



GEORGIA EMPLOYERS'

ADA

AMERICANS WITH DISABILITIES ACT MASTER CLASS

**Answers to NEW Compliance,
Accommodation, and
"Treacherous Triangle" Challenges**



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Georgia Employers' ADA Master Class features:

Lively Give and Take.

Unlike some seminars, you're encouraged to ask questions, present your own situations for discussion, and interact with both the speakers and your colleagues.

Quality Presenters.

Your speakers are in-state employment law attorneys with years of experience advising employers in ADA matters. The program leaders are also the editors of *Georgia Employment Law Letter*, for years the leading employment law and HR information resource for employers.

Top-Level Issues.

No beginners course, this one-day program tackles the very latest, most confusing, most complicated ADA situations and gives you a clear road map to consistently executing professional and confident administration of the law.

Satisfaction Guarantee.

You're entitled to a complete refund if you're in any way less than delighted by this program. It's a promise we've kept for over 30 years.

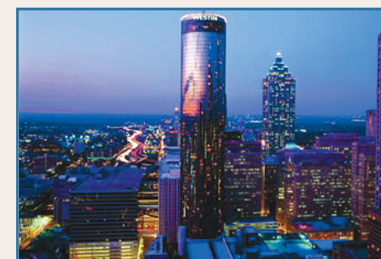


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**Atlanta
Wednesday,
October 24, 2007
The Westin Peachtree
Plaza**



FOR REGISTRATION ASSISTANCE OR TO REGISTER ADDITIONAL ATTENDEES, CALL 800-274-6774.

100% Guarantee

If this is not the most informative and cost-effective seminar that you have attended in the last year, we will refund 100% of your registration fee – no questions asked.

Cancellation Policy

- A \$50 processing fee applies to ALL conference cancellations.
- Registrants are responsible for the entire PROGRAM fee for a cancellation made after 5:00 p.m. three weeks prior to the event (whether or not you attend the program or fail to cancel).
- An alternate may attend in place of the original registrant.



Certification

This program has been approved for 6.25 recertification credit hours toward recertification through the Human Resource Institute (HRCI). Please refer to the cover of your materials for the information needed to submit for certification on the appropriate form. CLE credit pending.

Available On-Site

This powerful program is available for on-site presentation at your organization, customized both in length and content to meet your specific training needs. It's the cost-effective way to engage your most productive employees in achieving valuable professional growth objectives. All while helping to protect your organization from expensive legal missteps. For more information, please call 800-274-6774.



**Atlanta
Wednesday,
October 24, 2007
The Westin Peachtree Plaza
210 Peachtree Street NW
Atlanta, GA 30303
(404) 659-1400**

Five Easy Ways to Register

- ☎ Phone: 800-274-6774
- ☎ Fax: 800-785-9212
- ✉ E-mail: custserv@mleesmith.com
- ✉ Mail: Return order form to
M. Lee Smith Publishers LLC
5201 Virginia Way
P.O. Box 5094
Brentwood, TN 37024-5094
- @ Web: www.HRhero.com/ga-ada

615255

Attend this one-day professional development and crisis-prevention event to learn:

- Why the ADA presents innumerable opportunities for employee claims
- Getting ahead of a claim by making difficult coverage calls
- Satisfying your obligation to reasonably accommodate an employee
- How "active" is the "interactive process"?
- Practical problems at the boundaries of the law
- Navigating through the ADA, FMLA, and workers' comp maze

Think the ADA is old news? Think again! In 2006 alone the EEOC collected over \$48 million from employers for ADA violations. That makes over \$650 million since the law was passed in 1990. And that doesn't touch the tens of millions more spent in legal fees and private settlements.

The EEOC now recognizes 43 different impairment bases, and more are added all the time. How can you possibly keep up, and avoid the devastating penalties striking other employers?

Become the ADA expert at your company, the one leaders turn to for confident advice, flawless policies, and the perfect response to any disability and accommodation question. Invest just one day in learning about all the very latest ADA rulings, best practices, and policies you can't afford to operate without. When you attend this satisfaction guaranteed event, you'll acquire expertise to make the right call – every time.



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FROM THE PUBLISHERS OF



REGISTRATION FORM

☐ **YES!** I want to master ADA to better protect my company from compliance missteps and build a valuable skill set. Please save my seat at **Georgia Employers' ADA Master Class** for just \$297. If I am dissatisfied I am entitled to a complete refund of my registration fee. I understand that additional registrants from my company can attend for \$100 off, just \$197 each.

☐ Check payable to M. Lee Smith Publishers enclosed. ☐ Bill me.



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Master New ADA Challenges in Just One Day with This All-New Program Created Just for Georgia Employers and HR Management

From the editor and publisher of *Georgia Employment Law Letter* comes **Georgia Employers' ADA Master Class**.

Attend this fast-paced one-day event and gain the knowledge and confidence you need to assess new physical or mental disabilities covered under the ADA, your obligations – and those of your employees – when making reasonable accommodations, how to make employment transition decisions, and much, much more.

Help protect your company against the growing scourge of lawsuits. Arm yourself with the very latest ADA compliance information and make the right policy recommendation – every time. **Georgia Employers' ADA Master Class** is a power-packed program that kicks off at 8:30 a.m. and concludes at 4:30 p.m. Built into the schedule are morning and afternoon breaks and a lunch break.

PROGRAM DATES AND LOCATIONS

ATLANTA
Wednesday, October 24, 2007
The Westin Peachtree Plaza
210 Peachtree Street NW
Atlanta, GA 30303
(404) 659-1400

CONFERENCE FEES

Only \$297 per person, \$197 for each additional person from your organization.

CONFERENCE DETAILS

Continental breakfast and registration begin at 7:30 a.m. The program begins at 8:30 a.m. and concludes at 4:30 p.m. There will be morning and afternoon breaks and registrants will be on their own for lunch.

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M. Lee Smith Publishers LLC, publisher of *Georgia Employment Law Letter* and *Federal Employment Law Insider*.

AGENDA

I. Why the ADA presents innumerable opportunities for claims by employees

Other discrimination statutes require that managers merely remain "pure at heart." But that's not enough under the ADA. The law not only imposes prohibitions on acts that are improperly motivated but also requires affirmative acts reflecting a proper perspective. Unconscious missteps can translate into lawsuits. You'll gain insight into what Congress had in mind when it imposed these obligations ... and the ramifications for being unaware:

- What makes the ADA different from other discrimination statutes
- Enforcement trends at the EEOC, including eye-popping figures on violation rates
- When following another federal agency's federal regulations may present a risk
- How to think like an employee – and an employee's lawyer
- What a misstep may cost: statutory damages available for intentional and unintentional acts

II. Getting ahead of a claim by making those difficult coverage calls

"A day late and a dollar short." This often describes the position of the HR professional brought in to resolve an ongoing disability discrimination dispute. But most big disputes were once little manageable disputes. Learn how to get ahead of potential lawsuits from the outset by identifying your legal obligations early:

- Getting first-line supervisors to recognize potential ADA issues
- Distinguishing between "routine" illnesses and those that may implicate your obligations under the ADA
- Managing medical restrictions and disability leaves that have become the fodder in recent court challenges

III. Satisfying your obligation to reasonably accommodate an employee

Reasonable accommodations require a high degree of managerial involvement at a time when manager time is already at a premium. Many employers try all kinds of things to get the job done and still meet this obligation. Some of them work. Some of them backfire. You'll learn how to make every minute count and get a feel for when you have done enough:

- Understanding the boundaries of the legal obligation to provide reasonable accommodations
- Using your resources wisely
- Bottom-line analysis: Ascertaining the financial commitment contemplated under the law
- How to gauge when you have done enough

IV. How "active" is the "interactive process"?

The courts expect that we will talk to our employees before the courts do. They call it "engaging in the interactive process." But how do we know what the process is supposed to look like, who is supposed to participate, and how long it should take? Walk through the practicalities of this issue with an eye toward meeting the courts' expectations:

- When the process should begin
- Whom you should involve in the discussions
- Key points to discuss and consider
- When to hire an outside expert

V. Practical problems at the boundaries of the law

It's one thing to walk through the straightforward scenario in which the answers are contemplated by the regulations themselves. But what is one to do in those scenarios in which the answers are far less clear? That is precisely when your understanding of the ADA is most crucial. In this segment we'll apply some straightforward concepts to facts that are anything but clear:

- Requiring covered employees to still meet performance or attendance expectations
- How to address situations in which a mental impairment may stop the employee from being "reasonable"
- Dealing with the employee with "convenient" migraine headaches or other chronic illnesses
- Do you need to accommodate "perceived" disabilities?

VI. Navigating through the ADA, FMLA, and workers' comp maze

What can you expect when you have one disabled employee and three different laws that tell you how to treat that employee? Confusion. Or maybe not. In this session, we'll navigate the differing requirements and develop a unified approach:

- Juggling the conflicting requirements
- How the ADA may require additional unpaid leave beyond the 12 weeks of FMLA leave
- Differences between "disability" under the ADA and FMLA's "serious health condition"
- Walking through the practical differences:
 - Light duty
 - Right to direct medical exams
 - Substance and alcohol abuse
 - Confidentiality
 - Return-to-work

VII. Oops and double oops!

So your supervisors didn't recognize the ADA issue in time to bring you in at the outset, and now they may have gone down the wrong path. Is all hope lost? Probably not, but it will take a defter hand – and a bit of "managing" the supervisor. Develop strategies to make sure that you aren't the one who has to be taught the lesson by a jury:

- What do you do if your company has messed up? How far should you go to keep the matter away from a jury?
- Retaliation claims under the ADA: Why is this area growing?
- Retaliation for requesting an accommodation
- Properly responding to EEOC charges

VIII. Georgia enforcement

Let's not forget our state law obligations, particularly if they're different from the ADA. In this session, we'll explore the state laws and the regulators who enforce them – and you'll be surprised to learn that it might make a difference.

- State court: The newest strategy of employees' attorneys
- Differences between the ADA and Georgia's legal standards
- How the differences can have a real effect on the way a lawsuit is handled and potential financial exposure

IX. Final takeaways

And to round out the day, we'll look at some steps you can take today to lower your risks. We'll look at tried and true practices and tools endorsed by the courts that will help you manage a concern when it develops later:

- Policies: What you need to review, revise, revisit
- Preventing ADA class actions
- What records to keep – and for how long
- Importance of job descriptions and performance evaluations
- ADA's future: In which direction is the law headed?



"This act does something important for American business. You've called for new sources of workers. Well, many of our fellow citizens with disabilities are unemployed. They want to work, and they can work, and this is a tremendous pool of people. And remember, this is a tremendous pool of people who will bring to jobs diversity, loyalty, proven low turnover rate, and only one request: the chance to prove themselves."

*-President George H.W. Bush,
upon signing the ADA into law, July 1990*

Dear Georgia Employer:

The President, uttering those stirring words 17 years ago, could never have predicted the new challenges this law now presents to employers. Yet while big damage awards and settlements grab headlines, the fact is there are hundreds of ADA conflicts "flying under the radar" that become known to HR managers only when it's too late.

The Americans with Disabilities Act has been with us long enough that, as an employer, it's easy to become complacent. And that's just when disaster, in the form of a lawsuit or an EEOC investigation, can strike.

To build your compliance confidence and understand the new disabilities gaining protection under the law all the time, I urge you to invest just one day in the **Georgia Employers' ADA Master Class**. When you do, you'll

- Gain new ADA, FMLA, and workers' comp insights and strategies from Georgia employment law authorities who counsel some of the state's most successful public- and private-sector organizations.
- Stay atop the "growth industry" that is employee discrimination claims based on mental disability, depression, and migraine headaches.
- Learn new tactics for making reasonable accommodations that don't break the bank or disrupt your workflow.

If you aren't delighted with this program – if you don't learn several new ways of managing your ADA obligations – if you don't acquire valuable intelligence that you can take right to top management and use to drive critical improvements in your policies and procedures, I'll refund your registration fee.

Take a moment to review our comprehensive agenda. Then, complete and return the registration form on the next page. I look forward to seeing you there.

Dan Oswald
President & Publisher
Georgia Employment Law Letter and
Federal Employment Law Insider



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