

Intermediate Americans with Disabilities Act Course
Online through Zoom
February 23-25, 2021
Tentative Agenda

Tuesday, February 23, 2021: 9 a.m. – 12:30 p.m.

9:00 – 10:30 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?

10:30 – 10:45 Break

10:45 – 12:00 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 essential 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?

12:00 – 12:30 Review of “Muddiest Points”

Wednesday, February 24, 2021: 9 a.m. – 12:30 p.m.

9:00 – 10:00 Medical Information: What You Can Request and When

What are the differences between what medical information employers may ask for pre-employment and during employment? What should an employer do when a job applicant has a visible disability? May an employer require fit-for-duty tests after an ADA leave? May employers require employees to disclose prescription and OTC drugs that they are taking? What medical information may be disclosed to a supervisor?

10:00 – 10:30 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.

10:30 – 10:45 Break

10:45 – 12:30 Reasonable Accommodation

This segment will consider 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.

12:30 Adjourn

Thursday, February 25, 2021, 9 a.m. – 12:30 p.m.

Special Problems in Reasonable Accommodation

9:00 – 10:00 Physical Disabilities

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

10:00 – 10:45 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.

10:45 – 11:00 Break

11:00 – 11:30 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.

11:30 – 12:00 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.

12:00 – 12:30 Final Question and Answer Period

1:00 pm Adjourn