



NATIONAL EMPLOYMENT LAW INSTITUTE

Twenty-Seventh Annual

ADA & FMLA COMPLIANCE UPDATE

*The nation's most comprehensive program on new legal developments
and practical advice on questions regarding ADA & FMLA compliance.*

San Francisco, CA

April 6-7, 2017

Westin St. Francis

Washington, DC

April 13-14, 2017

W Washington DC

Chicago, IL

April 20-21, 2017

The Gwen

NEW
HOTEL

DAVID K. FRAM, Esq.

*Program Chair • Director, ADA & EEO Services
National Employment Law Institute • Golden, Colorado
For information on ADA in-house training, contact NELI.*

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REGISTRATION FEE INCLUDES:

- 2017 ADA & FMLA Compliance Manual (*in both print and downloadable PDF formats*).
- **12 - 14.5 CLE / PDC / CEU hours, depending upon the jurisdiction**, and CLE filing in all states where you're licensed for no additional charge.
- Continental Breakfast both mornings.
- Luncheon hosted by NELI, an opportunity to network with other participants and faculty.

2017 ADA & FMLA COMPLIANCE MANUAL

(print & downloadable PDF formats)

A definitive research and reference workbook, containing papers and supporting documents written and compiled exclusively for this program. The Compliance Manual is available for purchase by those who cannot attend the Update. Please fill out the Registration/Order form and return it to NELI.

For rush orders: phone, fax, or e-mail NELI. Purchasers of the Manual will receive their orders following the program series.

REGISTRATION AND ORDER FORM

Please accept my registration for the:

2017 ADA & FMLA COMPLIANCE UPDATE

- San Francisco, CA, April 6-7 • Westin St. Francis
 Washington, DC, April 13-14 • W Washington DC
 Chicago, IL, April 20-21 • The Gwen, A Starwood Hotel

Registration Fee:\$995.00

Early Registration Fee:\$945.00

(Paid Registration received by March 15, March 22 and March 29, respectively.)

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

2017 ADA & FMLA Compliance Manual

Print ___ copies @ \$189.00.....

Downloadable PDF @ \$169.00.....

Both Formats ___ copies @ \$229.00.....

Shipping and Handling (\$13.00 for print copy).....

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) _____

CLE CREDIT: Provide state and bar numbers.

REGISTRATION INFORMATION

Early registration is advised. Registrations will be confirmed by e-mail. On-site registrations are subject to space availability. **Payment in full is required prior to the program.**

Registration Fee: \$995.00 • Early Discounted Fee: \$945.00

Early Registration Cut-Off Dates

San Francisco - March 15

Washington, DC - March 22 • Chicago - March 29

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

Cancellation Policy: Cancellations must be confirmed prior to the program. Registrations cancelled more than ten business days prior to the program may elect to receive a full fee credit, or a refund, less a \$150.00 administrative fee. Those cancelled ten or fewer business days prior to the program will receive a fee credit, less a \$250.00 administrative fee. Transfers between cities must be pre-approved. Fee credits may be applied during the next 12 month period to any of NELI's programs or publications. Paid no-shows will receive the program Manual 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.

CONTINUING EDUCATION

This program will provide between **12-14.5 CLE / PDC / CEU credits, depending upon the jurisdiction.** 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 a State Bar of California MCLE approved provider, 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.

REGISTRATION PROCEDURE

MAIL: 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

EMAIL: registrar@neli.org

HOTEL ACCOMMODATIONS

For NELI's group rate, reservations must be made directly with the hotel (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 even before then. Reserve early and state that you are attending NELI's *ADA & FMLA Compliance Update* to qualify. If you experience difficulty, please call NELI. After the cut-off date, reservations at the group rate are on a space available basis.

San Francisco - Westin St. Francis

335 Powell Street, San Francisco, CA 94102

(415) 397-7000 or (888) 627-8546

Traditional - \$309.00; Deluxe - \$339.00 (plus tax)

Reservation cut-off date: March 15, 2017

Washington, DC - W Washington DC

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

(202) 661-2400 or (888) 627-7816

"Spectacular" Room (exterior) - \$319.00 (plus tax)

"Wonderful" Room (interior) - \$299.00 (plus tax)

Reservation cut-off date: March 22, 2017

Chicago - The Gwen, A Starwood Hotel

521 North Rush Street, Chicago, IL 60611

(312) 645-1500 or (866) 716-8136

Run-of-House - \$279.00 (plus tax)

Reservation cut-off date: March 29, 2017

• Lower rates may be available on hotel websites •

2017 AGENDA

DAY ONE

- 8:00 Program Check-In & Continental Breakfast**
- 8:30 Trends in the Law: The ADA After 27 Years**
- Our ADA experts review trends in disability law 27 years after passage of the ADA, including thoughts on the direction of the ADA under the new Administration.
- Panelists*
- 9:00 Update on the Definition of “Disability”**
- Discussion of unexpected new Court of Appeals cases on the definition of “disability” under the ADAAA, including practical tips on how to avoid “regarding” an individual as disabled
 - Update on the meaning of “substantially limits,” including seriousness and duration issues
- San Francisco - Sabrina Shadi*
Washington, DC - Jeff Nowak
Chicago, IL - David Fram
- 10:15 Refreshment Break**
- 10:30 Developments on Whether an Individual is “Qualified”**
- Practical considerations and decisions on the meaning of “qualified,” including the latest decisions on what is an “essential function,” the importance of up-to-date job descriptions and examining the amount of time spent on the function, whether handling stress, getting along with co-workers, regular attendance, and lifting are considered “essential,” EEOC’s controversial decisions on attendance, shifts, and overtime, and whether the agency’s positions may change under the new Administration
 - Important evidence concerning whether an individual is “qualified,” including the danger of inflated performance evaluations, inconsistent doctors’ notes, and statements made in another forum
- San Francisco & Washington, DC - David Fram*
Chicago - Joshua Stein
- 12:00 Luncheon (Hosted by NELI)**
- 1:00 Direct Threat Issues**
- Update on direct threat issues, including practical considerations when an employee appears to present a safety risk and why employers should generally avoid arguing “direct threat”
- San Francisco - Sabrina Shadi*
Washington, DC - Jeff Nowak
Chicago - Joshua Stein
- 1:45 Understanding Conduct Rules**
- Analysis of particular conduct rules, such as policies on drugs (including marijuana), alcohol, violence, safety, co-worker courtesy, and tardiness
 - Whether discipline must be rescinded if an employee breaks a conduct rule because of a disability
- All Locations - David Fram*
- 2:30 Practical “Reasonable Accommodation” Issues**
- Latest developments on the meaning of “reasonable” and what supervisors should be trained to look/listen for as “triggers” of the interactive process, how to respond to these triggers, how supervisors and human resource personnel should document the process, and what type of medical information may be obtained
 - Discussion of the latest cases on leave (including repeated leave extensions), schedule adjustments, changing supervisors, parking, reassignment, work-at-home, shift changes, and irritant-free workplace requests
- There will be a 15 minute break at 3:00 p.m.**
- San Francisco - Sabrina Shadi & David Fram*
Washington, DC - Jeff Nowak & David Fram
Chicago - Joshua Stein & David Fram
- 5:00 Adjourn**

DAY TWO

- 7:30 Continental Breakfast**
- 8:00 Requesting Medical Information Under the ADA**
- Latest cases and EEOC’s policies concerning the ADA’s restrictions on medical questions and exams
 - Emerging developments on 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, and how the ADA’s confidentiality rules apply to electronically-stored information
- All Locations - David Fram*
- 8:45 Update on Complex FMLA Issues**
- Enforcement measures from the DOL and how they might change with the new Administration, practical guidance on FMLA issues in light of DOL updates, proposed legislation, and a review of recent court decisions, including important certification, coverage and eligibility issues, the requirements of notice by the employee and the employer, such as whether employers must send FMLA notices so that receipt is verifiable, how far employers can go when requiring employees to provide notice of intermittent absences according to specific employer procedures, whether an employer can still designate FMLA-qualifying leave if the employee refuses, practical guidance on what qualifies as leave to care for a family member, as well as updates on eligible adult children, the meaning of “equivalent position,” the risks of eliminating the job of an employee on FMLA leave, and how to avoid employer conduct that defeats summary judgment
 - Discussion of best practices in managing the medical certification process, including how to handle an employee who states that the return to work date is “unknown,” the duty to return an employee to work when the employer disagrees with the doctor’s fitness for duty certification, practical action steps when the employee is late in submitting the medical certification, including the diligent, good faith effort defense, effectively utilizing recertifications when there is suspected intermittent leave abuse, and whether/how an employer can require a medical exam upon return to work from FMLA leave
 - Tips for managing intermittent leave abuse including fraudulent use of leave and the honest belief defense
- There will be a 15 minute break at 10:15 a.m.**
- San Francisco - Martha Gates & Dan Grinfas*
Washington, DC - Megan Norris & Darrell VanDeusen
Chicago - Ellen McLaughlin & Tracy Billows
- 12:00 ADA/FMLA Case Study**
- Interactive session analyzing factual scenario likely to arise in the workplace, including practical strategies for managing the employee on a medical leave
- San Francisco - Gates, Grinfas, Fram*
Washington, DC - Norris, VanDeusen, Fram
Chicago - McLaughlin, Billows, Fram
- 1:15 Adjourn**

EEOC Participation:

On Day One, EEOC Faculty will provide commentary on the latest EEOC regulations, cases, positions, and practical guidance for employers, where applicable.

San Francisco & Washington, DC - Sharon Rennert
Chicago - Diane Smason

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