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Using Medical Certifications to Minimize Employer Liability: FMLA, ADA and Workers' Comp

March 5, 2009

Time: 1:00 pm ET (12:00 pm CT, 11:00 am MT, 10:00 am PT)

Length: 1 hour 30 minutes

Live Teleconference: \$199.00 Live Teleconference + CD: \$248

Benefits

Since the Americans with Disabilities Act was passed in 1990, proactive and proper use of medical certifications has proven to be a valuable tool to protect employers from liability under the ADA, the Family and Medical Leave Act of 1994, and state workers' compensation statutes. But the legal landscape for managing employee health issues has had many changes in recent months. Amendments to the ADA took effect January 1, 2009. The Genetic Information Nondiscrimination Act also takes effect in 2009. Employers are subject to new regulations under HIPAA for their wellness programs, and new FMLA regulations are pending. Despite this rapid change, the principles you should use to successfully manage these issues remain largely unchanged, and proper certifications remain a central part of that strategy. This teleconference will review the recent changes, with special attention to how they affect the process of managing employee health issues to minimize litigation and, where it cannot be avoided, to put your company in the best position to win. You'll gain an understanding of these changes and learn how to prepare medical certifications that comply with applicable law.

Agenda

- I. Background: Rapidly Changing Landscape**
 - A. ADA Amendments
 - B. FMLA Regulations
 - C. GINA (Genetic Discrimination)
 - D. Wellness Regulations Under HIPAA
 - E. Retaliation Explosion
- II. Reviewing Medical Documents**
- III. Case Law Review: Medical Certifications Win Cases**
- IV. Continued Viability of Certifications and New Considerations**
- V. Review Best Practices**

Faculty

William A. Nolan, Tara A. Aschenbrand, Squire, Sanders & Dempsey L.L.P.

William A. Nolan

- Member of Squire, Sanders & Dempsey L.L.P.'s Labor and Employment Practice Group
- Helps clients structure organizations, practices and relationships to proactively minimize the business disruption of disputes
- Counsels clients on workplace harassment, wage and hour, and lawful discipline and terminations
- Author of Ohio chapters of four BNA state-by-state treatises – Trade Secrets, Covenants Not to Compete, Employee Duty of Loyalty and Tortious Interference With Contracts
- Speaks and writes extensively
- Regularly listed in The Best Lawyers in America, Chambers USA: America's Leading Lawyers for Business and Ohio Super Lawyers
- Contact him at wnolan@ssd.com or 614-365-2784

Tara A. Aschenbrand

- Attorney with Squire, Sanders & Dempsey L.L.P.
- Has represented employers in state and federal courts, and before the EEOC, Ohio Civil Rights Commission and State Employment Relations Board
- Counsels employers on compliance with federal and state employment laws and employee leave
- Performs comprehensive review of employment handbooks and policies
- Provides training programs for employers
- Has lectured on topics including sexual harassment, discrimination, retaliation, FMLA, smoking laws and state wage laws
- Contact her at taschenbrand@ssd.com or 614-365-2713

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