



REMEMBERING LEN PURSELL

The automatic door industry suffered a huge loss in January when AAADM president Len Pursell passed away unexpectedly after a brief illness. In his 41-year career, Len served the industry in a variety of roles that ran the gamut, including installer, trainer, engineer, product development, code compliance, and more. He even helped write some of the ANSI standards related to automatic doors. He was serving as codes and compliance manager for Stanley Black and Decker’s access technologies team at the time of his passing.

Len was a true titan of the industry, but beyond his bona fides, he was a genuinely nice guy with a huge personality who made friends and brought people together everywhere he went. We will miss him. Our thoughts are with his wife, Jeannette, and his family.

People from throughout the automatic door industry shared their thoughts on Len, the person he was, and the indelible mark he left on our industry.



“It is a great testament to Len that he made so many friends within the automatic door industry and is so highly respected. His dedication and wisdom lives on. I was privileged to work with Len for many years, and was so glad to continue to collaborate at our AAADM meetings. Len had that ability to unify people. The outpouring of emotion that has come from his passing is evident of how much he meant to so many of us. The entire industry mourns. He will be missed.

Karen Maslow, ASSA ABLOY

“I met Len at my first industry event, a BHMA meeting a few years back. I ended up sitting at a table with Len and his wife as well as John Cringole and his wife. I felt like I was sitting with the legends in the group. Len was a great guy and put me at ease for my first event in the industry. Losing him so suddenly deeply saddens me.

Krista Rivers, Door Services Corporation

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REMEMBERING LEN PURSELL

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It was my honor and pleasure and to be able to refer to Len as my colleague, friend, and mentor.
Pete Woodfine, NABCO Canada

Rest in peace my automatic door brother. You will be missed at all of our industry meetings! The door industry and code and standards body are in a better place because of your efforts. Over the years, we've shared a lot of collaborative efforts of discussions, laughing, wordsmithing, arguing, trainings, eating, and drinking all in the name of power automated doors.
Jeff Dunham, BEA Americas

Captain, I will forever cherish our friendship. The memories are as grand and gracious as the man you are. Godspeed my friend. Until we meet again at The Last Ditch Attempt Saloon.
John Walter

Thanks for those good years.
Cary Abate, FACT Automated Entrances (retired)

Gone far too soon. Our BESAM Engineering group was a close family. Working with Len was both a joy and a challenge. His product knowledge, his ability to communicate with distributors, technicians, and customers was unsurpassed. All of us "door folks" will greatly miss him.
Ric Aiken, BESAM, Overhead Door, Miller Edge

Over 40 years associated one way or the other in the door business, I considered Len a friend. We door guys and gals stick together and mourn his loss.
Chuck Wooldridge, Santa Fe Specialties, Ltd. (retired)

Len's leadership in the automatic door industry will be greatly missed. The knowledge he passed on through training will leave a legacy long remembered.
The NABCO Entrances Team

We are heartbroken at the loss of our friend and brother Len. So many memories made, so many miles traveled together. It leaves a void in our lives that can never truly be filled. We are so grateful to have been blessed with your friendship and kind spirit for so many years, and will miss you dearly, as we cherish the memory of the wonderful times we spent together. Fair winds and following seas, my Captain, until we meet again where heartache and sadness cannot follow.
Darrell Vandeleur, ASSA ABLOY



Rest in peace, my friend. You made a positive difference in our industry and you will be remembered for it. I will miss hanging out with you at AAADM and BHMA.
John Cringole, Horton Automatics (retired)

On behalf of the entire Stanley Access Technologies team, please accept our deepest sympathies. Lenny is missed, but never forgotten.
*Stanley Access Technologies
Leadership and Engineering Team*

I am so sorry to hear about Len's passing. Having known him from AAADM meetings, he was always a gentleman and hard-working professional. My sincere condolences to his family.
Michael Buckley, NABCO Entrances

Len was a wonderful person and an endless wealth of knowledge about the automatic door industry. The world is a safer place from his contributions in AAADM and BHMA.
The Horton Team

I am so sad. Rest in peace my old friend. I will miss our discussions and points of view. AAADM will miss you. This industry will miss you. You can rest knowing you have made a difference.
Steve Christifulli, ASSA ABLOY



PRESIDENT'S MESSAGE

Dear Members,

This is my first letter to you since assuming the role of president in January. Obviously, I wish it had happened under different circumstances. The sudden passing of Len Pursell after a brief illness shocked all of us within AAADM as well as everyone in our industry. He was a true giant who touched all of us with his insight, dogged determination, and humor. I miss him. We all miss him. My goal is to continue his legacy as we move forward.

I've been in the automatic door industry since 1985 (and actually worked alongside Len when we were both employed by Besam). I'm currently the Director of Code Compliance and Safety for ASSA ABLOY Entrance Systems based in Monroe, N.C. Training and continuing education mean a lot to me, and I hope to make them a focus of my term as president.

I've always believed that a well-trained workforce of installers and service technicians is critical to maintaining the high-quality performance of our industry's products. ANSI standards can be open to interpretation and it's our job at AAADM to provide the professionals in our industry with the tools they need to interpret and apply those standards consistently.

To that end, I'd like to encourage you to send in your ANSI-related questions so we can get you the answers you need. Send your questions to AAADM@AAADM.com. I can't promise we'll respond to all questions, but we'll do what we can. If we see trends emerging, such as certain questions being asked repeatedly, we'll devote some space to settling these inquiries.

Finally, as you may already know, for this year's certification renewal, inspectors will have to pass a short exam to recertify. I'm a strong proponent of this. I believe it will enhance our consistency of performance in the field. AAADM will continue looking for ways to strengthen our training programs and add compelling ongoing education courses.

Thank you for supporting AAADM. Our industry helps to make the world a better place and we couldn't do it without you.

Dave Timmerman,
AAADM President

"Len was a true giant who touched all of us with his insight, dogged determination, and humor."

AAADM AT 30

AAADM reaches a significant milestone this year: the 30th anniversary of its forming. It's an ideal time to look back. First up, Don Moerbe, retired vice president of marketing for Horton Automatics, shares his memories about how the early days of the automatic door industry led to the forming of AAADM.

Remember this: safety is at the core of AAADM's creation.

When our industry was growing but still small, executives from the existing manufacturers realized they needed to come together to make rules about what constitutes a safe automatic door. It was a natural step in the evolution of the industry. We had enough product out there in the public space that safety uniformity had become paramount.

We started by joining with Builders Hardware Manufacturing Association (BHMA) in the 1970s. By the early 90s, our industry standard was well-established. Discussions began about how to improve adherence to it. The feeling was, "We've got a standard out there, but we don't think our doors are always being properly installed, adjusted, and maintained." Executives realized the time was right for the industry to have its own association and AAADM was born.

Building on the established ANSI safety standard was the goal. The first real work of the new association was to form a certification committee, of which I was the chairman. We were tasked with writing a comprehensive training manual.

Once we had the training manual, now we needed to organize a way to train the trainers – how to instruct the people who were going to carry our work into the field and educate the men and women who install and maintain our industry's products. We broke it down roughly by company, so each member company had a trainer that was responsible for a particular aspect of automatic door safety. We said, "Give us your organization's best person, the one responsible for your own company's safety policies." Together, they developed a curriculum to train the trainers.

Here, at the 30th anniversary, I think it's important to remember that, while we at AAADM all came from different companies and were fierce competitors, when it came to safety, we joined together. That's the real reason for AAADM's existence and that's the association's legacy all these years later. It will continue to be in the future.

- Don Moerbe



To mark our 30th anniversary, we sent out surveys to members asking for their own memories of our association's history. Here are some of the responses we received, edited for clarity.

"AAADM is growing stronger each year. The mission remains the same as when it started: to advance the interests of the automatic door systems industry; to increase education, training, and professionalism among installers and service providers; and to promote the safe use of automatic doors."

"AAADM literally saved the industry. In the early days of our industry, our lack of consistent safety standards was causing problems and creating bad PR. Some swing and slide doors were installed without safety systems, just motion sensors. Tabloid TV news organizations like Inside Edition were running reports of 'killer automatic doors.' By spearheading the creation of safety and performance standards, AAADM brought unification to what had been a dysfunctional industry."

"My favorite memory is becoming a Certified Trainer for AAADM. It gives me great pleasure to help fellow technicians learn our industry standards and help promote the safe use and operation of automatic door systems. It's always nice to hear 'thank you for teaching me something today.'"

"AAADM taught our industry to be more aware of safety. By extension, this gave us a better understanding of the advantages of planned maintenance. The result is a safer product that better serves the public."

"I will always remember Frank Snyder of ASSA ABLOY. The industry lost a titan with his passing in April 2022. He was the most capable colleague and door professional I've ever known. He could make anything work."

"Our industry owes a debt of gratitude to Joseph V. Loria, former president of Besam, Henning Kornbrenke, former president of Stanley, and other presidents in the industry for their foresight to form AAADM. John Gatlett is the godfather of the industry and inventor of the electro-mechanical swing door operators for Roto-Swing, Horton, Stanley, and Besam. Bruce Campbell, VP of engineering for Besam, for his work on litigation mitigation and very early support for AAADM."



MEETING RECAP

May 24-25, AAADM members gathered in Nashville, Tennessee, for its annual meeting and to celebrate AAADM's 30th anniversary.

New AAADM president Dave Timmerman kicked off the meeting by welcoming the members and paying a special tribute to former AAADM president Len Pursell, who passed away in January 2023. Other members joined in by sharing some of their favorite memories and stories of Len.

The two-day meeting included updates from the Certification, Government Affairs, Technical Code, and

Marketing Committees as well as a Board of Directors meeting. To conclude the program, members boarded the General Jackson Showboat for an evening dinner cruise. The Rollin' on the River show included toe-tapping entertainment celebrating the music from some of America's iconic river towns.

A special thank you to all the members in attendance as well as those who have been part of the AAADM journey over the last 30 years. We look forward to seeing everyone again in 2024!

AAADM COMMITTEE UPDATES

AAADM has formed committees to oversee and develop various projects. Following is a summary of some recent committee activity:



Marketing Committee

CHAIR: KAREN MASLOW

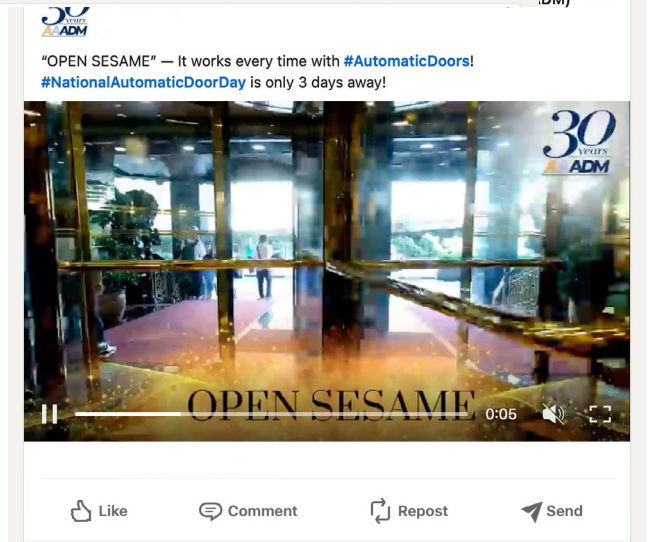
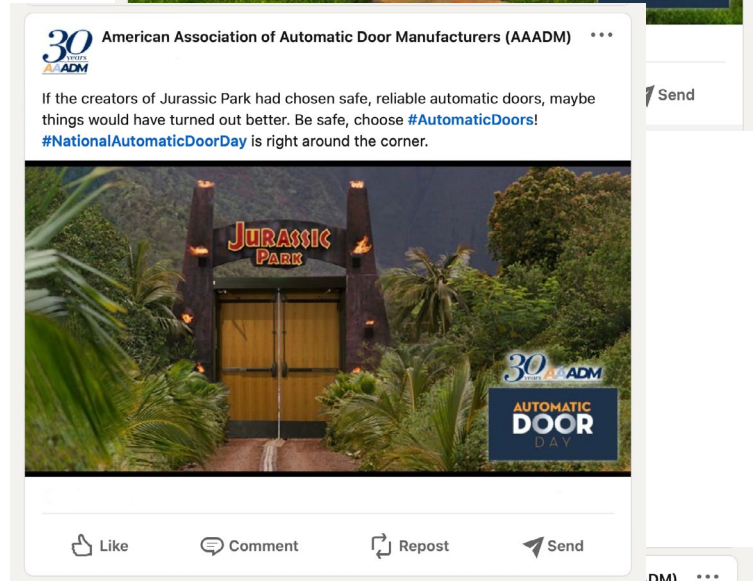
The role of the Marketing Committee is to create and share content about AAADM and the whole of the industry via press releases, social media, blogs, and other platforms. The first quarter of 2023 began with the highlight of announcing our 30th anniversary celebration ... but turned sorrowful by the end of January when we announced the passing of AAADM president and four-decade automatic door industry veteran Len Pursell.

We segued into our ramp-up for the March 19 observation of National Automatic Door Day, with social posts counting down the days.

Obviously, Q1 was a time of mixed emotions and we plugged through with heavy hearts.

As our marketing work continues, we're galvanizing the relationship between our committee and Government Affairs, doing our part to help spread the word about the important work happening at the federal, state, and local levels to improve physical access. We will also be working with newly elected AAADM president Dave Timmerman to support on initiatives where required.

Everything we do in the marketing realm is meant to increase engagement and raise awareness. I encourage all members to do their part by reading our social posts and blogs and, perhaps even more importantly, SHARING our content to your own constituents. Marketing works best when we all work together to get the word out. So far in 2023, our work combined has generated more than 93,000 unique impressions. Imagine the exponential growth if we all committed to sharing content.



LEGAL NEWS

By Nathan J. Breen, Esq., AAADM Legal Counsel

DOJ CONTINUES LABOR PROSECUTIONS

On March 16, a federal grand jury returned an indictment charging a health care staffing executive with conspiring to fix nurses' wages in violation of the Sherman Act. This indictment is the most recent in a series of criminal antitrust cases brought by the Department of Justice's Antitrust Division against health care companies for wage-fixing and no-poach agreements. Though many of these cases have ended in acquittals, the DOJ does not appear to be letting up in their push to prosecute employers that use labor agreements that have the purpose or effect of restricting competition. The DOJ and Federal Trade Commission have previously published guidance which specifically states that naked wage-fixing and no-poach agreements are per se illegal and can lead to criminal charges, unlike agreements tied to a legitimate collaboration or joint venture between employers, which are generally accepted provided the terms are reasonable. That guidance defines wage-fixing agreements as promises between companies regarding employee salaries or other terms of compensation, and no-poach agreements as promises between companies to refuse to solicit or hire the other company's employees. In October of 2022, a health care staffing company pled guilty to charges it suppressed and eliminated competition by agreeing to allocate nurses and fix the wages of employees. The company agreed to pay a criminal fine of \$62,000 and restitution of \$72,000 to the affected employees. A trial involving no-poach agreements in the aerospace industry is currently underway.

It is common for employers to forget that there is a market for labor just as there is a market for goods. Agreements between employers regarding wages or other terms of employment have the purpose or effect of restricting competition and therefore constitute antitrust violations. The DOJ's ongoing enforcement efforts underscore the need for vigilance in this area. Employers are well advised to consider whether they are engaged in any conduct that may be problematic in this regard and extricate themselves from any agreements that could be the subject of criminal charges.

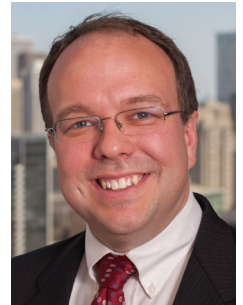
EEOC LAWSUITS HIGHLIGHT PROBLEMATIC LANGUAGE REGARDING AGE

A pair of recent EEOC lawsuits emphasize the need for employers to use particular care in conversations with older workers. On March 31, the EEOC announced that it had filed a pair of age discrimination lawsuits arising in part out of the language used by employers when interacting with older workers. In a suit against Exact Sciences Laboratories, LLC, the manufacturer of the Cologuard cancer screening test, an applicant that interviewed for a professional medical sales representative role was allegedly told that he was not selected, despite being qualified, because the company was seeking "more junior" job applicants. The company hired a younger candidate instead. The EEOC noted that the company claimed that the applicant was not hired based on his salary requirements; however, it paid its new (younger) hire more than the amount that supposedly disqualified the older applicant. The EEOC noted that terms like "more junior," "too senior," or "overqualified" have been found to be euphemisms for age discrimination.

In a second lawsuit, the EEOC asserted that a manager for Louisiana manufacturing and distribution company J&M Industries asked an employee repeatedly about retirement as she approached her 65th birthday, including directly asking her, "When are you going to retire," "Why don't you retire at 65," and "What is the reason you are not retiring?" When the employee said she had no plans to retire, the company eliminated her position, citing economic uncertainty. Less than a month later, however, it hired a younger worker for the same position.

In discussing this case, the EEOC stated, "An employer cannot fire someone because of age and cannot pressure an employee to retire simply because she turns 65. Harmful and misplaced stereotypes about age do not belong in the workplace, and employers that discriminate against older workers violate the law."

In the employment context, it is vitally important that employers steer clear of words or phrases that may tend to demonstrate discriminatory intent, as such verbiage may be cited by disgruntled employees and applicants as a basis for a discrimination suit. Since such suits focus on an employer's intent, the specific language used to convey that intent serves as powerful evidence regarding the employer's motive. Employers should keep this in mind when conducting interviews or interacting with current employees. Missteps in this area can be costly.



“Agreements between employers regarding wages or other terms of employment have the purpose or effect of restricting competition and therefore constitute antitrust violations.”

LEGAL NEWS

continued

DOL CLARIFIES FMLA LEAVE REQUIREMENTS FOR OVERTIME WORKERS

On February 9 the Department of Labor released an opinion letter clarifying covered leave for overtime-eligible employees under the Family and Medical Leave Act and the Americans with Disabilities Act pertaining to FMLA-eligible employees who work more than 40 hours in a given workweek. The DOL explained that such employees who qualify for reduced schedule leave under the FMLA may take such leave on an hour-by-hour basis. Although the same employees subject to overtime requirements may also request reduced schedule leave as a reasonable accommodation under the ADA, employers must analyze such requests under both the FMLA and ADA.

The FMLA provides eligible employees up to 12 weeks of unpaid leave in a 12-month period for qualifying individual and family-related medical conditions that render employees temporarily unable to perform their job. The FMLA also guarantees job protection and continued health insurance coverage for employees during such leave period. Leave periods under the FMLA are calculated based on an employee's typical and regularly scheduled workweek. For example, an FMLA-eligible employee who typically works 40 hours per week is guaranteed 480 hours of unpaid leave during a 12-month period. However, an employee who typically works 50 hours per week is eligible for 600 hours of FMLA leave during the same 12-month period. Voluntary overtime hours do not increase the amount of FMLA leave hours available.

Even though the FMLA calculates leave based on an employee's workweek, DOL regulations permit employees to take leave in shorter increments if employers use shorter increments for other types of leave. For example, if an employer calculates sick leave in increments of 30 minutes, FMLA leave must also be available in increments no greater than 30 minutes. Additionally, nothing prevents employers from counting FMLA leave in shorter increments than other types of leave. Employees may also be eligible for FMLA-covered leave for an indefinite period of time as long as the employee continues to have a qualifying reason for such leave.

Employees eligible for FMLA leave may be required to work in excess of 8 hours per day as a requirement of their job (e.g., 12-hour shifts). In this case, employees on FMLA leave may be eligible for a reduced schedule if a "serious health condition" keeps them from being able to work overtime hours. In that instance, an employee who works a 12-hour shift may work part of this shift (e.g., 8 hours) and use FMLA leave for the remaining 4 hours. As long as the employee continues to have a qualifying medical event or condition, the DOL's letter clarifies that this reduced schedule work arrangement may continue indefinitely until FMLA leave has been exhausted.

As for the ADA, although an employer may offer reduced schedule leave as a reasonable accommodation for a disabled employee, an employer cannot reject an employee's use of FMLA leave in the process. The letter explains that, since the FMLA and ADA are separate concepts with distinct protections, employers must abide by the requirements and restrictions in both laws for the protection and benefit of their employees. This means that an employer must analyze whether an employee is eligible for reduced schedule leave in response to a "serious health condition" under the FMLA separately from whether a modified schedule or reduction of overtime hours may be considered reasonable accommodations for a qualified individual with a disability under the ADA. An employer cannot require an FMLA-eligible employee to accept a reasonable accommodation under the ADA rather than provide protected leave. However, the FMLA would not prevent an employee from voluntarily accepting such accommodation under the ADA. This means that an employee could exhaust all eligible leave under the FMLA but may still be entitled to a reduced schedule as a reasonable accommodation under the ADA.

The interaction between the FMLA and ADA highlights the need for caution and qualified counsel when making decisions as to permitted leave and reasonable accommodations. A well-meaning employer attempting to address a leave request may not appreciate the need for a separate FMLA and ADA analysis regarding the issue. Such a misunderstanding could lead to liability. Both the FMLA and the ADA include attorneys' fees as remedies, which make claims enticing for both plaintiffs and their counsel.

"The interaction between the FMLA and ADA highlights the need for caution and qualified counsel when making decisions as to permitted leave and reasonable accommodations."

These articles are provided solely for informational purposes and do not constitute legal advice. If you have specific questions or concerns about a legal issue, consult your company's legal counsel for guidance.