



NATIONAL EMPLOYMENT LAW INSTITUTE

*22nd Annual*

# AMERICANS WITH DISABILITIES ACT WORKSHOP

*Limited Enrollment 2017 ADA Workshops Updating Practitioners on Dramatic New Court Cases  
and EEOC Developments*

**Los Angeles, CA** - September 7 • **Seattle, WA** - September 13

**Denver, CO** - September 15 • **New York, NY** - September 18

**Washington, DC** - September 25 • **Chicago IL** - September 27

*ADA Workshop provides 5.5 - 6.6 CLE / PDC / CEU credits in all states.*

*OPTIONAL 1/2 DAY*

## **CALIFORNIA & WASHINGTON DISABILITY LAW WORKSHOP**

**Los Angeles** - Sept. 8 • **Seattle** - Sept. 14

### UPCOMING PROGRAMS

#### **2017**

#### **PUBLIC SECTOR EEO & EMPLOYMENT LAW UPDATE**

*San Francisco, CA - August 17-18*

*Washington, DC - August 24-25*

#### **AFFIRMATIVE ACTION UPDATE:**

#### **THE NEW ERA OF FEDERAL CONTRACTOR COMPLIANCE**

*Chicago, IL - October 12-13*

*Washington, DC - October 19-20*

*San Francisco, CA - October 26-27*

#### **ETHICS IN LABOR & EMPLOYMENT LAW**

#### **TELECONFERENCE**

*December - Date TBD*

#### **EMPLOYMENT LAW CONFERENCE**

*Chicago, IL - November 9-10*

*Washington, DC - November 16-17*

*San Francisco, CA - Nov 30-Dec 1*

*New Orleans, LA - December 7-8*

#### **2018**

#### **EMPLOYMENT LAW BRIEFING**

*Vail, CO - March 4-7*

*Miami Beach, FL - March 11-14*

*Indian Wells, CA - March 25-28*

#### **ADA & FMLA COMPLIANCE UPDATE**

*San Francisco, CA - April 12-13*

*Washington, DC - April 19-20*

*Chicago, IL - April 26-27*

Please visit our website at [www.neli.org](http://www.neli.org) for complete program information.

# REGISTRATION AND ORDER FORM

***Please accept my registration for the:***

**2017 ADA WORKSHOP and CA/WA DISABILITY LAW WORKSHOP**

- Los Angeles, CA, September 7 • Luxe Sunset Boulevard Hotel
  - Los Angeles, CA, September 8 (morning) • CA Disability Law Wkshp
- Seattle, WA, September 13 • Hilton Seattle
  - Seattle, WA, September 14 (morning) • WA Disability Law Wkshp
- Denver, CO, September 15 • Embassy Suites Denver Downtown
- New York, NY, September 18 • The Cornell Club
- Washington, DC, September 25 • W Washington DC
- Chicago, IL, September 27 • The Standard Club

**Registration Fee: ADA Workshop.....\$595.00**

**Early Registration Fee: ADA Workshop.....\$545.00**  
(Paid Registration received by cut-off date below.)

**Registration Fee: CA or WA Disability Law Workshop.....\$345.00**

**ADA PUBLICATIONS:**

***Resolving ADA Workplace Questions, 43rd Edition***

- PDF \$179.00  Print \$229.00 or  Both \$279.00 \_\_\_\_\_
- I have received prior editions. Please send me: \_\_\_\_\_

***Resolving ADA Workplace Questions, 43rd Edition Supplement***

- PDF \$159.00  Print \$179.00 or  Both \$229.00 \_\_\_\_\_

***HR Guide to Answering ADA Workplace Questions, 10th Edition***

- PDF \$99.00  Print \$119.00 or  Both \$169.00 \_\_\_\_\_

***2017 California Disability Law Manual***

- PDF \$25.00  Print \$35.00 or  Both \$50.00 \_\_\_\_\_

***2017 Washington Disability Law Manual***

- PDF \$25.00  Print \$35.00 or  Both \$50.00 \_\_\_\_\_

Shipping and Handling (\$13.00 for print copy, no charge for downloadable PDF) \_\_\_\_\_

Colorado residents add 7.3% sales tax (publications only) \_\_\_\_\_

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(Note: Confirmations and program announcements sent via e-mail.)

**Do you require any accommodation, due to a disability, to attend this program?**     No     Yes  
**(Describe)** \_\_\_\_\_

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## ■ REGISTRATION INFORMATION

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

**ADA Registration Fee: \$595.00 • Early Discounted Fee: \$545.00**  
**CA or WA Half-Day Workshop Fee: \$345.00**

Fees include non-refundable administrative fee (see Cancellation Policy below). **Payment in full is required prior to the Workshop(s).**

**Early Registration Cut-Off Dates**

Los Angeles - August 16 • Seattle - August 22

Denver - August 24 • New York - August 28

Washington, DC - September 5 • Chicago - September 6

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

**Cancellation Policy:** Cancellations must be confirmed by email to our 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 \$100.00 administrative fee. Those cancelled ten or fewer business days prior to the program will receive a fee credit, less a \$200.00 administrative fee. Transfers between cities must be pre-approved. 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 program Workbook upon request in full consideration of fees paid. Unpaid cancellations and unpaid no-shows are liable for the registration fee. Any refunds will be processed after the conclusion of the program series.

## ■ REGISTRATION PROCEDURE

**MAILING ADDRESS:**

**NELI, P.O. Box 1189, Golden, Colorado 80402**

**PHONE: (303) 861-5600 • 8:00 a.m. - 4:30 p.m. Mountain Time**

**FAX: (303) 861-5665**

**INTERNET: [www.neli.org](http://www.neli.org)**

**EMAIL: [registrar@neli.org](mailto:registrar@neli.org)**

**PROGRAM LOCATIONS:** See "Program Locations/Hotel Accommodations" page for complete information.

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

## ■ CONTINUING EDUCATION

ADA Workshop CLE / PDC / CEU Hours = **5.5 to 6.6**

Disability Law Workshop CLE / PDC / CEU Hours = **2.75 to 3.3**

Combined Workshops CLE / PDC / CEU Hours = **8.25 to 9.9**

NELI applies for credit from all MCLE states. Contact us for approval status. To apply for CLE credit, please complete box on registration form. NELI will provide the necessary forms and proof of attendance. NELI is recognized by most professional associations as an approved CEU/CPE provider, and is an approved provider of HRCI and SHRM for recertification credit.

As always, **NELI will file in as many jurisdictions/states as you are licensed for no additional fee**, although registrants need to file for credit on their own behalf in jurisdictions that require it.

**8:30 Check-In and Continental Breakfast****9:00 Latest Trends and Human Resources' Practical Front-Line Questions****9:15 Checklists for Analyzing and Documenting ADA Issues**

Discussion of updated ADAAA-based checklists for human resource/EEO professionals and attorneys to use in analyzing ADA workplace questions, incorporating issues considered crucial by EEOC and the courts.

**9:30 Who is an "Individual with a Disability?"**

Discussion of the newest court cases defining when a condition is a "disability" (including cases dealing with how long a condition must last), whether an employer can or should simply "assume" disability (and if so, how to document practices), and discussion of the vastly expanded definition of "regarded as," including practical advice for training supervisors and managers on how to avoid "regarded as" claims, including implementing practices to insulate them from medical information.

**10:15 Refreshment Break****10:30 Who is a "Qualified" Individual?**

Critical lessons from court decisions for lawyers and human resources/EEO professionals on analyzing whether an individual is qualified for a job, including the pieces of evidence courts are currently using in determining what is "essential," the importance of accurate job descriptions, whether certain things like regular attendance, handling job stress, getting along with co-workers, and lifting are considered "essential," the extreme danger of inaccurate or inflated performance reviews, and how to analyze doctors' notes, including inconsistent notes.

**11:45 When Does an Individual Pose a "Direct Threat?"**

Discussion of why and when employers should avoid arguing direct threat (and what to argue in its place), how courts and the EEOC have analyzed whether an individual poses a "direct threat" in the workplace, how to handle conditions such as mental disabilities, and whether employers can "balance" risk against harm, especially when the harm is to co-workers or to the public.

**12:00 Luncheon (Hosted by NELI)****1:00 Enforcing Conduct Rules**

Discussion of the latest developments on enforcing conduct rules, such as rules on drugs (including state-legalized marijuana), alcohol, violence, safety, co-worker courtesy, and tardiness, analysis of EEOC's latest enforcement position on conduct rules, and practical considerations concerning whether an employer should ever send an employee to a doctor when the employee is breaking workplace rules.

**1:15 Practical Reasonable Accommodation Issues**

Discussion of the latest court and EEOC decisions on practical reasonable accommodation questions such as whether "preferential treatment" is required, the importance of training first-line supervisors on how to recognize "triggers" to the accommodation process, what employers should say and document in response to employee requests, and particular accommodation questions, such as whether/how much "leave" (including a repeated leave extension) is required and how this interplays with the FMLA, whether reduced workloads, non-competitive reassignment, an "irritant-free" environment, light duty, work-at-home, shift changes, supervisor changes, or parking spaces are required, whether discipline must be rescinded as an accommodation, and undue hardship issues, including the effect of the accommodation on other employees.

**2:30 Refreshment Break****2:45 Reasonable Accommodation (continued)****3:30 New Developments on Medical Questions and Confidentiality**

Analysis of the most recent cases concerning the ADA's restrictions on medical questions and exams, as well as important changes to this area of the law because of the Genetic Information Nondiscrimination Act (GINA), fitness-for-duty exams, permissible questions when an applicant or employee requests reasonable accommodation, and critical new confidentiality issues, including EEOC's extremely broad crackdown on employers in cases involving allegations of supervisors' disclosure (or co-mingling) of medical information.

**4:00 Adjourn****ADA WORKSHOP INSTRUCTOR**

**David K. Fram** is NELI's Director of ADA and EEO Services, conducting in-house ADA trainings and covering other EEO issues for employers, including manufacturers, service providers, colleges and universities, law firms and bar associations, and Federal, state and local governments. David performs independent and impartial investigations when employers are charged with ADA violations and provides guidance on difficult ADA workplace situations that helps resolve these issues, and assists in formulating effective strategies and arguments in on-going cases. David is available to serve as an ADA expert witness during administrative proceedings before the EEOC, state and local EEO agencies, and Federal and state courts. Prior to joining NELI, David 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. David can be reached through our office at (303) 861-5600 or [neli@neli.org](mailto:neli@neli.org).

**REGISTRATION INCLUDES:**

- An opportunity to ask questions throughout the day!
- 43rd Edition of *Resolving ADA Workplace Questions* (in both searchable PDF and print formats), the definitive reference and research guidebook on the ADA in Employment. The book is available for purchase if you cannot attend the Workshop.
- 5.5 to 6.6 CLE / PDC / CEU hours depending upon your jurisdiction. NELI will file in as many jurisdictions/states as you are licensed for no additional charge.
- Continental Breakfast and Luncheon hosted by NELI, an opportunity to network with other participants.

## CALIFORNIA DISABILITY LAW WORKSHOP

LOS ANGELES - SEPTEMBER 8

**9:00 Check-In & Coffee Service**

**9:30 California FEHA Disability Requirements**

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

**10:45 Refreshment Break**

**11:00 California FEHA (continued)**

**12:00 Case Study on ADA/FEHA**

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

**12:30 Adjourn**

MARIA A. AUDERO, Esq. • *Paul Hastings LLP • Los Angeles, California*

## WASHINGTON DISABILITY LAW WORKSHOP

SEATTLE - SEPTEMBER 14

**9:00 Check-In & Coffee Service**

**9:30 Washington Law Against Discrimination Disability Requirements**

Discussion of the Washington Law Against Discrimination, including how courts and the Washington Human Rights Commission have interpreted the state’s disability law 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.

**10:45 Refreshment Break**

**11:00 Washington Leave Laws**

Discussion of Washington leave laws and agency guidance regarding providing employees with family medical leave, leave for victims of domestic violence, sexual assault, and stalking, and leave for military spouses, and discussion of the interplay between the Federal FMLA, the Washington State Family Leave Act and pregnancy-related disability leave, and an overview of Initiative 1433, Washington’s new paid sick leave requirements, and the Seattle Sick and Safe Leave Ordinance.

**12:30 Adjourn**

JULIE S. LUCHT, Esq. • *Perkins Coie LLP • Seattle, Washington*



### LUNCHTIME PRESENTATION - NEW YORK LOCATION: STATE DISABILITY LAWS IN NORTHEASTERN STATES

This succinct lunch-time talk will focus on some of the regional state law issues employers should know in addition to the ADA, and distinctions between some of these states (including New York, New Jersey and others) on issues such as the definition of “disability,” the duty to accommodate, and available remedies.

FRANCESCO A. DeLUCA, Esq. • *Ogletree Deakins • Boston, Massachusetts*



## PROGRAM LOCATIONS / HOTEL ACCOMMODATIONS

### Los Angeles - Luxe Sunset Boulevard Hotel

11461 Sunset Boulevard, Los Angeles, CA 90049

(310) 476-6571 • (800) 468-3541

Superior King Room - \$229.00 (plus tax)

**Hotel Reservation cut-off date: August 7, 2017**

**NELI Early Registration cut-off date: August 16, 2017**

### Seattle - Hilton Seattle

1301 Sixth Avenue, Seattle, WA 98101 • (206) 624-0500

Standard Guest Room - \$289.00 (plus tax)

**Hotel Reservation cut-off date: July 28, 2017**

**NELI Early Registration cut-off date: August 22, 2017**

### Denver - Embassy Suites Denver Downtown

1420 Stout Street, Denver, CO 80202

(303) 592-1000 • (720) 587-0969 (Teresa Osinski)

Standard Guest Room - \$229.00 (plus tax)

**Hotel Reservation & Early Registration cut-off date:**

**August 24, 2017**

### New York - The Cornell Club

6 East 44th Street, New York, NY 10017

(212) 986-0300

**NELI Early Registration Fee cut-off date: August 28, 2017**

### Washington, DC - W Washington DC

515 - 15th Street, NW, Washington, DC 20004

(202) 661-2400 • (202) 661-2462 (Kiera O'Shea)

"Wonderful" Room (interior) - \$339.00 (plus tax)

**Hotel Reservation cut-off date: September 1, 2017**

**NELI Early Registration cut-off date: September 5, 2017**

### Chicago - The Standard Club

320 South Plymouth Court, Chicago, IL 60604

(312) 427-9100

Deluxe King Room - \$220.00 (plus tax)

**Club Guest Room Reservation cut-off date: August 25, 2017**

**NELI Early Registration cut-off date: September 6, 2017**

ROOM BLOCKS are held in the locations where negotiated rates were better than the "Best Available" on-line rates. To receive NELI's preferred group rate where applicable, reservations must be made directly with the hotel or club (not through a travel agent). Room blocks are limited and group rates cannot be guaranteed after the listed cut-off dates, and may be fully booked before then. Reserve early and state that you are attending NELI's *Americans With Disabilities Act Workshop*. After the cut-off date, reservations at the group rate are on a space available basis.

## ADA PUBLICATIONS

Available in print and searchable PDF format.

### Resolving ADA Workplace Questions: 43rd Edition

Registrants will receive the **43rd 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 includes hundreds of the most recent case and policy citations, as well as 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 the Workshop. The **43rd Edition** contains the most recent Court of Appeals cases on interpretations of "disability" after the ADAAA, important new cases and EEOC decisions on whether an individual is "qualified" (including whether attendance, getting along with co-workers, handling stress, punctuality, shift work, and compliance with conduct rules are "essential"), and "reasonable accommodation" issues (including triggers to the interactive process and whether modifications such as leave, modified schedules, job restructuring, transitional duty, an irritant-free environment, parking, work-at-home, and reassignment are required accommodations). Other topics covered include "direct threat" issues; drug, alcohol and other conduct rules; and disability related questions and medical exams.

Prior purchasers and recipients will want to supplement their edition with the replacement chapters. To purchase the **43rd Edition** or **43rd Edition Supplement**, complete the necessary information on the Registration/Order Form and mail it to NELI. For rush orders: phone, fax or e-mail NELI. *Current through August 2017*

*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*

### The Human Resource Guide to Answering ADA Workplace Questions: 10th Edition

This **newly updated** publication consists of step-by-step checklists to guide a supervisor, manager, human resource professional, EEO officer, or other in-house personnel in handling everyday ADA workplace issues. "Expanded Checklists" are included for each topic which summarize federal agency and judicial decisions in a user-friendly manner. David K. Fram has designed this extremely practical stand-alone HR guide so that it may also accompany the extensive case-oriented citations provided in "**Resolving ADA Workplace Questions: How Courts and Agencies are Dealing with Employment Issues,**" chapter by chapter (*see above*).

### 2017 California & Washington Disability Law Manuals

These two Manuals support the agendas of the half-day California Disability Law Workshop and Washington Disability Law Workshop, and are included with your registration fee.

**For pricing and additional information, please see the Registration/Order Form.**

NATIONAL EMPLOYMENT LAW INSTITUTE

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