

**Advanced Americans with Disabilities Act Course  
October 8 – 9, 2024  
School of Government**

**Tuesday, October 8: 12:00 pm – 5 pm**

**12:00 – 1:00      The Meaning of Disability: An Update**

This segment will consider a host of complex questions, including: What does “disability” mean almost 15 years after the passage of the ADA? What do the EEOC and the courts consider “major life activities”? When do temporary impairments qualify as disabilities that must be accommodated?

**1:00 – 1:30      History of and Regarded As**

If a person no longer suffers from a physical or mental impairment, why are they still covered by the ADA? Why is current drug addiction not protected when rehabilitation from a history of drug addiction is protected by the Act? What does it mean to regard someone as a person with a disability?

**1:30 – 1:45      Break**

**1:45 – 3:00      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?

**3:00 – 3:15      Break**

**3:15 – 4:30      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.

**4:30 – 5:00      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.

**5:00              Adjourn for day**

**Wednesday, October 9: 9:00 a.m. – 1 p.m.**

**9:00 – 10:00**            **Special Problems in Reasonable Accommodation: Physical Disabilities**  
Including light duty, the use of service animals, and perfume-free workplaces.

**10:00 – 10:45**            **Special Problems in Reasonable Accommodation: 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 – 11:15**    **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.

**11:15 – 12:00**    **Medical Information: What You Can Request and When**  
Including the differences between pre-employment (including when an applicant has a visible disability) and post-employment medical inquiries and tests and fit-for-duty tests after an ADA leave, as well as the confidentiality requirements imposed by the ADA.

**12:00 – 12:30**            **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.

**12:30 – 1:00**            **Open Q & A**

**1:00 pm**                **Course Adjourns**