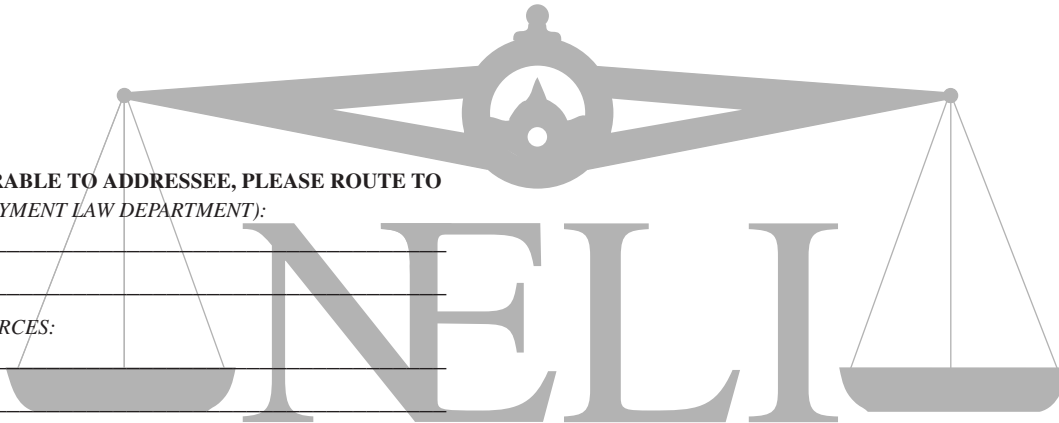


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THE NATIONAL EMPLOYMENT LAW INSTITUTE
Presents the Twentieth Annual Advanced-Level

ADA & FMLA COMPLIANCE UPDATE

*The nation's most comprehensive update of legal developments
and practical advice on questions regarding ADA & FMLA compliance*

Chicago, IL
April 8-9, 2010
Four Seasons Hotel

San Francisco, CA
April 15-16, 2010
Westin St. Francis

Washington, D.C.
April 22-23, 2010
Westin D.C. City Center

REGISTRATION AND ORDER FORM

Please accept my registration for the:

2010 ADA & FMLA COMPLIANCE UPDATE

- Chicago, IL, April 8-9, 2010 • Four Seasons Hotel
 San Francisco, CA, April 15-16, 2010 • Westin St. Francis
 Washington, D.C., April 22-23, 2010 • Westin D.C. City Center

Registration Fee: **\$895.00**

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(Paid Registrations received by March 17, March 24, March 31 respectively.)

- I am unable to attend. Please send me the:

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(Describe) _____

■ NOTE: FOR CLE CREDIT, provide state and bar numbers.

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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: \$895.00; Early discounted fee: \$845.00 if payment is received prior to March 17 (Chicago), March 24 (San Francisco), March 31 (Washington, D.C.). Payment in full is required prior to the program.

Group Rates, Discounts and Substitutions are available and permissible. Email neli@neli.org for more information.

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CONTINUING EDUCATION

NELI's programs are approved for CLE credit in jurisdictions with mandatory CLE requirements. Attorneys applying for credit should so indicate on the registration form. Registrants may be required to file for credit on their own behalf in some jurisdictions; NELI will provide the necessary forms and proof of attendance. NELI is a State Bar of California MCLE approved provider, is recognized by professional associations as an approved CEU/CPE provider, and is an approved provider of HRCI/SHRM. NELI will validate forms and provide proof of attendance. This program will provide between 12-14.5 CLE hours, depending upon the jurisdiction.

As always, NELI will file in as many jurisdictions as you are licensed.

REGISTRATION PROCEDURE

MAIL: Send completed registration form with 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 or e-mail complete information to registrar@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 *ADA & FMLA Compliance Update* 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.

Chicago — Four Seasons Hotel

120 East Delaware Place, Chicago, IL 60611

(312) 280-8800

Single/Double – \$295.00 (exclusive of current 15.4% tax)

Reservation cut-off date: March 17, 2010

San Francisco — Westin St. Francis

335 Powell Street, San Francisco, CA 94102

(415) 397-7000 • Traditional - \$279.00; Deluxe - \$309.00

(exclusive of current 15.6% tax)

Reservation cut-off date: March 24, 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 (exclusive of current 14.5% tax)

Reservation cut-off date: March 31, 2010

DAY ONE

- 7:45 Open Registration & Continental Breakfast**
- 8:30 Trends in the Law: The ADA After 20 Years**
- Trends in disability law 20 years after the passage of the ADA, and one year after the effective date of the ADA Amendments Act (ADAAA)
- Panelists*
- 9:00 Update on Definition of “Disability”**
- Discussion of the practical effects of the ADA Amendments Act and the EEOC’s expected regulatory changes to the definition of “disability,” including revisions to the definition of mitigating measures, whether certain conditions should always be considered disabilities, and effective ways to avoid getting caught in the expanded “regarded as” category
 - Changes and continuing ambiguities concerning the meaning of “substantially limits,” both for cases arising before and after the effective date of the ADAAA, including seriousness and duration issues
- Chicago - David Fram, Jeanne Goldberg
San Francisco - David Fram, Sharon Rennert
Washington, D.C. - David Fram, Sharon Rennert*
- 10:30 Refreshment Break**
- 10:45 Update on Definition of “Disability” (continued)**
- 11:10 Developments on Whether an Individual is “Qualified”**
- Analysis of court decisions on “essential functions,” including attendance, shifts, overtime, and lifting, and the importance of accurate job descriptions
 - Evidence concerning whether an individual is “qualified,” including performance evaluations, doctors’ notes, and statements in another forum
- Chicago - Brian Bulger, Jeanne Goldberg
San Francisco - Paul Buchanan, Sharon Rennert
Washington, D.C. - Ken Willner, Sharon Rennert*
- 12:00 Luncheon (Hosted by NELI)**
- 1:00 Practical “Reasonable Accommodation” Issues**
- Discussion of the 2008 ADA Amendments Act provisions on reasonable accommodation obligations, including whether accommodation is required in “regarded as” cases
 - Developments on triggers to the interactive process, how to train supervisors on this issue, and how employers should interact and document the process
 - Discussion of the latest cases on leave, modifications to job duties, non-competitive reassignment, light duty, rescission of discipline, work-at-home, shift changes, and irritant-free workplace requests
- Chicago - David Fram, Jeanne Goldberg
San Francisco - David Fram, Sharon Rennert
Washington, D.C. - David Fram, Sharon Rennert*
- 2:45 Refreshment Break**
- 3:00 Enforcing Conduct Rules**
- Analysis of particular rules, such as policies on drugs, alcohol, violence, safety, co-worker courtesy, and tardiness
 - Whether discipline must be rescinded if an employee breaks a conduct rule because of a disability
- Chicago - Brian Bulger, Jeanne Goldberg
San Francisco - Paul Buchanan, Sharon Rennert
Washington, D.C. - Ken Willner, Sharon Rennert*
- 3:45 Direct Threat Developments**
- Discussion of the latest direct threat cases, including important evidence in proving direct threat and whether employers can “balance” risk against harm when harm is to the public
- Chicago - Brian Bulger, Jeanne Goldberg
San Francisco - Paul Buchanan, Sharon Rennert
Washington, D.C. - Ken Willner, Sharon Rennert*
- 5:00 Adjourn**

DAY TWO

- 7:30 Open Registration & Continental Breakfast**
- 8:00 FMLA Update**
- Practical guidance in light of the recent DOL regulations and case developments on managing intermittent leave abusers, how to best utilize DOL forms, appropriate and effective contact with the employee’s health care provider, requiring detailed information for notice of leave, the differences between certification, clarification and recertification, avoiding equitable *estoppel* claims, and determining whether an employee is receiving continuing treatment
- Chicago - Ellen McLaughlin
San Francisco - Martha Gates
Washington, D.C. - Megan Norris*
- 10:15 Refreshment Break**
- 10:30 “Top Ten” Overlap Issues Concerning ADA, FMLA, and Other Leave Laws**
- Discussion of most frequently occurring overlap issues, including whether every serious health condition is now a disability, how to get the most medical information when an employee returns to work from leave, imposing obligations and restrictions while on leave to combat abuse, disciplining an employee for unplanned absences, differing reinstatement obligations, mandatory overtime and enforcing an employee’s duty to cooperate in providing information to support a leave
 - Recommended front-line procedures for supervisors and human resource personnel when dealing with possible overlap questions
- Chicago - Ellen McLaughlin
San Francisco - Martha Gates
Washington, D.C. - Megan Norris*
- 12:00 ADA/FMLA Case Study**
- Interactive session analyzing a factual scenario likely to arise in the workplace, including practical strategies for managing the employee while on medical leave
- Chicago - Ellen McLaughlin, David Fram
San Francisco - Martha Gates, David Fram
Washington, D.C. - Megan Norris, David Fram*
- 1:15 Adjourn**

EEOC Participation:

On Day One at the conclusion of each segment, EEOC Faculty will review the latest EEOC cases, positions, and practical guidance for employers on that topic.

Questions:

Time has been set aside to answer questions throughout the program. Due to time constraints, only written questions will be taken. Participants are invited to submit questions prior to the start of the program at neli@neli.org, or on-site.



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ADA & FMLA Compliance Manual (Available in searchable CD and print formats.)

Registrants will receive the *ADA & FMLA Compliance Manual* (in both searchable CD and print formats), a definitive research and reference workbook, containing papers and supporting documents written and compiled exclusively for this program. Those unable to attend may purchase a copy by completing the necessary information on the Registration/Order Form and mailing it to NELI. For rush orders: phone, fax or e-mail NELI. For those purchasing the Manual, it will be available for shipment following the program series.

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