/or on this web site***

Both Web Sites - (new) www.adacoordinators.org and www.askjan.org/naadac

ADA USB FLASH DRIVE LIBRARY AND CONFERENCE HANDOUTS

"WOW! Again a total knockout with a 1, 2, 3 punch. . . Very important info."

David S., Major County, Georgia; and many others

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

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

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

Some attendee evaluation comments:

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

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

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

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

"The conference was awesome. I am feeling more confident [in my job]." **T.H., Virginia**

"Knowledge and . . . more knowledge. WOW. AWESOME. Great speakers. The Best Conference." **D.S., Georgia**

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

OTHER CONFERENCE EVENING EVENTS

There is an **ASSOCIATION PRESIDENT'S RECEPTION** on Tuesday evening with snacks and refreshments. Your opportunity to meet the speakers and our Board of Directors in a relaxed atmosphere.

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

INFORMATION FOR NON-ASSOCIATES

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

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

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

The Associates' Version of this Newsletter contains an additional 14 emailed pages on ADA case law and other information.

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

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

See our website at: www.adacoordinators.org for more information on the Association's Professional Associate program.

CONFERENCE LOCATION AND HOTEL

The conference is being held at the ***Sheraton Mission Valley San Diego, 1433 Camino Del Rio South, San Diego, CA 92108***. Complimentary shuttle provided from/to San Diego International Airport and within three miles of the hotel. Hotel day time conference self-parking and guestroom Internet are complimentary. ***Participant is responsible for making own lodging reservation. Credit card guarantee is required.*** The Association has negotiated a special conference rate from three days before/after the conference at a per room rate of \$152.00 per night, plus taxes (single/double) if reserved by ***9/26/16***, provided room block has not been sold out. To make lodging reservations call the hotel 619-260-0111 and mention you are attending the National Association of ADA Coordinators conference.

Remember to register as soon as possible - Early Bird registration ends 8/12/2016

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

ADA Articles

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

EEOC ISSUES FINAL RULES ON EMPLOYER WELLNESS PROGRAMS

Rules Address Incentives; Protect Confidentiality

(Major discussion to be covered by EEOC at the Association's ADA National Conference - San Diego)

On May 16, the U.S. Equal Employment Opportunity Commission (EEOC) issued final rules that describe how Title I of the Americans with Disabilities Act (ADA) and Title II of the Genetic Information Nondiscrimination Act (GINA) apply to wellness programs offered by employers that request health information from employees and their spouses. The two rules provide guidance to both employers and employees about how workplace wellness programs can comply with the ADA and GINA consistent with provisions governing wellness programs in the Health Insurance Portability and Accountability Act, as amended by the Affordable Care Act (Affordable Care Act).

The rules permit wellness programs to operate consistent with their stated purpose of improving employee health, while including protections for employees against discrimination.

EEOC also published question-and-answer documents on both rules.

Many employers offer workplace wellness programs intended to encourage healthier lifestyles or prevent disease. These programs sometimes use medical questionnaires or health risk assessments and biometric screenings to determine an employee's health risk factors, such as body weight and cholesterol, blood glucose, and blood pressure levels. Some of these programs offer financial and other incentives for employees to participate or to achieve certain health outcomes.

The ADA and GINA generally prohibit employers from obtaining and using information about employees' own health conditions or about the health conditions of their family members, including spouses. Both laws, however, allow employers to ask health-related questions and conduct medical examinations, such as biometric screenings to determine risk factors, if the employer is providing health or genetic services as part of a voluntary wellness program. Last year, EEOC issued proposed rules that addressed whether offering an incentive for employees or their family members to provide health information as part of a wellness program would render the program involuntary.

The final ADA rule provides that wellness programs that are part of a group health plan and that ask questions about employees' health or include medical examinations may offer incentives of up to 30 percent of the total cost of self-only coverage. The final GINA rule provides that the value of the maximum incentive attributable to a spouse's participation may not exceed 30 percent of the total cost of self-only coverage, the same incentive allowed for the employee. No incentives are allowed in exchange for the current or past health status information of employees' children or in exchange for specified genetic information (such as family medical history or the results of genetic tests) of an employee, an employee's spouse, and an employee's children.

The final rules, which will go into effect in 2017, apply to all workplace wellness programs, including those in which employees or their family members may participate without also enrolling in a particular health plan.

"The EEOC received comments on both rules from a broad array of stakeholders and considered them carefully in developing this final rule," said EEOC Chair Jenny R. Yang. "The Commission worked to harmonize HIPAA's goal of allowing incentives to encourage participation in wellness programs with ADA and GINA

provisions that require that participation in certain types of wellness programs is voluntary. These rules make clear that the ADA and GINA provide important safeguards to employees to protect against discrimination."

Program Design

Both rules also seek to ensure that wellness programs actually promote good health and are not just used to collect or sell sensitive medical information about employees and family members or to impermissibly shift health insurance costs to them. The ADA and GINA rules require wellness programs to be reasonably designed to promote health and prevent disease.

Protecting Confidentiality

The two rules also make clear that the ADA and GINA provide important protections for safeguarding health information. The ADA and GINA rules state that information from wellness programs may be disclosed to employers only in aggregate terms.

The ADA rule requires that employers give participating employees a notice that tells them what information will be collected as part of the wellness program, with whom it will be shared and for what purpose, the limits on disclosure and the way information will be kept confidential. GINA includes statutory notice and consent provisions for health and genetic services provided to employees and their family members.

Both rules prohibit employers from requiring employees or their family members to agree to the sale, exchange, transfer, or other disclosure of their health information to participate in a wellness program or to receive an incentive.

The interpretive guidance published along with the final ADA rule and the preamble to the GINA final rule identify some best practices for ensuring confidentiality, such as adopting and communicating clear policies, training employees who handle confidential information, encrypting health information, and providing prompt notification of employees and their family members if breaches occur.

DOJ RESTARTS ADA TITLE II WEB ACCESSIBILITY RULEMAKING

(Major discussion to be covered by DOJ at the Association's ADA National Conference - San Diego)

On April 29, 2016, the U.S. Department of Justice announced that it has withdrawn its Notice of Proposed Rulemaking (NPRM) under Title II of the ADA to address accessibility requirements for web information and services of state and local government entities. The proposed rulemaking had been undergoing review at the Office of Information and Regulatory Affairs since July 2014. Alternatively, DOJ issued a Supplemental Advance Notice of Proposed Rulemaking (SANPRM) seeking additional public comment.

The Department's decision to withdraw its Title II NPRM is significant in that the Department had indicated in its most recent semiannual regulatory agenda issued on November 19, 2015, that it anticipated issuing the NPRM in January 2016. The Department's Title III NPRM is not anticipated until FY 2018. Additionally, notwithstanding the fact that it has not yet issued final regulations or standards to address a covered entity's obligations to make its website accessible under the ADA, the Department has entered into several settlement agreements under both Titles II and III of the ADA requiring entities to make their websites and mobile apps accessible. The Department also has taken the position in litigation that entities are required to make their websites accessible even though to date it has not issued regulations or standards addressing website accessibility. In the absence of such regulations or standards, entities subject to Titles II and III of the ADA have been eagerly awaiting issuance of the Title II NPRM to provide guidance on several key issues..

The SANPRM seeks public comment and information on added issues:

(1) The adoption of Web Content Accessibility Guidelines 2.0 (WCAG 2.0), Level A and AA Success Criteria; (2) whether an effective date of two years from the date the final regulations are issued is appropriate; (3) whether an effective date of three years for making live-audio content in synchronized media conform to WCAG 2.0, Level AA Success Criteria is appropriate; (4) whether mobile apps should be addressed in the rulemaking, and if so, which standards should apply; (5) whether certain third-party content should be excepted; (6) whether requirements for public entities' use of third-party social media platforms should be deferred to the Department's Title III rulemaking; (7) whether "archived web content" should be covered and the definition for such content; (8) whether preexisting conventional electronic documents (such as PDFs or Microsoft Word documents) already appearing on a website should be excepted; (9) the appropriateness of an exception for password protected web content of public educational institutions (such as learning management systems or other educational platforms), whereby such content would only have to be made accessible when an individual with a disability (or who has a parent with a disability) enrolls in such class or course, although the educational platform itself would have to be accessible; (10) circumstances under which providing an alternate conforming version would be appropriate; (11) the appropriateness of setting alternative requirements for small public entities (such as a longer time line for compliance or applying only WCAG 2.0 Level A Success Criteria to very small entities); and (12) Information on the costs and benefits of website accessibility to aid the Department in preparing a regulatory impact analysis, including information on benefits to persons with particular types of disabilities, specific data on the costs of website accessibility, and how to measure both the costs and benefits of website accessibility.

NEW DOJ ACCESSIBLE TECHNOLOGY SECTION

Covered entities have longstanding obligations to make their programs, goods, services, and activities accessible—including those they provide online or via other technology. To further assist covered entities and people with disabilities to understand how the ADA applies to certain technologies, such as Web sites, electronic book readers, online courses, and point-of-sale devices, the DOJ has added to its web site, ADA.gov, its Access Technology information. The new Web pages compile in one place the Department's technical assistance and guidance about accessible technology, as well as information about the Department's accessible technology enforcement efforts, regulation development, and other federal accessible technology resources and initiatives.

UPDATE ON THE ADA ACCESS ACT

U.S. Rep. Ken Calvert (R-CA), who is sponsoring the ACCESS (ADA Compliance for Customer Entry to Stores and Services) Act, will testify before the House Judiciary Committee's Subcommittee on Constitution and Civil Justice on behalf of the bill he says will help stop plaintiffs' lawyers from "trying to enrich themselves on the backs of the disabled."

The ACCESS Act, known as H.R. 241, would require an aggrieved person to notify a business of an ADA violation in writing and give the business owner 60 days to provide the aggrieved individual a detailed description of improvements to remedy the violation. Then, the owner would have 120 days to remove the infraction. Failure to meet these conditions would be grounds to further the lawsuit.

Calvert said some of the infractions are very minor, like not having a sign in the right location or neglecting to paint a line in the right way. Instead of rushing to file lawsuits, Calvert said business owners should be given an opportunity to fix infractions and comply with the law.

Calvert said the issue is not a Republican or Democrat issue, but just a common-sense solution to a problem.

COURT GRANTS JUDGMENT IN GINA AND ADA CASE

A federal judge ruled in favor of the U.S. Equal Employment Opportunity Commission (EEOC) on June 8, 2016 that a Mountain Grove, Mo., farm violated two federal laws by requiring all job applicants to fill out a health history before they would be considered for a job, the federal agency announced today.

EEOC filed its lawsuit in March in U.S. District Court for the Western District of Missouri, Southern Division, after first attempting to reach a pre-litigation settlement through its conciliation process. ***(Equal Employment Opportunity Commission v. Grisham Farm Products, Inc., Civil Action No. 6:16-CV-3105 MDH)***

According to EEOC's lawsuit, a retired law enforcement officer who sought employment with the defendant was told by the company that if he did not fully complete and submit a three-page health history form with his application, he would not be considered for any job.

Such alleged conduct violated the Americans with Disabilities Act (ADA) because it requested information that could cause an applicant to identify himself or herself as a person with a disability. It also violated the Genetic Information Nondiscrimination Act (GINA), which prohibits employers from requesting or requiring genetic information, including medical histories from applicants, except in limited circumstances. Finally, EEOC alleged, defendant failed to maintain or retain employment records and applications for employment, as required by law.

Judge H. Douglas Harpool agreed with EEOC on all its allegations. In addition to declaring that defendant violated the law and ordering it to implement policies and practices to prevent discrimination, the Judge ordered the farm to pay plaintiff \$10,000 in damages. Finally, Judge Harpool held that EEOC has the authority to enforce the court's judgment for five years.

"The quick judgment in this matter affirms that Americans with Disabilities Act and Genetic Information Nondiscrimination Act are important and powerful tools to protect both employees and job applicants from unlawful discrimination," said the director of EEOC's St. Louis District Office.

EEOC's regional attorney in St. Louis, said, "We are extremely pleased this lawsuit was resolved in three short months, with the court holding that companies cannot require applicants to reveal their health history prior to receiving a job offer. Employers need to realize EEOC will vigorously challenge this discriminatory practice which both discourages some individuals, like Mr. Sullivan, from applying, and allows employers to consider illegal factors in their employment decisions."

Eliminating barriers in recruitment and hiring is one of six national priorities identified by EEOC's Strategic Enforcement Plan.

ADA REFORM: NEW CALIFORNIA LAW PROTECTS SMALL BUSINESSES

Small businesses will have increased protections against costly, predatory lawsuits over minor violations of disabled access laws after Gov. Jerry Brown signed a new law.

The reform will provide a small business (50 or fewer employees) 120 days to correct any violations found

by an access specialist, and once those changes are made, the business would be protected from future claims in state court.

For certain minor Americans with Disabilities Act violations, such as signage and striping, the law would give business owners 15 days to make the corrections without any penalties. If the plaintiff is awarded any damages, he gets his fees. For example, if he gets \$1,000 in damages, they can still ask the court to award their fees, which could be as high as \$15,000 or more."

An attorney who has defended hundreds of small business owners in such cases said it provides a "little break" for those defendants, but the issue needs to be addressed on the federal level.

In March, U.S. Rep. Jerry McNerney, D-Stockton, introduced the COMPLI Act, which would reform federal guidelines. The bill would allow businesses 90 days after notification of violation to reach compliance, and it targets "high-frequency litigants."

NEW MINNESOTA LAW TARGETS 'EXCESSIVE' ADA LAWSUITS

When the owner opened her Mankato salon, organic market and deli, she didn't limit her customer base, she said. She made sure the seating was mobile, ordered specialty massage tables and personally measured signs and hand rails so people with disabilities could comfortably visit her business. Her work paid off — one of her regular customers is a disabled man who travels 40 minutes to get his hair cut, she said. That's why the owner was so surprised to be sued for violating the ADA for what seemed to her to be minor, technical problems. But she felt forced to settle the case for a few thousand dollars to avoid the cost of a lawsuit.

She's not alone. Dozens of Minnesota business owners have been targeted in what critics call "drive-by lawsuits" in which they are sued for ADA violations and pressured to opt for cash settlements. The problem is more common in other states, but has become enough of a concern in the past two years to prompt action from the Minnesota Legislature.

This year, lawmakers and Gov. Mark Dayton approved a law largely designed to curtail the tactics of one Minneapolis attorney. He has filed more than 160 cases in state and federal courts over the past three years. Fewer than 10 cases had been filed annually in the five years before the attorney's first ADA case, said a Minnesota Chamber of Commerce vice president.

Misconduct? Business groups and others claim the attorney targets minute infractions of the federal ADA law and Minnesota Human Rights Act by extracting costs for attorney's fees.

The attorney is being investigated in Minnesota for ethics violations unrelated to the ADA lawsuits and was previously fined by a California district court for what the district judge called "brazen misconduct and relentless fraud." Minnesota judges have also raised the specter of lawsuit abuse over the slew of ADA cases.

"Our concern is that these lawsuits give the ADA a bad name," said the legislative coordinator with the Minnesota State Council on Disability. "They further the divide between contractors, businesses and the disability community."

An architect and contractor sued by the attorney called the attorney's tactics "bullying" and said he was pressured to take a \$3,000 settlement to avoid steeper fees.

The attorney says his critics have it all wrong. He only makes enough through disability suits to "keep the lights on" in his Minneapolis law firm. He believes he is increasing access for the disabled — and sending a message to businesses that aren't well-designed to allow all customers what they need.

"Most of my clients are people who very actively tried to get voluntary compliance ... for years," the attorney said. "No one paid attention to them ... It's not until they started bringing lawsuits that businesses

started whipping themselves into shape.”

Even the attorney’s critics agree that his suits have sparked a statewide conversation about accessibility. Disability advocates say sometimes lawsuits are exactly what’s needed to ensure people with disabilities get equal access — just not the way the attorney does it.

The bill, drafted with bipartisan support in the Minnesota Legislature, was signed into law this May to prevent the slew of lawsuits over buildings’ accessibility. The bill provides additional defenses for businesses being sued for ADA violations and lays out what should be included in letters sent to businesses before a lawsuit begins. Whoever is sending the letter must include the exact violation and can’t demand money.

Regardless of what happens in state law, businesses should be mindful of the needs of disabled people, said the disability council’s spokesperson. Some of those needs require only simple fixes. Business owners don’t necessarily need to move into new buildings or overhaul existing facilities to be inviting to disabled customers.

CONFLICTING DISABILITY COMPLIANCE

The Office of Management and Budget (OMB) completed review of an EEOC final rule and interpretive guidance implementing the ADA. The final rule alleviate potential conflicts when an employer complies with Department of Health and Human Services (HHS) HIPAA regulations and Obamacare (Patient Protection and Affordable Care Act or PPACA) regulations concerning wellness programs and program incentives.

Although not one of the most significant rules, the potential conflict between similar requirements of different agencies creates problems for the regulated community geometrically to their actual numbers. Some suggested during the public comment period that EEOC consider HIPAA / PPACA compliance in outcome based wellness programs offered as part of a group health plan to comply also with the EEOC’s ADA rules. Whether OMB has managed its multiple partners to create a working relationship between regulations may soon prove or disprove a value in executive and interagency review.

Although these situations may provide a few surprises as the agencies churn out regulations, next time may be very different. The Administration should release numerous major priority regulations soon; the United States Supreme Court (SCOTUS) may issue as many as five major opinions with administrative law and regulatory implications before the end of its Term in June; and numerous courts of Appeal and district courts should soon decide numerous regulatory challenges.

JAILS MUST ADDRESS MENTAL HEALTH

A federal judge recently refused to dismiss claims that Los Angeles County violates mentally ill inmates’ constitutional rights by failing to provide them with adequate services before releasing them from jail.

U.S. District Judge Dean Pregerson denied the county’s motion for a judgment on the pleadings, allowing eight people who suffer from severe mental illnesses - including schizophrenia, bipolar disorder and manic depression — to press their claims that county jails’ discharge procedures violate the ADA and the Constitution.

The inmates filed a motion to intervene in September last year after the DOJ entered into a joint settlement with the county over abuses in its jails. An attorney for the inmates said prisoners with mental disabilities have been released from jail during the early hours of the morning without medications, prescriptions, and no means to obtain housing.

In their motion to intervene, the plaintiffs took issue with a paragraph in the settlement agreement on how the seriously mentally ill should be discharged from jails, which the motion called the "most important stage of the county’s jail-to-streets-to-jail cycle."

Pointing to at least three violations of law, the plaintiffs said the settlement agreement failed to accommodate inmates with personality disorders, substance abuse and dependence disorders, dementia or developmental disabilities, and excludes mentally ill inmates from discharge services if they are jailed for seven days or fewer.

Under the agreement, jail officials are required to hand out a drug prescription on referral. But the motion called that plan "meaningless for many people with serious mental disabilities because, due to their disabilities, they have no realistic hope of navigating to those who can fulfill their medication or service needs."

The intervenors also took aim at the plan for allowing jail officials to refer inmates to mental health services without confirming that the providers are available, and allowing mentally ill inmates to be released to mental institutions or hospitals rather than less-restrictive community settings.

As a result, under the terms of the settlement, the county will be able to continue its current practices of discharging mentally disabled individuals from the county jails without their medication and without ensuring that they obtain desperately needed medical and psychiatric services to ameliorate their mental illnesses," the motion stated. "Severely mentally disabled people will continue to be left to wander and attempt to survive our community's meanest streets."

The county argued that the court should throw out the claims because the eight people lack standing to intervene. Judge Pregerson disagreed, noting that some of the eight intervenors had been jailed repeatedly, and that "others have been arrested hundreds of times." They all "suffer from at least one mental illness, and most have histories of substance abuse," Pregerson said, adding that it appeared they had often been jailed because they are mentally ill. "Intervenors have then been released onto the streets, often in a more vulnerable, less stable state than when they entered the jail system," Judge Pregerson wrote, and there "appears to be little doubt that there is a credible threat that intervenors will again find themselves incarcerated."

The county also argued that plaintiffs lacked standing because the specter of injury is tied to the intervenors' breaking the law and returning to jail. But Pregerson noted that while the former inmates had been jailed for petty offenses like shoplifting, fare-dodging and drug offenses, it was unclear if any of them had been criminally convicted. "In addition, criminal activities of the type described above may be closely entwined with mental health issues and potential defenses related thereto," the judge wrote in the 18-page order.

Under the ADA, the intervenors make clear that they were denied adequate access to state-provided discharge planning services, Pregerson said.

The county is encouraged to "move forward" and modify its discharge planning services for mentally ill inmates. The intervenors will continue to press the county through the courts or in settlement discussions.

A Los Angeles Sheriff's Department spokeswoman told Courthouse News that the county is reviewing Pregerson's ruling and considering its options. "Mentally ill jail inmates and homelessness are highly complex issues that require a multi-faceted response in order to adequately address them. The sheriff is committed to working with his local, state, federal and private sector partners in order to develop long-term solutions to the mentally ill and homeless issues facing our county."

U.S. JURY ORDERS D.C. CORRECTIONS TO PAY \$70,000 TO DEAF INMATE

U.S. District Judge Ketanji Brown Jackson castigated D.C. jail officials in a blistering, 60-page opinion in September that found the department liable for failing to assess what accommodations were needed by William Pierce, 47, of the District and mismanaging his care during his incarceration in 2012.

Judge Jackson wrote that despite written policies in place, officials at the D.C. Correctional Treatment Facility “effectively sat on their hands.”

“The District’s willful blindness . . . and its half-hearted attempt to provide Pierce with a random assortment of auxiliary aids — and only after he specifically requested them — fell far short of what the law requires,” Judge Jackson wrote.

WHAT IS GINA (GENETIC INFORMATION NONDISCRIMINATION ACT)

(We receive many questions on GINA. Perhaps the article and the conference will answer some of those questions.)

Enacted in 2008 in response to concerns about potential abuses of the human genome full sequence (completed in 2003), the Genetic Information Nondiscrimination Act (GINA) may be the least generally known federal civil rights legislation.

GINA was “An Act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.” The legislation prohibits acquiring genetic information as well as utilizing it to discriminate. A 1998 Ninth Circuit federal court decision had found employment discrimination, and a potential privacy violation, when an employer engaged in non-consensual genetic testing based upon the employees’ gender and race (*Bloodsaw v. Lawrence Berkeley Laboratory*). The EEOC first sued and reached a settlement in 2002 when an employer, Burlington Northern Santa Fe Railroad, without employee consent, engaged in genetic testing for a rare genetic condition that produces carpal tunnel syndrome as well as screening for diabetes and alcoholism. What was legally uncertain after these cases was whether or not employee consent would validate genetic testing.

GINA became effective in November 2009. The EEOC, in general overview, issued implementing regulations applicable in 2011 and amended record keeping standards in 2012. In the neighborhood of 1,200 GINA claims have been administratively resolved by the EEOC, the majority favorably for the employee.

Health care employers who treat their employees internally must treat the employee’s medical information confidential and not viewed by employment supervisors. An employer designating outside providers for medical matters is responsible for their GINA violations. A number of court decisions indicate that liability for GINA does not extend to individual employees as the statute references employers.

GINA specifically defines what constitutes “genetic” information and a “genetic test.” GINA protections extend beyond the individual employee to her or his family members, up to a fourth-degree relative **according to EEOC regulations**. Technical distinctions are made between genetic and non-genetic information.

GINA addresses adverse treatment in hiring, discharging, or otherwise discriminating in employment matters based upon genetic information. It appears that disparate impact claims are not included in GINA. Naturally, retaliation against an employee who asserts GINA rights is prohibited. It is possible that even a dismissed employee GINA claim could give rise to a retaliation action.

GINA states that an employer cannot “request, require, or purchase genetic information with respect to an employee or a family member of the employee.” A “willful” state of mind to acquire the information is not required under EEOC regulations. Family medical history is “genetic information” and the request by an outsourced provider may initiate an employer’s liability. Specified “inadvertent” acquisitions of information are not penalized. However, even this information cannot be used as the basis of an adverse employment action.

An employee asserting a GINA violation must notify the EEOC with a specific reference to GINA, apart from

an ADA notice. The time limit to file a charge is 180 days after the discriminatory event. Be sure to check your state law as it may allow a longer time.

Potential monetary damages for GINA violations are those established by the Civil Rights Act. These are compensatory damages and punitive damages on a sliding scale based upon the size of the employer. Other relief, such as reinstatement that may be with or without back pay, is available. Costs and fees of the legal action are recoverable but not if a lawsuit is unreasonable or frivolous.

GINA does not apply to several important insurance activities: disability, extended care, or life insurance. There is a mixture of state statutes concerning the use of genetic information in these situations. As an example, California includes genetic information as a protected category in its state civil rights act.

LOWE'S TO PAY \$8.6 MILLION TO SETTLE DISCRIMINATION SUIT

The U.S. Equal Employment Opportunity Commission (EEOC) today announced the approval of the resolution of a nationwide disability discrimination case against home improvement, appliance and hardware giant Lowe's. U.S. District Court Judge André Birotte Jr. approved the consent decree which calls for the distribution of \$8.6 million.

According to EEOC's suit, Lowe's violated the Americans with Disabilities Act (ADA) and engaged in a pattern and practice of discrimination against people with disabilities by firing them and by failing to provide reasonable accommodations to them when their medical leaves of absence exceeded Lowe's 180-day (and, subsequently, 240-day) maximum leave policy. EEOC also charged that Lowe's violated the ADA by terminating individuals who were "regarded as" disabled, had a record of disability, and/or were associated with someone with a disability.

In addition to monetary relief, the four-year consent decree settling the suit requires that Lowe's retain a consultant with ADA experience to review and revise company policies as appropriate; implement effective training for both supervisors and staff on the ADA; develop a centralized tracking system for employee requests for accommodation; maintain an accommodation log; and post documentation related to this settlement. Lowe's is also required to submit regular reports to EEOC verifying compliance with the decree.

"This settlement sends a clear message to employers that policies that limit the amount of leave may violate the ADA when they call for the automatic firing of employees with a disability after they reach a rigid, inflexible leave limit," said the EEOC General Counsel. "We hope that our efforts here will encourage employers to voluntarily comply with the ADA."

The regional attorney for EEOC's Los Angeles District Office, added, "We applaud the efforts by Lowe's in reaching a resolution with EEOC that provides both meaningful monetary relief and important equitable relief for thousands of former Lowe's employees. We encourage people impacted by this situation to come forward and make a claim."

In response to the news of the settlement, charging party Gary White said, "I'm very pleased with all the efforts of those with EEOC. It feels great to have closure in this matter. My sincere thanks!"

Addressing emerging and developing issues under the ADA is one of six national priorities identified by EEOC's Strategic Enforcement Plan.

EEOC ISSUES DOCUMENT ON ISSUES RELATED TO LEAVE AND DISABILITY

On May 9, 2016, the Equal Employment Opportunity Commission (EEOC) issued a resource document, ***Employer-Provided Leave and the Americans with Disabilities Act.***, addressing the rights of employees with disabilities who seek leave as a reasonable accommodation under the Americans with Disabilities Act of 1990 (ADA). This document consolidates existing guidance by the EEOC on the ADA and leaves of absences

regarding, among other things, leave as a reasonable accommodation, including the interactive process and policies on leave, reinstatement and reassignment.

The content of the publication generally represents no break from EEOC's existing positions. However, the fact that the EEOC issued guidance dealing specifically with the concept of leave as an accommodation sheds light on the priority it places on leave issues, which one EEOC commissioner has called "some of the toughest situations for employers and employees to deal with in our workplaces."

Disability charges filed with the EEOC reached a new high in fiscal year 2015, increasing over 6 percent from the previous year.

One troubling trend the EEOC has identified in ADA charges is the prevalence of employer policies that deny or unlawfully restrict the use of leave as a reasonable accommodation. These policies often serve as systemic barriers to the employment of workers with disabilities. They may cause many workers to be terminated who otherwise could have returned to work after obtaining needed leave without undue hardship to the employer. EEOC regulations already provide that reasonable accommodations may include leave, potentially including unpaid leave that exceeds a company's normal leave allowances.

This resource is intended to help educate employers and employees about workplace leave under the ADA to prevent discriminatory denials of leave from occurring. It responds to common questions employers and employees have raised about leave requests that concern an employee's disability. The document creates no new agency policy, but it is one in a series of EEOC Resource Documents that explains how existing EEOC policies and guidance apply to specific situations. It consolidates existing guidance on ADA and leave into one place, addressing issues that arise frequently regarding leave as a reasonable accommodation, including the interactive process, maximum leave policies, "100 percent healed" policies, and reassignment. It also provides numerous examples that illustrate existing legal requirements and obligations for both employees and employers.

"Providing employees with a period of leave for medical treatment or recovery can be a critical reasonable accommodation for people with disabilities," said EEOC Chair Jenny Yang. "This resource document explains to employers and employees in a clear and practical way how to approach requests for leave as a reasonable accommodation so that employees can manage their health and employers can meet their business needs."

Employer-Provided Leave and the Americans with Disabilities Act also addresses undue hardship issues, including the amount and/or length of leave required, the frequency of leave, the predictability of intermittent leave, and the impact on the employer's operations and its ability to serve customers and clients in a timely manner.

"I'm pleased that the Commission has created a user-friendly resource document regarding this often complicated area of law," said Commissioner Chai Feldblum.

"I believe it will be helpful to both employers and employees," Commissioner Victoria Lipnic added. "Leave issues often present some of the toughest situations for employers and employees to deal with in our workplaces. This document provides needed one-stop guidance on how the EEOC approaches many of the common issues we see."

CITY OF BEAUMONT SETTLEMENT

DOJ announced a settlement with the city of Beaumont, Texas, for \$475,000 over allegations the city discriminated against persons with intellectual or developmental disabilities trying to live in small group homes in residential districts. The city has also agreed to make changes to its zoning and land use practices.

"Persons with disabilities have the same right to live in and enjoy their communities as all other families do throughout our nation," Principal Deputy Assistant Attorney General Vanita Gupta, head of the Civil Rights

Division, said. "The Justice Department will continue to eliminate discriminatory barriers that impede these individuals from doing so."

According to the lawsuit, the city committed a violation of the Fair Housing Act and the Americans with Disabilities Act by imposing a one-half mile spacing rule that effectively barred many small group homes in the area from operating.

"I applaud the parties for reaching this common-sense, fair agreement," the U.S. Attorney of the Eastern District of Texas said. "Beaumont is a great city in which to live and the prior restrictions now being set aside were inconsistent with that greatness. Now everyone can reside where they wish in an environment that is best for their lives."

Be part of the real learning experience

See you at our Fall 2016 ADA National Conference

co-sponsored by the City of San Diego

October 17-20, 2016

San Diego, California

DID YOU KNOW?

The ADA (Americans with Disabilities Act) prohibits discrimination against people with disabilities in employment, transportation, public accommodations, commercial facilities, telecommunications, and state and local government services.

This Facts for Features provides a demographic snapshot of the U.S. population with a disability and examines various services available to them. The statistics come from various Census Bureau censuses and surveys, covering differing periods of time.*

Population Distribution

56.7 million

The number of people in the United States in 2010 with a disability, according to the Survey of Income and Program Participation. People with disabilities represented 19 percent of the civilian noninstitutionalized population. People with a disability have a physical or mental impairment that affects one or more major life activities, such as walking, bathing, dressing, eating, preparing meals, going outside the home or doing housework. A disability can occur at birth or at any point in a person's life.

Source: Americans With Disabilities: 2010

5.7 million

The number of people age 65 and older with at least one disability, according to data collected from the American Community Survey from 2008 to 2012, which makes up 39 percent of the population in this age group. Of this group, two-thirds had difficulty in walking or climbing stairs. The second-most cited disability was difficulty with independent living, such as visiting a doctor's office or shopping.

Source: Older Americans With a Disability: 2008-2012

9.9%

The percentage of the civilian noninstitutionalized population in West Virginia in 2014 with a disability

— the highest rate of any state in the nation. Utah, at 9.6 percent, had the lowest rate.

Source: 2014 American Community Survey, Table GCT1810

28.1%

The percentage of the civilian noninstitutionalized population in Pike County, Ky., in 2014 with a disability — among the highest rate in the nation among counties with populations of 65,000 or more. Loudoun County, Va., at 5.5 percent, had among the lowest rates.

Source: 2014 American Community Survey, Table GCT1810

23.2%

The percentage of the civilian noninstitutionalized population in The Villages (CDP), Fla., in 2014 with a disability — among the highest rates in the nation among places with populations of 65,000 or more. San Ramon, Calif., at 4.3 percent, had among the lowest rates. A place is a city, town, village or borough, either legally incorporated or not.

Source: 2014 American Community Survey, Table GCT1810

Services for Those With Disabilities

2,833

The number of business establishments providing special needs transportation in 2012, up 20.7 percent from 2,347 in 2007. Such businesses may use specially equipped vehicles to provide passenger transportation. These businesses employed 61,605 people in 2012 and generated revenues of \$3.5 billion. Employment was up 24.0 percent and revenues increased 27.7 percent since 2007.

Source: 2012 and 2007 Comparative Economic Census Geographic Area Series (NAICS 485991)

14,060

The number of business establishments that provided pet care (except veterinary services) in 2012. These businesses generated revenues of \$3.4 billion. Among these businesses are those that train assistance dogs.

Source: 2012 and 2007 Comparative Economic Census Geographic Area Series (NAICS 812910)

25,964

The number of business establishments providing services for the elderly and people with disabilities in 2012. These businesses employed 901,359 workers and generated \$34.1 billion in revenues. In 2007, there were 20,433 such establishments, employing 621,545 people and producing \$25.3 billion in revenues. These establishments provide for the welfare of these individuals in such areas as day care, nonmedical home care or homemaker services, social activities, group support and companionship.

Source: 2012 and 2007 Comparative- Economic Census Geographic Area Series (NAICS 624120)

7,832

The number of business establishments providing vocational rehabilitation services in 2012; these businesses employed 312,659 people and generated revenues of \$12.4 billion. In 2007, there were 7,631 such establishments, employing 303,713 people and producing revenues of \$11.5 billion. These businesses provide job counseling, job training and work experience to people with disabilities.

Source: 2012 and 2007 Comparative Economic Census Geographic Area Series (NAICS)

2,344

The number of business establishments providing translation and interpretation services in 2012; these businesses employed 24,926 people and generated revenues of \$4.2 billion. In 2007, there were 1,975 such establishments, employing 14,546 people and producing revenues of \$1.9 billion. Among these

businesses are those that provide sign language services.

Source: 2012 and 2007 Comparative Economic Census Geographic Area Series (NAICS 541930)

3,597

The number of business establishments providing home health equipment rental in 2012, down 4.4 percent from 3,762 in 2007. Such businesses rent home-type health and invalid equipment, such as wheelchairs, hospital beds, oxygen tanks, etc. These businesses employed 33,935 people in 2012 and generated revenues of \$5.4 billion. Employment was up 2.8 percent while revenues decreased 7.8 percent since 2007.

Source: 2012 and 2007 Comparative Economic Census Geographic Area Series (NAICS 532291)

Specific Disabilities

Note: All data in this section come from Americans With Disabilities: 2010, which contains data from the Survey of Income and Program Participation.

7.6 million: Number of people age 15 and older in 2010 who had a hearing impairment. Among people 65 and older, 4 million had hearing impairments.

8.1 million: Number of people age 15 and older in 2010 with vision impairment.

30.6 million: Number of people age 15 and older in 2010 who had movement impairment, such as walking or climbing stairs.

3.6 million: Number of people age 15 and older in 2010 who used a wheelchair. This compares with 11.6 million people who used canes, crutches or walkers.

2.4 million: Number of people age 15 and older in 2010 who had Alzheimer's disease, senility or any form of neurocognitive disorders.

12.0 million: Number of people age 15 and older in 2010 who required the assistance of others in order to perform one or more basic or instrumental activities of daily living, such as bathing, dressing, doing housework and preparing meals.

Older People With a Disability

Note: The source for the data in this section is Older Americans With a Disability: 2008-2012, which contains data from the 2008 to 2012 American Community Survey.

25.4%

The percentage who were age 85 and older with a disability among the population age 65 and older, according to the 2008-2012 American Community Survey.

More than One-Third

The proportion of people age 85 and older with a disability who lived alone, compared with one-fourth of those age 65 to 74, according to the 2008-2012 American Community Survey.

54.4%

The percentage of the older population who had not graduated from high school and had a disability, twice the rate of those with a bachelor's degree or higher (26.0 percent), according to the 2008-2012 American Community Survey.

12.6%

The percentage of older Americans living in a household with a disability living in poverty, compared with 7.2 percent of older household population without a disability, according to the 2008-2012 American Community Survey.

Earnings

\$21,232

Median earnings in the past 12 months for people with a disability. This is 68 percent of the median earnings, \$31,324, for those without a disability. (Both figures pertain to the civilian, noninstitutionalized population 16 years and older, with earnings in the past 12 months.)

Source: 2014 American Community Survey, Table B18140

Mobility

Note: The source for the data in this section is Desire to Move and Residential Mobility: 2010-2011, a report which uses data from the Survey of Income and Program Participation.

12.5%

The percentage of householders with a disability who desired to move to another residence, higher than the corresponding figure of 8.2 percent for those without a disability. Those with mental disabilities were the most likely to desire to move (20.6 percent).

17.3%

The percentage of householders with a disability who desired to move to another residence and actually did so over a one-year period.

9.3%

The percentage of all householders with a disability who moved to another residence over a one-year period.

* Note: The preceding data were collected from a variety of sources and may be subject to sampling variability and other sources of error. Facts for Features are customarily released about two months before an observance in order to accommodate magazine production timelines.



KEVIN L. FAULCONER

MAYOR



**WELCOME TO THE
NATIONAL ASSOCIATION OF ADA COORDINATORS' 56TH
NATIONAL ADA CONFERENCE**

OCTOBER 17-20, 2016

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

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

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

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

Best personal regards,

Kevin L. Faulconer
Mayor



eNewsletter & Fall Conference Announcement

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

Serving the ADA Coordination and 504 Compliance Community Since 1991

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FAX (877) 480-7858

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Association Conference Information

2016 Fall ADA Conference - Announcement

“With You, From the Start”

Celebrating the Association’s 25th Anniversary of Its First ADA Conference

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

October 17 - 20, 2016

San Diego, California

***Current case law, best practices, policy examples, and reasonable solutions
to trending and complex ADA situations. Updated free ADA library on USB drive for all attendees.***

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

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

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

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

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

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

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

The Association - With You, From the Start

Cosponsored by the City of San Diego

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

Conference Program - Page 1

8:15 a - 9:00a	Continental Breakfast and Registration
9:00a - 9:30a	WELCOME Phong Nguyen, M.D., P.A. - Association Chairman and Conference Coordinator Kevin Faulconer, Mayor, City of San Diego (invited) John Wodatch, Association President Paul Hagle, P.A., Association Executive Director
9:30a - 10:30a (1 PA CEU)	DOJ KEYNOTE WHAT'S HAPPENING AT THE DOJ DOJ covers recent and important emerging ADA case law, issues and the work of DOJ with U.S. Attorneys offices throughout the U.S. Status report on revising the regulation implementing Title II of the Americans with Disabilities Act (ADA or Act) in order to establish specific technical requirements to make accessible the services, programs, or activities State and local governments offer to the public via the Web. 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. Rebecca Bond, J.D. Chief, Disability Rights Section Civil Rights Division, U.S. Department of Justice, Washington, DC
discusses10:45a - 12:00p (2 PA CEU)	EEOC KEYNOTE WHAT'S HAPPENING AT EEOC This interactive session covers important issues such as an update on new, significant ADA case law and Title I and II regulations from a practical point of view. A review of new EEOC guidance and resource documents to implement workplace discrimination laws. A discussion on the new resource document <i>Employer-Provided Leave and the Americans with Disabilities Act</i> that addresses the rights of employees with disabilities who seek leave as a reasonable accommodation under the ADA. EEOC will also review the final rules that describe how Title I of the ADA and Title II of the GINA apply to wellness programs offered by employers that request health information from employees and their spouses. The rules provide guidance to both employers and employees about how workplace wellness programs can comply with the ADA and GINA consistent with provisions governing wellness programs in the Health Insurance Portability and Accountability Act, as amended by the ACA (Affordable Care Act). 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. 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, October 17, 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>PUBLIC OPINION DOESN'T COUNT BUT PUBLISHED OPINION DOES</i></p> <p>An update of important ADA employment case law that all ADA professionals need to hear about and the impact on Title I issues for employers. This is an interactive session where you can ask questions about the legal issues and inquire about practical solutions.</p> <p align="center"><i>Christopher Kuczynski, J.D., LL.M.</i> <i>Acting Associate Legal Counsel, ADA/GINA Policy Director, Office of Legal Counsel,</i> <i>U.S. E.E.O.C., Washington, D.C.</i></p>
3:30p - 4:30p (1 PA CEU)	<p align="center"><i>EFFECTIVE COMMUNICATION: I'M NOT SURE YOU UNDERSTAND WHAT YOU THINK I SAID BUT. . .</i></p> <p>A special faculty panel on how to ensure that your customers and program participants understand what you are sharing? What does "effective communication" mean? When, where and how do you provide alternate methods of communication. Do you always provide sign-language interpreters? Do you always provide Braille documents?</p> <p align="center"><i>John Wodatch with Rebecca Bond, Irene Bowen, Paul Grossman, Chris Kuczynski</i></p>

SPECIAL CONFERENCE EVENTS

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

Semi-Annual Karaoke Night and Get-Together
Wednesday, October 19, 2016, 7:30 PM
"Association's Got Talent" - Discover the Association's next "Voice"
First Prize of \$100, and two other special prizes of \$40 each based on audience voting.
Meet your fellow participants and faculty in a relaxed setting.
All are welcome - singers (single and/or groups) and voting audience members

Snacks and Refreshments for All at Both Traditional Events

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

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

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

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

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

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

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

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

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

SEMI-ANNUAL KARAOKE CHALLENGE AND GET TOGETHER

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

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

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

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

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

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

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

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

Must Pre-Register

NO Registrations Accepted at the Door

Conference information includes Early Bird Discount

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

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

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

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

CONFERENCE AND HOTEL INFORMATION

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

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

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

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

CONFERENCE DISCOUNTED REGISTRATION INFORMATION

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

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

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

Mon.	10/17/2016	<input type="checkbox"/> \$575	<input type="checkbox"/> \$685
Tue.	10/18/2016	<input type="checkbox"/> \$575	<input type="checkbox"/> \$685
Wed.	10/19/2016	<input type="checkbox"/> \$575	<input type="checkbox"/> \$685
Thu.	10/20/2016	<input type="checkbox"/> \$575	<input type="checkbox"/> \$685

All Four Days of the Conference

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

ASSOCIATE - Full Conference After 8/12/2016 ☐ \$1,995

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

NON-ASSOCIATE - Full conference after 8/12/2016 ☐ \$2,695

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

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

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

TOTAL AMOUNT and METHOD OF PAYMENT

☐ Visa/MasterCard ☐ Amex ☐ Check

Cardholder: _____

Card number: _____

Expiration: _____ Total Amount: \$ _____

(Credit cards processed for the Association by conference planner, may show the words National Institute on Employment Issues - NIEI on your statement)

A copy of a fully **approved** purchase order by your organization **must be** received with registration form(s) **no later than 10/3/2016**, and be accepted and invoiced by the National Association of ADA Coordinators or space will not reserved. Any P.O. must be paid within ten days or an additional charge of \$100 may be applied.

PARTICIPANT/ASSOCIATE INFORMATION

Name: _____ Title: _____

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

Organization: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: (_____) _____ FAX: (_____) _____ Email: _____

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

Signature Required: _____ Date Approved/Received: _____ (WEB1016)

Fall 2016 - Conference Keynotes and Faculty

ADA TITLE I AND GINA

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

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

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

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

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

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

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

ADA TITLE II and III

Chief, Disability Rights Section, Civil Rights Division

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

Rebecca Bond, J.D.

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

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

Jim Bostrom

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

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

Mary Jo O'Neill, J.D.

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

ADA Enforcing Agency Faculty (Ret.)

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

President, ADA One, LLC, Silver Spring, MD

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

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

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

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

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

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

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

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

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

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

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

Featured Senior ADA Professional Faculty Members

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

John H. Catlin, FAIA, P.A.

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

Accessibility Web Developer and Consultant, Accessible Web Design, St. Paul, MN

Joe Dolson

Mr. Dolson is an internationally recognized writer and educator in web accessibility. He writes a regular column on web accessibility for Practical eCommerce magazine. He works with the team that helps make the WordPress content management system to ensure great accessibility in that system. He helps people understand what makes the web work for people with disabilities. In addition to consulting and teaching, Joe provides web development and consulting services to clients throughout the United States, helping them towards more accessible web services for their customers and users. Joe is graduate of Macalester College.

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

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

Melissa has a history of public service that includes: Executive Director of Provo School District, State of Utah as the ADA Coordinator, Workers' Compensation Administrator, and a Loss Control Consultant advising all state agencies, school districts and post-secondary institutions regarding Family Medical Leave, ADA, Title VII discrimination, PDA, Title IX and other campus/student issues. She has also served the state as a Liability Prevention Specialist for the Developmental Center and as an Administrative Law Judge for the Department of Workforce Services. Prior to state service, Melissa worked fourteen years in healthcare management and administration in both California and Washington D.C. Melissa received her B.A. in Government and Politics from the University of Maryland and her J.D. from the J. Reuben Clark Law School at Brigham Young University. Melissa is a member of the Association's Board of Directors.

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

John Golom, P.A.

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

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

Paul D. Hagle, P.A.

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

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

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

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

Medical Director, Redlands Yucaipa Medical Group, Past Chief of Staff for Redlands Community Hospital, Adjunct Professor, University of California Medical School, Riverside
Phong Nguyen, M.D., P.A.

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

ADA Coordinator, Florida Department of Transportation, Tallahassee, FL
Dean Perkins, R.A., P.A.

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

Fire Chief and Commissioner and Vice Chair of the Department of Safety and Health Services, San Manuel Band of Missions Indians, San Bernardino County, CA
Michael J. Smith, M.S.

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

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

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

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

James Terry, AIA, CASp, P.A.

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

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