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Program:
(All Times Eastern Daylight)

12:30 p.m. Faculty will analyze the final EEOC regulations that implement the requirements of the ADA Amendments Act from the perspective of both employers and employees and take questions during the program.

2:30 p.m. Program Ends.

Scope and Purpose:
Now that the EEOC has issued its final regulations and interpretive guidance to conform to the ADA Amendments Act’s expanded mandates, you need to understand key aspects of the regulations and the revisions from those first proposed in 2009. Disability cases rose 37% from 2009 to 2010 so understanding the ADAAA and the Final Regulations is critical for employer and employee counsel and HR officials.

The final regulations are the result of significant bipartisan efforts with support from both disability rights advocates and the business community. Of interest to all employers with 15 or more employees who may need to revise internal policies and procedures or employees who may seek the protections of the ADA are:

- Critical changes to the interpretation of the definition of “disability”
- Critical changes to definitions of “major life activities” including operation of “major bodily functions”
- Critical changes to the “regarded as” prong used to determine a covered individual under the ADA.
- Whether even short term impairments may now be covered disabilities

This seminar will benefit those who represent and counsel employers, employees, and unions, as well as human resource professionals who need to stay current with latest developments in ADA regulation. Join Planner and Faculty member Frank C. Morris, Jr., Epstein, Becker & Green PC, Washington, D.C, and faculty members Peggy R. Mastroianni, Associate Legal Counsel, U.S. Equal Employment Opportunity Commission, Washington, D.C.; and Brian East, Disability Rights Texas, Austin; for a discussion of the final EEOC regulations for enforcement of the ADA Amendments Act and analysis on how the regulations critically affect both employers’ and employees’ rights and obligations.
Suggested Prerequisite: Two to four years’ experience in subject matter

Educational Objectives: Acquisition of knowledge and skills to develop proficiency as a practitioner; maintenance of professional competence as a practitioner; provision of information on recent legal developments

Level of Instruction: Intermediate

Total 60-minute hours of instruction: 2.0. Total 50-minute hours: 1.8.

Nothing in this program, the program materials, or communications stemming from the program (including questions and answers) should be considered as the rendering of legal advice. Non-lawyers should seek the advice of a licensed attorney in all legal matters. Registrants/readers should assure themselves that these presentations/materials/communications are still current and applicable at the time they are delivered or read. Neither ALI-ABA nor the speakers/authors can warrant that these presentations/materials/communications will continue to be accurate, nor do they warrant them to be completely free of errors when delivered/published. Registrants/readers should verify statements before relying on them. These presentations/materials/communications reflect the viewpoints of their speakers/authors and do not necessarily express the opinions of ALI-ABA Continuing Professional Education or its sponsors. The members of this program's faculty are contributing their services to further the continuing legal education of their fellow members of the Bar.
ALI-ABA Topical Courses
Final Bipartisan Regulations for the
ADA Amendments Act

Telephone Seminar/Audio Webcast
April 29, 2011

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Frank C. Morris, Jr., is a Member of the Epstein Becker & Green, P.C., firm in the Litigation and Employee Benefits practices, heads the Labor and Employment practice in the Washington, D.C., office, and chairs the Firm's Disability Law Group.

After law school, Mr. Morris joined the National Labor Relations Board in Washington, D.C., in the appellate branch of the Division of Enforcement Litigation, and handled cases in all of the United States Courts of Appeals, as well as NLRB Supreme Court matters. He later entered private practice in Washington, representing private and public employers in EEO, disability, labor and general litigation matters. He also served as counsel for an employer's group, the Equal Employment Advisory Council.

Mr. Morris writes, speaks and teaches regularly on various employment and litigation topics. He is regularly asked to share his trial experience in various ALI-ABA programs and in the annual Georgetown University Employment Law and Litigation Update. Mr. Morris recently joined ten Federal judges on the faculty for a Georgetown-sponsored program "Litigating Employment Cases: Views from the Bench." He also co-chaired the ALI-ABA Video Law Review "How to Present and Challenge Experts: Persuading the Jury."

Mr. Morris authored the book Current Trends in the Use (and Misuse) of Statistics in Employment Discrimination Litigation, as well as articles on disability, equal employment, Sarbanes-Oxley, benefits and labor topics for journals, including Employee Relations Law Journal, The National Law Journal and The Practical Litigator. He co-chaired the Federal Judicial Center and the American Law Institute-American Bar Association Video Law Review Program on the ADA, which included over 150 federal judges among the participants. He also co-chairs the annual ALI-ABA course "Current Developments in Employment Law," 1994-present, where among other topics, he presents the Electric Platform, ADA and FMLA updates and analysis. He co-chairs ALI-ABA's new and acclaimed monthly teleseminar/webinar series on current employment law and litigation topics. He currently serves as a member of ALI-ABA's Employment and Labor Law Advisory Board. He is a member of the Editorial Advisory Boards of National Disability Law Reporter (LRP Publications) and the Corporate Counsel's Guide to the Americans with Disabilities Act (Business Laws, Inc.). He has addressed the trial and appellate judges of the Judicial Conferences for the Third, Fourth, Fifth, Sixth, Seventh and Eleventh Circuits on disability law and developments under the ADA and employment law.

Mr. Morris is an adjunct professor of law at George Washington University Law School, where he teaches Discrimination Law and has taught Employment Claims and Litigation. He also served as a faculty member of the Cornell University of New York State School of Industrial and Labor Relations EEO Studies Program, as well as a frequent lecturer on equal employment, disabilities and public accommodation law, benefits, Sarbanes-Oxley and whistleblower issues, affirmative action, family and medical leave, labor relations, ADR and litigation topics for various associations, business, educational and other groups.
Mr. Morris was named a Washington, D.C., "Super Lawyer" by Super Lawyers magazine in 2007, 2009 and 2010. He received a J.D. from the University of Virginia School of Law, and the Earle M. Shawe Award for distinguished work in labor law.

FACULTY:

Brian East is a Senior Attorney for Disability Rights Texas in Austin. He provided input to the disability-side negotiators regarding the ADA Amendments Act of 2008. He graduated from the University of Texas School of Law in 1977, and worked at Legal Aid for two years and in private practice for 14, before joining Disability Rights Texas (formerly called Advocacy, Inc.) in 1996. Disability Rights Texas is the designated “protection & advocacy system” for the state of Texas.

Brian has handled a number of disability discrimination and disability rights cases in state and federal court, and has written and lectured extensively on these issues. Brian is currently a Board Member of both the Texas Employment Lawyers Association and the National Employment Lawyers Association. He also serves on the Legal Advocacy Subcommittee of the American Diabetes Association, and in the past has been on the Legal Committee of the National Disability Rights Network. He is the co-author and editor of the chapter on “Workers with Disabilities” in the Employee & Union Member Guide to Labor Law (Thompson/West). Brian received the 2003 Excellence in Public Interest award from the Texas Law Fellowships, and he was named as a SuperLawyer by Texas Monthly magazine.

Peggy R. Mastroianni currently serves as the Associate Legal Counsel in the U.S. Equal Employment Opportunity Commission’s Office of Legal Counsel (OLC). She is responsible for developing Commission guidance under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Equal Pay Act, and the Americans with Disabilities Act (ADA), and for providing legal advice for the Commission on a wide range of substantive issues and administrative matters.


Prior to her work in OLC, Mastroianni served as a trial attorney and appellate attorney in the EEOC’s Office of General Counsel. In 2009, Mastroianni received the American Bar Association Section on Labor and Employment Law’s “Federal Labor and Employment Attorney of the Year Award.” In 2008, she was selected for the “Mary C. Lawton Outstanding Government Service Award” by the ABA’s Section of Administrative Law and Regulatory Practice.