



The e-Newsletter - New 9-15-2010

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

Serving the ADA Coordination and Compliance Community Since 1992

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Volume 16 No. 9

WEB EDITION

September - October 2010

FOR UPDATED WEBINAR DETAILS AND REGISTRATION INFORMATION
NEW DOJ RULES PUBLISHED IN FEDERAL REGISTER 9-15-2010 – SEE PAGES 3 - 10

ASSOCIATION'S FALL 2010 NATIONAL ADA CONFERENCE

“A New Day for the ADA” – 44th National ADA Conference

REGISTRATION ENDS OCTOBER 4, 2010 – SPACE BECOMING LIMITED

ANYONE WORKING WITH THE ADA CANNOT TO AFFORD TO MISS

ADA Coordinators, Section 504 Compliance Officers, Facilities or Human Resources professionals, ADA consultants, or a person who handles ADA issues on a daily basis (Please review the most recent conference agenda as there are changes because of the new rules, advanced announcements on rulemaking, transit issues, and added faculty)*

See Pages 12 – 23

For Added Faculty, Updates on Conference Workshops, & Registration Information

NEW TITLE II RULES (Published Federal Register 9-15-2010)

NEW ADVANCED NOTICES FROM DOJ (Announced 7-26-2010)

UPDATED INFORMATION ON TITLE I and GINA

The Association's **Fall 2010 ADA National Conference, October 18-21, 2010, in San Diego** will be loaded with new and updated information. The new Title II and III rules and regulations promulgated by the U.S. Department of Justice (DOJ) will be incorporated in Title II and Title III conference workshops. The employment general sessions and track workshops will include discussion of the information contained in the new Title I and GINA regulations or as proposed by the U.S. Equal Employment Opportunity Commission (EEOC).

Besides new rules and regulations, new case law will be reviewed by the DOJ, the Department of Education (DOE), and the EEOC. Also, new Title II DOJ project civic access settlements will be discussed. More information on transportation/transit issues from a user's point of view will be presented in association with ADA professionals. Accommodations and web site issues, from the practical point of view, provided by the U.S. Department of Labor's (DOL) Job Accommodation Network (JAN).

From the DOJ the speakers confirmed include, John Wodatch, Chief; Jim Bostrom, Deputy Chief; and Sally Conway, ADA Technical Director. From EEOC, the conference features Chris Kuczynski, ADA Policy Director and Assistant Legal Counsel; and Mary Jo O'Neill, Regional Attorney. Beth Loy, from DOL's JAN, will be looking at reasonable accommodations and website accessibility.

Where else can you get this top quality ADA training in one place - at one time - face-to-face - from those that enforce the ADA?

Remember, as the DOJ, DOE, DOL, DOT and EEOC have stated many times “The ADA is a Civil Rights law, broadly interpreted, and is and will be enforced as such.”

*** It’s the Law** - *If a public entity has 50 or more employees, it is required to designate at least one responsible employee to coordinate ADA compliance. A government entity may elect to have more than one ADA Coordinator. Although the law does not refer to this person as an “ADA Coordinator,” this term is commonly used in state and local governments across the country. (Department of Justice Nondiscrimination on the Basis of State and Local Government Services Regulations, 28 C.F.R. pt. 35, § 35.107(a) (2005). See www.ada.gov/reg2.html for the complete text of the Department of Justice’s Title II regulation.)*

“Work claims by the disabled hit high”
Headline, USA Today - Fri/Sat/Sun, August 20-22, 2010 Issue

“More people with disabilities filed charges of discrimination against their employers [under Title I] last year than at any time in the 20-year history of the Americans with Disabilities Act.” “The man [reason] for the increase: . . . an amendment to the ADA that broadened the definition of what it means to be disabled.”

NEW ADA Title II and III RULES AND REGULATIONS ANNOUNCED
BY PRESIDENT AND U.S. DEPARTMENT OF JUSTICE

ADA Compliance and Enforcement Stressed During 20th ADA Anniversary Events in D.C.
President emphasized at the White House ADA Event . . .

“ . . . that is why today I’m announcing one of the most important updates to the ADA since its original enactment in 1991. Today [7/26/2010], **the Department of Justice is publishing two new rules** protecting disability discrimination – or prohibiting disability-based discrimination by more than **80,000 state and local governments entities* and 7 million private businesses.**”

(Remember - All State and Local Jurisdictions are required by law to have a designated “ADA Coordinator”*)

IMPORTANT WEBINAR UPDATE & SCHEDULE CHANGE FOLLOWS

Webinar Topic – “ADA, the Next Generation”

We learned on September 3 that the new regulations will be published in the Federal Register in mid-September later than anyone had expected. We are delaying the start date to **OCTOBER 6, 2010**, to give attendees time to review the official final provisions, and for attendees and presenters to be better prepared.

WEBINAR RESCHEDULED

Webinar Topic – “ADA, the Next Generation”

U.S. Department of Justice’s New 2010 ADA Regulations and Standards

This unique and important series of seven webinars brings together some of the country’s most experienced ADA experts and trainers, combining the “official” view with practical perspectives and insights. This will complement the more detailed workshops at the Association’s Fall 2010 National Conference in San Diego.

On July 26, 2010, the twentieth anniversary of the Americans with Disabilities Act, President Obama announced the Department of Justice’s issuance of new ADA regulations. The long-awaited rules are the first major revisions since the ADA was enacted and bring sweeping changes for the next decades.

State, county, and local governments, and almost all businesses and nonprofits will soon need to be in compliance with the updated rules, including those about effective communication with people who have speech, hearing, or vision disabilities; barrier removal; service animals; and Segways and similar powered mobility devices.

New construction and alterations of facilities must meet DOJ’s expanded – and often stricter – accessibility standards, developed by the U.S. Access Board. Some types of facilities are covered for the first time: courthouses, correctional facilities, exercise facilities, swimming pools, play areas.

At the Webinar and/or at the Conference You’ll Hear From Top Experts

These webinars bring together some of the country’s most experienced ADA experts and trainers, including those who wrote the new regulations and consultants, architects, ADA specialists, and ADA coordinators. You’ll have the opportunity to raise questions about some of the thorny or complex issues.

Confirmed Faculty and Moderators for the ADA Standards Sessions Include:

John Wodatch, Chief, Disability Rights Section (DRS), Civil Rights Division

U.S. Department of Justice(DOJ), Washington, DC

John L. Wodatch is responsible for enforcement of Titles I, II and III of the Americans with Disabilities Act and plays a key role in developing Administration policy on the ADA. He is the chief author of the Department of Justice’s ADA regulations and of the Federal regulations implementing Section 504 of the Rehabilitation Act of 1973. With more than 30 years of experience with the federal government specializing in the rights of persons with disabilities, he is one of the nation’s foremost civil rights attorneys. John is also the keynote speaker at the Association’s Fall 2010 National ADA Conference in San Diego.

Irene Bowen, J.D., President, ADA One, LLC, & Former Deputy Chief, DOJ, Washington, D.C.

Irene Bowen is a nationally known ADA consultant, trainer, and speaker. She is President of ADA One, LLC, and a part-time senior policy advisor for LCM Architects. Her clients include federal, state, and local agencies; colleges and universities; private entities; and organizations. Prior to August 2008 she was Deputy Chief of the Disability Rights Section at the Department of Justice, where she oversaw enforcement of the ADA and was actively involved in the development of the ADA, the original accessibility guidelines, and DOJ’s 1991 and new regulations. She also served as Deputy General Counsel of the Access Board and co-founded the National Center for Law and Deafness. She is currently writing an ADA guidebook for nonprofits under contract with the Chicago Community Trust, to be published this Fall. She is a member of the Board of Directors of the National Association of the ADA Coordinators.

James L.E. Terry, AIA, LEED AP, CAsp, CEO, Evan Terry Associates, PC, Birmingham, AL

James L. E. Terry, AIA, LEED AP, CAsp, is currently CEO of Evan Terry Associates, P.C. where he oversees all of ETA’s access

compliance services including their surveying and consulting on thousands of facilities nationwide for their clients' ADA compliance programs. He is a nationally known expert witness and speaker on interpreting and applying the ADA facilities requirements and is a member of the Board of Directors of National Association of ADA Coordinators (Association). Mr. Terry is also a member of the Global Universal Design Commission's Commercial Building Consensus Committee which is developing the first Global Universal Design Standard for design professionals. In addition, he has been actively involved in the writing and publication of ETA's eleven books on ADA Facilities Compliance.

Things you will learn about at our webinar:

The surprises - some unexpected changes from the proposed rules - do you know them?

The "sleepers" - some provisions you may not have noticed, but you need to know about.

The difficult details (for example, how to comply with some of the accessibility standards without increasing floor space or cost)

Suggestions for transition:

Should you start now to use the new standards, or wait?

Should you do additional barrier removal? Now, or later?

How safe are the new "safe harbors?"

Implications of DOJ's "pre-rules" on web accessibility, equipment and furniture, 911

Who should attend Webinar?

Those who have at least a basic understanding of the ADA and are:

ADA coordinators or compliance officers

Staff or managers for businesses, state/local governments, nonprofits, or their organizations

Attorneys and Advocates

Architects and accessibility specialists

Consultants

Additional Confirmed Webinar Faculty

Doug Anderson, Founding Partner, LCM Architects; Current Member, U.S. Access Board, Washington, D.C.

Douglas Jay Anderson is a partner at LCM Architects LLC. He is a member of the U.S. Access Board and was Chair of the Board from 2009 to 2010. He has over fifteen years of experience in the area of accessibility consulting and specializes in interpretation and application of the Americans with Disabilities Act, State accessibility codes, and the Fair Housing Act. He is a HUD nationwide technical trainer on the design and construction requirements of the Fair Housing Act.

Jack Catlin, FAIA, Founding Partner, LCM Architects; Former Chair, U.S. Access Board, Washington, D.C.

John H. "Jack" Catlin, FAIA, is a founding partner of LCM Architects, LLC. He was the first practicing architect to chair the U.S. Access Board, and also chaired the subcommittee on the revision of the ADA Accessibility Guidelines. He applied universal design principles to the Access Living headquarters building in Chicago, for which he revived the Barrier-Free America Award from the Paralyzed Veterans of America. He is a nationwide trainer for the Department of Housing and Urban Development on the Fair Housing Act.

Bill Hecker, AIA, Accessibility Consultant, Hecker Design, LLC, Birmingham, AL

Bill Hecker, AIA, is an architect and accessibility consultant at Hecker Design, LLC. in Birmingham, AL. Since 1991, he has been one of the most respected ADA, Fair Housing, and access compliance speakers in the country. He has served as an expert witness in numerous landmark lawsuits related to the Fair Housing Act, ADA hotel requirements, movie theaters, and curb ramp-transition plans, many of those for the US Department of Justice. He served as a member of the Public Rights-of-Way Accessibility Advisory Committee for the US Access Board. As a result of his work on several of the Hawaiian Public Rights-of-Way cases, Bill has recently authored his third book, this one on ADA curb ramp design.

Mark J. Mazz, AIA

Mark J. Mazz, AIA started his accessibility career thirty years ago with the University of Maryland's Section 504 Transition Plan. Since then he has become one of the most technically accomplished and well-rounded access experts in the country. He is an excellent speaker who has taught seminars at five AIA National Conventions. In his eight years with the Federal Government, Mr. Mazz was an architect in DOJ's Housing and Civil Enforcement and Disability Rights Sections and the senior advisor on accessibility issues in HUD's Office of Fair Housing and Equal Opportunity. Some of his major clients in private practice have included the Architect of the US Capitol, other Federal agencies, and the Howard County Public School System.

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

Dean Perkins, R.A., P.A. has been a Florida Registered Architect since 1984, Dean works with the Florida Department of Transportation since 1988. He was appointed the Department's ADA Coordinator in 1992 and initiated the agency's ADA/Accessibility program. In 1997, Dean was appointed by Governor Chiles to the ADA Working Group to assist state and local agencies comply with the ADA. He advises customers in the design and construction of accessible buildings, facilities, roads and bridges. He designs and conducts ADA training and conducts compliance assessments for local agencies. Dean holds an M. A. from Florida A. & M. Univ., is a FL Registered Architect and Licensed Asbestos Consultant. He is a member of the National Association of ADA Coordinators Board of Directors.

Larry Schneider, AIA, Independent ADA Architect, Palm Beach, Gardens, FL

Larry M. Schneider, AIA is the principal of his own firm. He provides general accessibility consulting services to clients in the public and private sector as to Titles II and III of the ADA as well as to fair housing. He sat on the AIA national committee to prepare position papers on the changes to ADAAG. He currently is the AIA representative on the ANSI A117.1 Committee that creates the national guidelines for accessibility. He was formerly the Accessibility, Value Analysis, and Partnering Coordinator with the firm of Dade Aviation Consultants at Miami International Airport. He has been involved with the accessibility codes for Florida since 1985, including member & chairperson (1993 to 1996) of the Florida Board of Building Codes and Standards.

Invited Faculty

Marsha Mazz, Accessibility Specialist, U.S. Access Board, Washington, DC

Marsha K. Mazz is a senior accessibility specialist and the technical assistance coordinator for the U.S. Access Board. She has been with the board since 1989 and handles oversight of the continued development of the ADA Accessibility Guidelines. She oversees the technical assistance program for the ADA and the Architectural Barriers Act (ABA), and is the Access Board's representative to the model code organizations. She is on the ICC/ANSI A117 Committee and the ASME A18 Committee on Safety Standards for Platform Lifts and Stairway Chairlifts. Her prior experience includes service with a center for independent living, as a member of the Maryland State Planning Council on Developmental Disabilities, and a board member for the National Council on Independent Living. Additionally, working for the Disabled Student Services office, she assisted a major state university in responding to the requirements of Section 504 of the Rehabilitation Act of 1973. She has also served as chair of the Prince George's County (MD) Commission on Persons with Disabilities and as chair of the Washington Metropolitan Area Advisory Committee on Transportation for People with Disabilities.

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

All faculty listed confirmed at time of posting except as noted as invited and is waiting for final approval.

**Webinar Agenda for ADA Rules Series, “ADA: The Next Generation”
Rescheduled Beginning October 6, 2010**

Session 1: Overview of Title II and Title II Regulations, Part I

Wednesday, 10/06/2010, 1:00 PM - 2:30 PM ET

John Wodatch, J.D., Chief, Disability Rights Section (DRS), U.S. Department of Justice (DOJ)

Irene Bowen, J.D., President, ADA One; former Deputy Chief, DRS, DOJ

Overview of the new rules;

Service animals: Emotional support animals aren't service animals, but what about animals that assist people with psychiatric disabilities?

Segways and service animals: What questions can you ask about either one, and when can you say “no”?

Effective communication: can you use video interpreting services, how, and when? How do the new provisions on automated phone systems and relay calls affect you?

DOJ's separate notices on electronic/web communication, theater captioning/video description, next generation 9-1-1;

Testing and licensing, with a focus on documentation; and,

Transitioning/ time frames.

Session 2: Overview of Title II and Title II Regulations, Part II

Wednesday, 10/13/2010, 1:00 pm - 2:30 pm ET

John Wodatch, J.D., Chief, Disability Rights Section (DRS), U.S. Department of Justice (DOJ)

Irene Bowen, J.D., President, ADA One and former Deputy Chief, DRS, DOJ

Overview of the new rules;

New construction and alterations: how these now overlap with barrier removal and program access; making sense of the DOJ-drafted provisions in tandem with the Access Board piece;

New definition of “place of lodging” and implications under both titles (for higher education, shelters, others);

Hotel reservations, event ticketing and seating;

The new element-by-element **safe harbor**;

DOJ's notice of its intent to regulate furniture and equipment;

Certification of codes: if you comply with a code certified before 2010, does it “count”? Should you urge your state to go for it, under relaxed new procedures? And,

Compliance and enforcement: DOJ can now retain title II complaints for investigation, rather than sending them to “designated agencies.” What are the implications?

**SEE YOU DURING THE WEBINAR SERIES BREAK WITH MORE INFORMATION AND CASE LAW
Association's National ADA Conference - October 18-21, 2010 – San Diego, California
See pages 12 - 23 for conference faculty, agenda, and conference registration information**

WEBINAR SERIES CONTINUES AFTER THE NATIONAL CONFERENCE

Session 3: Planning for the transition and beyond, and using the safe harbors

Wednesday, 10/27/2010, 1:00 PM - 2:30 PM ET

John Wodatch, J.D., Chief, Disability Rights Section (DRS), U.S. Department of Justice (DOJ)

Irene Bowen, J.D., President, ADA One and former Deputy Chief, DRS, DOJ

James L.E. Terry, AIA, LEED AP, CAsp, CEO, Evan Terry Associates, PC, Birmingham, AL

What should you do first to get to policy compliance within six months?

Is it time for a do-over? Do you need to do a new or revised self-evaluation, transition plan, or barrier removal plan? If you don't have to, should you anyway?

How safe are the "safe harbors" under title II and title III? Are you "grandfathered" out?

Is there any advantage to doing barrier removal in the next 6 months, or 18 months, under the 1991 standards, versus using the 2010 standards?

Is this a sleeper provision? They call it "maintenance," but it addresses reducing access below 1991 Standards.

How and when are reductions allowed?

What can you learn from the preamble (analysis) and the appendices, with their helpful explanations and drawings?

How do they relate to the requirements themselves?

How do you ensure compliance with all applicable laws, including state and local codes and ordinances?

Do the new provisions apply under section 504 too? Or should state and local governments and others who receive federal funds, and federal agencies, continue to follow the 504 rules?

Session 4 - ADA Standards - Admin provisions; Accessible Routes; & Building Blocks

Wednesday, 11/03/2010, 1:00 pm - 2:30 pm ET

Jack Catlin, FAIA, Founding Partner, LCM Architects; Former Chair, U.S. Access Board, Washington, D.C.

Marsha Mazz, Technical Assistance Coordinator, U.S. Access Board, Washington, D.C. (Invited)

James L.E. Terry, AIA, LEED AP, CAsp, CEO, Evan Terry Associates, PC, Birmingham, AL

Overview of the new ADA Standards;

What has been clarified, added, dropped, or changed from the 1991 Standards?

Equivalent facilitation, tolerances, and the expanded definitions section.

How will changes affect different facility types?

- Significant scoping and technical requirement changes:
 - o Accessible routes
 - o Accessible means of egress
 - o Stairways
 - o Elevators, platform lifts, LULAs, and private residence elevators
 - o Doors, doorways, and gates
 - o Floor and ground surfaces
 - o Changes in level
 - o Ramps and curb ramps
 - o Turning spaces
 - o Clear floor and ground spaces
 - o Knee and toe spaces
 - o Protruding objects
 - o Reach ranges
 - o Operable parts
-
-

Session 5 - ADA Standards - Common Space & Element Types; and Communications

Wednesday, 11/10/2010, 1:00 pm - 2:30 pm ET

Doug Anderson, Founding Partner, LCM Architects; Current Member, U.S. Access Board, Washington, D.C.

Irene Bowen, J.D., President, ADA One and former Deputy Chief, DRS, DOJ

James L.E. Terry, AIA, LEED AP, CAsp, CEO, Evan Terry Associates, PC, Birmingham, AL

What has been clarified, added, dropped, or changed from the 1991 Standards?

How will changes affect different facility types?

Significant scoping and technical requirement changes:

Common space types including

§ Parking spaces and passenger loading zones

§ Dressing, fitting, and locker rooms

Common element types including

§ Dining surfaces and work surfaces

§ Storage elements

§ Benches

§ Handrails

§ Windows (this is completely new)

§ Automatic teller machines and fare machines

§ Check-out aisles, sales and service counters

§ Depositories, vending machines, change machines, mail boxes, and fuel dispensers

Communications systems and devices including

§ Telephones

§ Signs

§ Fire alarm systems

§ Assistive listening systems

§ Two-way communication systems (this is also new)

§ Detectable warnings

Session 6 - ADA Standards - Toilets, Bathing, Kitchens and Plumbing Elements

Wednesday, 11/17/2010, 1:00 pm - 2:30 pm ET

Irene Bowen, J.D., President, ADA One and former Deputy Chief, DRS, DOJ

Bill Hecker, AIA, Accessibility Consultant, Hecker Design, LLC, Birmingham, AL

Larry Schneider, AIA, Independent ADA Architect, Palm Beach, Gardens, FL

James L.E. Terry, AIA, LEED AP, CAsp, CEO, Evan Terry Associates, PC, Birmingham, AL

In many facility types, these requirements are some of the most critical to the users. Significant changes have made certain sections stricter and others less restrictive than the 1991 Standards.

The 1991 Standard allowed six by six and five by seven foot single user toilet rooms. What are the smallest configurations a single user toilet room can have under the new Standards?

How do these requirements compare to the IBC and ICC/ANSI A117.1 Accessibility Standards?

How will changes affect different facility types?

■ Significant scoping and technical requirement changes:

■ Toilet and bathing facilities

○ Water closets and toilet compartments

○ Lavatories and sinks

○ Urinals

○ Bathtubs

○ Shower compartments

- Grab bars
 - Seats
 - Drinking fountains
 - Kitchens and kitchenettes
 - Saunas and steam rooms
 - Washing machines and clothes dryers
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**Session 7 - ADA Standards - Specialized Rooms, Spaces and Elements includes
Recreation and Residential**

Wednesday, 12/01/2010, 1:00 pm - 2:30 pm ET

(This session may be extended beyond 1 ½ hours)

Irene Bowen, J.D., President, ADA One and former Deputy Chief, DRS, DOJ

Jack Catlin, FAIA, Founding Partner, LCM Architects; Former Chair, U.S. Access Board, Washington, D.C.

Mark J. Mazz, AIA

James L.E. Terry, AIA, LEED AP, CAsp, CEO, Evan Terry Associates, PC, Birmingham, AL

Many new sections covering whole new facility types have been added in the 2010 ADA Standards. Two common facility types no longer have their own sections. Some VERY significant changes and clarifications have been made in those sections that were already included in the 1991 Standards. What has changed and how must those changes be incorporated into new, altered, and existing facilities?

If residential facilities are not (typically) covered by the ADA, why are there new standards for them? How do the covered residential facility types correlate with the ADA transient lodging and Fair Housing requirements?

- Significant scoping and technical requirement changes:
 - Transportation facilities
 - Assembly areas
 - Medical care and long-term care facilities
 - Transient lodging guest rooms
 - Transportation facilities
 - Completely new sections:
 - Judicial facilities and courtrooms
 - Detention and correctional facilities
 - Holding and housing cells
 - Residential dwelling units and facilities
 - Recreational facilities including amusement rides, exercise machines and equipment; boating, fishing, golf and miniature golf facilities, play areas, swimming pools and spas.
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See Next Pages for How To Register for the Webinar

How To Register for the Webinar

For Online Registration:

WWW.KRM.COM/NAADAC

Please copy and paste to your browser, if you need

Registration Fees – For Individual Sessions

National Association of ADA Coordinators Associates and American Institute of Architects Members

Each individual session \$79 [Associate or Member Number REQUIRED]

All others: Each individual session \$99

Special Registration Fee for All Seven Webinars Sessions

PRICE: \$495

and the full webinar registration fee includes

\$425 in additional benefits at no cost to you

When you register and pay for the **complete series of 7 webinars**, and you **are** a current, up-to-date Individual Associate or Organizational Associate of the National Association of ADA Coordinators, you will automatically receive a **one-time \$175 credit** towards your next renewal fee when it is due.

When you register and pay for the **complete series of 7 webinars**, and you **are not** a current Individual Associate or Organizational Associate of the National Association of ADA Coordinators, you will receive **a free** Individual Associate membership (upon completion of Associate application found on our web site) at no cost to you, or a one-time \$175 credit towards an Organizational Associate membership fee.

In addition, you will be entitled to a **\$250 coupon** (subject to terms and conditions) which can be applied to one of the two Association's ADA National Conferences either for the Spring 2011 (Miami) or the Fall 2011 (San Diego).

If you experience any problems with your on line registration for the **WEBINAR ONLY**

Please contact – Jon Spain at Evan Terry Associates – (205) 972-9100

or email him at: jspain@evanterry.com

AND REGISTER FOR THE FALL 2010 NATIONAL ADA CONFERENCE

And remember, if you attend the first two sessions of the webinar, they are designed so that you may prepare questions you have to be answered “face to face” directly with the Webinar Moderators - DOJ's John Wodatch, Irene Bowen, and Jim Terry at the conference! **See pages 19-30.**

[Notice to Our Associates and our Web Site Visitors](#)

[Become an Associate](#)

Up-to-date Professional, Individual, and Organizational Associates of the National Association of ADA Coordinators receive an expanded Newsletter with SEVEN ADDITIONAL PAGES with discussions on cases and other important information from the Courts, DOJ and the EEOC.

This Associate newsletter e-mail version provides additional information on:

Latest information on “Leave of Absence as a Reasonable Accommodation”

Police Officer Fitness for Duty Exams

2nd Circuit on Obesity and Retaliation

10th Circuit on Reassignment as an Accommodation

ADA in the Courts

Retaliation Suits on the Increase

Retaliation Cases Awaiting U.S. Supreme Court Review

Meet the Conference Faculty

Keynote Speaker - John Wodatch, J.D.

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

Mr. Wodatch is responsible for enforcement of Titles I, II and III of the Americans with Disabilities Act. John plays a key role in developing Administration policy on the Americans with Disabilities Act. He is the chief author of the Department of Justice's ADA regulations and of the Federal regulations implementing Section 504 of the Rehabilitation Act of 1973. He is one of the foremost civil rights attorneys with more than 30 years' of experience with the Federal Government, specializing in the rights of persons with disabilities.

Featured Speaker - Christopher Kuczynski, J.D., LL. M.

Assistant Legal Counsel and ADA/GINA Policy Director, U.S. E.E.O.C., Washington, D.C.

Mr. Kuczynski is the Assistant Legal Counsel and heads the ADA Policy Division at the U.S. E.E.O.C. Chris completed a White House assignment as the Associate Director, Domestic Policy Council, Executive Office of the President. Prior to EEOC, he was a Trial Attorney with the Disability Rights Section (DRS), U. S. Department of Justice. Mr. Kuczynski received a B.A. from Villanova, a J.D. from Temple, and an L.L.M. from Yale.

Additional Federal ADA Agency Faculty Members

Jim Bostrom

Deputy Section Chief, DRS, Civil Rights Division, U. S. Department of Justice, Washington, D.C.

Mr. Bostrom manages the ADA Design Unit where he supervises a team of architects, code specialists, and other members of the professional staff. His unit provides key technical expertise for the Section's enforcement and technical assistance activities. Jim works closely with DOJ's attorneys, investigators, and information specialists. He also works closely with ADA compliance issues for State and local governments. For more than 30 years Mr. Bostrom has focused on accessibility and accessible design, design and human factors research, design consulting, publication development and technical assistance. Mr. Bostrom earned a B. ARCH and M. ARCH from Virginia Tech. His background includes research and teaching at Virginia Tech, Georgia Tech., and North Carolina State University.

Sally Conway

Director, ADA Technical Assistance, U.S. Department of Justice, Washington, D.C.

Ms. Conway is responsible for leading the technical assistance operation for Titles II and III of the ADA. Sally also oversees the Justice Department's ADA mediation program.

Beth Loy, Ph.D.

Principal Consultant and Webmaster, Job Accommodation Network (JAN), Office of Disability Employment Policy, U.S. Department of Labor, Morgantown, WV

Dr. Loy leads JAN's external evaluation process and internal continuous improvement process, providing leadership to JAN's teams of service delivery and information systems. This includes JAN's outreach and education, training programs, and website development. As JAN's Webmaster, Beth holds a Web Technologies Certificate and is a member of the HTML Writers Guild. Beth is a national researcher and speaker. At JAN, she provides research, writing, and statistics support regarding accommodation benefits and costs and the economic impact of the Americans with Disabilities Act (ADA). Beth presents national training throughout the United States and she also works as an adjunct assistant professor for WVU. Beth teaches graduate and doctorate level introductory statistics, advanced statistics, and research methods for WVU.

Additional Federal ADA Agency Faculty Members (continued)

Mary Jo O'Neill, J.D.

Regional Attorney, U.S. E.E.O.C., Phoenix, AZ

Ms. O'Neill began her work at the EEOC 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 the five states, advises her enforcement colleagues, and is a frequent trainer/speaker for the EEOC.

Featured Senior ADA Professional Faculty Members

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

President, ADA One, LLC, Silver Spring, Maryland (Former Deputy Chief, DRS, DOJ, Washington D.C.)

Ms. Bowen is a nationally recognized ADA consultant, trainer, and speaker. Before starting her own firm in January 2009, she was Deputy Chief of the Disability Rights Section at the Department of Justice, where she oversaw enforcement of the ADA and was actively involved in the development of the ADA, the original ADA accessibility guidelines, and DOJ's existing and proposed regulations. She is currently preparing an ADA guide book and tool kit for non-profits, to be published in the summer of 2010. She is a member of the Association's Board of Directors.

Melissa Frost, J.D.

ADA Coordinator/Workers' Compensation Administrator, State of Utah, Salt Lake City, UT

Ms. Frost advises Utah's state agencies, school districts and post secondary institutions in addressing and avoiding HR, Family Medical Leave, ADA and workers' compensation liability. Melissa served as a Liability Prevention Specialist for Utah State's Developmental Center and as an Administrative Law Judge for the Department of Workforce Services. She received her B.A. Degree in Government and Politics from the University of Maryland and her J.D. from the J. Reuben Clark Law School at Brigham Young University.

Paul D. Hagle, P.A.

ADA Expert Witness, National Institute on Employment Issues, Rancho Mirage, CA

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 developed and presented one of the first programs dealing with ADA/Workers' Compensation/FMLA, and on the importance of attitudinal and legal issues of Title I of the ADA in 1992. He is the Association's Executive Director and a member of the Association's Board.

Alane Haynes, P.A.

Manager, Service Quality and Accessibility, North (San Diego) County Transit District, Oceanside, CA

Ms. Haynes has been employed by North County Transit District for nearly 10 years. Alane develops programs, policies and procedures that ensure accessibility and high quality service. Alane planned and implemented the ADA Self-Evaluation and Transition Plan, managed the Paratransit Improvement Study and managed the paratransit service and certification contracts. Alane has designed and implemented many programs including three grant programs that increased mobility options and decreased costs. She served on the California Mobility Action Plan Advisory Committee for Improving Human Services Transportation through Effective Statewide Coordination. Alane facilitates NCTD's ADA Compliance Committee and ADA Review Group.

Barbara Judy, R.N., P.A.

ADA Coordinator/504 Compliance Officer (ret.), West Virginia University, Morgantown, WV

Ms. Judy is one of the leading authorities on reasonable accommodations in the world as well as one of the eminent and influential university ADA coordinators in the United States. In 1992 she was elected to the National Hall of Fame for Persons with Disabilities and also designated "Patriot from West Virginia" by the President's Committee on the Employment of People with Disabilities. She is the Association president and a member of the Board.

Ken Nakata, J.D.

Director of Accessibility Consulting Practices, Hi Software, Seattle, WA

Ken Nakata works with state and local governments, and the federal government to help make information technology accessible for people with disabilities. Ken was a Senior Trial Attorney with the Disability Rights Section, U.S. DOJ 12 years. He was the lead attorney for the Section 508 Working Group and applied his expertise in computer technology to Section 508 implementation. He developed and oversaw all three government-wide surveys of the Federal government for IT accessibility and co-authored all of the Attorney General's Reports on Section 508 Compliance to the President and Congress. He wrote the Department's technical assistance document, Accessibility of State and Local Government Websites to People with Disabilities. He holds a Bachelors of Arts degree from Johns Hopkins University (mathematics) and earned his law degree from the University of Pennsylvania Law School. He is admitted to the bars of New York, D.C., and Washington.

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

Loss Control Administrator, State of Utah, Salt Lake City, UT

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. Previous thereto, Brian served as ADA/504 Coordinator advising and directing all public state institutions to affect compliance with the ADA. He received his J.D. from Brigham Young University. He is a member of the Association's Board of Directors.

Phong Nguyen, M.D., P.A.

Director of Medicine, ER Medical Director, and Chief of Staff, Redlands Community Hospital, Redlands, CA

Dr. Nguyen is Chief of Staff and Base Station Director at Redlands Community Hospital. 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. He is Vice President of the Association and a member of the Board of Directors.

Michael Paravagna, P.A.

Interim ADA Coordinator, LA Community College Dist., Los Angeles, CA; Member, CA Building Standards Commission

Mr. Paravagna handles all aspects of ADA compliance. Michael's prior position was Chief of the Disability Access Section for the State of California where he managed policy consultations, training and physical access evaluation services. He is a former member of the Universal Design Advisory Board and the State Personnel Board Select Advisory Panel on Programs. He is a member of the Association's Board of Directors.

Laura Ruby

Director of Accessibility Policy & Standards, Microsoft, Redmond, WA

Ms. Ruby is responsible for coordinating the company's global policy and standards efforts that concern making products and services accessible to consumers with disabilities. Along with helping the company develop and implement companywide policies to ensure compliance with standards and legislation, Laura and her team work with government regulatory agencies and others around the world. She works with federal, state, local and international governments as they work to develop and implement accessibility procurement policies and standards. Laura Ruby has served two three-year terms as a member of the Washington State Governor's Committee on Disability Issues and Employment where she chaired the Committee's Employment and Training Subcommittee. Ms. Ruby received her Bachelor of Arts in Social Work from Pacific Lutheran University, magna cum laude.

Michael J. Sullivan

Consultant, Law Enforcement, MJS ADA Consulting Services, Petaluma, CA

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

James Terry, AIA, P.A.

Chief Executive Officer, Evan Terry Associates, Birmingham, AL

Mr. Terry is a licensed architect in seven states with extensive access training and consulting experience in corporate, municipal, 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. He is a member of the Association's Board.

Workshops and faculty subject to change without notice due to unforeseen circumstances.
All faculty listed confirmed at time of posting except the one noted as invited and is waiting for final approval.

Day One - Monday, October 18, 2010

General Session Panel Members

Keynote Speaker: John Wodatch, Chief, Disability Rights Section, U.S. Department of Justice

Featured Speaker: Christopher Kuczynski, Assistant Legal Counsel & Director, ADA Policy, U.S. E.E.O.C.

The new ADA Title II & III rules and regulation were announced by the President on 7/26/2010. Title I general sessions and track workshops will include discussion of the information contained in the new Title I regulations as proposed by the EEOC Notice of Proposed Rule Making (NPRM).

8:00a - 9:00a	<i>Hosted Continental Breakfast and Conference Registration</i>	NAADAC Registration
Date/Time	GENERAL SESSIONS	Presenters
9:00a - 10:20a	<p style="text-align: center;">DISCUSSION OF MONUMENTAL HAPPENINGS AT DOJ THE NEW TITLE II ADA RULES</p> <p>The DOJ is issuing the first changes to the title II and title III regulations since they were published in 1991. The new rules (as proposed in 2008) address service animals, effective communication, program accessibility, and a variety of other policy issues. They also include revised accessibility standards for State and local governments, adopting the 2004 ADA Accessibility Guidelines (ADAAG) as ADA Standards, replacing the 1991 Standards and the Uniform Federal Accessibility Standards (UFAS). DOJ has also stepped up both ADA enforcement and technical assistance. Learn about the highlights of the regulations, Project Civic Access, numerous lawsuits and settlement agreements, new guidance about medical equipment, the ADA tool kit for state and local governments, and possible regulations about web sites.</p>	John Wodatch
10:40a - 12 Noon	<p style="text-align: center;">OPEN FORUM WITH THE DOJ</p> <p>The changes will generate many questions for the panel. This will be an opportunity to begin to understand what is required and provide insight for other conference workshops.</p>	Sally Conway John Wodatch
12 Noon - 1:00p	Hosted Luncheon National Institute on Employment Issues	12 Noon - 1:00p
1:00p - 2:00p	<p style="text-align: center;">DISCUSSION OF MONUMENTAL HAPPENINGS AT THE EEOC THE NEW TITLE I REGULATIONS</p> <p>As a result of the ADAAA, EEOC is in the process of reissuing updated guidelines. Learn how it will be much easier for individuals seeking the law's protection to demonstrate that they meet the definition of "disability," and far more ADA cases will focus on whether discrimination actually occurred. The ADAAA specifically states that all of its changes also apply under sections 501, 503, and 504 of the Rehabilitation Act. Similarly, the changes to the definition of disability apply to the ADA's titles, including Title II employment issues.</p>	Christopher Kuczynski
2:15p - 3:15p	<p style="text-align: center;">OPEN FORUM WITH THE EEOC</p> <p>The changes will generate many questions for EEOC. This will be an opportunity to begin to understand what is required under the new regulations. This session will help the participants to interact with the faculty during the conference workshops which will include discussion of the new rules from other points of view.</p>	Christopher Kuczynski
3:30p - 4:30p	<p style="text-align: center;">DISCUSSION OF EMPLOYMENT CASE LAW AND GINA REGULATIONS</p> <p>New case law brought about by the ADAAA will be discussed as well as the new regulations for the Genetic Information Nondiscrimination Act.</p>	Christopher Kuczynski

Workshops listed and faculty subject to change without notice (see IMPORTANT note above) due to unforeseen circumstances. Please Remember - There is a NAADAC President's Reception tomorrow night, Tuesday, October 19th, from 4:30 pm - 5:45 pm - Hosted by the Marriott San Diego La Jolla. See you there!

Day Two - Tuesday, October 19, 2010 - Concurrent Workshops

Access, Services and Design Track	Time Periods	Employment Track
Continental Breakfast and Registration	8:15a - 9:00a	Continental Breakfast and Registration
<p>A NEW DAY FOR THE ADA: FUNDAMENTALS AND DEVELOPMENTS</p> <p>At its twentieth anniversary, what has the ADA come to mean in application? Types of disabilities, overview of requirements and enforcement, acronyms, difficult issues. New construction and alterations overview, and responsibilities of architects and others.</p> <p style="text-align: center;"><i>Jim Bostrom, Irene Bowen</i></p>	9:00a - 10:20a	<p>ADA 101: DEFINITIONS AND COVERAGE</p> <p>This foundational session will cover the definitions of disability under the ADAAA and the new EEOC regulations</p> <p style="text-align: center;"><i>Chris Kuczynski, Beth Loy, Brian Nelson, Mary Jo O’Neill, Michael Sullivan</i></p>
<p>NEW CONSTRUCTION AND ALTERATIONS</p> <p>Bring your questions about the regulations, enforcement, and putting the ADA into practice. DOJ representatives will address your concerns, and you’ll gain insights you’ll hear no where else, about how DOJ applies the regulations and what it expects.</p> <p style="text-align: center;"><i>Jim Bostrom, Jim Terry</i></p>	10:40a-12 Noon	<p>ADA 101: FOUNDATIONAL CONSIDERATIONS</p> <p>Qualification standards, essential functions, marginal functions, and direct threat ramifications will be presented and discussed.</p> <p style="text-align: center;"><i>Chris Kuczynski, Beth Loy, Brian Nelson, Mary Jo O’Neill, Michael Sullivan</i></p>
<p>Hosted Luncheon Medical Education Development and International Consulting, LLC</p>	12:00p - 1:00p	<p>Hosted Luncheon Medical Education Development and International Consulting, LLC</p>
<p>PROGRAM ACCESSIBILITY</p> <p>What’s a program (how far do you drill down in evaluating a program), and how do you achieve “program accessibility”? Methods (whether to evaluate the facility or the program first), application to specific areas, DOJ’s Project Civic Access. Will the “new” DOJ regulations change anything?</p> <p style="text-align: center;"><i>Irene Bowen, Sally Conway, Jim Terry</i></p>	1:00p - 2:00p	<p>DISABILITY-BASED INQUIRIES AND MEDICAL/MENTAL HEALTH EXAMINATIONS</p> <p>This session will identify and explore the boundaries of health-related inquiries and examinations, including the use of post-conditional offer examinations.</p> <p style="text-align: center;"><i>Beth Loy, Brian Nelson, Mary Jo O’Neill, Michael Sullivan</i></p>
<p>EFFECTIVE COMMUNICATION TECHNOLOGIES</p> <p>How do Title II’s effective communication requirements apply to your websites and other electronic communication? Putting the principles to work, with a focus on websites as well as other information technology, video relay services, and kiosks. If Congress passes S. 3304 and DOJ issues its NPRM on Web Sites, discussion will be included.</p> <p style="text-align: center;"><i>Irene Bowen, Jim Bostrom, Sally Conway, Beth Loy, Ken Nakata</i></p>	2:15p - 3:15p	<p>RECOGNITION AND DUTIES</p> <p>This session will address the fundamental characteristics of accommodation requests and explore the responsibilities of employers and employees.</p> <p style="text-align: center;"><i>Brian Nelson, Mary Jo O’Neill, Michael Sullivan</i></p>
<p>MODIFICATIONS TO POLICIES AND PROGRAMS</p> <p>When is a modification “necessary,” and what’s “reasonable”? The principles and difficult applications: service animals, Segways, shelters (e.g., for victims of domestic violence or the homeless). What you can learn from DOJ settlement agreements and technical assistance.</p> <p style="text-align: center;"><i>Irene Bowen, Sally Conway, Alane Haynes</i></p>	3:30p - 4:30p	<p>COOPERATION AND INTERACTION</p> <p>The responsibilities and consequences of the critical interactive process will be presented, together with the implications and realities of undue financial and administrative hardships.</p> <p style="text-align: center;"><i>Beth Loy, Brian Nelson, Mary Jo O’Neill, Michael Sullivan</i></p>

Day Two - Tuesday, October 19, 2010 - Concurrent Workshops

Higher Education Track	Time Periods	Transportation/Transit Track
Continental Breakfast and Registration	8:15a - 9:00a	Continental Breakfast and Registration
<p>FUNDAMENTALS OF TITLE II AND TITLE III FOR HIGHER EDUCATION</p> <p>The basic requirements for all colleges and universities to comply with ADA are presented together with suggestions for complying in an effective manner.</p> <p style="text-align: right;"><i>Melissa Frost, Shelley Jackson, Barbara Judy</i></p>	9:00a - 10:20a	<p>A NEW DAY FOR THE ADA: FUNDAMENTALS AND DEVELOPMENTS</p> <p>At its twentieth anniversary, what has the ADA come to mean in application? Types of disabilities, overview of requirements and enforcement, acronyms, difficult issues. New construction and alterations overview, and responsibilities of architects and others.</p> <p style="text-align: right;"><i>Jim Bostrom, Irene Bowen</i></p>
<p>CASE LAW UPDATE</p> <p>Case law reports representative of the various issues that may occur on a college or university campus will be presented and discussed.</p> <p style="text-align: right;"><i>Melissa Frost, Shelley Jackson, Barbara Judy</i></p>	10:40a - 12 Noon	<p>NEW CONSTRUCTION AND ALTERATIONS</p> <p>Bring your questions about the regulations, enforcement, and putting the ADA into practice. DOJ representatives will address your concerns, and you'll gain insights you'll hear no where else, about how DOJ applies the regulations and what it expects.</p> <p style="text-align: right;"><i>Jim Bostrom, Jim Terry</i></p>
<p>Hosted Luncheon Medical Education Development and International Consulting, LLC</p>	12:00p - 1:00p	<p>Hosted Luncheon Medical Education Development and International Consulting, LLC</p>
<p>SERVICE ANIMALS</p> <p>Service animals in the classroom has long been an area of concern for a number of reasons. Issues such as the new definition of a service animal, what documentation can be requested for the use of the animal, potential health/safety concerns for other students and what procedures should be in place to manage the use of service animals will be discussed.</p> <p style="text-align: right;"><i>Melissa Frost, Shelley Jackson, Barbara Judy</i></p>	1:00p - 2:00p	<p>PROGRAM ACCESSIBILITY</p> <p>What's a program (how far do you drill down in evaluating a program), and how do you achieve "program accessibility"? Methods (whether to evaluate the facility or the program first), application to specific areas, DOJ's Project Civic Access. Will the "new" DOJ regulations change anything?</p> <p style="text-align: right;"><i>Irene Bowen, Sally Conway, Jim Terry</i></p>
<p>ACADEMIC ADJUSTMENTS</p> <p>Providing academic adjustments for students with disabilities must be both effective and reasonable. Methods to accomplish both will be discussed.</p> <p style="text-align: right;"><i>Melissa Frost, Shelley Jackson, Barbara Judy</i></p>	2:15p - 3:15p	<p>EFFECTIVE COMMUNICATION TECHNOLOGIES</p> <p>How do Title II's effective communication requirements apply to your websites and other electronic communication? Putting the principles to work, with a focus on websites as well as other information technology, video relay services, and kiosks. If Congress passes S. 3304 and DOJ issues its NPRM on Web Sites, discussion will be included.</p> <p style="text-align: right;"><i>Irene Bowen, Jim Bostrom, Sally Conway, Beth Loy, Ken Nakata</i></p>
<p>COMPLAINT PROCESS - HOW TO HANDLE WHAT</p> <p>All students as well as employees are entitled to register a complaint when they believe their needs are not being met appropriately. How and where this can/should be done will be discussed.</p> <p style="text-align: right;"><i>Melissa Frost, Shelley Jackson, Barbara Judy</i></p>	3:30p - 4:30p	<p>MODIFICATIONS TO POLICIES AND PROGRAMS</p> <p>When is a modification "necessary," and what's "reasonable"? The principles and difficult applications: service animals, Segways, shelters (e.g., for victims of domestic violence or the homeless). What you can learn from DOJ settlement agreements and technical assistance.</p> <p style="text-align: right;"><i>Irene Bowen, Sally Conway, Alane Haynes</i></p>

Day Three - Wednesday, October 20, 2010 - Concurrent Workshops

Access, Services and Design Track	Time Periods	Employment Track
Continental Breakfast and Registration	8:15a - 9:00a	Continental Breakfast and Registration
<p style="text-align: center;">THE NITTY GRITTY OF ACCESSIBILITY: INTERIOR SPACES – Part One</p> <p>What is an “accessible” space or element? What would change with the “new” DOJ rules? The most common problems inside your buildings (illustrated) and how to prevent them. Entrances, toilet rooms, vertical access, assembly areas, signage, furniture and equipment.</p> <p style="text-align: center;"><i>Irene Bowen, Jim Bostrom, Jim Terry</i></p>	9:00a - 10:20a	<p style="text-align: center;">ACCOUNTABILITY AND CONDUCT</p> <p>This session will cover employer and employee rights and responsibilities with respect to performance and conduct standards.</p> <p style="text-align: center;"><i>Beth Loy, Brian Nelson, Mary Jo O’Neill</i></p>
<p style="text-align: center;">THE NITTY GRITTY OF ACCESSIBILITY: INTERIOR SPACES – Part Two</p> <p>What is an “accessible” space or element? What would change with the “new” DOJ rules? The most common problems inside your buildings (illustrated) and how to prevent them. Entrances, toilet rooms, vertical access, assembly areas, signage, furniture and equipment.</p> <p style="text-align: center;"><i>Irene Bowen, Jim Bostrom, Jim Terry</i></p>	10:40a - 12 Noon	<p style="text-align: center;">COMPLICATIONS AND SOLUTIONS</p> <p>Presentation/discussion concerning unique and challenging accommodation issues: collective bargaining agreements; policies; leave requests; reassignment; drug/alcohol use; and challenging health conditions.</p> <p style="text-align: center;"><i>Beth Loy, Brian Nelson, Mary Jo O’Neill</i></p>
Hosted Luncheon National Association of ADA Coordinators	12:00p - 1:00p	Hosted Luncheon National Association of ADA Coordinators
<p style="text-align: center;">SELF-EVALUATIONS AND TRANSITION PLANS</p> <p>What’s required? Should you plan a do-over in light of the “new” regulations? Regulatory requirements and examples of how to do them, whether not having a current self-evaluation or transition plan is a violation of the ADA, resources, check lists, whether and how to hire outside help.</p> <p style="text-align: center;"><i>Irene Bowen, Sally Conway, Jim Terry</i></p>	1:00p - 2:00p	<p style="text-align: center;">VIGILANCE VS. LIABILITY</p> <p>This session will cover significant liabilities pertaining to disability-related harassment, retaliation, confidentiality, and associational discrimination.</p> <p style="text-align: center;"><i>Beth Loy, Brian Nelson, Mary Jo O’Neill, Michael Sullivan</i></p>
<p style="text-align: center;">WHAT YOU DON’T KNOW <u>CAN</u> HURT YOU</p> <p>What can you learn from others about avoiding complaints and litigation? Examples and case studies, with a look at recent litigation and settlement agreements. How to respond to federal investigations.</p> <p style="text-align: center;"><i>Irene Bowen, Sally Conway</i></p>	2:15p - 3:15p	<p style="text-align: center;">STUPIDITY, COSTS, AND CONSEQUENCES</p> <p>The most common mistakes employers make with reference to actual cases; the consequences and costs of litigation will also be analyzed.</p> <p style="text-align: center;"><i>Beth Loy, Brian Nelson, Mary Jo O’Neill, Michael Sullivan</i></p>
<p style="text-align: center;">PITFALLS AND PROMISING PRACTICES</p> <p>What were they thinking when they did THAT? How can you do better? Common problems in construction and alterations (illustrated). Real-life examples of effective approaches to program access and policy modifications.</p> <p style="text-align: center;"><i>Jim Bostrom, Irene Bowen, Sally Conway, Jim Terry</i></p>	3:30p - 4:30p	<p style="text-align: center;">LESSONS LEARNED AND BEST PRACTICES</p> <p>The concluding session will address the characteristics and best practices of an effective ADA Coordinator. Discussion will cover employment issues based upon experience and case studies.</p> <p style="text-align: center;"><i>Beth Loy, Brian Nelson, Mary Jo O’Neill, Michael Sullivan</i></p>

Day Three - Wednesday, October 20, 2010 - Concurrent Workshops

Higher Education Track	Time Periods	Transportation/Transit Track
Continental Breakfast and Registration	8:15a - 9:00a	Continental Breakfast and Registration
<p>EMERGENCIES - SAFETY ON CAMPUS</p> <p>Being prepared to either prevent or react to emergencies on campus is of great importance and concern for all persons involved. Suggestions as to how to prepare for potential problems will be discussed.</p> <p style="text-align: center;"><i>Irene Bowen, Melissa Frost, Shelley Jackson, Barbara Judy, Mike Sullivan</i></p>	9:00a - 10:20a	<p>RULES OF THE ROAD - Part 1</p> <p>Overview and discussion of administrative requirements and fixed route service requirements in a round table discussion.</p> <p style="text-align: center;"><i>Alane Haynes</i></p>
<p>PSYCHIATRIC -BEHAVIORAL DISORDERS</p> <p>The characteristics of the most common disorders will be discussed as well as where "disability" and "code of conduct" fit in the picture.</p> <p style="text-align: center;"><i>Melissa Frost, Shelley Jackson, Barbara Judy Michael Sullivan</i></p>	10:40a - 12 Noon	<p>RULES OF THE ROAD - Part 2</p> <p>Overview and discussion of requirements for paratransit certification and service delivery in a roundtable discussion.</p> <p style="text-align: center;"><i>Alane Haynes</i></p>
<p>Hosted Luncheon National Association of ADA Coordinators</p>	12:00p - 1:00p	<p>Hosted Luncheon National Association of ADA Coordinators</p>
<p>VETERANS ON CAMPUS</p> <p>Veterans returning to the college campus present a new set of challenges. What those challenges are and suggestions for making the transition more positive for all concerned will be discussed.</p> <p style="text-align: center;"><i>Melissa Frost, Shelley Jackson, Barbara Judy,</i></p>	1:00p - 2:00p	<p>BUMPS IN THE ROAD - Part 1</p> <p>A look at oversized mobility devices, service animals, hostile passengers, and special requests. The session will be a round table discussion.</p> <p style="text-align: center;"><i>Alane Haynes</i></p>
<p>GETTING ABOUT ON CAMPUS</p> <p>The many aspects of providing transportation program access for mobility impaired persons within the college and university structure.</p> <p style="text-align: center;"><i>Melissa Frost, Shelley Jackson, Barbara Judy</i></p>	2:15p - 3:15p	<p>BUMPS IN THE ROAD - Part 2</p> <p>A look at oversized mobility devices, service animals, hostile passengers, and special requests. The session will be a round table discussion</p> <p style="text-align: center;"><i>Alane Haynes</i></p>
<p>UNIVERSAL DESIGN FOR INSTRUCTION/FUTURE</p> <p>A discussion of the future direction of the Department of Education and suggestions for adopting universal accessibility design in the educational process thereby reducing the need for some academic adjustments will be given.</p> <p style="text-align: center;"><i>Melissa Frost, Shelley Jackson, Barbara Judy,</i></p>	3:30p - 4:30p	<p>OPEN FORUM ON PRACTICAL TRANSIT ISSUES</p> <p>An opportunity to bring questions you have to the round table.</p> <p style="text-align: center;"><i>Alane Haynes</i></p>

Day Four - Thursday, October 21, 2010 - Concurrent Workshops

Access, Services and Design Track	Time Periods	Employment Track
Continental Breakfast and Registration	8:15a - 9:00a	Continental Breakfast and Registration
<p style="text-align: center;">LAW ENFORCEMENT - PART 1</p> <p>How to work with a law enforcement agency to develop relationships, training and programs that are in compliance with the ADA. Law enforcement training: Medical Model v. People First, Awareness v. Sensitivity, how disability based behaviors can be misinterpreted in a law enforcement setting. Effective communication, ASL interpreters, training, and other concerns.</p> <p style="text-align: center;"><i>Irene Bowen, Sally Conway, Michael Paravagna, Michael Sullivan</i></p>	9:00a - 10:20a	<p style="text-align: center;">MEDICAL</p> <p>Understand what a physician thinks and needs to evaluate a worker compensation case or pre-employment situation. Understand your role as an ADA coordinator in relation to the medical evaluation and information. Understand the importance of choosing the right path in the battle of two physicians. Application of GINA and FMLA in workers' comp or pre-employment. How does HIPAA affect our communication? Understand the psychological effect in the workplace.</p> <p style="text-align: center;"><i>Barbara Judy, R.N., Beth Loy, Brian Nelson, Phong Nguyen, MD, Mary Jo O'Neill</i></p>
<p style="text-align: center;">LAW ENFORCEMENT - PART 2</p> <p>Impact of the new rules and what the new rules may bring. Revising policies for safe transport of mobility impaired prisoners, service animals, interview and interrogation concerns, providing physical access to existing facilities with security, modification of policy. Court/correctional/holding cells facility requirements, program issues relating to prisoners & much more.</p> <p style="text-align: center;"><i>Irene Bowen, Sally Conway, Michael Paravagna, Michael Sullivan</i></p>	10:40a - 12 Noon	<p style="text-align: center;">ADA-FMLA-WC-GINA</p> <p>Common concerns for both Employment and Higher Education include the need for information from medical personnel in order to provide for the appropriate accommodations for an individual with a disability.</p> <p style="text-align: center;"><i>Barbara Judy, RN, Beth Loy, Brian Nelson, Phong Nguyen, MD, Mary Jo O'Neill</i></p>
Hosted Luncheon NAADAC	12:00p - 1:00p	Hosted Luncheon NAADAC
<p style="text-align: center;">GENERAL SESSION FOR ALL PARTICIPANTS - 1:00p - 2:00p - WEB SITE/WEB ACCESS</p> <p>S-N-A-P your web site into shape! Learn practical tips for making sure your web site is accessible. Follow JAN's SNAP Process: 1) Select your team, 2) No is not an answer, 3) Accept challenges, and 4) Prioritize accessibility first. Work through the most common website accessibility issues, and learn how to manage those high priority accessibility barriers. Leave this workshop knowing you can SNAP your website into shape. If Congress passes S. 3304 and DOJ issues its NPRM on Web Sites, discussion will be included.</p> <p style="text-align: center;"><i>Jim Bostrom, Irene Bowen, Sally Conway, Beth Loy, Ken Nakata, Laura Ruby</i></p>		
<p style="text-align: center;">GENERAL SESSION FOR ALL PARTICIPANTS - 2:15p - 3:15p - DOJ's "NEW" REGULATIONS</p> <p>What is the impact of DOJ's final changes to the Title II rules - the first since the original regulations of 1991? Do you need a new self-evaluation and transition plan? Learn what you should do to prepare for, or comply with, changes to the requirements about service animal policies, effective communication, program accessibility, the triggers for compliance with accessibility standards, and provisions about Segways and similar devices.</p> <p style="text-align: center;"><i>Jim Bostrom, Irene Bowen, Sally Conway, Jim Terry</i></p>		
<p style="text-align: center;">GENERAL SESSION FOR ALL PARTICIPANTS - 3:30p - 4:30p - THE ADA COORDINATOR</p> <p>An open forum: Questions to ADA Coordinators - how to make your ADA job more effective? Here is an opportunity to ask questions and get answers from experienced ADA coordinators about your responsibilities. Includes a handout for your files covering exactly what ADA coordinators do in addition to job descriptions. Subjects covered include how to get better results working with management and other departments, handling funding requests, providing training to your executive managers and staff on ADA civil rights issues. Importance of networking to save money and time.</p> <p style="text-align: center;"><i>Irene Bowen, Alane Haynes, Barbara Judy, Brian Nelson, Michael Paravagna, Michael Sullivan</i></p>		

Day Four - Thursday, October 21, 2010 - Concurrent Workshops

Higher Education Track	Time Periods	Transportation/Transit Track
<p style="text-align: center;">MEDICAL</p> <p>Understand what a physician thinks and needs to evaluate a worker compensation case or pre-employment situation. Understand your role as an ADA coordinator in relation to the medical evaluation and information. Understand the importance of choosing the right path in the battle of two physicians. Application of GINA and FMLA in workers' comp or pre-employment. How does HIPAA affect our communication? Understand the psychological effect in the workplace.</p> <p style="text-align: center;"><i>Barbara Judy, R.N., Beth Loy, Brian Nelson, Phong Nguyen, MD, Mary Jo O'Neill</i></p>	9:00a - 10:20a	<p style="text-align: center;">LAW ENFORCEMENT - PART 1</p> <p>How to work with a law enforcement agency to develop relationships, training and programs that are in compliance with the ADA. Law enforcement training: Medical Model v. People First, Awareness v. Sensitivity, how disability based behaviors can be misinterpreted in a law enforcement setting. Effective communication, ASL interpreters, training, and other concerns.</p> <p style="text-align: center;"><i>Irene Bowen, Sally Conway, Michael Paravagna, Michael Sullivan</i></p>
<p style="text-align: center;">ADA-FMLA-WC-GINA</p> <p>Common concerns for both Employment and Higher Education include the need for information from medical personnel in order to provide for the appropriate accommodations for an individual with a disability.</p> <p style="text-align: center;"><i>Barbara Judy, RN, Beth Loy, Brian Nelson, Phong Nguyen, MD, Mary Jo O'Neill</i></p>	10:40a - 12 Noon	<p style="text-align: center;">LAW ENFORCEMENT - PART 2</p> <p>Impact of the new rules and what the new rules may bring. Revising policies for safe transport of mobility impaired prisoners, service animals, interview and interrogation concerns, providing physical access to existing facilities with security, modification of policy. Court/correctional/holding cells facility requirements, program issues relating to prisoners & much more.</p> <p style="text-align: center;"><i>Irene Bowen, Sally Conway, Michael Paravagna, Michael Sullivan</i></p>
<p>Hosted Luncheon NAADAC</p>	12:00p - 1:00p	<p>Hosted Luncheon NAADAC</p>
<p>GENERAL SESSION FOR ALL PARTICIPANTS - 1:00p - 2:00p - WEB SITE/WEB ACCESS</p> <p>S-N-A-P your web site into Shape! Learn practical tips for making sure your web site is accessible. Follow JAN's SNAP Process: 1) Select your team, 2) No is not an answer, 3) Accept challenges, and 4) Prioritize accessibility first. Work through the most common website accessibility issues, and learn how to manage those high priority accessibility barriers. Leave this workshop knowing you can SNAP your website into shape. If Congress passes S. 3304 and DOJ issues its NPRM on Web Sites, discussion will be included.</p> <p style="text-align: center;"><i>Jim Bostrom, Irene Bowen, Sally Conway, Beth Loy, Ken Nakata, Laura Ruby</i></p>		
<p>GENERAL SESSION FOR ALL PARTICIPANTS - 2:15p - 3:15p - DOJ's "NEW" REGULATIONS</p> <p>What is the impact of DOJ's final changes to the Title II rules - the first since the original regulations of 1991? Do you need a new self-evaluation and transition plan? Learn what you should do to prepare for, or comply with, changes to the requirements about service animal policies, effective communication, program accessibility, the triggers for compliance with accessibility standards, and provisions about Segways and similar devices.</p> <p style="text-align: center;"><i>Jim Bostrom, Irene Bowen, Sally Conway, Jim Terry</i></p>		
<p>GENERAL SESSION FOR ALL PARTICIPANTS - 3:30p - 4:30p - THE ADA COORDINATOR</p> <p>An open forum: Questions to ADA Coordinators - how to make your ADA job more effective? Here is an opportunity to ask questions and get answers from experienced ADA coordinators about your responsibilities. Includes a handout for your files covering exactly what ADA coordinators do in addition to job descriptions. Subjects covered include how to get better results working with management and other departments, handling funding requests, providing training to your executive managers and staff on ADA civil rights issues. Importance of networking to save money and time.</p> <p style="text-align: center;"><i>Irene Bowen, Alane Haynes, Barbara Judy, Brian Nelson, Michael Paravagna, , Michael Sullivan</i></p>		

Fall 2010 ADA National Conference Registration Form - October 18-21, 2010, San Diego, California

Must Pre-Register NO Registrations Accepted at the Door

To **RESERVE** your space, please **FAX** completed registration form to: **(877) 480-7858** For information: (888) 679-7227
If three or more participants from the same entity register and pay in full at the same time, call for reduced registration rates.
 All **non-Early Bird** registrations must be *paid in full and received no later than October 4, 2010*, or space is not guaranteed.
Mail all registrations to: National Association of ADA Coordinators, P.O. Box 958, Rancho Mirage, CA 92270

CONFERENCE LOCATION AND HOTEL INFORMATION

The conference is being held at the **Marriott San Diego La Jolla Hotel, 4240 La Jolla Village Drive, San Diego, CA 92037**. Complimentary shuttle provided from/to San Diego International Airport. Self-parking is at no charge. **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 \$121 per night, plus taxes (single/double) if reserved by **10/1/2010**, provided room block has not been sold out. To make lodging reservations call (800) 228-9290; or (858) 587-1414 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.

CONFERENCE REGISTRATION INFORMATION (Federal Tax Number (EIN) is **33-0595554**, nonprofit 501(c)(3) corporation.

Registration includes hosted continental breakfast(s), breaks, and luncheon(s) for Monday thru Thursday.

You must be a current, up-to-date associate of the Association at time of registration to register at the Associate rates. ANY CANCELLATION **must be in writing** (no exceptions) and is subject to a processing fee of \$500. Remaining balance after processing fee is deducted, for any cancellation on or after 9/18/2009, can only be applied to the Association's Spring or Fall 2011 national conferences. There are no refunds or credits for any registered **no shows**.

<u>Conference Dates</u>	<u>Associate Rates</u> (Associate # _____)	<u>Non-Associate Rates</u>
Mon. 10/18/10	[] \$530	[] \$650
Tue. 10/19/10	[] \$530	[] \$650
Wed. 10/20/10	[] \$530	[] \$650
Thu. 10/21/10	[] \$530	[] \$650

For all Four Days of the ADA Conference at a Special Price

Associates Only [] \$1,900 Non-Associates [] \$2,400

You registered as a recommendation by: _____ Total Conference Registration \$ _____

JOIN THE ASSOCIATION IF NOT A CURRENT ASSOCIATE or RENEW YOUR ASSOCIATE STATUS

The Association offers many benefits including reduced rates for workshops/conferences, bi-monthly newsletter with case law updates, annual Associates' Directory for networking purposes, and 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 – \$175;** [] **Organization Associate – \$325**

See web site (www.askJAN.org/NAADAC) for information. **Professional Associates Program:** You must include the completed copy of the PA application form found on the web site and include a one-time [] **\$50 application fee**, to become a participant in the Professional Associates program. **(Total \$225)**.

TOTAL AMOUNT and METHOD OF PAYMENT

[] Visa/MasterCard [] Amex [] Check [] Purchase order #***: _____ Total Amount: \$ _____

***A copy of fully **approved** purchase order **must be received** with registration **no later than 9/18/2010** or space will be not reserved. Any P.O. must be paid within ten days after the conference or an additional charge of \$100 may be added. ***

Cardholder: _____ Card number: _____ Expiration: _____

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

PARTICIPANT/ASSOCIATE INFORMATION

Name: _____ Title: _____

In which Conference Track are you most interested? _____ *(If not provided, participant assigned to ACCESS Track)*

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

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

(The Association must know of accommodations required for training **no later than 09/18/2010**. If an assistant attends, the person must register, attend same conference workshop sessions as person requiring the accommodation, and pay \$225 per day to cover costs of food and materials.)

Signature Required: _____ Date: _____ **(WEBPP-0910)**