

**Intermediate Americans with Disabilities Act Course**  
**School of Government, Chapel Hill**  
**February 25-26, 2020**  
**Tentative Agenda**

**Tuesday, February 25, 2020: 1 p.m. – 5 p.m.**

**1:00 – 2:15      The Meaning of Disability: An Update**

This segment will consider a host of complex questions, including: What does “disability” mean almost 11 years after the passage of the ADAAA? What do the EEOC and the courts consider “major life activities”? When do temporary impairments qualify as disabilities that must be accommodated? What does it mean to regard someone as a person with a disability?

**2:15 – 2:30      Break**

**2:30 – 3:30      Determining Whether an Employee is “Qualified”**

The ADA prohibits discrimination against “qualified individuals” on the basis of disability. What does “qualified” mean in this context? What job duties are essentials and what role do job descriptions play in determining whether an employee is qualified to perform essential job functions? Are regular attendance, the ability to work overtime, get along with co-workers and handle stress essential job functions?

**3:30 – 3:45      Break**

**3:45 – 5:00      Medical Information: What You Can Request and When**

Including the differences between the pre-employment (including when an applicant has a visible disability) and post-employment medical inquiries and tests fit-for-duty tests after an ADA leave and the confidentiality requirements imposed by the ADA.

**5:00              Adjourn**

**Wednesday, February 26, 2020: 9 a.m. – 1 p.m.**

**9:00 – 10:30      Reasonable Accommodation**

Including when an employer's duty to engage in the interactive process is triggered both at the application stage and during employment, how the EEOC and the courts evaluate what is reasonable, and the role of extended leave, schedule and shift changes, working from home and reassignment as reasonable accommodations.

**10:30 – 10:45      Break**

**10:45 – 11:15      Special Problems in Reasonable Accommodation: Physical Disabilities**

Including light duty, the use of service animals, perfume-free workplaces and more.

**11:15 – 11:45      Special Problems in Reasonable Accommodations: Mental Disabilities**

Including demands for change of supervisors, the use of emotional support animals, and dealing with employees with behavioral issues caused by a disability.

**11:45 – 12:00      Employees Who Pose a Direct Threat to Themselves or to Others**

Including the definition of "direct threat," how an employee can determine whether an employee poses a direct threat and whether a direct threat must be accommodated.

**12:00 – 12:30      Accommodations for Job Applicants**

Discussion of employers' obligations with respect to recruiting and job applications, and to making accommodations for pre-employment testing and other assessments.

**12:30 – 1:00      Can an Employer Enforce Workplace Conduct Policies Against an Employee with a Disability?**

How to enforce drug- and alcohol-free workplace policies, as well as employer rules on safety, workplace violence, attendance, and tardiness.

**1:00 pm              Adjourn**