



eNewsletter & Spring 2017 Conference Announcement

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

Serving the ADA Coordination & 504 Compliance Community Since 1992

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Volume 25 - No. 2

27 pages including New ADA articles

February - March 2017

See important ADA Articles on Employment, Access, and Higher Education later in newsletter
These and many other issues to be covered in more detail at the April 2017 Conference

The Association's 25th Anniversary

Proven, Practical, and Outstanding Training as Rated by ADA Professionals

Employment - Physical/Program Access - Higher Education

2017 Spring ADA National Conference - Our 57th Conference

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

"Your Constant Guide to Changing Times."

April 24 - 27, 2017

Tampa, Florida

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

"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 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.

**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**

What participant evaluations 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

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 a special pre-announcement email discount offer, worth over \$200, for the 2017 Spring Conference Associate registration rate.

The ***Associates' Version of this Newsletter*** contains an ***additional 16 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 their 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

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

ADA ARTICLES

(Articles for information purposes only and are not to be considered as legal advice or opinions)
(April ADA Conference workshops will include further comments on these ADA issues and more)

EEOC RELEASES FISCAL YEAR 2016 ENFORCEMENT AND LITIGATION DATA

The U.S. Equal Employment Opportunity Commission (EEOC) detailed breakdowns for the 91,503 charges of workplace discrimination the agency received in fiscal year 2016. This is the second year in a row that the number of charges filed with EEOC has increased.

Overall, EEOC resolved 97,443 charges and secured more than \$482 million for victims of discrimination in private, federal and state and local government workplaces. The agency reduced the workload of pending charges by 3.8 percent to 73,508 -- the lowest pending charge workload in three years. The agency responded to over 585,000 calls to its toll-free number and more than 160,000 inquiries in field offices, reflecting the significant public demand for EEOC's services. EEOC has previously released fiscal year 2016 highlights.

This is the first year that EEOC has included detailed information about LGBT charges in its year-end summary. EEOC resolved 1,650 charges and recovered \$4.4 million for LGBT individuals who filed sex discrimination charges with EEOC in fiscal year 2016. Additionally, the data show a steady increase in the four years the agency has been collecting LGBT charge data. From fiscal year 2013 through fiscal year 2016, nearly 4,000 charges were filed with EEOC by LGBT individuals alleging sex discrimination, and EEOC recovered \$10.8 million for victims of discrimination.

"EEOC advances opportunity for all of America's workers and plays a critical role in helping employers build stronger workplaces," said EEOC Chair Jenny Yang. "Despite the progress that has been made, we continue to see discrimination in both overt and subtle forms. The ongoing challenge of combating employment discrimination is what makes EEOC's work as important as ever."

Specifically, the charge numbers show the following breakdowns by bases alleged, in descending order:

Retaliation: 42,018 (45.9 percent of all charges filed)

Race: 32,309 (35.3 percent)

Disability: 28,073 (30.7 percent)

Sex: 26,934 (29.4 percent)

Age: 20,857 (22.8 percent)

National Origin: 9,840 (10.8 percent)

Religion: 3,825 (4.2 percent); Color: 3,102 (3.4 percent); Equal Pay Act: 1,075 (1.2 percent);

Genetic Information Non-Discrimination Act: 238 (.3 percent)

These percentages add up to more than 100 because some charges allege multiple bases.

EEOC legal staff resolved 139 lawsuits and filed 86 lawsuits alleging discrimination in fiscal year 2016. The lawsuits filed by EEOC included 55 individual suits and 31 suits involving multiple victims or discriminatory policies. At the end of the fiscal year, EEOC had 168 cases on its active docket, of which 48 (28.6 percent) involve challenges to systemic discrimination and an additional 32 (19 percent) are multiple-victim cases. EEOC achieved a successful outcome in 90.6 percent of all suit resolutions.

ADA AND HOSTILE WORK ENVIRONMENT CLAIMS

Recently, a district court in Massachusetts denied an employer's motion for summary on hostile work environment and retaliation claims under the ADA. However, it upheld the employer's motion for summary judgment on constructive discharge and failure to accommodate claims.

The employee, who worked in a retail store, had a hysterectomy due to endometriosis and cancer. She also subsequently experienced a prolapsed bladder which required her to have to take frequent bathroom breaks. A male co-worker in the store repeatedly made crude, profane, and sexually suggestive comments related to her having had a hysterectomy. The on-site store managers were present when some of these comments were made and laughed at the comments. The employee asked them to stop and explained that the loss of her reproductive organs was not humorous. The employees told her that she "wasn't as fun to be around" since her surgery. (*Zemrock v. Yankee Candle Co. (D. Mass. 2/7/17)*).

The employee repeatedly complained to the on-site store managers about the offensive comments and asked them to speak with the co-worker. Nevertheless, the remarks continued. After more than one year of these comments, when a district manager was visiting the store, she told her that "couldn't take any more" and she was "done with the company." The district manager asked her to explain why, and she informed the district manager about the many comments that had been made. The district manager offered to attempt to resolve the issues and repeatedly asked the employee to stay but she declined because she feared that she would now be subject to retaliation for having reported the issues to the district manager. In that regard, the on-site supervisors had discouraged her from reporting the issues to anyone outside the store because they wanted the store's problems to stay "in the store." The employee subsequently quit.

The court denied the employer's motion for summary judgment on the hostile environment claim, noting that the First Circuit Court of Appeals had recognized that a hostile work environment claim could be asserted under the ADA. To prove such a claim, the employee must show that (1) she was disabled, (2) that she was subject to a hostile environment, and (3) that the hostility was directed at her because of her disability.

To prove hostile environment, the employee must show that the workplace was "permeated with discriminatory intimidation, ridicule and insult" that was sufficiently severe or pervasive to alter the conditions of employment and create an abusive working environment. The court reasoned that the conduct must be both objectively offensive (i.e., offensive to a reasonable person) and subjectively offensive (i.e., this particular employee perceived the conduct/comments to be offensive).

The court concluded that the employee "easily" met her burden of proving that under the circumstances that existed in this workplace. The employee, as a reasonable woman who had undergone a hysterectomy, would view the co-worker's comments and her supervisors' reactions to be sufficiently severe and humiliating to create an abusive work environment on the basis of disability.

Also, the court commented that the supervisors' repeated failure to effectively address the offensive comments supported the conclusion that a hostile work environment was created. The court noted: **"A deaf ear from management may contribute to and encourage the hostility of the workplace, creating an impression that employees may engage in harassment or discrimination with impunity."**

The court also denied the employer's motion for summary judgment on the ADA retaliation claim. The court concluded that the employee had presented sufficient evidence that the co-worker's harassment had intensified after she complained to her supervisors about his conduct.

The employee argued that the harassment was so severe that she was, in essence, subject to a constructive discharge, and had no choice but to resign her employment.

The court rejected this argument, and granted summary judgment to the employer. The court noted that as a legal matter **constructive discharge** is "treatment so hostile or degrading that no reasonable employee

would tolerate continuing in the position” and emphasized that it is “entirely objective” and that the employee’s own subjective beliefs – no matter how sincerely held – are not relevant. The court concluded that employee’s decision to resign was “grossly premature, as it was based entirely on her own worst-case-scenario assumption” that the employer would not correct the harassment in the store and would permit retribution by the store’s managers despite the employer’s policy against retaliation. The court emphasized that “fear of future retaliation” is not sufficient to support a claim of constructive discharge. The court also noted that she declined an offer to resolve the issues.

The court also granted the employer summary judgment on the employee’s claim that the employer had failed to reasonably accommodate her need to frequently use the bathroom. The court noted that the employer timely agreed to accommodations. The employee contended that while the accommodations had been approved, she believed that the on-site supervisors did not support the accommodations because they involved closing the store when she was alone, and this would lead to a loss business. The court rejected this argument noting that the employee did not point to any evidence that her supervisors had prevented her from taking advantage of this accommodation.

Employers need to insure that they should not tolerate the types of comments that were made in this case. One suggestion for employers is that, if some employees work in isolated and remote locations, it would be wise to be vigilant about ensuring that employees in those locations feel comfortable bringing up concerns about inappropriate comments or conduct that may be occurring at the work site.

Employers should take some comfort from the court’s ruling on the constructive discharge claim. If an employer becomes aware of harassment that has been occurring, make sure that it takes timely action as it will help an employer defend any subsequent claim of constructive discharge if the employee decides to quit rather than permit you to address the problem.

UNIVERSITY OF CONNECTICUT’S HOSPITAL SETTLES ADA

According to federal investigators, a patient who is deaf and communicates via sign language lodged a complaint, alleging John Dempsey Hospital denied the patient a signing interpreter or access to other communications options for the hearing impaired during her emergency-room visit.

The patient claimed she had to rely on her boyfriend's limited signing skills to convey details of her illness to her, authorities said. Two days later, the patient's symptoms intensified, resulting in her going to another hospital for an emergency appendectomy.

Title II of the Americans With Disabilities Act prohibits public entities, including hospitals, from discrimination against qualified individuals with disabilities by excluding such individuals from participation in or denying them the benefits of the services, programs, or activities of a public entity, or subjecting them to discrimination by any public entity. A public entity must furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.

Under the agreement, which includes a five-year monitoring period, John Dempsey Hospital agreed to take critical steps toward improving access to ensure communication with deaf and hard of hearing individuals is as effective as communication with those without disabilities, authorities said. These include revising its policies and procedures, revising its training, and performing initial and ongoing assessments of the need for auxiliary aids and services for patients and their companions who are deaf or hard of hearing.

REASSIGNMENT TO A VACANT POSITION UNDER THE ADA CIRCUIT CONCLUDES THE BEST CANDIDATE GETS THE JOB

In December, the United State's Court of Appeals for the Eleventh Circuit, announced that the Americans with Disabilities Act does not, as a reasonable accommodation, require the transfer of a disabled employee into a vacant position without consideration of the qualifications of other candidates competing for the same position. In *St. Joseph's Hospital, Inc.*, a disabled nurse sought an accommodation in the form of a job reassignment to another care unit at the hospital because she required the use of a cane, which posed a safety hazard in the psychiatric ward where she worked.

(EEOC v. St. Joseph's Hospital, Inc.,)

In response to the nurse's accommodation request, the hospital permitted her to apply for other available jobs, but she was required to compete for these positions. When this nurse failed to obtain a new position, the hospital terminated her employment -- and eventually, the EEOC brought suit on her behalf. On appeal from the District Court's decision, the Eleventh Circuit was asked to consider whether the ADA requires job reassignment without competition as a reasonable accommodation, as the EEOC advocated.

Significantly, at least according to the **Eleventh Circuit**, "the ADA does not require reassignment without competition for, or preferential treatment of, the disabled." To that end, the Court opined, "[r]equiring reassignment in violation of an employer's best-qualified hiring or transfer policy is not reasonable in the run of cases," noting that "[p]assing over the best-qualified job applicants in favor of less-qualified ones is not a reasonable way to promote efficiency or good performance." The Court concluded that the ADA "only requires an employer allow a disabled person to compete equally with the rest of the world for a vacant position." In reaching this conclusion, the Eleventh Circuit joined the Fifth and Eighth Circuits.

However, *St. Joseph's Hospital, Inc.*, appears to be at odds with **the Seventh Circuit's** 2012 opinion in *EEOC v. United Airlines, Inc.*, which governs the interpretation of the ADA as applied to workplaces located in Wisconsin, Illinois and Indiana. In *United Airlines, Inc.*, the Seventh Circuit reasoned that an employer's deviation from its best-qualified selection policy -- in favor of a disabled candidate -- may indeed be a reasonable accommodation. In reaching this conclusion, the Court repudiated its prior holding on the subject, that the "ADA does not require an employer to reassign a disabled employee to a job for which there is a better applicant, provided it's the employer's consistent and honest policy to hire the best applicant for the particular job in question."

The Eleventh Circuit in *St. Joseph's Hospital, Inc.*, points out, however, that instead of "deciding the issue" concerning transfer without consideration of competition from other candidates, the Seventh Circuit "remanded it to the district court for decision in the first instance." The Eleventh Circuit's interpretation of *United Airlines, Inc.* is certainly inconsistent with the EEOC's public characterization of the case, a minimum, the Seventh Circuit's opinion clearly signals that even though an employer may prefer to employ the best-qualified candidates and have a policy to that effect, the deviation from such a policy would not necessarily create an undue hardship for the employer.

The *St. Joseph's Hospital, Inc.* decision is the latest in a string of divergent decisions that appear to be headed to the Supreme Court to resolve the split. Until then, notwithstanding *St. Joseph's Hospital, Inc.*, employers in Wisconsin and their legal counsel are wise to consider *United Airlines" Inc.* in evaluating whether a job transfer, without consideration of the qualifications of other candidates competing for the same position, is appropriate or required under the circumstances.

EEOC EXTENDS PUBLIC INPUT PROPOSED HARASSMENT ENFORCEMENT GUIDANCE

The U.S. Equal Employment Opportunity Commission (EEOC) announced recently that it has extended for 40 days the public input period on its proposed enforcement guidance on unlawful workplace harassment. The proposed guidance is now open for public input until March 21, 2017.

The proposed guidance, which is the product of extensive research, analysis and deliberation, explains the legal standards applicable to claims of unlawful harassment under federal employment discrimination laws. The laws enforced by the EEOC protect individuals from harassment based on race, color, religion, sex, national origin, disability, age or genetic information.

Public input may be submitted online at this location on www.regulations.gov until midnight on March 21, 2017. Alternatively, members of the public may send written feedback to: Public Input, EEOC, Executive Officer, 131 M Street, N.E., Washington, D.C. 20507. All input will be posted publicly on www.regulations.gov, so please do not include personal information that you do not want made public, such as your home address or telephone number.

After reviewing the public input, the Commission will consider appropriate revisions to the proposed guidance before finalizing it.

DOJ ISSUES GUIDANCE FOR CRIMINAL JUSTICE ENTITIES IN ADA TITLE II COMPLIANCE (JANUARY 2017) - AN INTRODUCTION

The legal requirements this guidance discusses are restatements of existing requirements from Title II of the Americans with Disabilities Act, 42 USC 12131-12134, and its implementing regulations at 28 CFR pt. 35.

Title II of the Americans with Disabilities Act (ADA) protects individuals with mental health disabilities and intellectual and developmental disabilities (I/DD) from discrimination within the criminal justice system. Pursuant to the ADA, state and local government criminal justice entities—including police, courts, prosecutors, public defense attorneys, jails, juvenile justice, and corrections agencies—must ensure that people with mental health disabilities or I/DD are treated equally in the criminal justice system and afford them equal opportunity to benefit from safe, inclusive communities. Nondiscrimination requirements, such as providing reasonable modifications to policies, practices, and procedures and taking appropriate steps to communicate effectively with people with disabilities, also support the goals of ensuring public safety, promoting public welfare, and avoiding unnecessary criminal justice involvement for people with disabilities.

The ADA also requires State and local governments to avoid discriminating against people with mental health disabilities or I/DD in administering services, and to serve people with these disabilities in the most integrated setting appropriate to their needs. Effective implementation of these requirements will help people with these disabilities receive the community-based services they need. Furthermore, increased collaboration and improved resource allocation between criminal justice agencies and disability service systems can also help reduce the social, vocational, economic, and educational disparities people with disabilities experience.

This guidance document highlights opportunities to increase ADA compliance and positive community outcomes through improved policies, effective training, use of data, resource allocation, and collaboration between criminal justice entities and disability service systems. The Department of Justice hopes this technical assistance will promote the safety and welfare of both individuals with disabilities and criminal justice personnel.

Title II of the ADA provides that no qualified individual with a disability shall, because of that disability, be excluded from participation in, denied the benefits of, or subjected to discrimination in the services, programs, and activities of all state or local government entities, including law enforcement, corrections, and justice system entities. Such services, programs, and activities include:

Interviewing and questioning witnesses, victims, or parties, negotiating pleas, assessing individuals for diversion programs, conducting arraignment, setting bail or conditions of release, taking testimony, sentencing, providing notices of rights, determining whether to revoke probation or parole, or making service referrals, whether by prosecutors and public defense attorneys, courts, juvenile justice systems, pre-trial services, or probation and parole services;

Jail and prison intake and classification evaluations, medical and mental health services, recreational activities, educational and vocational programs, rehabilitative programs, grievance procedures, incentive programs, disciplinary and classification proceedings, housing placements, parole and release programs, and re-entry planning; and

Law enforcement street interactions, taking and responding to complaints or calls for assistance, vehicle stops and searches, arrests, detentions, interviews, interrogations, and emergency responses.

Title II's general prohibitions against discrimination are subject to limitations. When an individual poses a "direct threat" to the health or safety of others, i.e., a significant health or safety risk that cannot be mitigated or eliminated by a reasonable modification of policies, practices or procedures, Title II does not require a public entity to permit that individual to participate in, or benefit from, services, programs, or activities.

The DoJ recommends that training is a key component for this compliance. Criminal justice personnel are likely to encounter people with mental health disabilities or I/DD who are part of the communities they serve and protect. Several factors may indicate that a person has a mental health disability or I/DD, including self-report, information provided to dispatch or to the officer or employee, the employee's prior knowledge of the person, or the employee's direct observation. Without proper training, criminal justice personnel may misinterpret the conduct of individuals with mental health disabilities or I/DD as intentional disrespect or disobedience, which may escalate encounters and lead to unnecessary criminal justice involvement.

Appropriate training can prepare personnel to execute their ADA responsibilities in a manner that keeps staff, individuals with disabilities, and members of the community safe; promotes public welfare; builds trust with the community; respects the rights of individuals with disabilities; ensures effective use of criminal justice resources; and contributes to reliable investigative and judicial results.

For additional information, please review the entire document at the DOJ web site at www.ada.gov.

EEOC ISSUES PUBLICATION ON THE RIGHTS OF JOB APPLICANTS AND EMPLOYEES WITH MENTAL HEALTH CONDITIONS

The U.S. Equal Employment Opportunity Commission (EEOC) issued a resource document that explains workplace rights for individuals with mental health conditions under the Americans With Disabilities Act of 1990 (ADA).

Depression, PTSD, & Other Mental Health Conditions in the Workplace:

Your Legal Rights explains that job applicants and employees with mental health conditions are protected from employment discrimination and harassment based on their conditions. They may also have a right to reasonable accommodations at work. Reasonable accommodations are work adjustments that can help individuals to perform their jobs and remain employed. The resource document also answers questions about

how to get an accommodation, describes some types of accommodations, and addresses restrictions on employer access to medical information, confidentiality, and the role of the EEOC in enforcing the rights of people with disabilities.

EEOC charge data shows that charges of discrimination based on mental health conditions are on the rise. During fiscal year 2016, preliminary data shows that EEOC resolved almost 5,000 charges of discrimination based on mental health conditions, obtaining approximately \$20 million for individuals with mental health conditions who were unlawfully denied employment and reasonable accommodations.

"Many people with common mental health conditions have important protections under the ADA," said EEOC Chair. "Employers, job applicants, and employees should know that mental health conditions are no different than physical health conditions under the law. In our recent outreach to veterans who have returned home with service-connected disabilities, we have seen the need to raise awareness about these issues. This resource document aims to clarify the protections that the ADA affords employees."

The resource document is part of an ongoing series of publications providing individuals with medical conditions or work restrictions with user-friendly explanations of their rights, and with information that they can give to a health care provider to explain how to provide appropriate medical documentation, if required. Earlier last year EEOC published resource documents addressing the employment rights of individuals with HIV infection and individuals who are pregnant. The new publication's companion document, *The Mental Health Provider's Role in a Client's Request for a Reasonable Accommodation at Work*, can be found on EEOC web site.

ROOMS TO GO TO PAY \$55,000 TO SETTLE EEOC PREGNANCY DISCRIMINATION LAWSUIT

CHARLOTTE, N.C. - RTG Furniture Corp. of Georgia, a Florida corporation that operates a chain of Rooms to Go furniture stores and distribution centers nationwide, has agreed to pay \$55,000 and provide other relief to settle a pregnancy discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today. The EEOC had charged that Rooms to Go violated federal law when it fired a female employee because she was pregnant. (***Equal Employment Opportunity Commission v. RTG Furniture Corp. of Georgia, Civil Action No 5:16-CV-00663-BO***) .

According to the EEOC's complaint, the company hired Chantoni McBryde on June 1, 2015 and assigned her to work as a shop apprentice at the company's temporary training facility in Dunn, N.C. The job required the use of various chemicals to repair furniture. On June 3, McBryde informed the company's shop trainer that she was pregnant. Later that same day, McBryde was called into a meeting with the company's regional shop manager and others and was asked to confirm that she was pregnant. The EEOC said that during the meeting, the regional shop manager showed McBryde a can of lacquer thinner that contained a warning that the contents could potentially pose a risk to a woman or her unborn child, and discussed the warning with McBryde. The EEOC said that McBryde was then told that because she was pregnant, she could no longer work at the facility.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act (PDA), which prohibits employers from terminating workers because they are pregnant. EEOC filed suit in U.S. District Court for the Eastern District of North Carolina, Western Division after first attempting to reach a pre-litigation settlement through the agency's conciliation process.

In addition to providing monetary relief to McBryde, the company entered into a three-year consent decree requiring it to develop and implement a policy that prohibits pregnancy-based discrimination. The decree further requires the company to conduct annual training for employees, supervisors, and managers at certain

facilities on Title VII and its prohibition against pregnancy discrimination in the workplace. Rooms to Go must also post an employee notice about the lawsuit and on employee rights under federal anti-discrimination laws at those same facilities, as well as provide periodic reports to the EEOC.

"Pregnant women have the right to make their own decisions about working while pregnant, including the risks they are willing to assume," said Lynette A. Barnes, regional attorney for the EEOC's Charlotte District Office. "If there may be a potential health concern, it is up to the woman and her doctors to evaluate. Companies must not impose paternalistic notions on pregnant women, as doing so can result in unlawful discrimination."

PAPA JOHN'S PIZZA TO PAY \$125,000 TO SETTLE EEOC DISABILITY LAWSUIT

The owners of a Farmington, Utah Papa John's Pizza will pay \$125,000 and furnish other relief to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the EEOC announced today.

According to EEOC's lawsuit, Papa John's discriminated against Scott Bonn, who has an intellectual disability, Down syndrome. EEOC alleged that Papa John's employed Bonn successfully at its Farmington location for more than five months and allowed an independently employed and insured job coach to assist him. EEOC further charged that after an operating partner visited the Farmington location and observed Bonn working with the assistance of his job coach, the operating partner ordered Papa John's local management to fire Bonn.

Such alleged conduct violates Title I of the Americans with Disabilities Act (ADA), which prohibits employers from discriminating against qualified individuals with disabilities because of their disabilities or from failing to reasonably accommodate their disabilities. In appropriate circumstances, such as those in this lawsuit, the use of a job coach is a reasonable accommodation under the ADA. EEOC filed suit (*EEOC v. PJ Utah LLC, PJ Cheese, Inc., PJ United, Inc.*, Case No. 2:14-cv-00695-TC) in U.S. District Court for the District of Utah after first attempting to reach a pre-litigation settlement through its conciliation process.

Under the consent decree settling the suit, Papa John's is required to pay \$125,000 to Bonn, review its equal employment opportunity policies, conduct training for management and human resources employees for its restaurants in Utah, and establish a new recruitment program for individuals with disabilities in Utah.

"Employers must understand that they cannot refuse to provide an accommodation to individuals with intellectual disabilities," said EEOC Regional Attorney Mary Jo O'Neill. "Scott Bonn is an incredible person and he loves working. He loved his job at Papa John's. Working gives all of us meaning and purpose in our lives. Employers should embrace workers like Scott who work with such joy. I want employers to know that their obligation to provide a reasonable accommodation includes allowing a job coach at the workplace, if needed, absent undue hardship. The ADA is intended to ensure that each person with an intellectual disability has a right to work and be evaluated as an individual-not on the basis of his or her disability."

Laura Boswell, an attorney with the Disability Law Center in Salt Lake City, Utah and counsel for Scott Bonn, said, "In my experience, employees with intellectual disabilities, while often overlooked, are frequently among the most dedicated and hardworking. Scott exemplified these qualities while employed at Papa John's. We are hopeful that this settlement will serve to educate employers about the skills and value Scott, and employees like him, can bring to the workforce when properly accommodated."

Elizabeth Cadle, district director of EEOC's Phoenix District Office, added, "Recruitment and hiring programs

are a fantastic way for employers to build strong relationships with communities and provide meaningful employment to persons with disabilities. We encourage all employers to use recruitment and hiring programs to help us fight employment discrimination on all fronts."

BEWARE THE ADA SETTLEMENT THAT BUYS NOTHING

Many have heard before about the perils of private ADA settlements – such as 1) the yin and yang of ADA defense, 2) perilous settlements and 3) temporary victories – explain how an ADA settlement can cost plenty and do nothing. The problem is simple. If you settle one case, but have not brought your jurisdiction or business into ADA compliance, but you are at risk for another case, and another, and another.

That risk came home to roost for the defendant in a decision issued on January 27 by a judge who has perhaps more experience in web access cases than any other federal judge thanks to the prolific filings of the Carlson Lynch firm. He denied a motion for summary judgment based on the settlement of a web access case from Florida. Party City Holdco appears to be on its way to paying twice to settle the same website accessibility claim. (*Gniewkowski v. Party City Holdco, Inc., Case No. 2:16-cv-1686 (W.D. Penn.)*).

The problem is not new, but web accessibility litigation has increased the risk that money spent on settlement will be wasted. First, it is much easier for plaintiffs to find purported ADA violations. Traditional serial litigants at least had to get out of the office and drive around to find bad parking spaces and cracks in the asphalt. Web accessibility litigation can be generated without leaving the office using software tools that crawl the web looking for potential website defendants. There has been an explosion in the number of ADA cases filed, and ease of finding targets is one of the main reasons.

Even more important, web accessibility fixes are time consuming to implement, at least for complex web sites. A bad ADA parking place can be fixed in days or weeks. An inaccessible website is likely to take months or even years to fix. That long lead time makes the short term relief of a single settlement far less valuable than it might be in a physical accessibility case.

What should jurisdictions and businesses do? The best solution is an accessible web site, but that takes time. The second best solution is to create a defense with a settlement that is not confidential and does require compliance with WCAG 2.0 Success Level AA. Structuring a settlement so that the obligation to make the web site accessible is not confidential while any financial terms are confidential will at least give the jurisdiction or business a reasonable argument that claims are moot based on the earlier settlement.

In the end though, the best way to create a defense to future litigation is through an agreed judgment that includes an injunction requiring ADA compliance. While that kind of judgment is personal to the individual plaintiff, under the ADA the only available relief is injunctive, and an injunction that requires website accessibility for one plaintiff inevitably protects every other possible plaintiff. A judgment creates the strongest argument for mootness as well as the strongest argument for a *res judicata* defense based on the original plaintiff adequately representing the entire universe of plaintiffs. Entering into a public agreed judgment instead of a confidential settlement goes against every instinct of a defense lawyer, but in the wild new world of web accessibility litigation it is very likely the best way to avoid the peril of a meaningless settlement.

94 % OF NEW ORLEANS BUS STOPS FAIL TO MEET THE NEEDS OF DISABLED RIDER

On Feb. 10, the city, the New Orleans Regional Transit Authority (RTA) and its owner Transdev Services settled a lawsuit filed by three wheelchair users arguing the city's transit stops are not compliant with the Americans with Disabilities Act (ADA). The stops are riddled with too-steep slopes, broken landing pads or no landing pads at all. The city has until 2031 to update them.

Plaintiffs filed the suit after their attorney sent a public records request to examine the state of the RTA'S ADA compliance. In 2015, the report was released its report, it surveyed the city's 2,218 bus stops. The report found that only 5.7 percent (126) had a compliant transit stop area and pedestrian access route. The remaining 2,092 stops need to be updated; 336 of those stops had a compliant stop but still required sidewalk or curb ramp construction.

The plaintiffs then filed a second lawsuit in U.S. District Court. Eleven months later, the parties settled.

A U.S. Magistrate Judge and the plaintiffs' attorney will monitor the city's progress following a five-year inspection period for the city and RTA to determine the scope of renovations.

The previously unpublished report estimates the cost of ADA compliance is \$10.7 million to \$12.6 million in projected 2016 dollars. "Phasing the completion of the improvements over a 10-year period would require an estimated total of \$13.9 million," according to the report.

The report found that stops often had cracked or broken landing pads, flat areas where wheelchair users can enter and exit sidewalks, "or just a pole that says it's a bus stop, in the dirt, without a landing pad," the attorney said. His clients were often forced to overshoot their stops to others where they safely could get off their bus but still faced busted sidewalks and were forced to roll in the streets. "It's one thing after another," the attorney said. "The ability to be independent as a disabled person is difficult. At the very least our public transportation should be compliant with federal civil rights laws."

Following extensive RTA upgrades as the city renovated transit stops and brought bus lines back into commission, it didn't take into account ADA compliance measures. Their attorney indicated: "They were modifying these bus stops, and they were doing it wrong," he said. "That's frustrating as a taxpayer."

The firm also is representing the plaintiffs in a separate lawsuit over the city's historic streetcars' ADA accessibility.

Get the answers to your ADA questions from the ADA enforcing agencies (DOJ – EEOC – DOE) and ADA experts who can help at the:

Spring National Conference – April 24-27, 2017 – Tampa, Florida

“The Association - 25th Anniversary”

Cosponsored by the State of Florida Department of Transportation

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

Conference Program - Page 1

7:45a - 9:00a	Continental Breakfast and Registration
8:00a - 8:55a (1 PA CEU for other only)	<p style="text-align: center;"><i>OVERVIEW WORKSHOP FOR THE NEW ADA COORDINATOR</i> (Or <u>Anyone</u> wishing a Solid Review)</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 basic, introductory workshop.</p> <p style="text-align: center;"><i>Irene Bowen, Melissa Frost, Brian Nelson, John Wodatch</i></p>
9:00a - 9:30a	<p style="text-align: center;"><i>WELCOME</i></p> <p style="text-align: center;">Phong Nguyen, M.D., P.A. - Association Chairman and Conference Coordinator Welcome, State of Florida John Wodatch, Association President Paul Hagle, P.A., Association Executive Director</p>
9:30a - 10:30a (1 PA CEU)	<p style="text-align: center;"><i>DOJ KEYNOTE</i> <i>WHAT'S HAPPENING AT THE DOJ?</i></p> <p>DOJ covers recent and important emerging ADA case law, issues and the work of DOJ with U.S. Attorneys offices throughout the U.S.</p> <p style="text-align: center;"><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 style="text-align: center;"><i>EEOC KEYNOTE</i> <i>WHAT'S HAPPENING AT EEOC?</i></p> <p>This interactive session covers important issues such as an update on new, significant ADA case law and Title I and II regulations from a practical point of view.</p> <p style="text-align: center;"><i>Christopher Kuczynski, J.D., LL.M.</i> <i>Acting Associate Legal Counsel & ADA/GINA Policy Director, Office of Legal Counsel,</i> <i>U.S. E.E.O.C., Washington, DC.</i></p>
12:00p - 1:00p	<i>LUNCHEON - National Institute on Employment Issues</i>

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	<p>MODIFICATIONS TO POLICIES AND PRACTICES: WHAT'S NECESSARY AND REASONABLE?</p> <p>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.</p> <p><i>Irene Bowen with Jim Bostrom, John Wodatch</i></p>
	EMPLOYMENT	<p>ARE THEY REAL?</p> <p>Qualification standards, essential functions, and marginal functions will be analyzed and presented with case studies and case law.</p> <p><i>Chris Kuczynski, Brian Nelson, Allison Nichol, Mary Jo O’Neill</i></p>
	HIGHER EDUCATION	<p>SERVICE AND ASSISTANCE ANIMALS</p> <p>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.</p> <p><i>Melissa Frost, Howard Kallem, Jim Long</i></p>
2:15p - 3:15p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<p>PROGRAM ACCESSIBILITY TODAY</p> <p>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.</p> <p><i>Irene Bowen with Jim Bostrom, Dean Perkins, John Wodatch,</i></p>
	EMPLOYMENT	<p>MAKING REASONABLE ACCOMMODATION, REASONABLE - PART 1</p> <p>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..</p> <p><i>Chris Kuczynski with Brian Nelson, Allison Nichol, Mary Jo O’Neill</i></p>
	HIGHER EDUCATION	<p>CLINICAL SETTINGS AND FIELD WORK</p> <p>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..</p> <p><i>Melissa Frost, Howard Kallem, Jim Long</i></p>
3:30p - 4:30p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<p>ADA INSTAGRAM! FACILITY PHOTO FUN AND FAILS</p> <p>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?</p> <p><i>Jim Terry with Jim Bostrom, Irene Bowen, Dean Perkins, John Wodatch</i></p>
	EMPLOYMENT	<p>MAKING REASONABLE ACCOMMODATION, REASONABLE - PART 2</p> <p><i>Chris Kuczynski with Brian Nelson, Allison Nichol, Mary Jo O’Neill</i></p>
	HIGHER EDUCATION	<p>CROSSROADS OF THE ADA AND TITLE IX</p> <p>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.</p> <p><i>Howard Kallem with Melissa Frost, Jim Long</i></p>

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	<p>TRANSITION PLANNING – WHAT DOES “WHEN VIEWED IN ITS ENTIRETY” MEAN?</p> <p>“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.</p> <p><i>Jim Terry with Jim Bostrom, Irene Bowen, Dean Perkins, John Wodatch</i></p>
	EMPLOYMENT	<p>WAKE UP</p> <p>This session will cover significant liabilities, case studies, and case law pertaining to disability-related harassment, retaliation, confidentiality, and associational discrimination.</p> <p><i>Brian Nelson, Allison Nichol, Mary Jo O’Neill</i></p>
	HIGHER EDUCATION	<p>IS OUR GRIEVANCE PROCEDURE EQUITABLE?</p> <p>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.</p> <p><i>Melissa Frost, Howard Kallem, Jim Long</i></p>
2:15p - 3:15p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<p>EFFECTIVE COMMUNICATION: WHAT IS COMMUNICATION? WHAT’S EFFECTIVE? AND WHAT ARE THE LIMITS?</p> <p>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.).</p> <p><i>Irene Bowen with Jim Bostrom, Dean Perkins, Jim Terry, John Wodatch</i></p>
	EMPLOYMENT	<p>IS THERE A DOCTOR IN THE HOUSE?</p> <p>This session will cover the challenges of dealing with health care professionals and conflicting workplace recommendations.</p> <p><i>Phong Nguyen with Brian Nelson, Allison Nichol, Mary Jo O’Neill</i></p>
	HIGHER EDUCATION	<p>OCR TOP TEN TIPS</p> <p>Learn what to expect from OCR and how to effectively respond if you receive a charge of discrimination. From the initial notice to Early Complaint Resolution, these tips will help you avoid common pitfalls.</p> <p><i>Jim Long with Melissa Frost, Howard Kallem</i></p>
3:30p - 4:30p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<p>YOU HAVE THE FLOOR</p> <p>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.</p> <p><i>John Wodatch with Jim Bostrom, Irene Bowen, Dean Perkins, Jim Terry</i></p>
	EMPLOYMENT	<p>YOU BLEW IT</p> <p>The most common misstates employers make with reference to actual cases; the consequences and costs of litigation will also be analyzed.</p> <p><i>Brian Nelson, Allison Nichol, Mary Jo O’Neill</i></p>
	HIGHER EDUCATION	<p>YOUR QUESTIONS ANSWERED</p> <p>This session is designed to cover your lingering questions. Come prepared to ask about your policy, procedure and practice questions. <i>(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></p> <p><i>Melissa Frost, Howard Kallem, Jim Long</i></p>

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”.

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

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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))

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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.