

New ADA Articles of Interest

Updated Spring Conference Information

2018 Spring National Association of ADA Coordinators Conference

Co-hosted by the State of Florida

Filling the Gap:

Sound Information from Reliable Sources

April 16-19, 2018

Tampa, Florida

Some Federal agencies are pulling their guidance documents from their websites. Other Federal agencies have put off new ADA rulemaking indefinitely. No new guidance documents from Federal agencies are on the horizon. But ADA Coordinators need to have ready access to usable, understandable, accurate information on what the ADA requires and on “best practices” to open programs, services, and activities to persons with disabilities.

The National Association of ADA Coordinators stands ready to fill the gap. We have once again assembled a formidable team of outstanding ADA experts. For four days in April we will provide reliable, practical information on how to comply with the ADA; we’ll answer your questions; and we’ll give you usable documents to take home. We are the steady hand in uncertain times. So come to Tampa, Florida in April 2018, and you will find that NAADAC’s Spring Conference is ***“Filling the Gap with Sound Information from Reliable Sources.”***

John Wodatch, Association President

Includes 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.

The Fall 2017 conference was rated outstanding by 97% of the participants’ on their evaluations.

“This was by far the most informative conference I have ever attended in my 15+ years in higher education. The expert presenters provided excellent case studies & practical info that I take back to my campus.” C. V.,
Major Texas University.

“My expectations are met again and exceeded. Every conference has provided up-to-date and pertinent information that has proven very useful in my work. The faculty is top notch and so enthusiastic! Great job!”
S. M., State Architect’s Office

“This was my first time at the conference and it was wonderful. I will definitely be coming back.” L. M., California

The Spring 2018 National Conference Faculty includes:

***12 ADA attorneys, 3 ADA architects, 4 ADA Coordinators and
Section 504 Compliance Officers, ADA Web Experts, and Medical Professionals***

Conference faculty scheduled for the tracks include:

Keynotes

**Rebecca Bond, J.D., Chief, Disability Rights Section, US DOJ
Joyce Walker- Jones, J.D., Senior Attorney Advisor, Office of Legal Counsel and ADA/GINA
Policy Division, US EEOC**

Access, Services, and Design Track

**John Wodatch, J.D.; Jim Bostrom; Irene Bowen, J.D.; Joe Dolson
Dean Perkins, R.A.; Jim Terry, AIA; Rachel M. Weisberg, J.D.**

Employment Track

**Joyce Walker-Jones, J.D., (EEOC); Brian Nelson, J.D.; Phong Nguyen, M.D.
Mary Jo O'Neill, J.D. (EEOC) Allison Nichol, J.D.; Michael Sullivan**

Higher Education Track

Melissa Frost, J.D.; Howard Kallem, J.D., Jim Long, J.D.; Shelley Ducatt, Ph.D.

***Other conference sessions planned on Law Enforcement, Transportation and Transit,
Emergency Preparedness, Medical Issues, and Web Site Accessibility/Design Issues***

See full conference agenda, and faculty bios in this newsletter and on the
Association web site at: www.adacoordinators.org

WHAT YOU TAKE BACK FROM THE CONFERENCE

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

***WHY PARTICIPANTS RAVE ABOUT OUR
ADA USB FLASH DRIVE LIBRARY AND CONFERENCE HANDOUTS***

Each participant will receive over numerous important ADA Handouts - **FREE** - on the updated Conference 2016 USB ADA Library Drive. The updated USB drive is only available at the Spring 2018 National Conference **and is as part of your conference package at no cost.** 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 faculty PowerPoint presentations and handouts dealing with many trending and best practice topics, and how to save time and money. These can provide information to develop your own ADA training and education programs.

OTHER CONFERENCE EVENING EVENTS

There is an Association [President's Reception](#) on Tuesday evening with snacks and refreshments. Your opportunity to meet the speakers and our Board of Directors in a relaxed atmosphere.

Again by popular demand a [KARAOKE night](#) is planned for Wednesday evening. Refreshment and goodies provided for all. At the Spring 2018 Conference over \$150 in donated cash prizes will be awarded in three categories - "First Place", "Most Innovative" and "Most Inspired".

***Come join the fun after an informative and busy day at the conference.
Be entertained, even if you do not want to sing. Audience picks the winners.***

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 \$300 off this 2018 Spring conference. The Associates' Version of this eNewsletter contains ***an additional 21*** emailed pages on ADA case law and other issues.

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

We recognized 5 new P.A.s at the Fall 2017 conference and another 9 completed their P.A. requirements at the Fall conference. There are almost 200 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 (P.A.) program

CONFERENCE LOCATION AND HOTEL

The conference is being held at the ***Hilton Tampa Airport Westshore, 2225 North Lois Ave., Tampa, FL 33607.*** Complimentary shuttle provided from/to Tampa International Airport and within three miles of the hotel. Hotel self-parking and guestroom Internet are complimentary. ***Participant is responsible for making own lodging reservation. Credit card guarantee is required.*** The Association has negotiated a special conference rate from three days before/after the conference at a per room rate of \$159.00 per night, plus taxes (single/double) if reserved by ***3/20/2016, provided added room block has not been sold out. (NOTE: Initial room block was sold out at the \$132 rate).*** To make lodging reservations call Hilton reservations at 800-445-8667, or the hotel at 813-877-6688; and mention you are attending the National Association of ADA Coordinators conference.

Registration closes 3/24/2018

***Spring 2018 ADA National conference
April 16-19, 2018 – Tampa, Florida***

ADA ARTICLES OF INTEREST

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

Spring ADA Conference, April 16-19, 2018, to cover these and other ADA trending and important ADA issues.

FORMER ATTORNEY GENERAL SAYS ADA FACING THREAT

Former U.S. Attorney General Dick Thornburg said he opposes what he called attempts to undercut landmark legislation he worked to pass guaranteeing people with disabilities equal protection under the law.

The former two-term governor of Pennsylvania, who led the Justice Department **[who our Association President John Wodatch worked closely with on the ADA]** under presidents Ronald Reagan and George H.W. Bush, said nearly 28 years after passage, the Americans with Disabilities Act of 1990 “must be protected from current threats to weaken its intent.”

The ADA Education and Reform Act, introduced by Rep. Ted Poe (R-Texas), purportedly attempts to cut down on frivolous lawsuits. The bill would require individuals with disabilities to send a letter of notification to the business that it is out of ADA compliance, wait 60 days for the owner to acknowledge the barrier and then another 120 days to start fixing the problem before filing a lawsuit.

Disability advocates say no other protected group has to endure a waiting period before filing a grievance and that removing the threat of a lawsuit would make it easier for businesses to ignore what has been the law of the land for nearly 30 years.

The ADA Education and Reform Act passed in the House by a vote of 225-192 on Feb. 15. It now moves to the Senate. Sen. Tammy Duckworth (D-Ill.), an Army veteran who lost both her legs while serving in Iraq, called it “offensive legislation” that sends a “disgraceful” message that Americans with disabilities can be treated as second-class citizens.

Thornburgh, 2018 recipient of the AAPD Leadership Award, was recruited by President Bush as point person seeking congressional passage of the Americans with Disabilities Act. Thornburgh, whose first wife died in a traffic accident that left their son permanently disabled, called it “a once-in-a-lifetime opportunity to combine my personal and political agendas” in a 2017 article in The Christian Citizen, a publication of the American Baptist Home Mission Societies.

“Like most reforms, it’s a process of two steps forward and one step back, but it has made enormous differences in the lives of persons who were previously denied equal access to jobs, education, public services and transportation,” Thornburgh said at the ceremony.

“Nearly 28 years later, the ADA remains a critically important civil rights law for all Americans with disabilities which must be protected from current threats to weaken its intent,” he said.

Thornburgh’s current wife, Ginny Judson Thornburgh, became a mom to his boys and advocate for people with disabilities as director of the Interfaith Initiative of the American Association of People with Disabilities.

U.S. SUPREME COURT MAY TAKE UP ADA/FMLA LEAVE

Hypothesize that an employee with cancer has exhausted 12 weeks of unpaid leave under the Family and Medical Leave Act (FMLA) but needs more time to recover from treatment before returning to work. Whether such an employee is entitled to additional unpaid leave as a reasonable accommodation under the ADA is one of the thorny leave questions that employers confront—and one the Supreme Court may soon address, thanks to pending petitions for certiorari in two recent cases out of the Seventh Circuit.

Severson v. Heartland Woodcraft, Inc., (872 F.3d 476 (7th Cir. 2017)), concerns a disabled employee who needed two or three months of leave beyond his FMLA leave to recover from back surgery. The Seventh Circuit held that the employer did not have to provide it. ADA accommodations, the Court reasoned, is to allow disabled employees to perform the essential functions of their jobs, not to excuse them from working. Therefore, the Court adopted a per se rule that “[a] multimonth leave of absence is beyond the scope of a reasonable accommodation under the ADA.” In *Golden v. Indianapolis Housing Agency*, (698 F. App’x 835 (7th Cir. 2017)), the Seventh Circuit applied this rule to deny a disabled employee’s claim for additional leave to recover from cancer surgery after FMLA and four weeks of additional employer-approved leave had expired. The employee sought more leave pursuant to the employer’s policy permitting employees to request up to 6 months of unpaid leave when no other form of leave was available. At the time of the request, the doctor had not provided an expected return-to-work date. The Seventh Circuit held the employee’s additional leave request removed her from being a “qualified individual with a disability” under both the ADA and the Rehab Act.

The Seventh Circuit’s per se rule is at odds with the EEOC’s 2016 guidance on ADA leave, which requires employers to evaluate such requests on a case-by-case basis. In the EEOC’s view, even a multi-month leave can be a reasonable accommodation in some circumstances, if the end date is reasonably certain. The EEOC continues to apply this approach today. In January 2018 alone the EEOC sued a North Carolina employer for denying a diabetic employee’s request for several weeks of additional leave following the period that had been approved initially to recover from surgery. It also announced settlements with employers in Michigan and Mississippi who denied requests for leave extensions.

Like the EEOC, other federal courts apply a fact-intensive approach to ADA leave questions. However, the Tenth Circuit, in an opinion by then Judge Gorsuch, seems to have drawn a bright line against requests for leave of more than 6 months. (*Hwang v. Kansas State Univ.*, (753 F.3d 1159, 1161 (10th Cir. 2014)) [(“It perhaps goes without saying that an employee who isn’t capable of working for so long isn’t an employee capable of performing a job’s essential functions—and that requiring an employer to keep a job open for so long doesn’t qualify as a reasonable accommodation.”)] Other courts have also ruled that employees determined to be disabled “indefinitely” after a period of initial leave are not qualified individuals entitled to accommodation under the ADA. (*Minter v. District of Columbia*, 809 F.3d 66 (D.C. Cir. 2015).

The Supreme Court could grant review of the two cases in the upcoming months to provide some clarity on this issue. Probably it is a good idea for employers to continue engaging disabled employees who cannot return to work at the end of an FMLA or other initial company-approved leave in an interactive process to determine whether additional leave is reasonable. The amount of leave the employee has already taken, the length of additional leave requested, whether the employee’s doctor is able to provide a reasonable return date to the job, and the impact on the employee’s co-workers and the employer’s operations are among the crucial considerations.

IS YOUR WEBSITE COMPLIANT WITH THE ADA?

A whole new trend is taking shape with respect to lawsuits under the ADA. Courts throughout the country are seeing more and more ADA cases where the claim is that the owner or operator of a website has not taken appropriate measures or steps to make that website accessible to the legally blind or visually impaired. These are routinely referred to as website accessibility cases, and perhaps we are seeing what is a disproportionate number of these being filed in federal district courts in Florida.

While financial institutions are typically aware of their responsibilities under the ADA as they relate to the maintenance of their physical office spaces and overall general corporate policies, application of these same principles to their websites is a concept that many were unaware of until recently. Financial institutions have been receiving demand letters from plaintiff's counsel alleging violations of the ADA based on the institution's websites failing to comply with the Web Content Accessibility Guidelines 2.0 ("WCAG 2.0"). The WCAG 2.0 is a set of guidelines adopted by a non-governmental entity called the Accessibility Guidelines Working Group designed to promote technical best practices for the World Wide Web. While the demand letters haven't stopped, there have been several recent developments on the issue of ADA website compliance worth noting if you become the target of a demand from a plaintiff.

As many are aware, the ADA broadly protects the rights of individuals with disabilities as to employment, access to state and local government services, places of public accommodation, transportation, and other critical activities.

Title III of the ADA prohibits discrimination on the basis of disability in the full and equal enjoyment of places of public accommodation and requires newly constructed or altered places of public accommodation, as well as commercial facilities, to comply with the ADA Standards for Accessible Design. The ADA provides that: (1) "[n]o individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation." An Title III plaintiff must show that he/she is disabled within the meaning of the ADA.

(2) The defendant is a private entity that owns, leases, or operates a place of public accommodation.

(3) The plaintiff was denied access to that public accommodation by the defendant because of his or her disability, i.e., the defendant failed to make "reasonable modifications" of policies, practices or procedures or to provide auxiliary aids if necessary.

While case law is well established on what constitutes a disability under the ADA, the question of what constitutes a "public accommodation" is the subject of differing opinions by the courts that had to deal with the issue.

The DOJ is responsible for issuing regulations under the ADA, other than certain provisions dealing specifically with transportation. There has been an uncertainty created by the DOJ's in its approach to rulemaking on ADA website compliance that has existed since the DOJ issued its 2010 Advanced Notice of Proposed Rulemaking (NPRM), on Web Accessibility. This uncertainty was eliminated with the December 26, 2017, withdrawal of all four pending rules on Title II and Title III Website compliance. The withdrawal of these proposed rules occurred under the current administration, which has been prone to move towards less, rather than more, regulation, especially where businesses are concerned, in contrast to the DOJ's more assertive stance concerning ADA website compliance under the previous administration.

Previously, the DOJ had intervened in several civil litigation matters filed on behalf of plaintiffs asserting ADA website violations and had had several companies enter into consent decrees requiring the payment of monetary settlements.

The case law on ADA website compliance continues to develop in the courts. The district court in *Gil v. Winn-Dixie Stores, Inc.*, (257 F. Supp. 3d 1340 (S.D. Fla. 2017)), ruled that the grocery store's website was subject to the ADA. In affirming a business's obligation to make its website ADA compliant, the district court held: "Although Winn-Dixie argues that Gil has not been denied access to Winn-Dixie's physical store locations as a result of the inaccessibility of the website, the ADA does not merely require physical access to a place of public accommodation. Rather, the ADA requires that disabled individuals be provided 'full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation. 42 U.S.C. § 12182(a)." The district court's decision in *Gil* is currently up on appeal to the Eleventh Circuit Court of Appeals, and oral arguments are scheduled for May 2018.

In *Access Now, Inc. v. Blue Apron, LLC*, (No. 17-cv-116-JL, 2017 WL 5186354 (D.N.H. 2017)), the district court considered whether the online grocery delivery website constituted a place of public accommodation under the ADA. In denying Blue Apron's motion to dismiss, the district court rejected the argument that a website must have a nexus to a physical brick and mortar location to constitute a place of public accommodation. The district court concluded that "a website alone may amount to a public accommodation."

These recent decisions seem to represent a growing general agreement among the courts that websites are indeed places of public accommodation that must adhere to the accessibility requirements of the ADA.

In an effort to be proactive the Independent Community Bankers Association entered into a settlement agreement with Access Now. Under the settlement agreement, the ICBA agreed to adopt a Statement of Voluntary Access Principles in exchange for the consumer group's agreement not to litigate against the ICBA's members. The ICBA's agreement with Access Now does not, however, prevent any other plaintiff from filing similar litigation against ICBA members, or any other financial institution.

The U.S. Architectural and Transportation Barriers Compliance Board (Access Board), recently adopted a rule requiring federal agencies to follow the WCAG 2.0 guidelines. The Board is structured to function as a coordinating body among Federal agencies and to directly represent the public, particularly people with disabilities. Half of its members are representatives from most of the Federal departments. The other half is comprised of members of the public appointed by the President, a majority of whom must have a disability. While the Board's adoption of the WCAG 2.0 guidelines does not apply to financial institutions, their adoption provides further support for plaintiff claims that this standard is required for all websites.

DRUG USE/ABUSE, EMPLOYEES, AND ACCOMMODATIONS

An employee has been injured on the job and unexpectedly fails a post-accident drug test, testing positive for opioids. What does an employer do?

Suppose, an employee comes into one's office, closes the door and then confides in you that the employee is struggling with an addiction to opioids and needs help.

What does an employer do if an employee is increasingly absent, seems to be inattentive when working, and performance is slipping. Per the employer's policy and procedures a few verbal disciplinary warnings are issued. Now is the time for the employee to go, but when the employer is ready to discharge the employee locker, the employer finds a prescription for pain killers prescribed to the employee. Does the

employer discharge him?

A candidate for employment applies, has an impressive resume with relevant job experience and appears to be an excellent candidate. A conditional job offer is made subject to the candidate passing a background check. The background check turns up a drug possession conviction. The employer talks to the candidate about the issue. The candidate discloses that there was a drug dependency addiction in the past but is clean now and is still attending support group meetings to stay clean. Do you hire the candidate?

These are a few examples of how employers and the workplace can be affected by the opioid crisis. It seems many now have been touched by the opioid or knows someone who has. Employers are not immune to this reality. The opioid crisis impacts many employment law issues, policies and procedures, including background checks, drug testing, medical leave laws, employee benefits and counseling, social media and employee speech, employee privacy and HIPAA, and disability discrimination and accommodation under the ADA.

Nothing prohibits an employer from terminating an employee for poor performance, absenteeism, tardiness, lack of focus, or other issues commonly associated with opioid abuse. Also, nothing prohibits an employer from terminating the employee who is unlawfully using opioids without a prescription or abusing an otherwise appropriately prescribed drug, where such use or abuse affects the employee's performance. Current drug use specifically where such drug use creates an ongoing problem in the workplace, may be grounds for termination under the ADA. An employer's need to intervene and take action is increased where an employee holds a safety-sensitive position.

The situation is much more challenging when an employee comes to the employer requesting an accommodation or otherwise puts the employer on notice that the employee may require an accommodation to deal with an addiction or dependency before the employer imposes any disciplinary action. Accommodations also may be needed by an employee where the employee requests time off or a flexible schedule to attend counseling, doctor's appointments or support group meetings.

When presented with the issue of employee drug use, an employer question is whether the employee is qualified for protections under state or federal antidiscrimination laws, and evaluating the situation under the framework of the ADA or FMLA. The starting point for any evaluation is what responsibilities the employer has to accommodate employees and address an employee's past or present abuse.

Naturally, the ADA prohibits discrimination against applicants and employees who meet the statute's definition of a "qualified person with a disability." If a "qualified" employee having a "disability" can perform the "essential functions" of the job with a reasonable accommodation, the employer provides that accommodation. Remember, each such instance needs to be handled by the employer on a case-by-case basis.

Common accommodations include, but are not limited to: (1) mandatory counseling if the employee has a drug dependency issue; (2) the use of employee assistance programs; allowing an employee a flexible schedule to attend support group meetings, counseling and/or treatment; (3) and allowing the employee to take leave to enter a rehabilitation program.

Another traditional tool of employers to identify and prevent substance abuse in the workplace is drug testing. Drug testing can be effective in preventing illegal drug users from joining the workforce. Drug testing is not always effective where the user has a legal prescription or where the individual is not yet an user. Random drug testing and testing where reasonable suspicion exists can be effective, but reasonable suspicion of drug use is difficult to identify.

The analysis can become challenging where the employee's drug use (or abuse) stems from a work-related injury from which the employee was prescribed the drug in the first place. The life cycle of the employee's abuse can come full circle, and the employer needs to become a partner of the employee to help facilitate the employee's treatment.

Against the many legal issues that arise when an employee suffering from an addiction or other form of substance abuse, what can employers do to help fight this epidemic? Employers need to revisit and reevaluate the employee handbook, policies and procedures, including drug-testing policies and procedures.

Many employers consider investing in Employee Assistance Programs (EAPs) and requiring mandatory counseling for any positive employee drug tests or instances when the employee has admitted to drug dependency or substance abuse.

Employers having drug-free workplace policies should review those policies to ensure that they speak not only to illegal drug use and alcohol abuse, but also to prescription medications. The employer's drug policies also should outline the steps an employer will take if an employee is suspected of drug use, including drugs or medications taken without a prescription or in larger doses (or greater frequency) than prescribed. Prescription drug testing can should) be considered for illicit drug testing.

Employers also should decide whether and when such testing is warranted, whether for pre-employment screening, or for pre-duty, periodic, random, post-incident, reasonable suspicion, return-to-duty or follow-up situations. Drug policies and procedures also should spell out the protocol, procedures and/or corrective action that may ensue when an employee is suspected of misusing prescription drugs, and should identify what the employee's leave options are, what medical certifications may be required, and what conditions must be met before the employee can return to duty.

Perhaps most importantly, employers should educate, train and provide appropriate coaching and guidance to its workforce. Management training helps to identify substance abuse in the workplace and prevent it before it occurs and to make sure employees receive help before the situation escalates.

MEDICAL MARIJUANA AND THE ADA

In *Terry v. United Parcel Services, Inc.*, a former UPS sales director alleges, among other things, that UPS terminated his employment in violation of the ADA and the Arizona Medical Marijuana Act (AMMA). Terry alleges that he was a medical marijuana card holder under the AMMA, and that, at the direction of his doctor, he used medical marijuana during non-work hours to treat his nearly constant and extreme hip pain. He claims that he never possessed, used, or was impaired by marijuana, alcohol, or any other impairing substance while present on UPS's premises or during working hours. According to the complaint, UPS required Terry to report immediately for a drug and alcohol screening test, and was informed that the reason for the test was "observable behavior." At a meeting with UPS officials one week later, Terry claims that UPS terminated his employment due to his positive drug and alcohol screening results and violating the company's drug and alcohol policy. Terry claims that he responded by notifying UPS that he has a valid medical marijuana card under the AMMA and a valid prescription for Adderall that he took to treat his ADD. **(No. 2:17-cv-04972-PHX-DJB (D. Ariz., filed Dec. 29, 2017))**

Terry alleges that he was a disabled individual within the meaning of the ADA, and that UPS failed to offer him any reasonable accommodation for his disabilities. Presumably the accommodation that he was

seeking was exemption from UPS's drug policy and the ability to use medical marijuana off-duty and outside the workplace. Terry also claims that his termination constituted unlawful discrimination under the AMMA because it was a result of the positive drug and alcohol screening test and the AMMA prohibits an employer from terminating an employee who is a valid card holder solely because of a positive drug test for marijuana.

The ADA prohibits disability discrimination and requires reasonable employment accommodations for individuals with disabilities. The ADA does not consider individuals who currently use illegal drugs to be qualified disabled individuals entitled to reasonable accommodation. Marijuana is an illegal drug under the federal Controlled Substances Act. Accordingly, attorneys are not aware of any published case law holding that an employee's use of medical marijuana is subject to the ADA's protections. However, authority out of the Ninth Circuit has held that medical marijuana use is not protected under the ADA, as the ADA does not protect illegal drug use and marijuana remains illegal under federal law.

This case is worth watching. It challenges the prevailing view and case law that the ADA does not protect medical marijuana users. It does so in the aftermath of a growing number of laws that legalize medical marijuana at the state level and decisions recognizing viable claims under state anti-discrimination laws.

THE ESSENTIAL ROLE OF THE JOB DESCRIPTION

Failure to accommodate claims under the ADA many times are determined on the essential functions of the job at issue. Because the ADA requires an employer to provide a reasonable accommodation that allows an employee to perform the essential functions of the job that the employee holds or wants, a crucial piece of the accommodation analysis and process is identification of those essential functions. A recent ruling by the Eleventh Circuit Court of Appeals emphasizes the significant role that the job description plays in that process and analysis.

Snead v. Florida Agricultural and Mechanical University Board of Trustees, (No. 17-10338 (11th Cir. Feb. 21, 2018)), involved a failure to accommodate claim from a former police officer at Florida A&M University. A new police chief at the FL University changed the work schedule for officers from eight hours to twelve hours. Snead tried working the twelve-hour shifts, but experienced medical issues related to his high blood pressure. After his doctor identified the change in work schedule as the cause of his medical problems, Snead requested that he be returned to a work schedule that consisted of eight-hour shifts. The University rejected that request based on the fact that working a twelve-hour shift was an essential function of the job. The police officer subsequently retired from employment and brought suit against the University for failing to accommodate his request for an eight-hour work shift. **A federal jury found in Snead's favor and awarded him more than \$250,000.**

On appeal, the University argued that Snead was not a "qualified individual" within the meaning of the ADA since he could not work a twelve-hour shift, which was an essential function of that position. However, the Eleventh Circuit, relying on the language in the University's job description for police officers, rejected that argument.

The applicable job description contained a section listing the "Essential Functions" of the job, but that section did not mention shift length. A separate section of the job description entitled "Working Hours" referenced the twelve-hour work shift, but also stated that based "upon the needs of the departments, shifts may be changed." Since shift length was not specifically referenced in the essential functions section

of the position statement, the Court of Appeals found that the jury had reasonably determined that Snead was capable of performing all essential functions of the position.

Many employers require employees to work a specific shift schedule or, at times, even a rotating schedule. For employers who consider the ability to work a set schedule to be an essential function of the job, the case decision here provides a cautionary tale.

The EEOC's ADA Regulations clearly indicate that a written job description is evidence of the essential functions of the job. However, just as an employer can use a well-drafted job description in its favor when defending against an ADA claim, a poorly-drafted or incomplete job description may lead to an adverse finding as it did in this case. Employers are strongly encouraged to regularly review their job descriptions to ensure that they actually coordinate with the essential functions of the job.

MORE ON SERVICE ANIMALS AND EMOTIONAL SUPPORT ANIMALS

The ADA limits the definition of "service animals" to dogs that are individually trained to work or perform tasks for a person with a disability – although the ADA regulatory provisions also explain that miniature horses must be similarly accommodated in particular circumstances.

If an individual requires a trained service animal to perform certain tasks, both Title II and III entities are required to permit the service animal to accompany the disabled individual anywhere other members of the public are permitted, with limited exceptions. That obligation remains even if state or local health codes prohibit animals on the premises for various reasons.

It is important to remember, the ADA does not recognize emotional support, well-being, comfort, companionship, or guarding as a recognized task that protects an individual's right to enter a place of public accommodation with an animal. Therefore, emotional support animals, including therapy dogs or comfort animals, do not qualify as service animals under the ADA – even if the individual possesses a note from his or her doctor attesting to the person's disability need. While service animals must be allowed access to a private/public premises, the ADA does not require accommodation of emotional support animals, or other types of pets, and organizations/businesses may refuse non-service animals access to their premises.

While the ADA requires accommodation for service animals, it also requires the disabled individual to control the animal while on the business premises. That control requires the "handler" to harness, leash, or tether the animal, unless such devices interfere with the service animal's work, or if the individual's disability prevents him or her from using these devices. It also requires the "handler" to clean up after the animal and to promptly correct disturbances the animal may cause while on the entities' premises (i.e., excessive barking, growling at other individuals, etc.). The "handler" is also solely responsible for providing care to the service animal and must ensure it is housebroken. Entities are not required to provide care or food to, or clean up after, the service animal.

The ADA does not recognize the accommodation of other individuals' allergies or fear of dogs as a valid reason for denying a service animal access to the business premises. Entities are prohibited from isolating disabled individuals with service animals from other patrons and may not treat disabled individuals with service animals less favorably than others. Likewise, entities not levy a surcharge on disabled individuals for allowing the service animals access to the business premises. Entities must waive deposits or fees for service animals under the ADA. This is true even if such a fee applies indiscriminately to all patrons.

One of the most difficult issues connected to service animals involves determining whether an

accommodation is required. ADA restricts the type of information an entity may seek in order to determine whether it must permit the service animal access to its premises. Here is a guide for lawfully evaluating that question:

1) Determine whether the animal is a dog or miniature horse. If it is not, the entity does not have to permit the animal access to the business premises.

2) If the animal is a dog or miniature horse, evaluate whether the individual's need for the service animal is obvious. If the individual's need is obvious, the animal must be permitted access without further inquiry – such as – a dog assisting a visually impaired person with mobility around the premises must be permitted access without questioning the disabled individual's need for animal.

3) If the individual's need for the service animal is not obvious, the entity may only ask the following two questions to determine whether the service animal must be permitted:

a) Is this animal required because of a disability?

b) What task is it trained to perform?

4) If the animal is not required because of a disability or is not trained to perform a task for the disabled individual, the business may request that the animal leave the premises. If, however, the service animal is required because of a disability and trained to perform a task, the entity must permit the service animal, unless it becomes disruptive or a danger to other animals or individuals.

Importantly, entities should never ask for, inquire about, or require: (1) documentation of the individual's disability; (2) certification, training, or license documentation for the animal; or (3) a demonstration of the animal's ability to perform the task required by the individual. Doing so violates the ADA.

State or local law may also provide additional protections or create additional obligations on entities and/or disabled individuals relating to the accommodation of service animals and emotional support animals. Similarly, certain entities may be subject to different rules and regulations when considering service and emotional support animals. Under the Air Carrier Access Act (ACAA), airlines must allow emotional support animals, as well as service animals, to accompany disabled individuals on an aircraft in certain circumstances. Unlike the ADA, the ACAA permits an airline to ask more probing questions surrounding a passenger's need for a service animal. It also permits an airline to require passengers to provide documentation from a licensed health care professional justifying the need for an emotional support animal before allowing the animal to fly. Similarly, under the Fair Housing Act (FHA), an individual with a disability may be entitled to keep an emotional support animal in housing facilities that do not allow pets.

Different considerations may apply if a service animal or emotional support animal accommodation request is made by an employee – as opposed to the public. Fact specific determinations must be made regarding whether the employee is a qualified individual with a disability and whether the employee can be reasonably accommodated by allowing a service animal or emotional support animal to accompany him or her at work without imposing an undue hardship on the business.

The ADA sets forth relatively rules and procedures regarding when and how an entity must accommodate a disabled individual's service animal. However, other than entities covered by the ACAA, FHA, or applicable state or local law, the decision to accommodate emotional support animals is left up to each entity. Some may choose to exclude such animals. Others may decide to accommodate customers to some degree. Entities need to evaluate to what degree they are willing to accommodate emotional support animals and establish guidelines for implementing a consistent accommodation approach.

DOJ AND INTERPRETERS

In early March, DOJ reached an agreement under the Americans with Disabilities Act (ADA) requiring Atlantis Events, Inc., to provide interpreters or other aids or services to individuals with disabilities who are deaf or hard of hearing and traveling on Atlantis cruises and vacations.

Atlantis sells vacations by buying and then reselling to the public cabins on ships and rooms at resorts. The Department's investigation found that Atlantis denied effective communication to three individuals who are deaf, and who had planned to take an Atlantis vacation cruise.

The settlement agreement requires Atlantis to adopt ADA accessibility policies, train its employees on the ADA, appoint a corporate ADA compliance officer, and designate an ADA shipboard contact on all cruises to respond to ADA-related issues. Atlantis will pay \$10,000 to the United States in civil penalties and \$9,000 in damages to the individuals harmed by its denial of interpreters and other aids.

DOJ SUES SPRINGFIELD, ILLINOIS, FOR DISCRIMINATION

DOJ filed a lawsuit recently alleging that the City of Springfield, Illinois, discriminated against persons with disabilities in violation of the Fair Housing Act. The lawsuit, filed in the U.S. District Court for the Central District of Illinois, alleges that Springfield's zoning code treats small group homes for persons with disabilities less favorably than similarly-situated housing for people without disabilities. The DOJ's complaint further alleges that, even if the zoning code were valid, Springfield violated the Fair Housing Act by failing to grant an exception that would allow a three-person group home for individuals with disabilities to continue operating in a residential neighborhood.

"The Fair Housing Act prohibits cities from applying their zoning laws in a manner that discriminates against persons with disabilities," said Acting Assistant Attorney General John Gore of the Civil Rights Division. "We will continue to vigorously enforce the Fair Housing Act's prohibition on such discrimination."

This case arose when the City of Springfield attempted to close a home with three residents with intellectual and physical disabilities because the home violated a 600-foot spacing requirement that applies to community residences for persons with disabilities. That spacing requirement does not apply to homes for up to five unrelated persons without disabilities. The small group home allowed two of the residents to move out of large institutions and live in an integrated community setting.

The lawsuit seeks a court order prohibiting Springfield from enforcing the spacing requirement against this home or similarly-situated homes for persons with disabilities elsewhere in the city. The lawsuit also seeks monetary damages to compensate victims, as well as payment of a civil penalty. A related case challenging Springfield's spacing requirement was filed by the home's service provider and one resident. The court in that case, *A.D. ex rel. Valencia v. City of Springfield*, issued a preliminary injunction against Springfield. The ruling is now on appeal to the U.S. Court of Appeals for the Seventh Circuit.

COURT ORDERS BALTIMORE COUNTY TO PAY \$400,000

An appeals court has reaffirmed a ruling that Baltimore County government must pay \$400,000 to a former employee who claimed he was fired in violation of the ADA. Employee worked as a laborer with the county's Department of Highways for more than three years when he sprained his back while shoveling asphalt in January 2010.

In the original lawsuit filed in 2013, employee said the county sent him to a medical clinic, where he was told not to work. He returned to the job a few weeks later "in a full duty status as authorized by his doctor," according to the plaintiff's lawsuit.

The lawsuit alleged that a follow-up exam ordered by the county resulted in a doctor's finding the employee had other health problems. Employee said he was "involuntarily terminated" from his job later in 2010, even though he said he was still physically able to work, according to the suit.

Baltimore County must pay former worker \$780,000 for violating disability law, jury decides.

"Although Plaintiff did not consider himself disabled, Defendant did consider him disabled," Employee's lawsuit stated. The suit also alleged that the county did not consider making any accommodation for Employee, which would be required under the ADA.

In July 2016, a federal jury awarded Employee \$400,000 in damages.

The county appealed, saying the court refused to allow it to present evidence that employee collected Social Security disability benefits, and that the court awarded damages inconsistent with the evidence. Judges on the 4th U.S. Circuit of Appeals did not agree with the county, and in an order that went into effect this week, they said the county must pay employee the \$400,000.

The county attorney, said the county is not considering any further appeals in the case.

***Spring ADA Conference, April 16-19, 2018, Tampa, Florida
to cover these and other ADA trending and
important ADA issues.***

Registration Closes - March 24, 2018



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

MIKE DEW
SECRETARY

April 16, 2018

WELCOME TO FLORIDA!

The Florida Department of Transportation is happy to welcome the National Association of ADA Coordinators (NAADAC) to Florida for your 2018 Spring Conference. This is one of the best times of the year, with mild spring temperatures and clear, sunny skies. We hope you enjoy your stay in the Sunshine State and are able to take advantage of the environmental, entertainment and transportation opportunities available in Tampa and the Florida Gulf Coast.

We also trust the Conference will meet all your expectations. This NAADAC Conference is intended to provide the most up-to-date and comprehensive information available for Americans with Disabilities Act information, regulations and compliance activities.

Again, Welcome to Florida!

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Dew". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Mike Dew
Secretary

***“Filling the Gap”
Sound Information from Reliable Sources***

Day One - Monday, April 16, 2018 - Morning General Sessions

Conference Program - Page 1

8:15a - 9:00a	Continental Breakfast and Registration
8:00a - 9:15a	<p style="text-align: center;"><i>PRE-CONFERENCE SESSION: INTRODUCTION TO THE ADA</i> (For anyone wishing a review of ADA basics)</p> <p>This workshop will help the new or returning ADA Coordinator establish a firm foundation on the ADA basics and give conference participants a solid, primary knowledge base.</p> <p style="text-align: center;"><i>Irene Bowen, Melissa Frost, Brian Nelson, John Wodatch</i></p>
9:30a - 9:50a	<p style="text-align: center;"><i>WELCOME and ANNOUNCEMENTS</i></p> <p style="text-align: center;"><i>Phong Nguyen, M.D., P.A. - Association Chairman and Conference Coordinator</i> <i>David Gwynn, District Secretary, FLDOT, State of Florida</i> <i>John Wodatch, J.D., P.A., - Association President</i> <i>Paul Hagle, P.A., - Association Executive Director</i></p>
9:50a - 10:50a (1 PA CEU)	<p style="text-align: center;"><i>DOJ KEYNOTE</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>With the goal of avoiding litigation while assuring your ADA policies and decisions are up-to-date, we open the floor to your questions relating to best practices and how we can help you be your most effective in meeting your responsibilities.</p> <p style="text-align: center;"><i>Rebecca B. Bond, J.D.</i> <i>Chief, Disability Rights Section, Civil Rights Division</i> <i>U.S. Department of Justice, Washington, D.C.</i></p>
11:00a - 12:00p (1 PA CEU)	<p style="text-align: center;"><i>EEOC KEYNOTE</i></p> <p>This interactive general session will focus on new, significant legal decisions pertaining to the ADA and will address relevant case law and implications in the workplace.</p> <p style="text-align: center;"><i>Joyce Walker-Jones</i> <i>Senior Attorney Advisor, ADA/GINA Policy Division, Office of Legal Counsel,</i> <i>U.S. E.E.O.C., Washington, D.C.</i></p>
12:00p - 1:00p	<i>Luncheon – Host: National Institute On Employment Issues</i>

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

**Day One - Monday, April 16, 2018 - General Sessions AFTERNOON Workshops
Conference Program – Page Two**

Time Periods		Workshop Synopsis
1:00p - 2:00p and 2:15p - 3:15p (2 PA CEU)	EMPLOYMENT	<p align="center"><u>CASE LAW UPDATE & THE CHALLENGES OF EXTENDED LEAVE, TELEWORK, AND JOB REASSIGNMENT</u></p> <p>During this 2-part session, additional recent legal decisions will be presented. There will be a discussion covering three of the most common and challenging accommodation requests - leave, telework, and reassignment. In the second hour we will continue to explore the challenges, solutions, and good practices.</p> <p align="right"><i>Joyce Walker-Jones, J.D. Senior Attorney Advisor, ADA/GINA Policy Division, Office of Legal Counsel, U.S. E.E.O.C., Washington, D.C.</i></p>
2:15p - 3:15p (1 PA CEU)	ACCESS, SERVICES, & DESIGN <u>AND</u> HIGHER EDUCATION	<p align="center"><u>JOINT SESSION: ACCESS AND HIGHER EDUCATION STRENGTHENING YOUR ADA FOUNDATION</u></p> <p>You're a new ADA Coordinator: where do you begin? Or you've been on the job for some time, and you're not sure your ADA essentials are working as you'd like. This session provides the information you need to move forward. It's a look at ADA fundamentals, including providing notice, establishing and maintaining a grievance procedure, writing and updating basic policies, and training.</p> <p align="right"><i>Rebecca Bond, Jim Bostrom, Irene Bowen, Melissa Frost, Jim Long</i></p>
3:30p - 4:30p (1 PA CEU)	ALL TRACKS	<p align="center"><u>SERVICE AND ASSISTANCE ANIMALS: WHAT YOU NEED TO KNOW</u></p> <p>Learn to distinguish service animals from assistance or comfort animals. Find out what you can ask a person with a disability with an accompanying animal and when the interactive process is appropriate to consider a request for an assistance animal as an accommodation.</p> <p align="right"><i>Rebecca Bond, Irene Bowen, Melissa Frost, Jim Long, John Wodatch</i></p>
4:30p - 5:00p	ALL TRACKS	<p align="center"><u>CORADA: A QUICK REFRESHER (OPEN TO ALL TRACKS - OPTIONAL)</u></p> <p>A quick review of how to make the most of this ADA information resource to get you the ADA knowledge you need quickly.</p> <p align="right"><i>Jim Terry</i></p>

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

Day Two - Tuesday, April 17, 2018 - Concurrent MORNING Workshops
Conference Program – Page 3

Time Periods	Track	Workshop Synopsis
8:15a - 9:00a		Continental Breakfast and Registration
(3 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: These advanced sessions offer the PA an opportunity to ask questions of the conference faculty. The object is to develop suggestions to solve difficult issue demonstrating best practices. There are two consecutive sessions for PAs for the Access, Services, & Design; Employment; and Higher Education tracks.
	ACCESS, SERVICES, & DESIGN	ADA BASICS: ACCESSIBLE PROGRAMS, SERVICES, AND ACTIVITIES You need to know basic ADA concepts to tackle any ADA issues that come your way. Learn the ADA concepts that underlie the ADA: equal opportunity, broad coverage of persons with disabilities, reasonable modifications, effective communication, integration, accessible new construction and alterations, program accessibility, and effective enforcements and remedies. <i>John Wodatch with Dean Perkins</i> <i>(Irene Bowen, Jim Bostrom, Jim Terry - to lead Advanced P.A. Access sessions)</i>
	EMPLOYMENT	THE WHAT AND THE WHY This Session will provide a fundamental overview of the ADA Amendments Act and the EEOC regulations that affect both employers and employees. Case studies will be presented and discussed. <i>Brian Nelson with Mary Jo O'Neill, Michael Sullivan</i> <i>(Joyce Walker-Jones and Paul Hagle - to lead Advanced P.A. Employment sessions)</i>
	HIGHER EDUCATION	THE BARRE FIRST POSITION: FUNDAMENTALS FOR THE CAMPUS ADA COORDINATOR Learn the basic equal opportunity requirements to comply with the broad coverage of the DOJ Title II and Title III and Section 504 regulations from notice of non-discrimination and publication of a Title II/Section 504 Coordinator to accessibility policy and practice for reasonable modifications, effective communication, integration, and program accessibility. <i>Melissa Frost, Shelly Ducatt, Howard Kallem</i> <i>(Jim Long - to lead the Advanced P.A. Higher Education sessions)</i>
10:40a - 12 Noon (2 PA CEU's ea)	ACCESS, SERVICES, & DESIGN	ADA BASICS: MAKING BUILDINGS AND FACILITIES ACCESSIBLE Learn what the 2010 ADA Standards require for making new and altered facilities accessible. Includes an overview of the ADA Standards and how to apply them to buildings and facilities, as well as how to apply the path of travel requirements and the safe harbor provisions of the ADA Title II regulation. <i>Jim Bostrom, Dean Perkins, Jim Terry,</i> <i>(John Wodatch, Irene Bowen - to lead the 2nd Advanced P.A. Access sessions)</i>
	EMPLOYMENT	IF IT HURTS, DON'T DO IT We will closely examine and discuss when, how, and why an employer may undertake health-related inquiries of employees without violating the ADA and GINA.. <i>Mary Jo O'Neill with Brian Nelson, Michael Sullivan</i>
	HIGHER EDUCATION	THE BARRE SECOND POSITION: DOCUMENTATION AND THE INTERACTIVE PROCESS Learn how to communicate with healthcare professionals to request the specifics you need to implement effective academic adjustments, how to evaluate medical documentation received in light of DOJ regulations including high stakes tests, cyclic disabilities including mental health, and how to accommodate temporary conditions such as concussions and pregnancy. <i>Melissa Frost, Shelly Ducatt, Howard Kallem</i>
12:00 - 1:00p		Lunch - National Association of ADA Coordinators

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Day Two - Tuesday, April 17, 2018 - Concurrent AFTERNOON Workshops
Conference Program – Page 4

Time Periods	Track	Workshop Synopsis
1:00p - 2:00p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<p align="center">COMPLIANCE IN ABSENCE OF STANDARDS</p> <p>We now know that the Federal government will not be issuing new regulations to provide guidance of public rights of way, website accessibility, and medical equipment. Yet the ADA still applies to these programs, and enforcement actions, by both the Federal government and private advocates continues. Learn what the Courts and Federal enforcement actions mean and how to navigate this complex arena. <i>Irene Bowen, Jim Bostrom, Dean Perkins, John Wodatch</i></p>
	EMPLOYMENT	<p align="center">TO BE OR NOT TO BE</p> <p>Do you know whether your employee qualification standards and essential functions are defensible or illusory? Demonstrative case studies and case law will be presented and discussed to underscore the importance of these key principles.. <i>Brian Nelson with Joyce Walker-Jones, Allison Nichol, Mary Jo O'Neill, Michael Sullivan</i></p>
	HIGHER EDUCATION	<p align="center">SO YOU THINK YOU CAN DANCE? FUNDAMENTAL ELEMENTS IN ACADEMIC PROGRAMS AND COURSES</p> <p>This scenario-based session will explain how to determine the fundamental academic and technical elements of a program or course necessary for deference and how to recognize when an accommodation request for course substitution or waiver constitutes a request for a fundamental alteration that is not required. Best practice examples of faculty help and support to implement accommodations will also be discussed. <i>Shelley Ducatt, Melissa Frost, Howard Kallem, Jim Long,</i></p>
2:15p - 3:15p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<p align="center">PUBLIC RIGHTS OF WAY: COMPLIANCE UNDER THE ADA AND SECTION 504</p> <p>Title II of the ADA applies to the full gamut of the public right of way, including public sidewalks, bus stops and shelters, on-street parking, wall-mounted and overhead objects, signs, and pedestrian facilities along public roadways. Learn how the Federal Highway Administration views your compliance obligations and hear possible strategies to achieve compliance. <i>Jim Esselman, Jim Bostrom, Dean Perkins</i></p>
	EMPLOYMENT	<p align="center">REASONABLE IS AS REASONABLE DOES - PART ONE</p> <p>Using realistic scenarios, this two-part interactive workshop will focus on the challenges and opportunities inherent in conducting successful interactive processes and effecting reasonable accommodations. Practical accommodation approaches, solutions, and undue hardship principles will be explored and discussed. <i>Brian Nelson, Allison Nichol, Mary Jo O'Neill, Michael Sullivan, Joyce Walker-Jones</i></p>
	HIGHER EDUCATION	<p align="center">PRACTICE MAKES PERFECT: EFFECTIVE ACADEMIC ADJUSTMENTS IN FIELD WORK</p> <p>This discussion will present best practice for effective accommodations outside the classroom in fieldwork. The discussion will highlight academic and technical standards for fine arts, earth sciences and clinical settings. <i>Melissa Frost, Shelley Ducatt, Howard Kallem, Jim Long,</i></p>
3:30p - 4:30p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<p align="center">REASONABLE MODIFICATIONS OF POLICIES AND PROCEDURES</p> <p>After a quick overview of the “black Letter” law, we’ll explore several scenarios together and in groups. The goal is to understand how to approach requests for modifications and how to work with the person making the request and your entity’s managers and staff in deciding the ‘correct’ approach. <i>Irene Bowen, John Wodatch</i></p>
	EMPLOYMENT	<p align="center">REASONABLE IS AS REASONABLE DOES - PART TWO</p> <p>This session is a continuation of Part One, described above. <i>Brian Nelson, Allison Nichol, Mary Jo O'Neill,, Michael Sullivan, Joyce Walker-Jones</i></p>
	HIGHER EDUCATION	<p align="center">BALLROOM DANCE: CHALLENGING ACCOMMODATION REQUESTS</p> <p>Effective academic adjustments are often the crucial difference between success and failure for a student. This scenario-based session focusing on mental health issues will outline important practice for your campus including: flexible attendance, extended time on tests, quizzes and assignments, post hoc accommodation requests, and the side effects of medication. <i>Melissa Frost, Shelley Ducatt, Howard Kallem, Jim Long,</i></p>

4:45p - 6:00p - Association President’s Networking Reception (food and beverages)

Day Three - Wednesday, April 18, 2018 - 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 align="center"><i>SELF-EVALUATION AND TRANSITION PLANNING</i></p> <p>After an overview of the requirements of the ADA and Section 504 regulations for self-evaluations and transition plans, the session will focus on how these efforts relate to program accessibility. In the last 20 minutes, we'll introduce a scenario to be explored in the next session.</p> <p align="center"><i>Irene Bowen, Jim Bostrom, Dean Perkins, Jim Terry,</i></p>
	EMPLOYMENT	<p align="center"><i>SOMETIMES THE PLOT JUST THICKENS</i></p> <p>In this interactive session we will focus on the stuff that keeps us awake at night: emotional support animals, multiple chemical sensitivities, bossectomies, extended leave, collective bargaining agreements, etc. Case studies will be presented and discussed.</p> <p align="center"><i>Brian Nelson with Allison Nichol, Mary Jo O'Neill, Michael Sullivan</i></p>
	HIGHER EDUCATION	<p align="center"><i>LINE DANCING: ANNUAL CASE REVIEW</i></p> <p>A review of recent, relevant Court decisions will outline important legal requirements and highlight best practices to comply with ADA-AA and the DOJ Title II and Title III regulations.</p> <p align="center"><i>Melissa Frost, Shelley Ducatt, Howard Kallem, Jim Long,</i></p>
10:40a - 12 Noon (2 PA CEU's ea)	ACCESS, SERVICES, & DESIGN	<p align="center"><i>SELF-EVALUATION AND TRANSITION PLAN: APPLIED CASE STUDIES</i></p> <p>(NOTE: While not a prerequisite, attending Part One - the 9:00 am Access session - will help you prepare for this session. Materials will be available at the registration table.) Working in groups, we'll examine a set of facts of the sort that a public entity may face, then tease out the issues and come up with possible approaches and resolutions. For example: when must facilities be altered and when can operational means of providing access be effective?</p> <p align="center"><i>Irene Bowen, Jim Bostrom, Dean Perkins, Jim Terry,</i></p>
	EMPLOYMENT	<p align="center"><i>AN APPLE A DAY KEEPS THE DOCTOR AWAY? REALLY?</i></p> <p>In this session, we will present and discuss the challenges of conflicting medical opinions and the collision of inconsistent employee health complaints. Fitness for duty evaluations will be a significant component of this session..</p> <p align="center"><i>Phong Nguyen with Brian Nelson, Allison Nichol, Mary Jo O'Neill, Michael Sullivan</i></p>
	HIGHER EDUCATION	<p align="center"><i>ALL THAT JAZZ: NON-DISCRIMINATORY APPLICATION IN DISCIPLINE AND DISMISSAL</i></p> <p>This scenario-based session will provide best practice to distinguish between academic and disciplinary actions and the important factors to consider in threat to others and threat to self. We will also discuss establishing readmission criteria and the grievance process to ensure the prompt, equitable resolution of ADA complaints.</p> <p align="center"><i>Melissa Frost, Shelley Ducatt, Howard Kallem, Jim Long,</i></p>
12:00p-1:00p ^{BB}		Hosted by - National Association of ADA Coordinators

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

THE ASSOCIATION'S GOT TALENT!

Semi-annual Karaoke Challenge and Get Together

7:30 PM - Refreshments for all – Donated cash (\$20 - \$100) PRIZES for the audience winners.

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 Three - Wednesday, April 18, 2018 - Concurrent AFTERNOON Workshops -- Page 6

Time Periods	Track	Workshop Synopsis
1:00p - 2:00p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<p style="text-align: center;">WEB ACCESS</p> <p>One of the most important issues facing public entities in the coming years is ensuring that their web presence is accessible to and useable by a wide range of persons with disabilities who use assistive technology. This session will focus on how persons with disabilities use assistive technology and what you can do to ensure that your website is accessible to them.</p> <p style="text-align: right;"><i>Joe Dolson with Jim Bostrom</i></p>
	EMPLOYMENT	<p style="text-align: center;">WHAT DO I DO NOW? - PART ONE</p> <p>This session will address the challenging nuances associated with employee performance, conduct, and reasonable accommodations. Employee drug and alcohol use will also be presented and discussed via case studies and case law.</p> <p style="text-align: right;"><i>Mary Jo O'Neill with Brian Nelson, Allison Nichol, Michael Sullivan</i></p>
	HIGHER EDUCATION	<p style="text-align: center;">TWO TO TANGO: WHEN ADA MEETS TITLE IX</p> <p>Focus in this session includes issues related to the Title IX regulations concerning pregnancy and the longer term effects of sexual assault, and their intersection with disability requirements.</p> <p style="text-align: right;"><i>Melissa Frost, Shelley Ducatt, Howard Kallem, Jim Long,</i></p>
2:15p - 3:15p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<p style="text-align: center;">OTHER COMMUNICATIONS REQUIREMENTS</p> <p>The ADA requires effective communication with persons with disabilities. After a brief overview of the law's requirements, we'll examine scenarios so you will know which auxiliary aids to use in different circumstances. Areas covered may include courtroom settings, town council meetings, police arrests, doctors' office visits, communications with or by companions, and the usual alphabet soup (VRI, TRS, TTY).</p> <p style="text-align: right;"><i>John Wodatch, Irene Bowen</i></p>
	EMPLOYMENT	<p style="text-align: center;">WHAT DO I DO NOW? - PART TWO</p> <p>This session is a continuation of Part One, described above.</p> <p style="text-align: right;"><i>Mary Jo O'Neill with Brian Nelson, Allison Nichol, Michael Sullivan</i></p>
	HIGHER EDUCATION	<p style="text-align: center;">DANCING WITH THE STARS: RESPONDING TO A CHARGE OF DISCRIMINATION</p> <p>In this session, learn how to effectively respond to OCR after a charge of discrimination using the new case processing manual.</p> <p style="text-align: right;"><i>Melissa Frost, Shelley Ducatt, Howard Kallem, Jim Long,</i></p>
3:30p - 4:30p (1 PA CEU ea)	ACCESS, SERVICES, & DESIGN	<p style="text-align: center;">ADA UPDATE: MAJOR DEVELOPMENTS IN THE PAST YEAR</p> <p>An ADA Coordinator needs to be kept up-to-date on recent and significant legal developments in the field. This session will review cases brought, settled, or decided in the past year. The focus will be on Title II, but will also include those Title III cases that may have an impact on how Title II is applied.</p> <p style="text-align: right;"><i>Rachael Weisberg</i></p>
	EMPLOYMENT	<p style="text-align: center;">THE BIGGER PICTURE</p> <p>In this session we will cover employer liability exposures, such as disability-related harassment, retaliation, confidentiality, and associational discrimination and how to prevent them.</p> <p style="text-align: right;"><i>Mary Jo O'Neill with Brian Nelson, Allison Nicholson, Michael Sullivan</i></p>
	HIGHER EDUCATION	<p style="text-align: center;">INSTANT REPLAY: YOUR QUESTIONS ANSWERED</p> <p>This interactive session is designed to answer your challenging questions.</p> <p style="text-align: right;"><i>Melissa Frost, Shelley Ducatt, Howard Kallem, Jim Long,</i></p>

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

THE ASSOCIATION'S GOT TALENT - Maybe you will hear the next "Voice"

7:30 PM - Semi Annual Karaoke Contest - Refreshments for all – Donated cash (\$20 – \$100) PRIZES for the audience winners.

For those of you who don't want to sing - come and enjoy the fun and entertainment provided by those who will make you cheer. Your cheers and applause will choose the prize winners.

Day Four - Thursday, April 19, 2018 - 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>LAW ENFORCEMENT</p> <p>This session will review significant cases, settlement agreements, and other actions that have an impact on law enforcement, jail and prison operations, the use of sign language interpreters, and disability-based behavior confused with criminal acts.</p> <p align="right"><i>Michael Sullivan</i></p>
	EMPLOYMENT	<p>DOES YOUR HAIR HURT, TOO?</p> <p>In this interactive session we will present and discuss nuances, common challenges, and good practices inherent in coordinating FMLA, ADA, workers' compensation, and other disability benefits.</p> <p align="right"><i>Brian Nelson with Mary Jo O'Neill, Allison Nichol</i></p>
	HIGHER EDUCATION	<p>CHOREOGRAPHY: TROUBLESHOOTING CAMPUS ACCESSIBILITY</p> <p>Learn the necessary components to meet campus physical access requirements including: accessible buildings, accessible routes, and access to transportation. Working in groups we will use scenarios to discuss approaches and solutions for some of the most frequent accessibility issues found on campus.</p> <p align="right"><i>Melissa Frost, Shelley Ducatt, Jim Long</i></p>
10:40a - 12 Noon (2 PA CEU's ea)	ACCESS, SERVICES, & DESIGN <u>and</u> HIGHER EDUCATION	<p>JOINT SESSION OF ACCESS AND HIGHER ED HOUSING: WHAT APPLIES WHEN</p> <p>Did you know that the housing programs of public entities, including colleges and universities, are covered by the ADA, Section 504, and the Fair Housing Act? This session will explore which laws apply when and how to navigate the different requirements of each of these Federal mandates.</p> <p align="right"><i>Irene Bowen, Melissa Frost, Jim Long, John Wodatch</i></p>
	EMPLOYMENT	<p>YOU CAN'T MAKE THIS STUFF UP</p> <p>This session will cover some of the more incredible blunders employers have made from actual decisions. You really can't make this stuff up.</p> <p align="right"><i>Brian Nelson with Mary Jo O'Neill, Allison Nichol, Michael Sullivan</i></p>
12:00p-1:00p		Luncheon - Medical Education and International Consulting

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

DAY FOUR - THURSDAY, April 19, 2018 - AFTERNOON General Sessions
Conference Program – Page 8

Designated General Sessions - All Participants	
1:00p - 2:00p (1 PA CEU)	<p align="center"><i>RAISING UP THE RIGHT TO BE RESCUED</i></p> <p align="center"><i>WHEN THE REAL EMERGENCY STRIKES – EMERGENCY PREPAREDNESS - PART ONE</i></p> <p>As our society confronts more emergencies that test the limits of our capabilities, tough decisions will lie ahead. Although popular accounts sometimes state that the tenet of natural disasters is that they choose their victims capriciously and without remorse, the truth is far more disturbing—we choose the victims by failing to accommodate their needs. Challenging ourselves to remember that all members of society should have access to opportunities regardless of the impairments they may face may be the most difficult in moments of crisis; it is also no less important then. All too often, litigation serves to drive home lessons a willing listener could have learned long ago, litigation could have been avoided, and the parties could have gotten down to the business of crafting solutions much sooner.</p> <p align="center"><i>Irene Bowen, John Wodatch, Jim Terry, Jim Bostrom, Dean Perkins</i></p>
2:15p - 3:15p (1 PA CEU)	<p align="center"><i>EMERGENCY PREPAREDNESS:</i></p> <p align="center"><i>SHELTERING AND COMMUNICATION ISSUES - Part Two</i></p> <p>Emergencies and disasters often strike quickly and with little warning forcing people to leave their homes quickly and find emergency relief centers. For persons with disabilities, emergencies from fires, floods, hurricanes, and acts of terrorism present a difficult challenge. In the past 15 years a considerable body of expertise has been developed on how to effectively address the needs of persons with disabilities dislocated by such emergencies. This session will address successful strategies for emergency planners.</p> <p align="center"><i>Irene Bowen, John Wodatch, Jim Terry, Jim Bostrom, Dean Perkins</i></p>
3:30p - 4:30p (1 PA CEU)	<p align="center"><i>ADA COORDINATORS</i></p> <p align="center"><i>MAKING THE MOST OF YOUR BUREAUCRATIC ENVIRONMENT</i></p> <p>To be successful, an ADA Coordinator needs to function well in a bureaucratic environment. This session will provide tips on how you can work within your organization to ensure you have the knowledge, funding, and buy-in to succeed. Also this session will provide the opportunity for you to get answers to any questions that have not yet been addressed. Come prepared with your thorniest issues.</p> <p align="center"><i>Jim Bostrom, Irene Bowen, Melissa Frost, Jim Long, Brian Nelson, Phong Nguyen, Dean Perkins, Jim Terry, John Wodatch</i></p>

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

***Now is the time to plan for the Association's
Fall 2018 National ADA Conference
San Diego, California, October 22 - 25, 2018***

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 22, 2018. (No exceptions)**

If three or more participants from the same entity wish to register and pay in full at the same time, please call for special registration rates.

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

Regular registrations **must be paid in full and received no later than March 24, 2018**, or space/materials will be not reserved.

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

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

CONFERENCE AND HOTEL INFORMATION

The conference is being held at the **Hilton Tampa Airport Westshore, 2225 North Lois Ave., Tampa, FL 33607**. Complimentary shuttle provided from/to Tampa International Airport. Hotel self-parking and guestroom Internet are complimentary. **Participant is responsible for making own lodging reservation. Credit card guarantee is required.**

The Association has negotiated a special conference rate from three days before/after the conference at a per room rate of \$159.00 per night, plus taxes (single/double) if reserved by **3/20/2018**, provided **second** room block has not been sold out. To make lodging reservations call **Hilton reservations at 800-445-8667, or the hotel at 813-877-6688**; and mention you are attending the National Association of ADA Coordinators conference. **Persons with disabilities:** Please make requests for any sleeping room accommodations at the time you reserve room.

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

(The Association must know of accommodations required for training **no later than 3/11/2018**. If an assistant attends, the person must register, attend same conference workshop sessions as person requiring the accommodation, and pay \$350 per day to cover costs of food and materials..)

CONFERENCE REGISTRATION

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

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

Conference Dates ASSOCIATE - Daily Only Rates - NON-ASSOCIATE

Mon. 4/16/18	[] \$595	[] \$695
Tue. 4/17/18	[] \$595	[] \$695
Wed. 4/18/18	[] \$595	[] \$695
Thur. 4/19/18	[] \$595	[] \$695

All Four Days of the Conference

ASSOCIATE - Full Conference After 2/22/2018 [] \$2,165

*** ASSOCIATE - Early Bird by 2/22/2018 [] \$1,995**

NON-ASSOCIATE - Full conference after 2/22/2018 [] \$2,795

*** NON-ASSOCIATE - Early Bird by 2/22/2018 [] \$2,495**

You must be either a current, up-to-date Associate or join to register at the Associate rate. **ANY CANCELLATION must be** in writing to us no later than 04/2/2018 (**no exceptions**) and is subject to a processing fee of \$600.

Remaining balance, after processing fee is deducted for any cancellation on or after 4/2/2018, can only be applied to the Association's Fall 2018 or Spring 2019 conferences.

There are no refunds or credits for any no-shows on or after 4/6/2018.

JOIN or RENEW YOUR ASSOCIATE STATUS

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

[] **Individual Associate - \$195;**

[] **Organization Associate - \$345**

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

TOTAL AMOUNT and METHOD OF PAYMENT

[] Visa/MasterCard [] Amex [] Check

Cardholder: _____

Card number: _____

Expiration: _____ Total Amount: \$ _____

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

A copy of a fully **approved** purchase order by your organization **must be** received with registration form(s) **no later than 3/24/2018, and be accepted and invoiced by the National Association of ADA Coordinators** or space will not reserved. Any P.O. must be paid within ten days after the conference or an additional charge of \$100 may be applied.

PARTICIPANT/ASSOCIATE INFORMATION

Name: _____ Title: _____

PLEASE CIRCLE: Conference track of greatest interest to you: Higher Education Employment Access (If not circled, 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: _____ (WEB0318)

Spring 2018 - Conference Keynotes and Faculty

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.

ADA Title 1

***Senior Attorney Advisor in the Office of Legal Counsel at the U.S. Equal Employment
Opportunity Commission (EEOC) headquarters in Washington, DC.***

Joyce Walker-Jones, J.D.

Ms. Walker-Jones has been an attorney at the EEOC since 1987. She advises the Commission on the interpretation and application of the statutes it enforces, including Title I of the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), Title VII of the Civil Rights Act of 1964, and the Age Discrimination in Employment Act. She assisted in drafting amendments to the Commission's ADA regulations and was the principal drafter of several subregulatory guidances and technical assistance documents. Joyce has made hundreds of presentations to private and public sector attorneys, managers, employees, and human resources staff on a wide range of EEO issues. She has been interviewed by numerous media outlets, including the Wall Street Journal and USA Today. Ms. Walker-Jones served as a special assistant to two EEOC Commissioners and as a government fellow on the American Bar Association's Section of Labor and Employment Law's Equal Employment Opportunity Committee. She is a graduate of Lawrence University in Appleton, WI, and Chicago-Kent College of Law in Chicago, IL.

ADA Enforcing Agency Faculty

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 the 15th time Mary Jo has participated in our ADA Conferences.

ADA Enforcing Agency Faculty (Ret.)

Deputy Chief (ret.), Disability Rights Section, Civil Rights Division

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

Jim Bostrom, P.A.

Mr. Bostrom has worked in the area of accessibility and accessible design for more than 42 years. He recently retired from DOJ with over 22 years of service including more than 12 years as Deputy Chief. The ADA Design Unit that Jim managed was comprised of architects, code specialists, and professional staff. An experienced presenter and instructor, Mr. Bostrom developed technical assistance materials and has provided numerous training sessions that explained to both general and technical audiences the various aspects of accessible design and ADA requirements. Mr. Bostrom created the ADA web site, **ADA.gov**, which has become the federal government's leading online source of ADA information, and continued to be responsible for its operation until he retired. He was a principle at Barrier Free Environments, Inc. and a co-founder of the Center for Accessible Housing at North Carolina State University. Jim has a B.Arch and M.Arch from Virginia Tech. **Jim is a member of the Association's Board of Directors.**

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.

***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 is a former Senior Attorney with the Office for Civil Rights, U.S. Department of Education, in the Denver Regional Office. He is the principal in Educational Rights Consulting, providing a broad range of consulting services to school districts, colleges and universities, and parents on a spectrum of civil rights issues. Jim is also a Senior Consultant with Employment Matters, LLC—Flynn Investigation Group (EMFIG). He conducts Title IX and other civil rights complaint investigations for schools and conducts expert reviews for litigation. Jim is also on the Board of Directors of the Zen Center of Denver. 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, Disability Rights Section (ret.), 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. 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 of the Association and is a member of the Association's Board of Directors.**

Featured Senior ADA Professional Faculty Members

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

Joseph C. Dolson

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

ADA Coordinator for Students, Florida State University (FSU), Tallahassee, FL

Shelley Ducatt, Ph.D., P.A.

Ms. Ducatt currently serves as the Associate Dean of Students & Director of the Student Disability Resource Center at Florida State University. Prior to working at FSU Shelley was the Associate Director for Student Disability Services at Texas Tech University. Shelley has worked in higher education for over 23 years and has specialized in the area of disability services for the past 12 years. In her current role as Associate Dean/Director Shelley also serves as In her current role as Associate Dean/Director Shelley also serves as the ADA Coordinator for students at FSU.

Former State of Utah ADA and Workers' Compensation Coordinator, Salt Lake City, UT

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

Ms. Frost has a significant history of public service. This history includes serving as State of Utah ADA and Workers' Compensation Coordinator and Loss Control Consultant advising state agencies, school districts and post-secondary institutions regarding Family Medical Leave, ADA, Title VII discrimination, PDA, and other campus issues. She served as an Executive Director of Human Resources, the Liability Prevention Specialist for the Utah State Developmental Center, and as an Administrative Law Judge for the Department of Workforce Services. Prior to state service, Melissa worked in healthcare management and administration. She 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 a member of the Association's Board of Directors.**

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.**

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

Michael J. Sullivan, B.A., P.A.

Mr. Sullivan is a nationally known and award-winning consultant specializing in ADA law enforcement issues. Michael also advises on both program and physical accessibility issues and has served as an expert witness in several cases. He has extensive expertise in developing reasonable accommodations and implementing training for peace officers regarding the ADA requirements and responsibilities. Michael retired after 32 years as a police Sergeant with the San Francisco Police Department. During that time he was ADA Coordinator and Disability Community Liaison for 17 years. He was honored for his work by the City of San Francisco, the California State

Legislature, U.S. Congress, and numerous community groups and non-profits. Michael was a member of the Executive Board of the President's Committee on the Employment of People with Disabilities from 1999 through 2001 and currently is on the advisory board of the ARC's, National Center on Criminal Justice & Disability. . Michael has a B.A. in Health Science with emphasis in Community Health Education from San Francisco State University. **Michael is an emeritus member of the 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.**

Staff Attorney / Employment Rights Helpline Manager, Equip for Equality (EFE), Chicago, IL
Rachel M. Weisberg, J.D.

Rachel Weisberg represents clients in a wide range of disability discrimination cases, including cases under Titles I, II and III of the ADA, and analogous state and local laws. Rachel also manages EFE's Employment Rights Helpline, which aims to expand employment opportunities by providing legal and practical advice to applicants and individuals with disabilities. Rachel is a frequent trainer on the ADA and speaks regularly at national conferences and webinars. Prior to Equip for Equality, Rachel worked as a labor and employment associate at Sidley Austin LLP, and as a law clerk for a federal judge. Before law school, Rachel worked as an ADA technical assistance specialist at the Mid-Atlantic ADA Center, and during law school interned with EFE and the Disability Rights Section of the U.S. Department of Justice. Rachel earned her undergraduate degree from the University of Michigan and her law degree from Northwestern University.

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