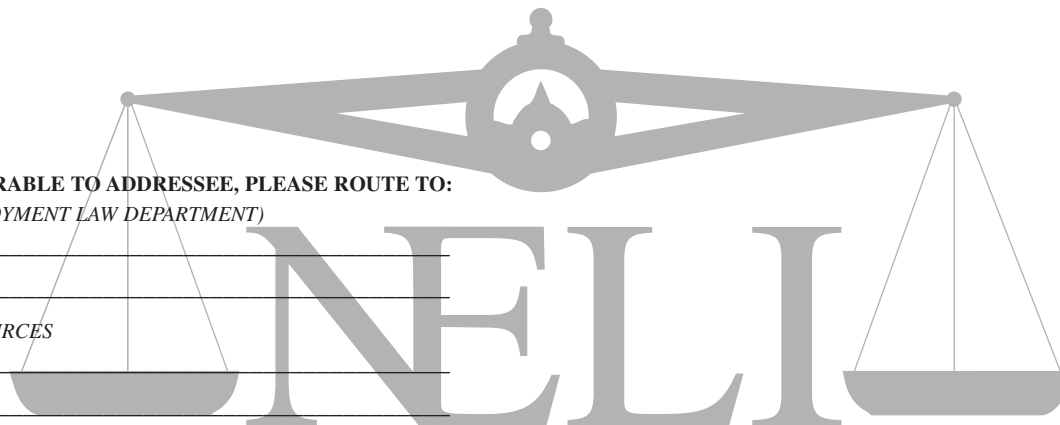


NATIONAL EMPLOYMENT LAW INSTITUTE  
1601 Emerson Street  
Denver, CO 80218  
(303) 861-5600  
www.neli.org

NON-PROFIT ORG.  
U.S. POSTAGE  
**PAID**  
SAN DIEGO, CA  
PERMIT NO. 397



**IF UNDELIVERABLE TO ADDRESSEE, PLEASE ROUTE TO:**  
*LEGAL (EMPLOYMENT LAW DEPARTMENT)*

\_\_\_\_\_

*HUMAN RESOURCES*

\_\_\_\_\_

*PERSONNEL*

\_\_\_\_\_

*Please send mailing list corrections to [neli@neli.org](mailto:neli@neli.org)*

recycle  
logo



THE NATIONAL EMPLOYMENT LAW INSTITUTE  
*Presents the Fifteenth Annual*

# AMERICANS WITH DISABILITIES ACT WORKSHOP

*A Limited Enrollment Workshop Updating ADA Workplace Issues,  
including Significant Court Cases, the Impact of the ADA Amendments Act  
and EEOC's Regulatory Developments*

**San Francisco, CA** - Aug. 31, 2010 • **Seattle, WA** - Sept. 2, 2010 • **Los Angeles, CA** - Sept. 8, 2010  
**Boston, MA** - Sept. 14, 2010 • **Newark, NJ** - Sept. 16, 2010 • **Houston, TX** - Sept. 20, 2010  
**Washington, D.C.** - Sept. 24, 2010 • **Denver, CO** - Sept. 27, 2010 • **Chicago, IL** - Sept. 29, 2010

OPTIONAL 1/2 DAY  
**WASHINGTON & CALIFORNIA DISABILITY LAW WORKSHOPS**

SAN FRANCISCO - AUG. 30 • SEATTLE - SEPT. 1 • LOS ANGELES - SEPT. 7

(FOR ADA WORKSHOP REGISTRANTS ONLY)

# REGISTRATION AND ORDER FORM

*Please accept my registration for the:*

**ADA WORKSHOP (and) CA/WA DISABILITY LAW WORKSHOP in:**

- San Francisco, CA, August 31, 2010 • Westin St. Francis
  - San Francisco, CA, August 30, 2010 • California Disability Workshop
- Seattle, WA, September 2, 2010 • Red Lion Fifth Avenue
  - Seattle, WA, September 1, 2010 • Washington Disability Workshop
- Los Angeles, CA, September 8, 2010 • Inter-Continental Century City
  - Los Angeles, CA, September 7, 2010 • California Disability Workshop
- Boston, MA, September 14, 2010 • Boston Marriott Burlington
- Newark, NJ, September 16, 2010 • Hilton Newark Penn Station
- Houston, TX, September 20, 2010 • Four Seasons Hotel
- Washington, D.C., September 24, 2010 • Westin D.C. City Center
- Denver, CO, September 27, 2010 • Warwick Denver Hotel
- Chicago, IL, September 29, 2010 • Four Seasons Hotel

Early Registration Fee: ADA Workshop: ..... \$445.00  
(Paid registrations received before registration cut-off dates listed below)

Registration Fee: ADA Workshop: ..... \$495.00

Registration Fee: WA or CA Disability Law Workshop: ..... \$275.00  
(For ADA Workshop registrants only)

**ADA PUBLICATIONS:**

I am unable to attend. Please send me:

*Resolving ADA Workplace Questions, 29th Edition*

CD \$149.00  Print \$219.00 *or*  Both \$269.00 \_\_\_\_\_

I have received prior editions. Please send me:

*Resolving ADA Workplace Questions, 29th Edition Supplement*

CD \$149.00  Print \$169.00 *or*  Both \$219.00 \_\_\_\_\_

*HR Guide to Answering ADA Workplace Questions, 7th Edition*

CD \$99.00  Print \$119.00 *or*  Both \$169.00 \_\_\_\_\_

CO residents add 7.3% sales tax (publications only) CO Tax = \_\_\_\_\_

Shipping and Handling (\$7.00 for Print; no charge for CD) = \_\_\_\_\_

**TOTAL =** \_\_\_\_\_

*Please print or type the following information:*

■ NOTE: Street address & contact name required for UPS delivery of publications.

Mr./Ms. \_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Business Telephone ( ) \_\_\_\_\_

Business Fax ( ) \_\_\_\_\_

E-Mail \_\_\_\_\_

(Note: Confirmations & Program Announcements sent via email.)

Signature \_\_\_\_\_ Date \_\_\_\_\_

■ Do you require any accommodation, due to a disability, to attend this program?

No  Yes (Nature of accommodation) \_\_\_\_\_

**Method of Payment (Please Note: Prepayment is Required):**

Check Enclosed  Visa/MasterCard/American Express

Card Number \_\_\_\_\_

Exp. Date \_\_\_\_\_

Name as it appears on card \_\_\_\_\_

■ FOR CLE CREDIT, provide states and bar numbers.

■ **REGISTRATION INFORMATION**

**Early registration is advised.** Registrations will be confirmed by e-mail or another method if requested. On-site registrations are subject to space availability.

**Registration Fee** is based upon cut-off date in program city. **\$445.00 if received before cut-off date; \$495.00 if payment is received after cut-off date. Optional California or Washington Disability Law Workshop is \$275.00.** Includes non-refundable administrative fee (see cancellation policy below). **Payment in full is required prior to the Workshop.**

**Early Registration Cut-Off Dates:** San Francisco - August 9 • Seattle - August 10 • Los Angeles - August 17 • Boston - August 24 • Newark - August 26 • Houston - September 2 • Washington, D.C. - September 2 • Denver - September 7 • Chicago - September 8

**Group Rates, Discounts and Substitutions** are available and permissible. Please email [neli@neli.org](mailto:neli@neli.org) for more information.

**Cancellation Policy:** Cancellations and requests for refunds must be confirmed in writing and addressed to the Registrar. Registrations cancelled more than ten business days prior to the program may elect to receive a full fee credit, or a refund less a \$100 administrative fee; those cancelled ten or fewer business days prior to the Workshop will receive a fee credit, less a \$200 administrative fee. Fee credits may be applied during the next 12 month period to any of the Institute's programs or publications. Paid no-shows will receive the Workshop manual upon request, in full consideration of fees paid. Unpaid registrants and unpaid no-shows are liable for the registration fee.

■ **REGISTRATION PROCEDURE**

**MAIL:** Complete the registration form and mail with your check or credit card information to the National Employment Law Institute, 1601 Emerson Street, Denver, Colorado 80218.

**TELEPHONE:** Call (303) 861-5600, 8:00 a.m.–5:00 p.m. Mountain time, for immediate confirmation.

**FAX:** Fax completed form to (303) 861-5665.

**INTERNET:** Register directly from our website at [www.neli.org](http://www.neli.org) or e-mail complete instructions to [registrar@neli.org](mailto:registrar@neli.org).

**PROGRAM LOCATIONS:** See "Hotel Accommodations" for complete information.

**Please e-mail [neli@neli.org](mailto:neli@neli.org) for available discounts!**

■ **CONTINUING EDUCATION CREDIT**

NELI's programs are approved for CLE credit in all jurisdictions with mandatory requirements. Attorneys applying for credit should so indicate on the registration form. NELI will provide the necessary forms and a certificate of attendance. Registrants may be required to file for credit on their own behalf in some jurisdictions. NELI is a State Bar of California MCLE approved provider and is an HRCI/SHRM approved provider, as well as recognized by professional associations as an approved CEU/CPE provider. The ADA Workshop will qualify for 6.5-7.8 CLE/CEU credit hours and the Washington/California Disability Law Workshops will qualify for 2.75-3.3 CLE/CEU credit hours, depending upon the jurisdiction.

**8:00 Registration & Continental Breakfast****8:30 Update of EEOC Charges, ADA Trends and the Most Common Questions from Human Resource Managers****8:45 Latest Checklists for Analyzing and Documenting ADA Issues**

Discussion of updated ADA/AA-oriented checklists for supervisors, human resource personnel, and attorneys to use in analyzing ADA workplace questions, incorporating questions considered crucial by EEOC and courts.

**9:00 Who is an “Individual with a Disability?”**

Discussion of the latest developments under the ADA Amendments Act changes to the definition of “disability” and the most recent EEOC regulatory actions on the issue, including revisions to the definition of “major life activities,” whether to analyze an individual as medicated, the meaning of “substantially limits” (both for cases arising before and after the effective date of the ADA/AA) including seriousness and duration issues, and discussion of the expansive new definition of “regarded as,” including practical advice for human resource professionals on avoiding such claims.

**10:15 Refreshment Break****10:30 “Disability” Issues (continued)****11:00 Who is a “Qualified” Individual?**

Discussion of how courts and the EEOC have determined whether an individual is qualified for a job, including how to analyze whether background standards (such as Commercial Driver’s License requirements) can be defended, analysis of “essential” functions, including whether “getting along with others,” regular attendance, overtime, and lifting are essential, the problems posed by “inflated” performance evaluations, the importance of doctors’ notes in determining whether an individual is qualified, and the various ways plaintiffs have explained arguably inconsistent statements on whether they are qualified.

**12:00 Luncheon (Hosted by NELI)****New EEOC ADA/AA Regulations**

EEOC is expected to issue its revised final regulations this summer on the definition of “disability” under the ADA/AA. We will be discussing all aspects of these regulations, including the interim regulations the Commission is currently enforcing until new regulations are finalized.

**Please Note:**

Time has been set aside throughout the day to answer questions and analyze case study scenarios involving practical workplace situations. Registrants are invited to submit questions to Mr. Fram prior to the Workshop at [neli@neli.org](mailto:neli@neli.org).

**1:00 Practical Reasonable Accommodation Issues**

Discussion of practical reasonable accommodation questions such as whether “preferential treatment” is required, how to train supervisors to recognize possible “triggers” to the accommodation process, what employers should say in response to employee requests, when employers should be “pro-active,” how to document the interactive process, whether/how much “leave” is required as an accommodation, whether an employer must grant continuous leave extension requests, whether non-competitive reassignment, an “irritant-free” environment, a new supervisor, modifications to seniority policies, light duty, work-at-home, shift changes, or parking spaces are required, whether misconduct must be forgiven as an accommodation, whether employers should simply provide an “accommodation” to anyone who requests it for any condition, where the funds for accommodations should come from (departmental budgets versus one central fund), and undue hardship issues, including the effect of an accommodation on other employees’ ability to perform their jobs.

**2:45 Refreshment Break****3:00 When Does an Individual Pose a “Direct Threat?”**

Discussion of how courts and the EEOC have analyzed whether an individual poses a “direct threat” in the workplace since the Supreme Court’s *Chevron* case, how to handle conditions such as HIV, epilepsy and mental disabilities, how to analyze risk in safety-sensitive positions, such as law enforcement and medical jobs, and whether employers can “balance” risk against harm when the harm is to the public.

**3:30 Enforcing Conduct Rules**

Discussion of the latest developments on enforcement of conduct rules, such as rules on drugs, alcohol, violence, safety, co-worker courtesy, and tardiness, analysis of EEOC’s enforcement position on conduct rules, and practical considerations concerning whether an employer should ever refer an employee with an apparent mental disability to a doctor when the employee is breaking workplace rules.

**3:45 Questions and Examinations of Applicants and Employees**

Analysis of the Genetic Information Nondiscrimination Act of 2008, as well as recent cases concerning the ADA’s restrictions on medical questions and exams, and discussion of EEOC’s latest formal and informal policies on questions and exams of employees, including controversial decisions concerning voluntary wellness programs, fitness-for-duty exams, permissible questions when an applicant or employee requests reasonable accommodation, and confidentiality issues, including whether the ADA’s confidentiality restrictions apply to voluntarily-disclosed information, whether employers should post notices of employee injuries/illnesses, whether e-mail can be used to notify co-workers of an employee’s medical condition, and whether employers can lawfully solicit donated leave for employees who need additional leave.

**4:30 Adjourn**

## WASHINGTON DISABILITY LAW WORKSHOP

SEATTLE • SEPTEMBER 1 (FOR ADA WORKSHOP REGISTRANTS ONLY)

### 1:00 Registration

### 1:30 Washington Law Against Discrimination Disability Requirements

Discussion of the amendments to the disability provisions of the Washington Law Against Discrimination, including how courts and the Washington Human Rights Commission have interpreted the new provisions and recent court cases concerning the state law definitions of other concepts such as “qualified” and “reasonable accommodation,” the interplay between the ADA and WLAD, and practical considerations for human resources personnel and counsel when facing possible ADA and WLAD issues.

### 2:45 Refreshment Break

### 3:00 Washington Law Against Discrimination (continued)

### 3:15 Washington Leave Laws

Discussion of developments under the Washington Family and Medical Leave Act of 2006 and other relevant laws which concern leave issues, including an update on State laws concerning domestic violence leave and military spouse leave.

### 3:45 Case Study on ADA/WLAD/FMLA Overlap

Interactive session analyzing practical disability and FMLA-related scenarios likely to arise in the workplace, including discussion of relevant evidence and documentation.

### 4:30 Adjourn

#### SEATTLE FACULTY

ANDREW MORIARTY, ESQ. • PERKINS COIE LLP • SEATTLE, WASHINGTON

LINDA D. WALTON, ESQ. • PERKINS COIE LLP • SEATTLE, WASHINGTON

DAVID K. FRAM, ESQ. • NATIONAL EMPLOYMENT LAW INSTITUTE • DENVER, COLORADO

## CALIFORNIA DISABILITY LAW WORKSHOP

SAN FRANCISCO - AUGUST 30 • LOS ANGELES - SEPTEMBER 7 (FOR ADA WORKSHOP REGISTRANTS ONLY)

### 1:00 Registration

### 1:30 California FEHA Disability Requirements

Discussion of the disability provisions of the California Fair Employment and Housing Act, including the latest court cases concerning the State law definitions of “disability,” “qualified,” and “reasonable accommodation,” possible arguments employers can make in challenging whether someone has a disability, the interplay between the ADA, FEHA, and the FMLA, and practical considerations for human resources personnel and counsel when facing possible ADA and FEHA issues.

### 2:45 Refreshment Break

### 3:00 California FEHA (continued)

### 3:45 Case Study on ADA/FEHA/FMLA Overlap

Interactive session analyzing practical disability and FMLA-related scenarios likely to arise in the workplace, including discussion of relevant evidence and documentation.

### 4:30 Adjourn

#### SAN FRANCISCO & LOS ANGELES FACULTY

JEFFREY D. WOHL, ESQ. • PAUL, HASTINGS, JANOFSKY & WALKER LLP • SAN FRANCISCO, CALIFORNIA

DAVID K. FRAM, ESQ. • NATIONAL EMPLOYMENT LAW INSTITUTE • DENVER, COLORADO

## ADA WORKSHOP INSTRUCTOR

**David K. Fram, Esq.** is NELI's Director, ADA and EEO Services. In this position, Mr. Fram conducts in-house training on the ADA and other EEO issues for employers, including manufacturers, service providers, colleges and universities, law firms and bar associations, and departments/agencies of the federal government, and many state and local governments. He also provides expert witness services during administrative proceedings and litigation in federal and state courts. Mr. Fram provides guidance to individuals, including human resource professionals and attorneys, concerning difficult workplace situations that helps resolve these issues in a manner consistent with federal law, and he assists in formulating effective strategies and arguments in on-going cases as a consulting expert. Prior to joining NELI, Mr. Fram served as Policy Attorney at the EEOC, where he helped formulate the federal guidelines implementing the ADA. He is the author of *Resolving ADA Workplace Questions*, the definitive ADA compliance guidebook. Mr. Fram can be reached through our office at (303) 861-5600 or [neli@neli.org](mailto:neli@neli.org).

## HOTEL ACCOMMODATIONS

To receive NELI's preferred group rate, registrants must make their own room reservations directly with the hotel (not through a travel agent). Room blocks are limited and discounted group rates cannot be guaranteed after the listed cut-off dates, and may be fully booked even before then. Reserve early and state that you are attending NELI's *Americans With Disabilities Act Workshop* to qualify. If you experience difficulty securing a reservation, please call NELI for assistance. After the cut-off date, the hotels will only accept reservations at the discounted rate on a space available basis, but you can always try the hotel's website for a discounted room.

### San Francisco – Westin St. Francis

335 Powell Street, San Francisco, CA 94102 • (415) 397-7000  
Traditional Single/Double – \$249.00 (plus 15.6% tax)

**Hotel Reservation & Early Reg. Fee cut-off date: August 9, 2010**

### Seattle – Red Lion Hotel on Fifth Avenue

1415 Fifth Avenue, Seattle, WA 98101 • (206) 971-8000  
or (800) 733-5466 • Single/Double – \$159.00 (plus 15.6% tax)

**Hotel Reservation & Early Reg. Fee cut-off date: August 10, 2010**

### Los Angeles – Inter-Continental Los Angeles Century City

2151 Avenue of the Stars, Los Angeles, CA 90067 • (310) 284-6500  
or (888) 424-6835 • Superior King – \$219.00 (plus 14% tax)

**Hotel Reservation & Early Reg. Fee cut-off date: August 17, 2010**

### Boston – Boston Marriott Burlington

One Burlington Mall Road, Burlington, MA 01803 • (781) 229-6565  
Single/Double – \$159.00 (plus 11.7% tax)

**Hotel Reservation & Early Reg. Fee cut-off date: August 24, 2010**

### Newark – Hilton Newark Penn Station

Gateway Center, 1048 Raymond Boulevard, Newark, NJ 07102  
(973) 622-5000 • Contact Hotel for Best Available Rates  
[www.newarkpennstation.hilton.com](http://www.newarkpennstation.hilton.com)

**Early Reg. Fee cut-off date: August 26 2010**

### Houston – Four Seasons Hotel

1300 Lamar Street, Houston, TX 77010 • (713) 650-1300  
Superior Single/Double – \$245.00 (plus 17% tax)

**Hotel Reservation & Early Reg. Fee cut-off date: September 2, 2010**

### Washington, D.C. – Westin Washington D.C. City Center

1400 M Street, N.W., Washington, D.C. 20005 • (202) 429-1700  
Single/Double – \$265.00 (plus 14.5% tax)

**Hotel Reservation & Early Reg. Fee cut-off date: September 2, 2010**

### Denver – Warwick Denver Hotel

1776 Grant Street, Denver, CO 80203 • (303) 861-2000  
Classic King Single/Double – \$145.00 (plus 14.85% tax)

**Hotel Reservation & Early Reg. Fee cut-off date: September 7, 2010**

### Chicago – Four Seasons Hotel

120 East Delaware Place, Chicago, IL 60611 • (312) 280-8800  
Contact Hotel for Best Available Rates • [www.fourseasons.com](http://www.fourseasons.com)

**Early Reg. Fee cut-off date: September 8, 2010**

• LOWER ROOM RATES MAY BE AVAILABLE ON HOTEL WEBSITES!

## ADA PUBLICATIONS

Available in print and searchable CD format.

### Resolving ADA Workplace Questions: 29th Edition

Registrants will receive the **29th Edition** of “**Resolving ADA Workplace Questions: How Courts and Agencies are Dealing with Employment Issues**,” authored by David K. Fram and published by the National Employment Law Institute. This extensive guidebook, which includes hundreds of the most recent case and policy citations, contains chapters concerning “disability,” “qualified,” “reasonable accommodation,” “direct threat,” conduct, and medical examinations and questions. The guidebook also includes extremely useful “checklists” for dealing with actual ADA issues and cases. This extraordinarily comprehensive research and reference tool is available for purchase by those unable to attend.

Prior purchasers and recipients will want to supplement their edition with the replacement chapters. To purchase the **29th Edition** or **29th Edition Supplement**, complete the necessary information on the Registration/Order Form and mail it to NELI. The **29th Edition** will be available in September when the Workshop series begins. For rush orders: phone, fax or e-mail NELI.

**Chapter Headings:** “Disability” Issues • “Qualified” Issues • “Reasonable Accommodation” Issues • “Direct Threat” Issues • Drug, Alcohol, and Other Conduct Rules • Disability-Related Questions & Medical Exams • Checklists for Handling ADA Issues  
**29th Edition September 2010 - Print Format: \$219.00**  
**29th Edition Supplement - Print Format: \$169.00**

### The Human Resource Guide to Answering ADA Workplace Questions: Seventh Edition (NEWLY UPDATED!)

This publication consists of step-by-step checklists to guide a supervisor, manager, human resource professional, EEO officer or other in-house personnel, and attorneys in handling everyday ADA workplace issues. Accompanying each checklist is an “expanded” checklist, which summarizes federal agency and judicial decisions in a user-friendly manner. David K. Fram, Director, ADA and EEO Services for the National Employment Law Institute, and former ADA Policy Attorney in the Office of Legal Counsel of the Equal Employment Opportunity Commission in Washington, D.C., has designed this extremely practical stand-alone HR guide so that it may, if desired, accompany the extensive case law and administrative agency oriented approach provided in “**Resolving ADA Workplace Questions: How Courts and Agencies are Dealing with Employment Issues**,” chapter by chapter.

**Chapter Headings:** Whether Individual Has a “Disability” • Whether Individual is “Qualified” • How to Determine “Reasonable Accommodation” • Whether Individual Poses a “Direct Threat” • Additional Information on Drug, Alcohol, and Other Conduct Rules • Restrictions on Disability-Related Questions and Medical Examinations  
**Published 2010**

**List Price - Print Format: \$119.00**