



## eNewsletter & Fall Conference Update

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

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

(888) 679-7227

FAX (877) 480-7858

[NAADAC4INFO@AOL.COM](mailto:NAADAC4INFO@AOL.COM)

[WEB SITE: WWW.ADACOORDINATORS.ORG](http://WWW.ADACOORDINATORS.ORG)



Volume 24 - No. 5

September - October 2016

---

### Important session additions to the Fall 2016 Conference Agenda

**Department of Justice Issues New Title II and III Rules effective 10/11/2016**

(Impact on Higher Education as well as other entities)

**EEOC Issues Final Enforcement Guidance on Retaliation and Related Issues**

---

## 2016 Fall ADA Conference

### ***“With You, From the Start”***

**Celebrating the Association’s 25<sup>th</sup> 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**

***Plus - Current case law, best practices, policy examples, and reasonable solutions to trending and complex ADA situations.***

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

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

---

---

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

***10 ADA attorneys, 4 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.  
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](http://www.adacoordinators.org) and [www.askjan.org/naadac](http://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."***

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](http://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 - registration ends 9/30/2016***

***Fall 2016 DA 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.)*

---

---

### DOJ REVISES REGULATIONS TO IMPLEMENT REQUIREMENTS OF ADAAA OF 2008

A **final rule revising the Justice Department's Americans with Disabilities Act (ADA) Title II and Title III regulations to implement the requirements of the ADA Amendments Act of 2008 (ADAAA)** was made available for public inspection by the Federal Register. The final rule was published in the Federal Register and will take effect 60 days after publication, which will be **Oct. 11, 2016**.

Congress passed the ADAAA in response to several Supreme Court decisions that narrowly interpreted the ADA's definition of disability, leading ultimately to the exclusion from coverage of individuals with cancer, diabetes, epilepsy, attention deficit hyperactivity disorder, learning disabilities and other disabilities. The ADAAA made a number of significant changes to the meaning and interpretation of the ADA definition of disability to ensure that the term would be broadly construed and applied without extensive analysis so that all individuals with disabilities could receive the law's protections.

Although the ADAAA is already in effect and applies to entities covered under Title II and III of the ADA, **the department's changes to its Title II and III regulations will help clarify the interpretation and application of the ADAAA. These changes also satisfy the Attorney General's responsibility to publish regulations that are consistent with any congressional changes to the ADA.**

"This final rule clarifies Congress's original mandate that eliminating discrimination against people with disabilities requires an expansive definition of what disability means and who the law covers," said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Justice Department's Civil Rights Division. "The Justice Department's regulation sets forth clear new rules, new examples and detailed guidance to ensure that courts, covered entities and people with disabilities better understand the ADAAA."

The ADAAA's provisions addressing the definition of disability also apply to Title I of the ADA, for which the Equal Employment Opportunity Commission issued regulations in 2011. The publication of the Title II and Title III rule 8/11/2016 will ensure that the definition of disability is interpreted consistently for these three titles of the ADA.

---

---

### EEOC ISSUES FINAL ENFORCEMENT GUIDANCE ON RETALIATION

Recently, the U.S. Equal Employment Opportunity Commission (EEOC) issued its final **Enforcement Guidance on Retaliation and Related Issues**, to replace its 1998 Compliance Manual section on retaliation. The guidance also addresses the separate "interference" (Title V of the ADA) provision under the Americans with Disabilities Act (ADA), which prohibits coercion, threats, or other acts that interfere with the exercise of ADA rights.

The Commission has also issued two short user-friendly resource documents to accompany the new guidance: a **question-and-answer publication** that summarizes the guidance document, and a short **Small Business Fact Sheet** that condenses the major points in the guidance in non-legal language.

"**Retaliation is asserted in nearly 45 percent of all charges** we receive and is the most frequently alleged basis of discrimination," said EEOC Chair Jenny R. Yang. "The examples and promising practices included in the guidance are aimed at assisting all employers reduce the likelihood of retaliation. The public input provided during the development of this guidance was valuable to the Commission in producing a document to help employers prevent retaliation and to help employees understand their rights."

On Jan. 21, 2016, EEOC published a proposed guidance for public input. The final guidance issued today reflects the Commission's consideration of feedback received on the proposal from approximately 60 organizations and individuals representing a wide range of viewpoints. In preparing the final guidance, the agency also considered the stakeholder views expressed at the June 17, 2015 Commission Meeting held on this topic.

The guidance addresses retaliation under each of the statutes enforced by EEOC, including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act (ADEA), Title V of the Americans with Disabilities Act (ADA), Section 501 of the Rehabilitation Act, the Equal Pay Act (EPA) and Title II of the Genetic Information Nondiscrimination Act (GINA). Topics explained in the new guidance include:

1. The scope of employee activity protected by the law.
2. Legal analysis to be used to determine if evidence supports a claim of retaliation
3. Remedies available for retaliation.
4. Rules against interference with the exercise of rights under the ADA.
5. Detailed examples of employer actions that may constitute retaliation.

Since EEOC's 1998 Compliance Manual section on retaliation, the U.S. Supreme Court has issued seven decisions addressing retaliation under EEOC-enforced laws, and the filing of EEO claims that include a retaliation allegation has continued to grow. Charges of retaliation surpassed race discrimination in 2009 as the most frequently alleged basis of discrimination, accounting for 44.5 percent of all charges received by EEOC in FY 2015. In the federal sector, retaliation has been the most frequently alleged basis since 2008, and retaliation findings comprised between 42 percent and 53 percent of all findings of EEO violations from 2009 to 2015.

---

### ***MP WHO IS BLIND TO DRAFT CANADA'S FIRST NATIONAL ACCESSIBILITY LAW***

Carla Qualtrough, a human rights lawyer, Ottawa's minister responsible for Canadians with disabilities, former Paralympian and world championship swimming medalist is helping Canadians think about disability in a new way as she crafts the country's first national accessibility legislation. She is also a person who is blind and a member of the Canadian Parliament (MP).

Under the current legal framework, people with disabilities can only defend their rights once they have been ignored, a process the minister called "exhausting, expensive and unfairly burdensome."

"When systems and spaces are accessible, every Canadian wins. Barriers are bad for business," Qualtrough told a gathering last week at Whitby's Abilities Centre, where she announced a series of national round-tables and town hall meetings this fall.

The government has received more than 700 submissions since online consultations on the new law began in July. Canadians have until February 2017 to give their views.

Qualtrough will report on the consultations next spring and said she hopes to have legislation ready to introduce in the Commons by the end of 2017 or early 2018.

The MP from Delta, B.C., said she was thrilled when Prime Minister Justin Trudeau gave her the double-barreled portfolio — encompassing her two life passions — and told her to "go out and change the world."

"No pressure," she quipped. "The creation of this cabinet position makes it very clear that people with disabilities are important to our government and that we deserve to be considered in every decision around the cabinet table."

"Imagine the creativity that persons with disabilities must employ every day to navigate buildings, products and services that were not designed with their needs in mind," she said.



“Development of creative products, ways of doing things and — ultimately— a different way of looking at the world” are key to Canada’s quest for accessibility, she added.

Qualtrough, who has worked in human rights at both the federal and provincial levels and served as staff for several Liberal cabinet ministers on Parliament Hill between 1999 and 2005, knows her way around Ottawa. She’s glad she took the plunge.

“It’s a very interesting time in the evolution of disability rights,” she said. For the government to create a cabinet position and to give it to someone with a disability — “it’s a big deal,” she added.

Toronto lawyer David Lepofsky, co-chair of Barrier-Free Canada, which called for a national law during last year’s election, is also excited about Qualtrough’s appointment and her mandate.

“It’s great that the federal government is going to do a national consultation on this to hear from people,” said Lepofsky, who is also blind.

Canada is late to the table when it comes to accessibility legislation. The United States has had the Americans with Disabilities Act since 1990. The landmark Accessibility for Ontarians with Disabilities Act was introduced in 2005, with a goal of making the province fully accessible by 2025.

Ontario’s experience will help guide the federal law, Qualtrough said. But she will also be looking at how other provinces and countries legislate accessibility and learn from their successes and shortcomings.

One of Qualtrough’s main goals is to develop a common definition for disability that would apply to all federal laws and regulations and eventually be adopted by the provinces. Qualtrough expects public consultations, the country’s first national conversation about accessibility, will provide valuable input for Ottawa’s legislation and other federal programs such as the Canada Pension Plan Disability Benefit, the Disability Tax Credit and the Registered Disability Savings Plan.

It may even show provincial and municipal governments where they are coming up short.

---

## **AFFORDABLE CARE ACT RULE CHANGES HOSPITALS’ OBLIGATIONS TO PROVIDE AUXILIARY AIDS SIMILAR TO ADA TITLE II**

On September 8, 2015, the Department of Health and Human Services (“HHS”) proposed regulations to implement Section 1557 of the Affordable Care Act (ACA). Section 1557 prohibits certain entities that administer health programs and activities from excluding an individual from participation, denying program benefits, or discriminating against an individual base on his or her race, color, national origin, sex, age or disability. In May 2016, the HHS Office of Civil Rights issued the final rule implementing Section 1557. The final rule also prohibits discriminatory practices by health care providers, such as hospitals, that accept Medicare or doctors who participate in the Medicaid program. **The final rule became effective on July 18, 2016.**

Section 1557 builds on long-standing federal civil rights laws, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, **Section 504 of the Rehabilitation Act of 1973, Title III of the Americans with Disabilities Act (ADA)**, and the Age Discrimination Act of 1975. One notable requirement of this new rule is that hospitals must give “**primary consideration**” to the individual’s preference regarding auxiliary aids for effective communication, such as requests for on-site ASL interpreters and other types of auxiliary aids.

In the proposed rule, OCR considered whether to incorporate the standards in the regulation implementing Title II of the ADA or the standards in the regulation implementing Title III of the ADA. Under Title II, government entities are required to give “primary consideration” to the choice of auxiliary aid requested by an individual with a disability, whereas under Title III, the ultimate decision as to what auxiliary aid to provide rests with the private entity.

HHS concluded that after addressing the public comments received regarding the proposed final rule pertaining to this section that we believe it is appropriate to hold all recipients of Federal financial assistance from HHS to the higher Title II standards as a condition of their receipt of that assistance. We also noted that it is appropriate to hold HHS itself to the same standards to which the Department subjects the recipients of its financial assistance.

What does it mean for a hospital to give “primary consideration” to an individual’s expressed choice of auxiliary aid? In its technical assistance manual for Title II of the ADA, the DOJ explains that when an auxiliary aid or service is required, the public entity must provide an opportunity for individuals with disabilities to request the auxiliary aids and services of their choice and must give primary consideration to the choice expressed by the individual. ‘Primary consideration’ means that the public entity must honor the choice, unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program, or activity or in undue financial and administrative burdens.

State and local government services under Title II must give the person with a disability an opportunity to make an express choice, and the “public entity shall give primary consideration to the requests of the individual with “to request the auxiliary aids and services of their choice.” This contrasts with Title III of the ADA (which applies to public accommodations, including hospitals), which permits a public accommodation to consult with disabled individuals whenever possible to determine what type of auxiliary aid is necessary to ensure effective communication, but the ultimate decision as to which aid to use is left to the hospital.

The new Affordable Care Act rule now requires hospitals to honor the patient’s and/or companion’s requested auxiliary aid unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program, or activity or in undue financial and administrative burdens.

Non-compliance with the new final rule could result in investigations by the Department of Justice, OCR reviews, and lawsuits by aggrieved individuals.

What do hospitals need to do to meet this new, heightened standard? Hospital staff need to be **trained** on what auxiliary aids are appropriate and necessary in any given situation. Hospital staff needs to be reminded to document the patient’s and/or companions requested auxiliary aid in the medical record, as well as any complaints by the patient and/or companion about the auxiliary aid provided by the hospital. Most importantly, hospital staff should engage in a dialogue with the patient and/or companion, to ensure that the auxiliary aid provided by the hospital is meeting his or her needs throughout the hospital stay.

---

## ***VETERANS RETURNING TO WORK AFTER MILITARY SERVICE AND EMPLOYMENT***

USERRA (Uniformed Services Employment and Reemployment Rights Act of 1994) imposes various obligations on employers with respect to members of the U.S. military returning to their civilian workplace. USERRA differs from other employment laws. As an example, USERRA applies to **all public and private employers, irrespective of size**. In addition, USERRA contains an “escalator” requirement that returning service-members are reemployed in the job that they would have attained had they not been absent for military service with the same seniority, status, and pay, as well as other rights and benefits determined by seniority. Also, USERRA has no statute of limitations of any kind for claims that accrued after October 10, 2008

Another distinction is that the law modifies at-will employment by creating a “for cause” standard of discharge for veterans who return to work after a month or more of military service. If a veteran’s service was between thirty (30) and one-hundred and eighty (180) days, he or she may not be discharged except for cause for six (6) months following their return to work. Veterans returning from more than one-hundred and eighty (180) days



of service are afforded the same protection from discharge for one year. To meet the burden—which is the employer’s—of showing “cause,” an employer must produce evidence demonstrating, not only that it was reasonable to discharge the employee for the conduct at issue, but that the employee had notice that the conduct would constitute cause for discharge.

Recently, the Court of Appeals for the 10th Circuit reversed the district court’s grant of summary judgment for the employer on a discharged veteran’s USERRA claim, finding that the “for cause” standard was not met by the employer. (*Starr v. QuikTrip Corp.*, No. 15-5079, 2016 U.S. App. LEXIS 12972 (10th Cir. July 13, 2016).

The employer had a written policy requiring employees to provide notice of their lateness or inability to work a shift within two-hours of the start time of the shift, a manager had provided verbal assurance to the veteran that notice of a missed shift by the following working day would be sufficient. The veteran was discharged when he did not on three (3) occasions provide notice in compliance with the written policy. The court said that “a rational jury could find that the personnel manager’s promise to excuse a missed shift as long as [employee] called before the next working day deprived [employee] notice that violating written policy could result in termination.”

Employers need to make sure that Human Resources and managers understand the full range of obligations with regard to returning veterans including FMLA and ADA.

---

---

### **NONPROFIT TO PAY \$10,000 TO SETTLE EEOC RETALIATION LAWSUIT**

The Georgia Council for the Hearing-Impaired, Inc. (GACHI), a nonprofit organization in Decatur, Ga., that provides services for the deaf and hard of hearing, will pay \$10,000 and furnish other relief to settle a retaliation discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced recently.

EEOC filed suit in 2013, charging that GACHI retaliated against Plaintiff, a former outreach / training specialist, after he filed an EEOC charge against the organization in October 2012. Plaintiff and GACHI had signed an agreement to resolve Plaintiff's October 2012 EEOC charge. In that agreement, among other things, the company agreed to provide a neutral employment reference for Plaintiff to all prospective employers who inquired about Plaintiff's job history. According to EEOC's complaint, instead of providing neutral employment references as agreed, GACHI provided negative job references to more than one prospective employer, which unlawfully interfered with Plaintiff's ability to obtain work.

Such alleged conduct violates the anti-retaliation provisions of the Americans with Disabilities Act (ADA). EEOC filed suit in U.S. District Court for the Northern District of Georgia, Atlanta Division after first attempting to reach a pre-litigation settlement through its conciliation process. (*Civil Action No. 1:13-cv-3144-WBH*)

In addition to providing monetary relief for Plaintiff, the consent decree settling the lawsuit includes provisions for equal employment opportunity **training** by the organization, reporting by the organization to EEOC, and the posting of a notice to the organization's employees regarding its obligation to comply with all federal anti-discrimination laws.

Eliminating policies and practices that discourage or prohibit individuals from exercising their rights under employment discrimination statutes, or that impede EEOC's investigative or enforcement efforts, is one of six national priorities identified by the agency's Strategic Enforcement Plan.

---

---

### **TRANSGENDER BIAS CLAIMS UNDER ADA NOT UNCOMMON**

Discrimination charges based on transgender status have been filed under Title VII, but an EEOC district director said he is seeing “an emerging issue. Claimants are starting to assert violations of the ADA as well.

“You can expect to see this issue play out under both statutes,” said Reuben Daniels, District Director of the EEOC’s Charlotte District Office, told participants at the National Industry Liaison Group’s annual conference. “Right now, the EEOC has not taken a position on this issue,” Daniels said.

On the issue, the Justice Department has argued in federal courts that gender dysphoria is a disability under the ADA and not excluded by a statutory exemption for gender identity disorder claims not resulting from a physical impairment.

“The EEOC is not there yet, so we have not issued any decision or guidance on discrimination based on transgender status or gender identity under the ADA. But, as a best practice, we do accept those claims to preserve the rights of the charging party” regarding the timeliness of the charge, Daniels said. The EEOC doesn’t advise charging parties on discrimination based on gender identity and transgender status under the ADA, he said. The agency will focus on the portion of the charge related to Title VII of the 1964 Civil Rights Act.

Daniels generally sees the ADA allegations in discrimination charges in which private counsel have informed the charging party or the EEOC that they want to file under the ADA, as well as Title VII. “If that’s the case, then we will honor that,” he said. Also, “we are starting to see litigation in which plaintiffs are pleading the ADA coverage as part of their gender identity, transgender status or LGBT protection.”

“There is a debate going on in the lesbian, bisexual, gay and transgender community as to whether gender identity or transgender status should be treated as an ADA-covered issue. You don’t want your identity to be tagged as being a disability. That is one of the arguments that I have heard,” Daniels said.

He added some have said that “this is an issue in which I have no control, and it’s no different than depression or any kind of medical condition that may be psychological or psychiatric in nature,” he added.

Some medical experts have said that “gender is not binary, but part of a continuum, and people can identify at various places on the scale,” he said. “Maybe the law is struggling to catch up with the medical community.”

---

### ***DOJ FILES SUIT AGAINST HARRIS COUNTY, TEXAS, OVER POLLING PLACE ACCESS***

The DOJ filed a complaint 8/4/2016 in the Southern District of Texas alleging that Harris County, Texas, violated the ADA by failing to provide accessible polling places for voters with disabilities. Many polling places in Harris County have architectural barriers – such as steep ramps and narrow doors – that make them inaccessible to voters who use wheelchairs or have mobility impairments, or voters who are blind or have vision impairments.

“Like all voters, individuals with disabilities deserve the opportunity to vote at their local polling place – where they can greet neighbors, meet candidates and discuss the issues in their community,” said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Justice Department’s Civil Rights Division. “But many voters with disabilities in Harris County lack equal access to this basic and most fundamental right. Our lawsuit seeks to safeguard the right to vote and fulfill the ADA’s promise of equal opportunity for people with disabilities.”

“Access to voting for all eligible citizens is a priority in this district, partially evidenced by the recently created Civil – Civil Rights Section within our office,” said U.S. Attorney Kenneth Magidson of the Southern District of Texas. “This division civilly enforces federal civil rights laws including the Americans with Disabilities Act, among many others. We will continue to work with the Department of Justice and investigate and remedy such alleged violations to ensure all U.S. citizens are treated fairly and equally.”

The lawsuit seeks a court order that would require accessibility improvements to polling places in all future elections, training for poll workers to implement and maintain accessibility features at polling places as well as changes to the county’s polling place site selection process to ensure accessibility.

Title II of the ADA prohibits public entities, such as Harris County, from discriminating against people with

disabilities in their programs, services and activities. With respect to polling places, public entities are required to select and use polling places that are accessible.

---

### **WEBSITES AND THE DOJ**

DOJ announced 7/28/2016 an extension to October 7, 2016 for the public to submit comments on the SANPRM for state and local government websites.

In May the DOJ issued a SANPRM (Supplemental Advanced Notice of Proposed Rulemaking), rather than the proposed regulation for state and local government websites under Title II of the ADA.

In the SANPRM the DOJ seeks public input on well over 100 of tentative positions that it may take in a proposed regulation, including input on the costs and benefits of such a proposed rule. The SANPRM imposed an August 8, 2016 deadline for submission of public comments.

**The DOJ extended the comment period by 60 days to October 7, 2016 after receiving three comments requesting extensions.** DOJ cited the effect these Title II regulations will have on the Title III web accessibility regulations as a reason for this extension: “[a] Title II Web accessibility rule is likely to facilitate the creation of an infrastructure for web accessibility that will be very important in the Department’s preparation of the Title III Notice of Proposed Rulemaking on Web site accessibility of public accommodations.”

DOJ also noted that “further delays in this Title II rulemaking will, therefore, have the effect of hindering Title III Web rulemaking’s timeline as well” which is now scheduled for 2018.

---

### **ADA v. SOCIAL SECURITY**

A former Detroit public school teacher with an arthritic knee who received Social Security disability benefits can't pursue an Americans with Disabilities Act claim, the U.S. Court of Appeals for the Sixth Circuit ruled. **(Stallings v. Detroit Pub. Sch., 2016 BL 243760, 6th Cir., No. 15-2428, unpublished 7/28/16 ).**

An ADA plaintiff who receives Social Security disability benefits still may have a triable ADA claim if she explains how she could perform the job with reasonable accommodation.

But Phyllis Stallings failed to present evidence that would reconcile the apparent contradiction between her Social Security benefits application claiming total disability and her assertion that she could have continued teaching if reasonably accommodated, the appeals court said.

Stallings therefore can't show she is a “qualified” individual with a disability able to perform the job's essential functions, Judge Richard Allen Griffin wrote in an opinion joined by Judges Jeffrey S. Sutton and Bernice B. Donald.

An individual's Social Security disability benefits application doesn't necessarily bar an ADA claim because the Social Security Administration doesn't ask if the individual could perform a job with reasonable accommodation, the U.S. Supreme Court said in *Cleveland v. Policy Management Systems Corp.*, 526 U.S. 795, 9 AD Cases 491 (1999).

But the court in *Cleveland* said an ADA plaintiff can't “ignore the apparent contradiction” that arises from her Social Security application claiming total disability and her ADA claim that she can still work.

The plaintiff “must proffer a significant explanation” that reconciles the Social Security document with her ADA claim that she is “qualified” if given a reasonable accommodation, the Supreme Court said.

Affirming summary judgment for the Detroit schools, the Sixth Circuit said Stallings failed to make that showing. Stallings requested a four-month leave of absence in August 2013 after the district said it only had classroom

jobs to offer her. A veteran elementary school teacher, Stallings was recovering from knee replacement surgery and her physician told the district she needed a non-teaching job. The school district denied Stallings the requested medical leave, prompting her retirement and successful application for Social Security disability benefits.

Stallings alleged in her ADA lawsuit that if the district had reasonably accommodated her, she could have continued working.

"While temporary leave may indeed be a reasonable accommodation in the 'appropriate circumstances,' it does not in this instance 'explain the contradiction' or 'resolve the disparity' created by Stallings' later claim of 'total disability,' " the court said.

The Social Security Administration granted Stallings benefits only after finding she was unable to "engage in any substantial gainful activity" for at least a year, the court said.

That can't be squared with her ADA claim that if she had received a four-month leave, she could have resumed teaching, the court said.

---

---

### ***DOE RELEASES GUIDANCE ON CIVIL RIGHTS OF STUDENTS WITH ADHD***

The U.S. Department of Education's Office for Civil Rights (OCR) today issued guidance clarifying the obligation of schools to provide students with attention-deficit/hyperactivity disorder (ADHD) with equal educational opportunity under Section 504 of the Rehabilitation Act of 1973.

Over the last five years, OCR has received more than 16,000 complaints that allege discrimination on the basis of disability in elementary and secondary education programs, and more than 10 percent involve allegations of discrimination against students with ADHD. The most common complaint concerns academic and behavioral difficulties students with ADHD experience at school when they are not timely and properly evaluated for a disability, or when they do not receive necessary special education or related aids and services.

The recent guidance provides a broad overview of Section 504 and school districts' obligations to provide educational services to students with disabilities, including students with ADHD. The guidance:

- 1) Explains that schools must evaluate a student when a student needs or is believed to need special education or related services.
- 2) Discusses the obligation to provide services based on students' specific needs and not based on generalizations about disabilities, or ADHD, in particular. For example, the guidance makes clear that schools must not rely on the generalization that students who perform well academically cannot also be substantially limited in major life activities, such as reading, learning, writing and thinking; and that such a student can, in fact, be a person with a disability.
- 3) Clarifies that students who experience behavioral challenges, or present as unfocused or distractible, could have ADHD and may need an evaluation to determine their educational needs.
- 4) Reminds schools that they must provide parents and guardians with due process and allow them to appeal decisions regarding the identification, evaluation, or educational placement of students with disabilities, including students with ADHD.

In addition to the guidance, the Department also released a Know Your Rights document that provides a brief overview of schools' obligations to students with ADHD.

## ***NEW MEXICO ENTITY TO PAY \$165,000 TO SETTLE ASSOCIATIONAL DISABILITY BIAS***

### ***CHARGE***

New Mexico Orthopaedics Associates, P.C. (NMOA), which owns and operates a medical facility in Albuquerque, will pay \$165,000 to settle a lawsuit for associational disability discrimination filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced recently.

According to EEOC's suit, NMOA violated the Americans with Disabilities Act (ADA) by firing a temporary staffing agency employee, and failing to hire her for a full-time position because of her relationship with her then three-year old daughter, who had disabilities or was regarded as disabled.

Disability discrimination, including discrimination against relatives and associates of a disabled individual, violates the ADA. EEOC filed its suit in U.S. District Court for the District of New Mexico after first attempting to reach a pre-litigation settlement through its conciliation process. (***EEOC v. New Mexico Orthopaedics Associates, P.C., 15-CV-00557 MV/KBM***)

In addition to requiring NMOA to pay monetary damages to employee and provide her a letter of reference, the consent decree settling the suit requires NMOA **to conduct annual anti-discrimination training for its employees, managers, supervisors, and human resources employees**. NMOA will also develop and implement a management evaluation and compensation system which takes into account compliance with equal employment opportunity laws, policies and laws prohibiting retaliation, and this decree. NMOA will also adopt and distribute its anti-discrimination policies and report to EEOC if there are any complaints of disability discrimination. The court approved the settlement and will retain jurisdiction for purposes of compliance for two years.

"The ADA specifically prohibits discrimination against mothers, fathers, caregivers, family members or others who are associated with persons with disabilities," said EEOC Regional Attorney Mary Jo O'Neill. "Employers, especially those employers in medical fields, should be careful to provide employment opportunities based solely on the qualifications of the employee or applicant and not impermissible factors such as their association with an individual with a disability."

The discrimination victim said, "It should never have happened. A mother should never have to worry about losing her job because her child has a disability. I hope the lawsuit encourages moms and dads to stand up fearlessly when things like this happen. I also hope this lawsuit and this resolution encourages companies to train supervisors and employees to assure things like this don't happen in the workplace."

The EEOC Albuquerque Area Director added, "This lawsuit is the first associational disability claim pursued by the Albuquerque Area Office in federal court. We are proud of the staff involved and pleased that this employer will provide needed training and resources to ensure that this does not occur again."

---

---

***Many of the articles will be discussed further in the general sessions and track workshops for Employment; Higher Education; and Access, Services and Design at the Association's Fall 2016 ADA National Conference in San Diego, October 10-17, 2016.***





**KEVIN L. FAULCONER**

MAYOR



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

OCTOBER 17-20, 2016

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

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

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

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

Best personal regards,

Kevin L. Faulconer  
Mayor



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

**Cosponsored by the City of San Diego**

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

## ***Conference Program - Page 1***

8:15 a - 9:00a	<b>Continental Breakfast and Registration</b>
9:00a - 9:30a	<p><b>WELCOME</b></p> <p>Phong Nguyen, M.D., P.A. - Association Chairman and Conference Coordinator Kevin Faulconer, Mayor, City of San Diego (invited) John Wodatch, Association President Paul Hagle, P.A., Association Executive Director</p>
9:30a - 10:30a (1 PA CEU)	<p><b>DOJ KEYNOTE</b> <b>WHAT'S HAPPENING AT THE DOJ</b></p> <p>DOJ covers recent and important emerging ADA case law, issues and the work of DOJ with U.S. Attorneys offices throughout the U.S.</p> <p>With the effective date of 10/11/2016, DoJ will discuss that although the ADA Amendments Act is already in effect and already applies to entities covered under title II (State and local governments) and title III (public accommodations and commercial facilities) of the ADA, the DOJ will discuss changes to its title II and III regulations that will help ensure that covered entities, persons with disabilities, and others will know how to interpret and apply the ADA Amendments Act. These changes also will satisfy the Attorney General's responsibility to publish regulations that are consistent with any changes to the ADA made by Congress.</p> <p>With the goal of avoiding litigation while assuring your ADA policies and decisions are up-to-date, we open the floor to your questions relating to best practices and how we can help you be your most effective in meeting your responsibilities.</p> <p><b>Rebecca Bond, J.D., Chief, Disability Rights Section</b> <b>Civil Rights Division, U.S. Department of Justice, Washington, DC</b></p>
10:45a - 12:00p (2 PA CEU)	<p><b>EEOC KEYNOTE</b> <b>WHAT'S HAPPENING AT EEOC</b></p> <p>This interactive session covers important issues such as an update on new, significant ADA case law and Title I regulations from a practical point of view.</p> <p>A review of new EEOC guidance and resource documents to implement workplace discrimination laws.</p> <p>EEOC issued its final Enforcement Guidance on Retaliation and Related Issues, to replace its 1998 Compliance Manual section on retaliation. The guidance also addresses the separate "interference" provision under the Americans with Disabilities Act (ADA), which prohibits coercion, threats, or other acts that interfere with the exercise of ADA rights.</p> <p>A discussion on the new resource document <b><i>Employer-Provided Leave and the Americans with Disabilities Act</i></b> that addresses the rights of employees with disabilities who seek leave as a reasonable accommodation under the ADA.</p> <p>EEOC will also review the final rules that describe <b>how Title I of the ADA and Title II of the GINA apply to wellness programs offered by employers that request health information from employees and their spouses.</b> The rules provide guidance to both employers and employees about how workplace wellness programs can comply with the ADA and GINA consistent with provisions governing wellness programs in the Health Insurance Portability and Accountability Act, as amended by the Affordable Care Act).</p> <p>This is the participants' opportunity to ask questions and to determine the impact the cases will have on their respective workplaces and the best practices that can be considered by employers.</p> <p><b>Christopher Kuczynski, J.D., LL.M., Acting Associate Legal Counsel &amp; ADA/GINA Policy Director, Office of Legal Counsel, U.S. E.E.O.C., Washington, DC.</b></p>
12:00p - 1:00p	<b>LUNCHEON - National Institute on Employment Issues</b>

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

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

Time Periods	Workshop Synopsis
1:00p - 2:00p <u>and</u> 2:15p - 3:15p  ( 2 PA CEU )	<p align="center"><b><i>PUBLIC OPINION DOESN'T COUNT BUT PUBLISHED OPINION DOES</i></b></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"><b><i>Christopher Kuczynski, J.D., LL.M.</i></b>  <b><i>Acting Associate Legal Counsel, ADA/GINA Policy Director, Office of Legal Counsel,</i></b>  <b><i>U.S. E.E.O.C., Washington, D.C.</i></b></p>
3:30p - 4:30p  ( 1 PA CEU )	<p align="center"><b><i>EFFECTIVE COMMUNICATION: I'M NOT SURE YOU UNDERSTAND WHAT YOU THINK I SAID BUT. . .</i></b></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"><b><i>John Wodatch with Rebecca Bond, Irene Bowen, Paul Grossman, Chris Kuczynski</i></b></p>

---

**SPECIAL CONFERENCE EVENTS**

---

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

---

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

---

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

---

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

Time Periods	Track	Workshop Synopsis
8:15a - 9:00a		Continental Breakfast and Registration
9:00a - 10:20a  ( 1 PA CEU ea BASIC )  ( 2 PA CEU ea ADVANCED )		<b>FOR PAs and PA Candidates only who have completed all three of the ADA basic sessions:</b> There will be advanced workshops available for the next two consecutive sessions for the Access, Services & Design Track; Employment Track; and Higher Education tracks.
	ACCESS, SERVICES, & DESIGN	<b>ADA BASICS: WHAT THE 'RULES' (I.E., REGULATIONS) SAY</b> 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 Dean Perkins, Jim Terry</i> <i>(Irene Bowen and Jim Bostrom to lead Advanced P.A. Access session)</i>
	EMPLOYMENT	<b>WE DON'T NEED NO BADGES!</b> 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	<b>A POST-SECONDARY ADA COORDINATOR'S GUIDE TO COMPLIANCE</b> 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	<b>ADA BASICS: WHAT YOUR 'FACILITIES' SHOULD LOOK LIKE</b> 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 Dean Perkins, John Wodatch</i> <i>(Jim Bostrom and Irene Bowen to lead Advanced P.A. Access session)</i>
	EMPLOYMENT	<b>ELEMENTARY, MY DEAR WATSON</b> 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	<b>2016 LEGAL UPDATE - PART 1</b> 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	<b>REASONABLE MODIFICATIONS: ENSURING NONDISCRIMINATION THROUGH POLICY CHANGES</b> 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 Dean Perkins, John Wodatch</i>
	EMPLOYMENT	<b>WELL, HERE'S ANOTHER NICE MESS YOU'VE GOTTEN ME INTO!</b> 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	<b>LEGAL UPDATE - PART II: SERVICE AND ASSISTANCE ANIMALS</b> 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	<b>WE GOT PICTURES: GOOD IDEAS AND SOME REALLY BAD ONES, TOO.</b> 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, Dean Perkins, John Wodatch</i>
	EMPLOYMENT	<b>LOUIS, I THINK THIS IS THE BEGINNING OF A BEAUTIFUL FRIENDSHIP</b> 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	<b>LEGAL UPDATE - PART III: CLINICAL SETTINGS AND FIELD WORK</b> 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	<b>PROGRAM ACCESS: WHAT IT REALLY MEANS</b> 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, Dean Perkins</i>
	EMPLOYMENT	<b>FRANKLY, MY DEAR, I DON'T GIVE A . . .</b> 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	<b>LEGAL UPDATE - PART IV: ELECTRONIC INFORMATION</b> 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		<b>Continental Breakfast and Registration</b>
9:00a - 10:20a ( 2 PA CEU's ea)	<b>ACCESS, SERVICES, &amp; DESIGN</b>	<p><b><i>PUBLIC RIGHTS OF WAY: BEST PRACTICES IN TRANSPORTATION ACCESS</i></b></p> <p>A detailed look at changes to accessible facilities and services as described in the (upcoming/recently finalized?) Public Rights of Way Accessibility Guidelines (PROWAG). How PROWAG criteria matches the ADA Standards and how/where it may differ.</p> <p align="right"><i>Dean Perkins with Jim Bostrom</i></p>
	<b>EMPLOYMENT</b>	<p><b><i>IF YOU BUILD IT, HE WILL COME</i></b></p> <p>In today's multimedia environment, individuals with disabilities must rely on multiple aspects of online and video accessibility in order to access information and participate in society. A website expert presents this session on Web Content Accessibility Guidelines (WCAG 2.0 AA) and how employers can make public-facing websites, intranets, and electronic training materials both accessible and guideline compliant.</p> <p align="right"><i>Joe Dolson with John Golom, Brian Nelson, Mary Jo O'Neill</i></p>
	<b>HIGHER EDUCATION</b>	<p><b><i>THE INTERACTIVE PROCESS FOR EFFECTIVE COMMUNICATION AND SENSORY IMPAIRMENTS</i></b></p> <p>Academic Adjustments must be effective and this can be challenging particularly in math, science, and other visual or auditory coursework. Learn how to build a program to effectively serve students with sensory impairments and how to obtain the necessary medical documentation to establish the limitation and select appropriate academic adjustments. OCR letters and recent court decisions will illuminate how to apply the 'best ensure' standard in delivering academic adjustments for your campus programs, services and activities.</p> <p align="right"><i>Paul Grossman with Melissa Frost, Jim Long, Phong Nguyen</i></p>
10:40a - 12 Noon ( 2 PA CEU's ea)	<b>ACCESS, SERVICES, &amp; DESIGN</b>	<p><b><i>WEB ACCESS: HOW DO CUSTOMERS GET TO YOUR ONLINE STUFF?</i></b></p> <p>This session will discuss how users can access and navigate your Website(s) to learn the information you have to share and to offer input, provide responses or ask questions. Topics will include the requirements under the recently updated federal guidance for public agency websites and discuss the latest World Wide Web Consortium's (W3C) Web Content Accessibility Guidelines (WCAG 2.0 AA).</p> <p align="right"><i>Joe Dolson with Jim Bostrom, Irene Bowen</i></p>
	<b>EMPLOYMENT</b>	<p><b><i>I'M GONNA MAKE HIM AN OFFER HE CAN'T REFUSE</i></b></p> <p>This session focuses on the reasonable accommodation process, including establishing essential functions and the beginnings of the interactive process. Much of the session is scenario-based, with an opportunity for participants to pose questions to faculty members.</p> <p align="right"><i>John Golom with Brian Nelson, Mary Jo O'Neill</i></p>
	<b>HIGHER EDUCATION</b>	<p><b><i>CONDUCT, GRIEVANCE AND DUE PROCESS</i></b></p> <p>This scenario-based session will present the best practice essentials to address conduct issues as we take a student through the process for academic dismissal, conduct dismissal, threat assessment for inappropriate conduct, and the request for readmission. Learn to identify those who are 'not otherwise qualified' and to recognize the possible overlap between disability and Title IX issues.</p> <p align="right"><i>Paul Grossman with Jim Long</i></p>
12:00p-1:00p		<b>LUNCHEON - National Association of ADA Coordinators</b>

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

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

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

Designated General Sessions - All Participants	
1:00p - 2:00p  ( 1 PA CEU )	<p><i>Please note: There will also be PART TWO of LAW ENFORCEMENT at this time with Michael Sullivan</i></p> <hr/> <p align="center"><b>EMERGENCY PREPAREDNESS</b>  <b>WHAT NEEDS TO BE DONE BEFORE THERE IS AN EMERGENCY?</b></p> <p>How does the non-first responder (the entity) begin to develop an approach to such issues as emergency drills, evacuation plans, rescue, accessible paths of travel which become unaccessible, shelter-in-place, and assisting visitors and employees with disabilities? There are many “how-to” references and “best practices” available for emergency planning. The Department of Justice Toolkit (on your USB ADA library drive) is one such source. This session is intended to be interactive and address the fundamentals and needs for a plan.</p> <p align="center"><i>Irene Bowen with Jim Long, John Wodatch</i></p>
	<p align="center"><b>ACCESS TO COURTS AND COURT SERVICES</b></p> <p>You probably know that court rooms and services carried out by state and local courts must comply with the ADA. But what ARE court services - weddings, mandatory (or not) mediation, court-ordered anger management or safe driving classes? We'll fill you in on DOJ's compliance reviews of local courts, recent cases, and the 2010 Standards.</p> <p align="center"><i>Irene Bowen with John Wodatch, Jim Terry, Jim Bostrom, Michael Sullivan</i></p>
	<p align="center"><b>“HOW DO I . . .”</b>  <b>HELPING THE ADA COORDINATOR TO SUCCEED</b></p> <p>Professionals dealing with ADA compliance issues need to find ways to get things done even in the toughest circumstances. Many times success depends on working one’s way through the respective bureaucracy, public or private. Three common pitfalls in dealing with bureaucracy when negotiating are failure to understand the bureaucracy’s interests, failure to understand its power, and failure to understand the fact that bureaucracy is not monolithic. This is a time for you to ask questions in order for you to learn successful ways to get the job done . . . efficiently and effectively.</p> <p align="center"><i>John Wodatch with Irene Bowen, Melissa Frost, John Golom, Jim Long, Brian Nelson, Dean Perkins</i></p>

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

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

**Must Pre-Register**

**NO Registrations Accepted at the Door**

## CONFERENCE INFORMATION

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.

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

Mail registrations & 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.)

### 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) corp.)**

Conference Dates	Associate Only - Daily Only Rates - Non-Associates
Mon. 10/17/2016	[ ] \$575 [ ] \$685
Tue. 10/18/2016	[ ] \$575 [ ] \$685
Wed. 10/19/2016	[ ] \$575 [ ] \$685
Thu. 10/20/2016	[ ] \$575 [ ] \$685

#### All Four Days of the Conference

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

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

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

**ANY CANCELLATION** must be in writing to us no later than 9/30/2016 (no exceptions) and is subject to a processing fee of \$500. Remaining balance, after processing fee is deducted for any cancellation on or after 10/3/2016, can only be applied to the Association's Spring 2017 or Fall 2017 national conferences. **There are no refunds or credits for any no-shows on or after 10/12/2016.**

### JOIN or RENEW YOUR ASSOCIATE STATUS

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

[ ] Individual Associate - \$195;

[ ] Organization Associate - \$345

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

### TOTAL AMOUNT and METHOD OF PAYMENT

[ ] Visa/MasterCard [ ] Amex [ ] Check

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

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

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

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

A copy of a fully **approved** purchase order by your organization **must be** received with registration form(s) **no later than 9/30/2016**, and be accepted and invoiced by the National Association of ADA Coordinators or space will not be 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: \_\_\_\_\_ (2WEB1016)

# ***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 14<sup>th</sup> 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* (8<sup>th</sup> edition). Insights into this area of law are often drawn from his own challenges attending college and law school as an individual with a disability.



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

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

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

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

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

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

**Featured Senior ADA Professional Faculty Members**

***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.**

***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.