

Celebrating the Association's 25th Anniversary of Its Formation

2017 Spring ADA National Conference

"Your Constant Guide to Changing Times."

Co-sponsored by the State of Florida DOT for the Fifth Year

April 24 - 27, 2017

Tampa, Florida

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

"Your Constant Guide to Changing Times."

For 25 years NAADAC has brought ADA coordinators together, providing a forum for the most up-to-date information on ADA issues and enforcement. With its faculty of nationally recognized experts, NAADAC has been a constant source of practical, understandable ADA principles and practices. Through different administrations, Republican and Democratic, from George H.W. Bush to Bill Clinton to George W. Bush to Barack Obama, NAADAC has been your expert guide to the ADA.

Now, celebrating its silver anniversary, NAADAC continues its role as the Administration of Donald Trump fills over 4,000 positions in the Federal government and seeks to undertake its ADA obligations. The President-elect has promised to make rebuilding our country's infrastructure a major priority – public rights of way, bridges, roads, highways. This "Build, Baby, Build" approach makes having current ADA information a necessity. Ensuring that all this construction meets the ADA's accessibility requirements will be a key and continuing challenge. So, join us for our Spring Conference in Florida in April, and you'll find that NAADAC will once again be "Your Constant Guide to Changing Times."

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

President, National Association of ADA Coordinators

Deputy Assistant Attorney General (ret.), DRS

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

What participants said about the Fall 2016 Conference

"This was my first National ADA Conference. I have been to many conferences covering subjects related to my profession of Architecture. This conference was the best learning experience that I have experienced, start to finish." W.M.F, Major University, North Carolina

"This is the fourth conference I have attended. Every session has been outstanding. The opportunity to have access to the faculty with the amount of expertise and experience at such an outstanding level is invaluable. I am already looking forward to next year." S.M., Major State of California Division

The Spring 2017 National Conference Scheduled Faculty includes:

**9 ADA attorneys, 4 ADA architects, 9 ADA Coordinators and
Section 504 Compliance Officers, ADA Web Designer, and ADA Medical Professional**

**See Full Conference Agenda, Faculty Bios on Association in this newsletter
and/or on this web site. *Early Bird Registration ends February 10, 2017.***

www.adacoordinators.org

ADA USB FLASH DRIVE LIBRARY AND CONFERENCE HANDOUTS

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

Each participant will receive about 400 important ADA Handouts - *FREE* - on the updated Conference 2017 USB ADA Library Drive. The updated USB drive is only available at the Spring 2017 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.

OTHER CONFERENCE 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 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 Spring 2017 Conference donated cash prizes will be awarded in three categories. 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 over \$200, for the 2017 Spring Conference Associate registration rate.

The ***Associates' Version of this Newsletter*** contains an additional 12 emailed pages on ADA case law and other information.

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

We recognized 5 new P.A.s at the Fall 2016 conference and another 9 completed their P.A. requirements at the conference. There are over 150 Associates in various phases of completing the PA program.

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

CONFERENCE LOCATION AND HOTEL

The conference is being held at the ***Hilton Tamp Airport Westshore at 2225 No Lois, Tampa, FL 33609***. Complimentary shuttle provided from/to Tampa International Airport and within three miles of the hotel. Conference self-parking and basic 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 \$130.00 per night, plus taxes (single/double) if reserved by ***4/2/2017***, provided room block has not been sold out. To make lodging reservations call the hotel 813-877-6688 and mention you are attending the National Association of ADA Coordinators conference.

Remember to register as soon as possible - early bird ends February 10, 2017

***Spring 2017 ADA National conference
April 24-27, 2017
Tampa, Florida***

ADA ARTICLES OF INTEREST

(Articles for information purposes only and are not to be considered as legal advice)

Spring Conference, April 24-27, 2017 to cover these and other ADA issues.

EEOC ISSUES FISCAL YEAR 2016 PERFORMANCE REPORT

The U.S. secured more than \$482.1 million for victims of discrimination in private, state and local government, and federal workplaces during fiscal year 2016, which ended Sept. 30, the agency reported in its annual Performance and Accountability Report published on in mid-November.

This includes \$347.9 million for victims of employment discrimination in private sector and state and local government workplaces through mediation, conciliation, and settlements; \$52.2 million for workers harmed by discriminatory practices through agency litigation; and \$82 million for federal employees and applicants. Importantly, in each of these categories, the agency obtained substantial changes to discriminatory practices to remedy violations of equal employment opportunity laws and prevent future discriminatory conduct.

"For over 50 years, EEOC has worked to fulfill our nation's shared vision of equality and justice for all, said Chair Jenny Yang. "To achieve this vision, the agency has undertaken a comprehensive effort to strategically deploy its resources to matters where government focus is most needed. We are proud of our efforts to foster constructive solutions that promote prosperity for all our workers, employers and communities."

Significant agency accomplishments in fiscal year 2016 include the following:

1.) EEOC increased the number of charges staff resolved to 97,443 charges, 6.5 percent more than the charges EEOC received. This resulted in a reduction of charge workload by 3.8 percent to 73,508, a 3,100 charge reduction compared with fiscal year 2015. The agency also handled over 585,000 calls to its toll-free number and more than 160,000 pre-charge inquiries in field offices, reflecting the significant public demand for EEOC's services.

2.) EEOC helped workers obtain relief by resolving over 15,800 charges of discrimination through the agency's administrative processes-settlements, meditations, and conciliations. Systemic cases address patterns or practices of discrimination or policies that have a broad impact on a region, industry, or a group of employees or job applicants. In fiscal year 2016, EEOC resolved 273 systemic investigations before filing litigation, obtaining more than \$20.3 million in remedies. In litigation, EEOC resolved 21 systemic cases, six of which included at least 50 victims of discrimination and two of which included over 1,000 victims of discrimination.

3.) The agency's outreach programs reached 315,000 people during the year through participation in 3,700 no-cost educational, training and outreach events. EEOC also revamped its [Youth@Work](#) website to provide updated resources for America's next generation of workers. To help small businesses, EEOC launched the online [Small Business Resource Center](#) to provide a one-stop shop to help small businesses access information about employer responsibilities to prevent or eliminate discrimination on the job.

4.) In fiscal year 2016, EEOC's legal staff resolved 139 merits lawsuit in the federal district courts for a total monetary recovery of \$52.2 million. EEOC filed 86 lawsuits alleging discrimination during fiscal year 2016 and achieved a favorable resolution in approximately 90.6 percent of all district court resolutions. The filings include 55 individual suits and 13 suits involving multiple victims or discriminatory policies, and 18 systemic suits.

5.) In our federal sector program, the agency resolved 6,792 hearings complaints and secured more than \$76.9 million in relief for federal employees. EEOC also resolved 3,751 appeals of agency decisions on federal sector complaints, including 47.3 percent of them within 180 days of receipt, and secured more than \$5.1 million in relief.

6.) In fiscal year 2016, EEOC continued to focus efforts on those activities likely to have strategic impact in advancing equal opportunity in the workplace through implementation of its Strategic Plan for Fiscal Years 2012-2016, which the Office of Management and Budget authorized the Commission to extend through fiscal year 2018, and the related SEP.

HEAD OF THE CIVIL RIGHTS DIVISION VANITA GUPTA DELIVERS REMARKS AT THE CIVIL RIGHTS DIVISION'S ANNUAL AWARDS CEREMONY

Washington, December 7, 2016

“Good afternoon, everyone. I want to start by thanking Principal Deputy Associate Attorney General [Bill] Baer and Deputy Attorney General [Sally Q.] Yates for joining us today and for their wise counsel and outstanding support of the Civil Rights Division. I also want to thank Attorney General [Loretta E.] Lynch – who I know wanted to be here today and sends her regards – for her unwavering support of the division’s work. And I want to thank all of you – the men and women who carry out the division’s work, day-in and day-out, with the utmost integrity. For nearly six decades – during Democratic and Republican administrations, with resilience and resolve, in times of tumult and triumph, against threats of billy clubs and bullets – the Civil Rights Division has advanced America’s highest ideals of freedom, justice and equality for all.

In 1957 – in an era with open wounds of racism and hate, against fierce opposition and after a more than 24-hour filibuster by Senator Strom Thurmond – Congress passed the first piece of civil rights legislation since Reconstruction. Focused almost exclusively on voting rights, the legislation didn’t provide the tools to address widespread discrimination in employment, housing, education and other important areas. But it did create a framework to enforce the protections that Congress would pass, that courts would defend and that America would support in the years to come. That framework was the Civil Rights Division. And over time those protections went into law – protections centered around the most fundamental of human aspirations: the notion that all people deserve to be treated fairly, with dignity and with decency. They were protections designed to advance the cause of justice.

The cause of justice is never static. It is always searching for the next barrier to dismantle, for the next right to vindicate and for the next freedom to secure. That’s what President [Lyndon B.] Johnson meant when he signed the Civil Rights Act of 1964 and said, “those who founded our country knew that freedom would be secure only if each generation fought to renew and enlarge its meaning.” That’s what President [George H.W.] Bush meant when he signed the Americans with Disabilities Act in 1990 and declared: “Let the shameful

wall of exclusion finally come tumbling down.” And that’s what Justice [Anthony] Kennedy meant when he wrote last year in *Obergefell v. Hodges* that our Constitution guarantees all people “equal dignity in the eyes of the law.”

For the past eight years, this Civil Rights Division has answered that same call to make the promise of justice real for every person in every community. During a time when civil rights are at the forefront of our national public discourse, you have made extraordinary contributions. From policing and criminal justice reform, to LGBT rights and voting, you have fought discriminatory barriers and opened doors of opportunity for some of the most vulnerable among us: people with disabilities, people of color, people living in poverty and people who speak English as a second language. Your work has transformed the nation, fulfilled dreams and changed lives. And in doing this work, from Appellate to Policy, you’ve showed an amazing capacity to work across section boundaries.

You helped Hugo Ramirez – who lost his job, and then his savings and his car, because of an error with E-Verify – resolve the issue and find a new job as director of business development for a California health care provider. In his words, you “gave me my livelihood back.”

After Police Officer Lyndi Trischler suffered complications from a high-risk pregnancy and the city of Florence, Kentucky, denied her request for light duty, you brought a case, reached a critical settlement, won her thousands of dollars in relief and changed the policies and training for protecting future female employees of the city.

In a case that captured the attention of people all over the world, you brought a groundbreaking lawsuit against the state of North Carolina over H.B. 2 to vindicate the rights and defend the dignity of transgender individuals.

Your Olmstead enforcement helped Gabrielle – who dreamed of buying a home – find work as a grooming assistant at a dog day care and boutique, earning more than \$9 per hour. As she said, “I feel better about my life and ... I ended up buying that house.”

A consent decree you reached with Wells Fargo created a program called CityLIFT that changed Monica’s life. After she couldn’t buy a home for her family and lost her deposit, she felt like she “had lost everything.” But once she learned about CityLIFT, which provides down payment assistance grants, she used the program to fulfill her dream and buy a home. As Monica explained, “I needed for my children to know they can do anything, and for my mother to know she’s done well.”

You changed norms in our justice system by advancing language access in state courts around the country. Because of your work, a low-income LEP woman in Michigan no longer needs to struggle through her child custody hearing or use her son as the court interpreter.

You won two landmark voting rights cases in Texas and North Carolina. In Texas, Sammie Louise Bates was one of roughly half a million Texans who lacked the form of ID needed to vote. Bates – an elderly African-American woman living on a fixed income of \$321 per month – lacked the \$42 for a birth certificate she needed for a Texas ID. As she testified, “I had to put the \$42 where it was doing the most good ... because we couldn’t eat the birth certificate ... and we couldn’t pay rent with the birth certificate.” Now, thanks to you, Bates can vote without paying money she doesn’t have for a card she can’t afford.

You supported and implemented an election monitoring program that mobilized the division and department to make sure we didn't miss a beat – and based on your effort, we sent more than 500 personnel to 67 jurisdictions in 28 states during last month's general election.

You reached a settlement agreement so that thousands of kindergarteners in Arizona will have the chance to learn English and reach their full potential.

You negotiated a consent decree with Ferguson and released our findings letter on Baltimore – two cases that shaped a national dialogue around the devastating connections among race, poverty and injustice in policing.

Your work brought transformative change to Ohio's juvenile corrections system. One young person explained the system's "drastic change" that helped transform her from one of the worst-behaved kids to one of the best. She went on to describe the powerful lesson of self-confidence: "When I get home I know I'm going to be able to use my new thought process because it feels so much better than doing what I used to do, being in trouble."

From filings on bail reform and the criminalization of homelessness to a letter to state and local judges about the unlawful imposition of fines and fees, you have sought to ensure that no one is punished for their poverty.

You stood up for a black gay man in Corpus Christi, Texas, who was viciously beaten because of his race and sexual orientation. You prosecuted hate crimes targeting Muslim Americans and other vulnerable groups. You convicted a defendant for recruiting foreign students from Kazakhstan by falsely promising clerical jobs at a made-up yoga studio and then forcing them into prostitution. And you vindicated the rights of inmates and civilians abused and assaulted by officers who flouted the law.

You did extensive outreach to combat religious discrimination. And you helped advance diversity in law enforcement by identifying common barriers and promising practices to employment in the profession.

For just a few minutes, I want to talk about what your work has meant to me, and I want to emphasize that for the next several weeks, we still have work to do together. During the past two plus years, you have given me the experience of a lifetime – the privilege to advance the cause of justice, to lift up the amazing work of the outstanding career men and women in the division. It has been the most incredible two years of my life. I cannot thank you enough – for your leadership, for your friendship and for your service to our country. You have transformed the landscape of civil rights work in America irrevocably. And you have done it all with grace and resolve, with compassion and empathy, with unyielding drive and relentless focus.

You have also given me hope. This work is never easy. And I know that we – as a nation and as a people – have far more work to do. Congress didn't create the Civil Rights Division in 1957 to solve the easy problems. Congress created this division to tackle the toughest issues, to serve as an independent and forceful agency of justice and hope. You cannot be an agent of change without a deep reservoir of hope. It's the hope that men and women today can build a more just, more inclusive and more free future for the children of tomorrow. It's the hope that thanks to all of you in the Civil Rights Division, people will reap the benefits of this work for generations to come – in safer streets, in desegregated schools, in fair markets and in stronger communities. It's the hope that despite the zigs and the zags of our nation's history, you will continue to ensure that America marches forward, imperfectly yet inexorably. Hope fuels the struggle and the struggle fills us with hope.

While we will always face new and emerging challenges to equality, civil rights work is designed to endure and build momentum. It is ironic but true that we learn the depth of our resiliency when tackling the greatest challenges. The nation needs the Civil Rights Division and all of you to continue to make equal justice and equal opportunity a reality for all who live in the country. Thank you for driving progress in our country. It has been such an incredible privilege to lead this division that I love so very much working alongside such a distinguished and exemplary team of colleagues.

LAWSUIT AGAINST HARVARD AND MIT MOVES FORWARD

Recently, Judge Mark G. Mastroianni of the District Court of Massachusetts denied Massachusetts Institute for Technology's (MIT) and Harvard University's motions to dismiss the National Association of the Deaf's (NAD) and other named plaintiffs' complaint that the institution discriminates against deaf and hard of hearing people by failing to caption the vast and varied array of online content they make available to the general public, including massive open online courses (MOOCs). The decision affirms that plaintiffs' case will be going forward.

MIT and Harvard suffered a sizable blow to their positions that the ADA and Section 504 of the Rehabilitation Act do not require the institution to provide closed captions on its online videos that it makes open and available to the world.

The decision rejected Harvard's and MIT's arguments that they were "entitled to statutory exemptions for accommodations that impose an unreasonable financial or administrative burden, or require a fundamental change in the good at issue." Judge Mastroianni noted Defendants' arguments were "inappropriate for resolution on a motion to dismiss. A motion to dismiss addresses the plausibility of a plaintiff's claims, not the strength of a defendant's affirmative defenses."

Judge Mastroianni adopted, in full, the February 2016 findings made by Magistrate Judge Katherine Robertson on both cases. Unhappy with Magistrate Robertson's decision, Harvard and MIT had filed objections to the report and recommendations with Judge Mastroianni.

The February 2016 report found, in part, that – "Plaintiffs' theory of discrimination - that the deaf and hard of hearing lack meaningful access to the aural component of the audiovisual content [MIT] makes publicly available online - fits squarely within the parameters of Section 504 as delineated by the Court. There is nothing novel about premising Section 504 liability on a federal fund recipient's failure to provide the deaf and hard of hearing with meaningful access to aural communications."

And – ".key principles of Federal disability discrimination law: the obligation to provide an equal opportunity to individuals with disabilities to participate in, and receive the benefits of, the educational program, and the obligation to provide accommodations or modifications when necessary to ensure equal treatment," in the context of the use of emerging technologies."

The report also rejected the universities' claims that plaintiffs' request for closed captioned videos deprives it "of the flexibility to choose an appropriate auxiliary aid [to access the aural content on the videos]. . . Here, Plaintiffs have alleged that [MIT/Harvard] is not providing effective communication and have requested captioning. The flexibility to choose an appropriate auxiliary aid does not extend so far as to allow a public accommodation to choose to provide no auxiliary aid when one is required for effective communication if a reasonable one exists."

The cases, filed in U.S. District Court in Massachusetts, asserts that Harvard and MIT each deny deaf and hard of hearing people access to thousands of videos and audio tracks that each university makes publicly available, for free, on broad-ranging topics of general interest. These include, for example, campus talks by luminaries such as President Barack Obama and Microsoft founder Bill Gates; educational videos made by MIT students for use by K-12 students; and entire semesters'-worth of courses.

DETECTIVE WITH NARCOLEPSY AWARDED \$240,000 FOR RETALIATION

She had worked for the PD since 1997, was promoted to detective, but in 2009 was diagnosed with narcolepsy. She produced a doctor's certification that this did not interfere with her job duties, and asked for accommodations which involved later regular start times and (preferably) no evening or night shifts. She was ultimately fired.

The Mayo Clinic notes that "Narcolepsy is a chronic sleep disorder characterized by overwhelming daytime drowsiness and sudden attacks of sleep. People with narcolepsy often find it difficult to stay awake for long periods of time, regardless of the circumstances. Narcolepsy can cause serious disruptions in your daily routine. ... Narcolepsy is a chronic condition for which there's no cure."

A pharmaceutical web site states that "Narcolepsy is a chronic disorder involving nerve cells and chemicals in the brain. Unfortunately, it's frequently not understood, and approximately half of the people affected by it remain undiagnosed."

Plaintiff's lawyer said that "One of the biggest challenges in this case was overcoming the stereotypes, media portrayals, and public perception of individuals with narcolepsy."

This is something that I've tried to drive home to employers seemingly forever: "fears, biases or stereotypes" against people with disabilities is at the core of lawsuits and charges filed under the ADA. An EEOC attorney said recently that "It's not only bad business to forgo hiring a qualified employee simply because of fears, biases or stereotypes against people with disabilities, it's also a violation of the law."

Another EEOC attorney said that "People with disabilities have one of the highest unemployment rates in the country. Providing equal employment opportunities to all job applicants – including those with disabilities – is not just the law, it is good for our economy and our workplaces."

Important Principle: The ADA provides that an employer must engage in an "interactive process" with an employee (or applicant) who is claiming a disability, towards the end that a reasonable accommodation is provided. That is, it must engage in meaningful discussions as to the proposed accommodation to the known physical or mental limitations of an otherwise qualified individual. The EEOC, and the courts, have consistently held that an employer has an "affirmative duty" to engage in this interactive process with the employee.

COLLEGE BOARD'S NEW PROCESS FOR ACCOMMODATIONS

The College Board announced a new process for people with disabilities to request test accommodations. Under the new system, most students who have been approved for test accommodations in high school will

receive accommodations as long as their high school can answer two questions in the affirmative: "Is the requested accommodation(s) in the student's plan?" and "Has the student used the accommodation(s) for school testing?"

Many advocates for students with disabilities have complained in the past that such students should not have to go through an entire process when they have already done so in high school (and in many cases before that). The changes announced are among those such advocates have sought.

The new policy applies to a number of College Board tests, including the SAT and Advanced Placement exams.

GEORGIA POWER TO PAY OVER \$1.5 MILLION TO SETTLE EEOC DISABILITY SUIT

Georgia Power Company, an electric utility company headquartered in Atlanta, will pay \$1,586,500 to settle a class disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced.

EEOC filed suit in 2013, charging that Georgia Power Company violated federal law by refusing to hire applicants and firing employees based on their disabilities or perceived disabilities. According to EEOC's complaint, in some cases, Georgia Power disregarded the opinions of treating physicians who supported the employees' and applicants' ability to work. Rather than independently evaluating each employee or applicant, Georgia Power simply refused to hire disabled applicants or return employees to work following a medically related absence, the agency alleged. EEOC said that in other cases, Georgia Power automatically disqualified employees and applicants under its seizure policy or its drug and alcohol policy, without individually assessing the employees' or applicants' ability to work. The company's discriminatory policies and practices affected 24 individuals, EEOC said.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which prohibits employers from discriminating against employees and applicants who have actual disabilities, have a record of a disability or whom the employer perceives as having an actual disability. EEOC filed suit (EEOC v. Georgia Power Company, Civil Action No. 1:13-cv-03225-AT) 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.

The consent decree settling the suit was filed with the court on November 15, 2016. In addition to monetary relief totaling \$1,586,500, Georgia Power has agreed to change both its seizure policy and its drug and alcohol policy to ensure compliance with the ADA. Georgia Power also agreed to provide equal employment opportunity training to its employees and to post anti-discrimination notices at its facilities. In addition, the three-year decree requires Georgia Power to be subject to reporting and monitoring requirements. This will include the obligation to report to EEOC each time that Georgia Power does not hire an applicant because of a disability or does not allow an employee to return to work because of a disability.

"We are pleased that we were able to resolve this suit and can provide meaningful relief to individuals with disabilities who wanted to work," said EEOC General Counsel David Lopez. "Importantly, the changes made to Georgia Power's policies will open the doors to employment opportunities."

EEOC District Director Bernice Williams-Kimbrough said, "An employer cannot refuse to hire or return an employee with a disability to work without doing an individualized assessment of that person and determining whether the employee or applicant can perform the job with or without a reasonable accommodation. These steps are the essence of the ADA."

Lynette A. Barnes, acting regional attorney for EEOC's Atlanta District Office, added, "Under the ADA, when a qualified individual with a disability is ready and willing to work, employers have a legal duty to consider each individual's ability to work on a case-by-case basis. Employers must be careful when relying on a blanket application of a company policy that disqualifies disabled employees as doing so could result in a violation of that ADA."

DOJ ANNOUNCES TITLE II GUIDANCE

In 1999, in *Olmstead v. L. C.*, the Supreme Court ruled that under the Americans with Disabilities Act, "unjustified institutional isolation of person with disabilities" constitutes discrimination plain and simple.

Building on DOJ's enforcement work in recent years – and to help other states comply with the ADA – recently the **DOJ issued new guidance about the ADA's Title II integration mandate and employment.**

The guidance explains how the ADA integration mandate and *Olmstead* apply to public employment service systems for individuals with disabilities. The guidance also includes detailed answers to frequently asked questions about the application of the ADA and *Olmstead* to persons in or at serious risk of unnecessary segregation in sheltered workshops, and remedies to address violations of the integration mandate.

DOJ CONCLUDES PHILADELPHIA POLICE DISCRIMINATED

A DOJ review has found the Philadelphia Police Department discriminated against people who were deaf or hearing-impaired. The Justice Department review was prompted by a complaint from a man who had been arrested, and that led to four other people who alleged discrimination by police.

Philadelphia police handcuffed deaf people behind their back, thus making them unable to communicate with sign language, DOJ wrote in a Dec. 7 letter to the department. Police did not inform courts that defendants appearing for a video arraignment were deaf, so the individuals did not understand what was happening, according to the review. And police failed to provide qualified sign-language translators or other services to defendants, victims, and witnesses, according to the review.

DOJ said it was seeking to remedy the problems cooperatively through a consent decree with the department. "In the event that we are unable to reach such a resolution, the Attorney General may initiate a lawsuit pursuant to the [Americans with Disabilities Act]," the letter states.

The Police Department issued a in early December a statement saying it would work with DOJ to fix any problems. "While the finding and conclusion regarding the complaint are sobering, we appreciate the DOJ's work and their input regarding the matter," the Police Department said. We are using this as an opportunity to address a legitimate concern and make necessary improvements. The department's goal is to move beyond remedial measures with a commitment to making this department a model for others in adhering to the provisions of the Americans with Disabilities Act."

The Police Department said it would collaborate with the city's Office of the Chief Diversity and Inclusion Officer and with the Mayor's Commission on People with Disabilities.

THE ADA and YOUR WEBSITE

Some of the next major hurdles for web site developers in the future won't be to come up with the a cutting-edge design but making sure that the digital equivalents of handrails and wheelchair ramps are properly installed. With 1 out of 5 Americans living with a disability along with a significant portion of the population's web users getting older, businesses will need to assess whether their offerings are adequately within the reach of consumers with accessibility needs. And while having an accessible website could make for a strong business case, adherence to accessibility may soon be the official law of the web.

To understand the current legality, let's review some of the points made at the NAADAC Conference in San Diego. The need for web sites to meet accessibility guidelines came about from a 2006 lawsuit against Target that was filed by The National Federation of the Blind (NFB). The lawsuit asserted that Target's website violated the ADA in that by not being accessible, that Target was discriminating against people with disabilities. Prior to this, the ADA did not extend to accessibility requirements of websites.

That changed when the federal judge denied Target's motion to dismiss the case by stating aspects of the website's services that are "sufficiently integrated with those of physical Target Stores are covered by the ADA's non-discrimination provisions". (In 2008, Target ultimately settled and agreed to pay damages of \$6 million in addition to the \$3.7 million awarded to the NFB for attorney's fees and costs.

Since that settlement, many lawsuits have been filed in Federal Court against websites that don't adhere to ADA accessibility standards. This includes well-known brands such as Ace Hardware, JCPenny, and Bed Bath & Beyond. Though statistics are not available, two studies have estimated that at over 200 website lawsuits have gone to federal court since January 2015. In addition hundreds of demand letters have been sent to web site operators.

Those lawsuits and letters are all in the absence of any definitive requirements on website accessibility from the DOJ. Be aware, those requirements along with their window for enactment appear to be just beyond the horizon.

According to DOJ's Supplemental Advance Notice of Proposed Rulemaking (SANPRM), entities will have two years after the publication of DOJ's final ruling to make their websites accessible. Though there is no stated date for when a ruling will be issued, the DOJ ceased the acceptance of further public comment on questions outlined in the SANPRM as of October 7th, 2016 a few days before our conference.

The above SANPRM indicates that WCAG 2.0 (Web Content Accessibility Guidelines) will be the intended accessibility guideline for websites to meet. WCAG 2.0's guidelines are very broad as the guidelines want to make web content more accessible to users with or without disabilities. It is the required standard for government sites that currently require accessibility. The standards are also extremely complex and some can be open to interpretation.

For those who are looking to build a brand new website, it's important to strategize how you'll approach integrating accessibility standards in your web build. Starting from scratch means you're awarded the chance to account for accessibility in your design process instead of in development – this can save your team considerable amount time and effort.

For entities that want to continue with their existing website content, an accessibility audit might be a suggested starting point. The cost of such an audit (based on recent articles) could cost one anywhere from \$10k to \$50k. That cost might seem high but the alternative is to risk the far more costly lawsuit.

To reduce the burden of having to have every team member on the documentation, you may find it more beneficial to identify a project leader lead the accessibility compliance effort. Whoever you select, that person needs foundational knowledge of both web design as well as a firm understanding of the website in question.

Here is a small sample of the compliance standards that they'll need to consider: (1) keyboard access; (2) test alternatives; (3) use of screen readers; and (4) color and contrast

Making your website ADA compliant to accessibility standards can/is/will be an important undertaking. Planning can make your website more usable for all users and can alleviate many future legal (and expensive) complications.

EMPLOYEE SEEKING A LESS STRESSFUL WORK ENVIRONMENT DENIED ADA PROTECTIONS

A Florida District Court held that an employee seeking a less stressful environment and an end to hostile confrontations with her manager was not seeking a reasonable accommodation. The employee suffered from epilepsy with seizures brought on by high tension and stress. The employee demanded as a reasonable accommodation that her supervisor cease his "hostile confrontations" with her. She also requested that her employer provide her with "calm, fair, non-confrontational treatment." (*Hargett v. Florida Atlantic University Board of Trustees*)

The Court noted that asking a supervisor to adopt a less overbearing management style is generally not a reasonable accommodation. While "specific stressors...may in some cases be legitimate targets of accommodation, an employee cannot immunize herself from stress and criticism in general." The employee failed to identify any specific stressors that her supervisor created and that her employer could address through the accommodation process.

When a request for accommodation is apparently unreasonable, the employer may not have an obligation to investigate and engage in the interactive process. That is also the case if the demand for accommodation lacks sufficient specificity.

While this decision was a win for employers, it could be risky to ignore the interactive process altogether. In situations involving employees seeking a less stressful work environment due to a medical condition, the employer should start by asking the employee to identify the specific stressors that are causing the medical issues and which the employee is seeking to have eliminated or modified.

EMPLOYEE'S OBLIGATION TO ENGAGE IN THE "INTERACTIVE PROCESS"

Legal counsel for companies have long emphasized the importance of engaging in the "interactive process" in dealing with an employee's request for an accommodation. They are advised that the accommodation

must be “reasonable” but not necessarily the one that the employee seeks.

It should be obvious that the only way to determine reasonable options to the requested accommodation is to communicate with the employee and/or the treating physician. Naturally, human resources professionals and company managers are perplexed when the employee does not cooperate, and avoids any meaningful dialogue.

Most attorneys encourage the employer to consider the employee’s request(s) when evaluating a request for an accommodation. Two 2016 cases illustrate the employee’s legal obligation to participate in the “interactive process” when seeking an accommodation:

(1) The employee of a small company told his supervisor that his health was suffering and that he needed to undergo medical testing. On a Friday a few weeks later, the employee exchanged e-mails with the owner of the company saying that he was going to the doctor on the following Monday. The owner responded that he should see his doctor and “get the proper treatment”. On Tuesday, the employee told his supervisor that he had an enlarged spleen and kidney stones and “hoped to be back at work soon”.

The company said that the employee did not communicate further with anyone else at the company, missed the entire week of work and the following Monday, and that a supervisor had attempted to contact him but that the employee had never responded.

The employee claimed that he had been in contact with company representatives while absent. When the employee returned to work on Tuesday, he was asked to produce a doctor’s note corroborating his excuse for his absence. He did not produce one.

On Thursday, the company terminated the employee for violating its attendance policy, which provided for immediate termination if an employee failed to show up at work for more than three consecutive days without notifying a supervisor.

The employee sued under the ADA for failure to provide a leave of absence as a reasonable accommodation for his disability.

The United States District Court granted summary judgment in the company’s favor and the Fifth Circuit affirmed. The Court pointed out that while a leave of absence may be a reasonable accommodation, an indefinite leave is not. Then, without discussing whether the employee had a disability to begin with, or had actually requested a reasonable accommodation, the Court assumed that “the interactive process had been triggered” but that the employee had “fatally hindered that process” by failing to provide a doctor’s note. (In the litigation, the employee produced a doctor’s note, created one month after the employee was terminated. The Court gave no consideration to the after-the-fact note.) Lastly, the Court pointed out that company had given the employee the opportunity to preserve his job if he would produce a doctor’s note, which he never did.

(2) The second case involved The Boeing Company and its lengthy effort to provide accommodations to an employee earning a six-figure salary.

About one year after taking a new position as an Industrial Engineer, and after having a “coaching session” with her manager about her work performance, the employee claimed that she needed work instructions in

writing to help her “understand what is being asked”. The Company responded that it had no medical restrictions on file and that she should see Boeing Medical if she needed an accommodation.

Later, after receiving a notice to attend a disciplinary meeting with her supervisor, a human resources representative and her union representative, the employee provided Boeing Medical with a letter from her doctor stating that the employee should “be given her assignments and tasks in written form or electronic form.”

Later, Boeing learned through the employee’s physician that the employee had been diagnosed with Asperger’s Syndrome (High functioning Autism).

Thereafter and continuing for the next six months, Boeing engaged in what might be characterized as an “ADA Accommodation Odyssey”, during which time the employee’s doctor changed the requested accommodations, the employee filed an EEOC charge, and Boeing provided the employee with a number of accommodations, including written instructions, unpaid leave and job coaches. Finally, Boeing terminated the employee for failing to meet performance standards.

After a bench trial, the United States District Court ruled in Boeing’s favor, finding that the employee’s “failure to engage in the interactive process in good faith removed Boeing’s obligation to provide a reasonable accommodation.”

Quoting a Ninth Circuit case, the District Court stated that the interactive process requires “communication and good –faith exploration of possible accommodations” between employer and employee and neither side can delay or obstruct the process. The Court concluded that, throughout the interactive process, this employee “was implicitly and even explicitly focused on building a lawsuit against Boeing, and this contributed to the repeated breakdowns in the interactive process.”

Important Principles: (1) Communicate, communicate, communicate, and document, document, document those communications. (2) Insist on receiving medical documentation of the physical or mental condition as well as the need for the particular accommodation requested. (3) Gather information on the condition to make yourself knowledgeable and consult with a medical expert on the particular condition. (Boeing did this, and researched possible accommodations for Asperger’s Syndrome through the Job Accommodation Network (JAN). JAN (for years) is the leading source of free, expert, and confidential guidance on workplace accommodations and disability employment issues. Working toward practical solutions that benefit both employer and employee. JAN is part of the Department of Labor which has contracted with West Virginia University to provide services.) (4) Consider seeking an independent medical examination. (5) Explore accommodations other than the requested ones that may be reasonable and less burdensome. (6) Insist on performance standards within the essential functions of the job. (7) If a leave of absence is requested, don’t leave it open-ended or indefinite. And (8) Document any delay in, or obstruction of, the interactive process by the employee.

COURT AGAIN APPROVES SAFETY-BASED MEDICAL EXAMINATION

Does an employer violate the Americans with Disabilities Act (ADA) if it requires an entire class of employees to undergo a medical examination without assessing each class member’s individual characteristics? ***Filling a relative void in case law, the Eighth Circuit recently said no*** – at least where the employer has ***credible***

safety concerns and seeks to comply with federal regulations and guidelines.

Parker v. Crete Carrier Corporation involved an employer policy requiring all commercial truck drivers with a body mass index (BMI) of 35 or more to be tested for obstructive sleep apnea (OSA). OSA can cause loss of sleep and driver fatigue, which significantly increases the risk of accidents. Under Federal Motor Carrier Safety Administration (FMCSA) regulations, conditions like OSA can prevent a driver from being medically certified.

The best predictor of OSA is obesity. The FMCSA Medical Review Board (MRB) has long recommended sleep studies for obese drivers. In 2012, it recommended, in conjunction with the Motor Carrier Safety Advisory Committee, that drivers with a BMI of 35 or higher be tested for OSA. In 2016, it changed the recommendation to call for testing of drivers with a BMI of at least 40, or of at least 33 when additional risk factors exist. Crete implemented its policy in 2010 based on MRB recommendations.

Parker, a truck driver, had a BMI over 35. Crete sent him to conduct a sleep study, but he refused. When Crete removed him from service, he sued. Parker argued Crete had failed to consider that (1) his own healthcare provider had produced a note stating that a sleep study was not medically necessary; (2) he had no documented history of sleep issues at work; and (3) he had received awards for his accident-free driving record. These personal factors, Parker claimed, removed any reasonable basis for conducting a medical examination.

In October 2016, a panel of the Eighth Circuit affirmed summary judgment for Crete. Noting that the ADA requires employee medical examinations to be job-related and consistent with business necessity, the court held that Crete's policy met both standards. The exam was job-related, since it related to Parker's safety as a driver, and Crete's legitimate concerns about public safety demonstrated business necessity.

This left Parker's objection that Crete failed to take account of his individual circumstances. The court rejected the notion that the ADA always requires review of an employee's unique characteristics. To the contrary, employers may require medical testing of an entire class of employees, so long as the criteria used to define the class are consistent with business necessity. This was the case here, as BMI is the best indicator of OSA. While testing may reveal that some class members do not pose a safety risk, this did not render Crete's class definition unreasonable. Crete did not have to wait for Parker to have an accident first.

In November 2016, the Eighth Circuit denied reconsideration en banc, allowing the decision to stand. While good news for employers, the opinion does highlight the need for caution. Any policy based on class-wide characteristics must be evaluated with care. This is one area where it pays to consult with counsel!

DOJ AND DEVELOPERS AGREE TO SETTLE HOUSING AND ADA DISCRIMINATION LAWSUIT

The Justice Department announced today that the developers of six multi-family housing complexes in southern Mississippi have agreed to pay \$350,000 to settle claims that they violated the Fair Housing Act and the Americans with Disabilities Act by building apartment complexes that were inaccessible to persons with disabilities. As part of the settlement, the defendants also agreed to make substantial retrofits to remove accessibility barriers at the six complexes, which have nearly 500 covered units.

Under the settlement, which was approved late Friday by the U.S. District Court for the Southern District of

Mississippi, Mississippi-based developers like W. Thrash, Dawn Properties Inc., Southern Cross Construction Company Inc. and other affiliated companies will pay all costs related to the retrofits, \$250,000 to compensate 25 individuals harmed by the inaccessible housing and \$100,000 in civil penalties. The defendants will undergo training, ensure that any future construction complies with federal accessibility laws and make periodic reports to the department.

“Housing impacts critical areas of one’s daily life,” said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Civil Rights Division. “This comprehensive settlement demonstrates the Justice Department’s commitment to protecting the rights of persons with disabilities to reside in and visit the housing of their choice.”

“Barriers created by inaccessible housing and public accommodations deny the fundamental protection afforded by the Fair Housing Act,” said U. S. Attorney Gregory K. Davis of the Southern District of Mississippi. “The retrofits required by this agreement will provide accessible housing to people with disabilities in several key commercial areas of the Southern District of Mississippi.”

“When housing fails to meet the Fair Housing Act’s design and construction requirements it further limits the type of housing persons with disabilities need the most,” said Gustavo Velasquez, Assistant Secretary for Fair Housing and Equal Opportunity at the Department of Housing and Urban Development. “Hopefully today’s action will help developers to better understand the importance of meeting their obligation to comply with the law.”

The department filed the lawsuit in May 2014, after conducting an independent investigation of a referral of complaints from the Department of Housing and Urban Development. Trial was scheduled to begin on Jan. 3, 2017. Under the settlement, the defendants will make retrofits, including eliminating steps; making bathrooms more usable; providing accessible curb ramps and parking; and providing accessible walks to site amenities such as the clubhouses, pools and mailboxes, at the following Mississippi complexes:

- The Beach Club Apartments (Long Beach)
- The Belmont Apartments (Ocean Springs)
- The Grand Biscayne Apartments (Biloxi)
- The Belmont Apartments (Hattiesburg)
- The Lexington Apartments (Ridgeland)
- Inn by the Sea Condominiums (Pass Christian)

The Fair Housing Act prohibits discrimination in housing based on disability, race, color, religion, national origin, sex and familial status. Among other things, the Fair Housing Act requires all multifamily housing constructed after March 13, 1991, to have basic accessibility features, including accessible routes without steps to all ground floor units and units accessible to wheelchair users and others with disabilities. The Americans with Disabilities Act requires, among other things, that places of public accommodation, such as rental offices at multifamily housing complexes designed and constructed for first occupancy after Jan. 26, 1993, be accessible to persons with disabilities.

Spring Conference, April 24-27, 2017 to cover these and numerous other ADA issues.

“YOUR CONSTANT GUIDE TO CHANGING TIMES”

Celebrating Your Association’s 25th Anniversary

Cosponsored by the State of Florida Department of Transportation

Day One - Monday, April 24, 2017 - Morning General Sessions

Conference Program - Page 1

8:15 a - 9:00a	Continental Breakfast and Registration
8:00 - 8:55a (1 PA CEU)	<p>ADA 101 (for <u>anyone</u> wishing a solid review of basics)</p> <p>This workshop is designed as an orienting, basic hour to acquaint the new or returning ADA Coordinator with current terms, aspects of legislation, and a solid foundation from which to proceed confidently into the rest of the conference, giving each participant a primary knowledge base similar to all conference participants. Let’s start from the very beginning - any and all are welcome to this workshop.</p> <p><i>Irene Bowen, Melissa Frost, Brian Nelson, John Wodatch</i></p>
9:00a - 9:30a	<p>CONFERENCE WELCOME</p> <p>Phong Nguyen, M.D., P.A. - Association Chairman and Conference Coordinator Welcome, State of Florida - FDOT Assistant Secretary Brian Blanchard John Wodatch, J.D., P.A., Association President Paul Hagle, P.A., Association Executive Director</p>
9:30a - 10:30a (1 PA CEU)	<p>DOJ KEYNOTE WHAT’S HAPPENING AT THE DOJ?</p> <p>In this interactive session, DOJ covers recent and important emerging ADA case law, issues and the work of DOJ with U.S. Attorneys offices throughout the U.S. A look at important new guidances, Notice of Proposed Rule Making (NPRM) and DOJ issued guidance about the ADA's Title II integration mandate and employment. Also, latest on the Supplemental Advanced Notice of Proposed Rule Making (SANPRM) on web accessibility. What to expect in the coming years to be considered.</p> <p><i>Rebecca Bond, J.D.,</i> <i>Chief, Disability Rights Section</i> <i>Civil Rights Division, U.S. Department of Justice, Washington, DC</i></p>
10:45a - 12:00p (2 PA CEU)	<p>EEOC KEYNOTE WHAT’S HAPPENING AT EEOC?</p> <p>This interactive session covers important issues such as an update on new, significant ADA case law and Title I and II regulations from a practical point of view. What might be expected in the upcoming years to be discussed.</p> <p><i>Christopher Kuczynski, J.D., LL.M.</i> <i>Acting Associate Legal Counsel & ADA/GINA Policy Director, Office of Legal Counsel,</i> <i>U.S. E.E.O.C., Washington, DC.</i></p>
12:00p - 1:00p	LUNCHEON - National Institute on Employment Issues

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

**Day One - Monday, April 24, 2017 - General Sessions AFTERNOON Workshops
Conference Program – Page Two**

Time Periods	Workshop Synopsis
1:00p - 2:00p <u>and</u> 2:15p - 3:15p (2 PA CEU)	<p align="center"><i>PUBLISHED LEGAL OPINION COUNTS, - NOT WHAT IS UTTERED AT THE WATER COOLER</i></p> <p align="center">Continuation of important and recent ADA Case Law in an interactive setting.</p> <p align="center"><i>Christopher Kuczynski, J.D., LL.M.</i> <i>Acting Associate Legal Counsel, ADA/GINA Policy Director, Office of Legal Counsel, U.S. E.E.O.C., Washington, D.C.</i></p>
3:30p - 4:30p (1 PA CEU)	<p align="center"><i>IS THIS REALLY A SERVICE ANIMAL? REALLY?</i></p> <p>Service animals, comfort animals, emotional support animals. What are they? What do they do? Who can use them? Where can they go? Who takes care of them? Differing approaches under the ADA, the Fair Housing Act, and the Air Carrier Access Act have created confusion. A special faculty panel brings clarity to disability rights principles.</p> <p align="center"><i>John Wodatch with Irene Bowen, Rebecca Bond, Melissa Frost, Chris Kuczynski</i></p>

PLAN FOR SPECIAL CONFERENCE EVENTS

Association President's and Board's Networking Reception

Tuesday, April 25, 2017, 4:45 PM

Meet and talk with other ADA coordinators and conference faculty

Semi-Annual Karaoke Night and Get-Together

Wednesday, April 26, 2017, 7:30 PM

"Association's Got Talent" - Find our "Association's Voice"

Donated 1st place prize of \$100, and two other special prizes based on audience voting.

Meet your fellow conference participants and faculty in a another relaxed setting.

All are welcome - singers (single and/or groups) and voting audience members

Complimentary Refreshments at Both Traditional Events

Day Two - Tuesday, April 25, 2017 - Concurrent MORNING Workshops
Conference Program - Page 3

Time Periods	Track	Workshop Synopsis
8:15a - 9:00a		Continental Breakfast and Registration
(2 PA CEU ea ADVANCED) 9:00a - 10:20a (1 PA CEU ea BASIC)		FOR PAs and PA Candidates only who have completed all three of the PA ADA basic sessions: There will be advanced workshops available for the next two consecutive sessions for the Access, Services & Design Track; Employment Track; and Higher Education tracks.
	ACCESS, SERVICES, & DESIGN	THE ADA BASICS: PROGRAMS AND ACTIVITIES We start with a grounding in the basic principles of the Americans with Disabilities Act. Learn about the history of the law, the concepts that guide the ADA Coordinators in their work, enforcement, and developing areas of the law. <i>John Wodatch with Dean Perkins</i> <i>(Irene Bowen with Jim Bostrom to lead Advanced P.A. Access session)</i>
	EMPLOYMENT	GET WITH IT This foundational session will cover the basics of the ADA and the implications of the EEOC regulations with case studies and case law. <i>Brian Nelson, Allison Nichol, Mary Jo O'Neill</i> <i>(Chris Kuczynski leads advanced P.A. Employment sessions)</i>
	HIGHER EDUCATION	THE FUNDAMENTALS FOR THE ADA COORDINATOR This session will walk students Brandy and Brady through their first year from admission to academic adjustments. As their ADA Coordinator, you'll walk through the basic requirements to comply with the new DOJ Title II and Title III regulations, along with the Sec. 504 regulations you know and love. Learn how to determine the academic and technical elements of a notice of non-discrimination, designation and publication of a Title II/Section 504 Coordinator, department, program, and class and recognize requests for fundamental alterations. <i>Melissa Frost, Howard Kallem</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	THE ADA BASICS: BUILDINGS AND FACILITIES Title II sets out requirements for new, altered, and existing facilities. In this session you'll explore how these provisions differ and get an overview of the ADA Accessibility Standards as they apply to buildings, as well as facilities, including sidewalks and other parts of the right of way. <i>Jim Bostrom with Dean Perkins</i>
	EMPLOYMENT	DON'T GO TOO FAR This session will identify the appropriate boundaries of health-related inquiries and examinations, including the use of post-conditional offer examinations, and the implications of GINA. <i>Brian Nelson, Allison Nichol, Mary Jo O'Neill</i>
	HIGHER EDUCATION	DOCUMENTATION AND THE INTERACTIVE PROCESS Learn how to effectively communicate with healthcare professionals to get the information you need including building a program to effectively serve students and evaluating requests for temporary conditions. <i>Melissa Frost, Howard Kallem, Jim Long, Phong Nguyen.</i>
12:00 - 1:00p		LUNCHEON - National Association of ADA Coordinators

Day Two - Tuesday, April 25, 2017 - Concurrent AFTERNOON Workshops
Conference Program - Page 4

Time Periods	Track	Workshop Synopsis
1:00p - 2:00p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<i>MODIFICATIONS TO POLICIES AND PRACTICES: WHAT'S NECESSARY AND REASONABLE?</i> After an overview of the “reasonable modifications” provisions of the ADA regulation and case law, we’ll explore several scenarios together and in groups. The goal is to understand how to approach requests or needs for modifications and how to work with the requester and your entity’s managers and staff in deciding on the “right” approach. <i>Irene Bowen with Jim Bostrom, John Wodatch</i>
	EMPLOYMENT	<i>ARE THEY REAL?</i> Qualification standards, essential functions, and marginal functions will be analyzed and presented with case studies and case law. <i>Chris Kuczynski, Brian Nelson, Allison Nichol, Mary Jo O’Neill</i>
	HIGHER EDUCATION	<i>SERVICE AND ASSISTANCE ANIMALS</i> Brandy has a service dog and Brady needs his comfort cat. 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>Melissa Frost, Howard Kallem, Jim Long</i>
2:15p - 3:15p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<i>PROGRAM ACCESSIBILITY TODAY</i> Title II prohibits discrimination in the “service, programs, or activities of a public entity.” Since 1977 the Federal government has used the concept of “program access. Learn what program access means today, how it applies to programs offered at different types of facilities, and how the 2010 Standards affect a public entity’s obligations. <i>Irene Bowen with Jim Bostrom, Dean Perkins, John Wodatch,</i>
	EMPLOYMENT	<i>MAKING REASONABLE ACCOMMODATION, REASONABLE - PART 1</i> Using EEOC scenarios, the goal of this two part interactive workshop is to not only talk about the legal concepts to the audience with experience in the accommodation process but to show how human interaction and emotions can affect the process (e.g., unwillingness by the manager to confront performance problems; resentment that can sometimes arise when someone who is less than employer’s best performer is asking for an accommodation, etc.). Panel offers practical approaches and possible solutions to the “not so easy” reasonable accommodation requests.. <i>Chris Kuczynski with Brian Nelson, Allison Nichol, Mary Jo O’Neill</i>
	HIGHER EDUCATION	<i>CLINICAL SETTINGS AND FIELD WORK</i> This scenario-based discussion will present best practice for accommodation requests outside the classroom including Brandy’s service animal during her internship, and Brady’s request to bring his cat during study abroad. This discussion will highlight legal requirements and best practice for accessibility in clubs, clinical settings, and study abroad.. <i>Melissa Frost, Howard Kallem, Jim Long</i>
3:30p - 4:30p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<i>ADA INSTAGRAM! FACILITY PHOTO FUN AND FAILS</i> Check out the array of photos collected by our experts, showing good, bad, and awful approaches to facility and right-of-way accessibility. Some of the problems and successes will be obvious, but how many things can you find wrong with the others? <i>Jim Terry with Jim Bostrom, Irene Bowen, Dean Perkins, John Wodatch</i>
	EMPLOYMENT	<i>MAKING REASONABLE ACCOMMODATION, REASONABLE - PART 2</i> <i>Chris Kuczynski with Brian Nelson, Allison Nichol, Mary Jo O’Neill</i>
	HIGHER EDUCATION	<i>CROSSROADS OF THE ADA AND TITLE IX</i> Brandy is expecting. Overlapping issues between disability and modifications requested for Title IX issues are covered. Focus includes issues related to the Title IX regulations concerning pregnancy and their intersection with disability requirements. Includes relevant current issues dealing with sexual misconduct. <i>Howard Kallem with Melissa Frost, Jim Long</i>

4:45p - 5:45p – Association President’s Networking Reception (food and beverages)

Day Three - Wednesday, April 26, 2017 - Concurrent MORNING Workshops
Conference Program - Page 5

Time Periods	Track	Workshop Synopsis
8:15a - 9:00a		Continental Breakfast and Registration
9:00a - 10:20a (2 PA CEU's ea)	ACCESS, SERVICES, & DESIGN	<p>WHAT'S NEW IN THE ADA UNIVERSE?</p> <p>Like the universe, the ADA is vibrant, changing, expanding. Learn what new policy directions the new Trump Administration is planning, get ADA court case updates, find out what's happening in other jurisdictions, and hear the status of Federal rule making initiatives.</p> <p><i>John Wodatch with Jim Bostrom, Irene Bowen, Dean Perkins, Jim Terry</i></p>
	EMPLOYMENT	<p>IT AIN'T THAT TOUGH</p> <p>Presentation/discussion concerning other unique and challenging accommodation issues: collective bargaining agreements; policies; leave requests; reassignment; drug/alcohol use; and atypical health conditions.</p> <p><i>Brian Nelson, Allison Nichol, Mary Jo O'Neill</i></p>
	HIGHER EDUCATION	<p>THE LEGAL YEAR IN REVIEW</p> <p>A review of recent, relevant Court decisions will outline important legal requirements and highlight best practices to comply with the ADA-AA and the new DOJ Title II and Title III regulations and address Brandy and Brady's accessibility needs.</p> <p><i>Jim Long with Melissa Frost, Howard Kallem</i></p>
10:40a - 12 Noon (2 PA CEU's ea)	ACCESS, SERVICES, & DESIGN	<p>DO YOU STILL NEED A SELF-EVALUATION?</p> <p>Where's your self-evaluation, and would you recognize it if you saw it? Here you'll learn what the ADA regulation says about these assessments, ways to carry them out, and possible alternatives to getting to compliance. You'll take away some practical tips to use as you rethink your approach.</p> <p><i>Irene Bowen with Jim Bostrom, John Wodatch</i></p>
	EMPLOYMENT	<p>DON'T CROSS THE LINE</p> <p>This session will cover employer and employee rights with respect to performance, conduct standards, and direct threat issues. Case studies and case law will be discussed.</p> <p><i>Brian Nelson, Mary Jo O'Neill, Allison Nichol</i></p>
	HIGHER EDUCATION	<p>CODE OF CONDUCT: NON-DISCRIMINATORY APPLICATION</p> <p>This scenario-based session with Brandy acting out on campus and Brady failing to meet academic standards will walk through the best policy and practice essentials to address conduct issues including, distinguishing between academic and conduct dismissal, the importance of threat assessment, and essential elements 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><i>Melissa Frost with Hoard Kallem, Jim Long</i></p>
12:00p-1:00p		LUNCHEON - National Association of ADA Coordinators

SEMI-ANNUAL KARAOKE CHALLENGE AND GET TOGETHER

7:30 PM Tonight - Refreshments for all participants - Donated PRIZES totaling almost \$200.

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".

Time Periods	Track	Workshop Synopsis
1:00p - 2:00p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	TRANSITION PLANNING – WHAT DOES “WHEN VIEWED IN ITS ENTIRETY” MEAN? “A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and useable by individuals with disabilities.” What are the factors to consider? Working in a small group, you’ll make those judgement calls in a real life exercise then compare your group’s answers with others. <i>Jim Terry with Jim Bostrom, Irene Bowen, Dean Perkins, John Wodatch</i>
	EMPLOYMENT	WAKE UP This session will cover significant liabilities, case studies, and case law pertaining to disability-related harassment, retaliation, confidentiality, and associational discrimination. <i>Brian Nelson, Allison Nichol, Mary Jo O’Neill</i>
	HIGHER EDUCATION	IS OUR GRIEVANCE PROCEDURE EQUITABLE? Brandy has a hearing for suspension for conduct and Brady has failed two courses and claims he did not receive his accommodations. What you need to know to create and publish a grievance process to ensure the prompt, equitable resolution of ADA complaints. This session will present the essential elements of compliance together with recent examples of what to do, and what not to do. Bring your policy to compare how you would run your process. <i>Melissa Frost, Howard Kallem, Jim Long</i>
2:15p - 3:15p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	EFFECTIVE COMMUNICATION: WHAT IS COMMUNICATION? WHAT’S EFFECTIVE? AND WHAT ARE THE LIMITS? Through real-life and creatively-imagined examples and scenarios, we’ll examine how to apply the requirement for “effective communication” in a variety of settings. Areas covered may include communication with or by companions, time sensitivity, websites, court room settings, and the usual alphabet soup (VRI, TRS, TTY, etc.). <i>Irene Bowen with Jim Bostrom, Dean Perkins, Jim Terry, John Wodatch</i>
	EMPLOYMENT	IS THERE A DOCTOR IN THE HOUSE? This session will cover the challenges of dealing with health care professionals and conflicting workplace recommendations. <i>Phong Nguyen with Brian Nelson, Allison Nichol, Mary Jo O’Neill</i>
	HIGHER EDUCATION	OCR TOP TEN TIPS Learn what to expect from OCR and how to effectively respond if you receive a charge of discrimination. From the initial notice to Early Complaint Resolution, these tips will help you avoid common pitfalls. <i>Jim Long with Melissa Frost, Howard Kallem</i>
3:30p - 4:30p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	YOU HAVE THE FLOOR Any unanswered questions? Problem scenarios that you want addressed? This session is your chance to take the floor and raise issues unexplained this week. Bring your toughest challenges and explore your options with our roundtable of experts. <i>John Wodatch with Jim Bostrom, Irene Bowen, Dean Perkins, Jim Terry</i>
	EMPLOYMENT	YOU BLEW IT The most common misstates employers make with reference to actual cases; the consequences and costs of litigation will also be analyzed. <i>Brian Nelson, Allison Nichol, Mary Jo O’Neill</i>
	HIGHER EDUCATION	YOUR QUESTIONS ANSWERED This session is designed to cover your lingering questions. Come prepared to ask about your policy, procedure and practice questions. (NOTE from Melissa: We may want to do EIT here if they don’t have questions . . . It may also detract from the benefit of being a PA and being able to ask questions.) <i>Melissa Frost, Howard Kallem, Jim Long</i>

SEMI-ANNUAL KARAOKE CHALLENGE AND GET TOGETHER

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Day Four - Thursday, April 27, 2017 - Concurrent MORNING Designated Sessions
Conference Programs - Page 7

Time Periods	Track	Workshop Synopsis
8:15a - 9:00a		Continental Breakfast and Registration
9:00a - 10:20a (2 PA CEU's ea)	ACCESS, SERVICES, & DESIGN	<p>WHAT'S THE RIGHT WAY TO APPROACH RIGHT-OF-WAY ISSUES?</p> <p>Whether or not the Access Board's guidelines have been finalized, state and local governments need to address access to sidewalks, curb cuts, pedestrian signals, access during construction, and related issues under Title II and Section 504. Learn what the courts, settlement agreements, and DOJ are telling us about what to do with new construction and alterations and what "program accessibility" means in this context. Explore the nitty gritty of the (proposed or final?) guidelines and what DOJ and DOT may do with them.</p> <p align="right"><i>Dean Perkins with Jim Bostrom, Irene Bowen</i></p>
	EMPLOYMENT	<p>IT'S A JUNGLE OUT THERE</p> <p>This session will address common challenges and best practices in coordinating FMLA, ADA, workers' compensation, and other disability benefits.</p> <p align="right"><i>Brian Nelson, Allison Nichol, Mary Jo O'Neill</i></p>
	HIGHER EDUCATION	<p>ACCESSIBLE HOUSING ON CAMPUS: HOW DOES YOUR CAMPUS MEASURE UP?</p> <p>Students, admissions, housing, facilities, and accessibility office, play and 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="right"><i>Melissa Frost, Howard Kallem, Jim Long</i></p>
10:40a - 12 Noon (2 PA CEU's ea)	ACCESS, SERVICES, & DESIGN	<p>NAVIGATING THE DIGITAL LANDSCAPE PUBLIC ENTITIES, WEB SITES, AND ELECTRONIC AND INFORMATION TECHNOLOGY</p> <p>There's no reason to wonder any longer if web sites and electronic and information technology (EIT) are "covered" by the ADA. The federal government has stepped up enforcement and rulemaking, and advocates are making strides in requiring accessibility even in the absence of federal standards. This session addresses the practical principles of access to the digital landscape and how to approach it—including web sites, e-book readers, kiosks, digital formats of materials, video recordings, and email.</p> <p align="right"><i>Irene Bowen with Jim Bostrom, Dean Perkins, John Wodatch</i></p>
	EMPLOYMENT	<p>HAVE WE MISSED ANYTHING?</p> <p>In this session we will discuss and cover any remaining questions or issues that have arisen during the conference. Come and pick the panelist's brains.</p> <p align="right"><i>Brian Nelson, Allison Nichol, Mary Jo O'Neill</i></p>
	HIGHER EDUCATION	<p>ACCESSIBLE INTEGRATION (TRANSITION) PLANNING FOR UNIVERSAL DESIGN IN EVENT ACCESSIBILITY</p> <p>This session will take your transition plan and explore campus collaboration including initiatives, committees, policy, and training to turn your transition plan into an accessible integration plan for universal design. Learn these effective strategies to ensure that every campus event from ticketing and seats to accessible routes, sign language interpreters to emergency evacuation is accessible.</p> <p align="right"><i>Melissa Frost, Jim Long</i></p>
12:00p-1:00p		LUNCH - Medical Educational Development and International Consulting

DAY FOUR - THURSDAY, April 27, 2016 - AFTERNOON GENERAL SESSIONS
Conference Program - Page 8

Designated General Sessions - All Participants	
1:00p - 2:00p (1 PA CEU)	<p align="center"><i>SHOULD I STAY OR SHOULD I GO?</i> <i>Emergency Preparedness - Safe Evacuation from Your Facilities</i></p> <p>All your elements are in place and now begins the practical application and work. We'll also address the use of evac chairs, the kind of information you need and can seek in advance from those who use the building, notice, and drills. This session is intended to be interactive, addressing your real-life issues with effective communications, mobility devices, service animals, and planning with first responders.</p> <p align="center"><i>Jim Bostrom, Irene Bowen, Dean Perkins, Jim Terry, John Wodatch</i></p>
2:15p - 3:15p (1 PA CEU)	<p align="center"><i>WHEN DOJ COMES KNOCKING: HOW DOES IT WORK, AND WHAT'S THE LATEST?</i></p> <p>DOJ may knock on your door not just about DOJ's "traditional" Title II issues but also about education, website accessibility, employment, and transportation. How do you put your entity in the best position for compliance? We'll check the status of Project Civic Access and learn about other DOJ and U.S. Attorney compliance reviews and investigations, the latest case law about DOJ's authority, and how to respond to DOJ queries. How far do you open that door?</p> <p align="center"><i>Irene Bowen with Jim Bostrom, John Wodatch</i></p>
3:30p - 4:30p (1 PA CEU)	<p align="center"><i>ACCESSIBLE HOUSING: NOT JUST THE FAIR HOUSING ACT</i></p> <p>The City and County of Los Angeles recently entered into a wide-ranging consent decree providing significant changes to its housing program. Don't wait for a lawsuit; learn now how the ADA and Section 504, as well as the Fair Housing Act, apply to housing programs, including existing housing facilities, housing amenities, college residence halls, and emergency housing.</p> <p align="center"><i>John Wodatch with Jim Bostrom, Irene Bowen, Melissa Frost</i></p>

Now is the time to plan for the Association's Fall 2017 National ADA Conference
October 23 -26, 2017 - San Diego, CA

ANNOUNCEMENT - SPRING 2017 CONFERENCE INFORMATION & REGISTRATION - APRIL 24-27, 2017 - TAMPA, FL**Must Pre-Register****NO Registrations Accepted at the Door****Conference information includes Early Bird Discount**

EARLY BIRD, full conference, registration fee (* see below) available if registration and payment, **by credit card or check only**, is received by the Association, **no later than February 10, 2017. (No exceptions)**

To RESERVE your space, please **FAX** this completed registration form to: **(877) 480-7858, OR scanned PDF copy to NIEIEMAIL@aol.com**
If three or more participants from the same entity wish to register and pay in full at the same time, please call for special registration rates. Regular registrations **must be paid in full and received no later than April 5, 2017**, or space/materials will be not reserved.

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

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

CONFERENCE AND HOTEL INFORMATION

The conference is being held at the **Hilton Tampa Airport Westshore, 2225 No. Lois Ave, Tampa, FL 33607**. Complimentary shuttle provided from/to Tampa International Airport.. Guest room Internet is complimentary. Self-parking 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 \$130 plus taxes (single/double) if reserved **no later than 4/2/2017**, provided room block has not been sold out. To make lodging reservations call hotel reservations at 813-877-6688 and mention you are attending the National Association of ADA Coordinators conference. Persons with disabilities please make requests for any sleeping room accommodations at the time you make reservations.

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

Vegetarian or _____ meal.
(The Association must know of accommodations required for training no later than 3/22/2017. If an assistant attends, the person must register, attend same conference workshop sessions as person requiring the accommodation, and cover costs of food and materials.)

JOIN or RENEW YOUR ASSOCIATE STATUS

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

☐ Individual Associate – \$195;

☐ Organization Associate – \$345

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

CONFERENCE DISCOUNTED REGISTRATION INFORMATION

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

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

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

Mon.	4/24/2017	<input type="checkbox"/> \$575	<input type="checkbox"/> \$685
Tue.	4/25/2017	<input type="checkbox"/> \$575	<input type="checkbox"/> \$685
Wed.	4/26/2017	<input type="checkbox"/> \$575	<input type="checkbox"/> \$685
Thu.	4/27/2017	<input type="checkbox"/> \$575	<input type="checkbox"/> \$685

All Four Days of the Conference

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

ASSOCIATE - Full Conference After 2/10/2017 ☐ \$1,995

*** ASSOCIATE - Early Bird by 2/10/2017 ☐ \$1,895**

NON-ASSOCIATE - Full conference after 2/10/2017 ☐ \$2,695

*** NON-ASSOCIATE - Early Bird by 2/10/2017 ☐ \$2,395**

ANY CANCELLATION must be in writing to us no later than 4/5/2017 (no exceptions) and is subject to a processing fee of \$500. Remaining balance, after processing fee is deducted for any cancellation on or after 4/5/2017, 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 4/17/2017.

TOTAL AMOUNT and METHOD OF PAYMENT

☐ Visa/MasterCard ☐ Amex ☐ Check

Cardholder: _____

Card number: _____

Expiration: _____ Total Amount: \$ _____

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

Please accept important conference emails from our

Executive Administrator: compperf@ix.netcom.com

PARTICIPANT/ASSOCIATE INFORMATION

Name: _____ Title: _____

PLEASE CIRCLE CONFERENCE TRACK of greatest interest to you: ACCESS EMPLOYMENT HIGHER EDUCATION (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: _____ (WEB1216))

Spring 2017 - Conference Keynotes and Faculty

ADA TITLE I AND GINA

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

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

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

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

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

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

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

ADA TITLE II and III

Chief, Disability Rights Section, Civil Rights Division

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

Rebecca Bond, J.D.

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

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

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

Regional Attorney, U.S. Equal Employment Opportunity Commission, Phoenix, AZ
Mary Jo O'Neill, J.D.

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

ADA Enforcing Agency Faculty (Ret.)

Deputy Chief (ret.), Disability Rights Section, U.S. Department of Justice, Washington, D.C.
President, ADA One, LLC, Silver Spring, MD
Irene Bowen, J.D., P.A.

Ms. Bowen is a nationally recognized ADA consultant, trainer, and speaker. Before starting her firm in 2009, she was Deputy Chief of the Disability Rights Section at DOJ, where she oversaw enforcement of the ADA and was actively involved in the development of the ADA accessibility guidelines as well as DOJ's Title II and Title III regulations. Irene's clients include local governments, colleges and universities, public accommodations, a large school system, the State of Texas, 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, the City of Seattle, several universities, and health-care providers; and authored or co-authored six ADA guides including 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; a facilities guide for the state of Georgia and a guide for court officials). **Irene is a member of the Association's Board of Directors.**

***Senior Attorney (ret.), Office for Civil Rights, U.S. Department of Education,
Denver Enforcement Office, Denver, CO***
Senior Consultant, Employment Matters, LLC/Flynn Investigations Group, 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.**

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

Allison Nichol, J.D.

Allison J. Nichol had the privilege of serving the Department of Justice (DoJ) for more than twenty years as both Deputy Chief and then Chief of the Disability Rights Section of the Civil Rights Division which enforces the ADA. Most recently, she was Special Counsel on Disability Employment to the Deputy Associate Attorney General (AG) for Diversity and Inclusion, Office of the AG. She served as a member of the Executive Staff of the AG's Diversity Management Advisory Council and liaison to the AG's Committee on the Employment of Persons with Disabilities. In 2012, she was a member of the group that received the AG's Award for EEO, the DOJ's highest award for performance in support of the DoJ's EEO program. In 2016, Allison was privileged to be awarded the Alexander D. Forger Award for achievement on behalf of the HIV communities by the American Bar Association's AIDS Coordinating Committee. She is Counsel for Law and Policy to the Sero Project. Allison is available for employment discrimination training and technical assistance. She received a B.A. from the University of Indiana, and a J.D. from Valparaiso University.

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

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

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

Featured Senior ADA Professional Faculty Members

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

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

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

**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.**

***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 a member of the Association's Board of Directors.**

Director of Title IX Compliance at Duke University, Durham, NC

Howard Kallem, J.D.

Howard Kallem previously had been with the Office for Civil Rights, U.S. Department of Education, serving for the last 15 years as the Chief Regional Attorney for the Washington, DC regional office and for five years before that in its policy office. He took a year off during his time with OCR to work as a Senior Equal Opportunity Specialist with the Office of Equity and Diversity Services at George Mason University in Virginia. Prior to that, he was with the U.S. Equal Employment Opportunity Commission for 14 years.

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 for 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.**

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 except where noted by an * for awaiting confirmation. Conference announcements, agendas and faculty subject to change without notice due to unforeseen circumstances.