



**IN THIS ISSUE:**

[Join the Celebration!](#)

[President's Message](#)

[AAADM Committee Update](#)

[Government Affairs Committee](#)

[Technical/Code Committee](#)

[Marketing Committee](#)

[Legal News](#)

The American Association of Automatic Door Manufacturers (AAADM) is a trade association of manufacturers of automatic pedestrian door systems. AAADM was founded in 1994 with the following mission: to advance the interests of the automatic door systems industry; to increase education, training and professionalism among installers and service providers; and to generally promote the safe use of automatic doors.



**JOIN THE CELEBRATION!**

We have exciting news! National Automatic Door Day will be celebrated on March 19th. This is a day for our entire industry to celebrate, and we're inviting all AAADM member companies and other industry members to get behind the big day. Of course, AAADM will be promoting the day, too, with key messages that unite our industry – including messages of health, wellness, and equality.

Whether you choose to use our [AAADM content](#) or develop your own, we look forward to celebrating the first Automatic Door Day on March 19. Let the celebration begin!

We should all share in the celebration of National Automatic Door Day. As members of the automatic door industry, you are encouraged to rally around these messages – utilizing content as is or adapting it for your company. AAADM will be communicating and celebrating the day as part of an ongoing awareness campaign that will emphasize issues that go beyond product.

So what will your team talk about? We want architects, builders, facility managers, and building owners to be aware of automatic doors. We want them to specify automatic doors in their building plans, and install them in their existing buildings. So please use National Automatic Door Day to remind these key audiences, and the public, what makes automatic doors so great.

**SHARE OUR MATERIALS WITH YOUR MARKETING TEAMS!  
ASK THEM TO START PLANNING NOW!**



Leonard Pursell

---

*"The core of AAADM remains training and education of industry professionals, but over the years we have branched out to address technical/code issues, promotion of automatic doors, and public policy matters."*

A lot can happen in 27 years! That is certainly the case with AAADM, which was incorporated in March 1994. Thousands of certification program sessions later, a well-trained and educated 7,000 strong army of installers/inspectors is helping provide safe, germ free and hands free access for the North American public.

I was there at the beginning, and I feel very fortunate to serve as President of AAADM today. We are embarking on a number of new and renewed programs with the goal of meeting our mission: to increase awareness of automatic doors and accessibility needs, to increase education, training, and professionalism among installers and service providers, and to generally promote the safe use of automatic doors.

The core of AAADM remains training and education of industry professionals, but over the years we have branched out to address technical/code issues, promotion of automatic doors, and public policy matters. The summaries of our committee activity provide a good overview of the scope of activity the association undertakes.

This newsletter is intended to communicate some of the AAADM initiatives to you. I hope you like what we are doing and will support our efforts.

Leonard Pursell,  
AAADM President

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



## CERTIFICATION COMMITTEE

Chair: Dave Timmerman

The Certification Committee continues to maintain and develop the training and certification programs operated by AAADM. With over 6,500 certificants and continual changes in standards, the committee is active.

- Train the Trainer session, intended to update trainers on new standards, align trainers for a consistent training approach, and educate new trainers, is scheduled for June 8-10 in Ben Wheeler, Texas.
- Annual renewal deadline has been extended this year as a new online registration process is completed. Third-party developers were expected to complete the project in 2020, but unexpected developments delayed completion.
- The PowerPoint presentation at the heart of the Swing-Slide-Fold training session is undergoing a major revision.

## GOVERNMENT AFFAIRS COMMITTEE

Chair: Tim Blanke

The Government Affairs Committee focuses on partnering with government agencies, legislatures, and not-for-profit organizations to advocate for the needs of mobility-impaired people through the advancement of, and enforcement of, requirements for automatic doors in public places. AAADM's public policy position is that individuals with accessibility needs should have easy access to any public building, including schools, restaurants, healthcare facilities, and houses of worship. Lack of access often prohibits individuals from fully participating in many activities and events. The committee's activities were temporarily put on hold due to the COVID-19 pandemic as legislatures and government agencies were focused on responding to the healthcare crisis. In 2021, the committee looks forward to re-engaging with policy makers to continue building awareness and support for improving access to public entrances. AAADM's public policy statement can be found [here](#).



AAADM has formed committees to oversee and develop various projects.

Following is a summary of some recent committee activity:

## TECHNICAL/CODE COMMITTEE

Chair: Jeff Dunham

The Technical/Code Committee guides AAADM's efforts with building code bodies, oversees development of AAADM technical materials, and develops AAADM input into the technical materials of other organizations.

- Latest meeting occurred in Oct. 2020
  - o Reviewed industry-related articles and established a priority list for a new review cycle.
  - o 57 existing and potential pieces were prioritized.
  - o The technical director is pursuing the following in the first review push:
    - Anatomy of an Automatic Door
    - Automatic Door Safety
    - Automatic Doors in Hotels
    - More than ADA
    - Facility Care
    - Hospitality
    - Assisted Living (this document is very old and a total re-write has been drafted and submitted)
- The committee is reviewing code proposals submitted by other groups for both the IBC and A117.1 in addition to developing AAADM code proposals for these bodies.



## MARKETING COMMITTEE

Chair: Karen Maslow

The AAADM Marketing Committee has some exciting initiatives under development we are pleased to share with you. We have retained the services of a marketing communications firm that will be revitalizing our LinkedIn and Facebook social media channels. The goal is to provide consistent and meaningful content on AAADM news, industry developments, general automatic door awareness, as well as trends. We invite you to follow AAADM and to share this content on your own channels as you deem appropriate.

You may have noticed that March 19 is Automatic Door Day. We are beyond pleased to have a day of appreciation for doors that are automatic, and AAADM has enjoyed spreading the word on this development.

We continue to refine our website content and an initiative is under way to update the Daily Safety Check videos, both in terms of content and the platform on which it is provided. We look forward to sharing more soon.

And last, but not least, we are pleased to introduce this newsletter to you ... something we hope to publish a few times a year to keep you updated on what is happening within the AAADM association and community. Please reach out to ([aaadm@aaadm.com](mailto:aaadm@aaadm.com)) if you have suggestions or comments for these initiatives.

### **DISCRIMINATION CLAIM FAILS WHEN EMPLOYEE IS NOT "QUALIFIED" UNDER ADA**

The U.S. Court of Appeals for the Seventh Circuit in Chicago has affirmed summary judgment for an employer sued for failing to accommodate a disabled worker under the federal Americans with Disabilities Act. An auto accident had left the employee with serious head and back injuries. Her employer granted her disability leave, but determined that "all restrictions had to be lifted before she could return to work" and told her that her doctors had to give her a neuro-psychological examination, which they never completed. Her employer later terminated her and she sued.

But the Seventh Circuit, upon reviewing her case, gave summary judgment to her employer, finding that she was not an employee who was "qualified" for a job under the ADA.

### **DISCRIMINATION CAN BE BASED ON COMMENTS FROM YEARS EARLIER**

The U.S. Court of Appeals for the Seventh Circuit has reinstated an employment discrimination suit after a lower federal court gave summary judgment to the employer on the basis that there were undisputed gender-neutral explanations for the differences in pay given by the employer to a female teacher as compared with male colleagues. The Court of Appeals found that certain comments made by a supervisor indicated that the complaining teacher was paid less than men because her nonprofit employer knew her husband had a job, and that put the employer's supposedly gender-neutral explanations for pay disparities in dispute. Even though the supervisor's comments were made outside a statute of limitations period for bringing the employee's suit, the Court of Appeals found that the supervisor's comments justified reversal of the lower court's decision.

### **NO INFRINGEMENT FOR USE OF INSTAGRAM IMAGE**

Stephanie Sinclair, a professional photographer, posted one of her photos to Instagram. The website Mashable wanted to use the photo and offered her \$50 for a one-time use license. She refused, but Mashable used it anyway. However, Mashable didn't take a screen grab of the photo; it used Instagram's application programming interface ("API"), which essentially created a miniature version of Instagram displayed on Mashable's site. That approach proved critical to the outcome since the court noted in its holding that Instagram's terms of use provided Instagram with a license

to use posted material as well as an unlimited right to sublicense such use. Further, Instagram's privacy policy provided that material posted as public (like Sinclair's photo) is subject to use by others via Instagram's API. The court found that, by embedding the photo using Instagram's API, Mashable's site used it with Instagram's authority and that Sinclair had consented to uses of that nature by consenting to Instagram's terms of service.

### **OSHA TO INVESTIGATE WHISTLEBLOWER RETALIATION**

The U.S. Department of Labor has announced that its Occupational Safety and Health Administration (OSHA) will be investigating complaints of whistleblower retaliation under two new federal laws, the Criminal Antitrust Anti-Retaliation Act and the Anti-Money Laundering Act. OSHA already enforces whistleblower protection provisions of more than 20 federal statutes, protecting employees from retaliation for reporting violations of laws relating to workplace safety and health, airlines, commercial motor carriers, consumer products, environmental protection, financial reform, food safety, health insurance, motor vehicle safety, nuclear energy, pipeline operations, public transportation, railroads, maritime operations, securities and taxes.

### **COURT AFFIRMS DISMISSAL OF BIOMETRIC INFORMATION PRIVACY SUIT**

The U.S. Court of Appeals for the Seventh Circuit in Chicago has affirmed dismissal of a lawsuit against the owner of an algorithm that allows "scraping" of photos from social media sites on the Internet. The defendant, Clearview, scrapes biometric facial scans and associated metadata, stores that information in its database, and then offers access to that database for users who wish to find out more about someone in a photo, many of those users being law-enforcement agencies. A putative class action lawsuit alleged that Clearview violated the Illinois Biometric Information Privacy Act, which restricts what people can do with someone else's biometric information. However, the suit has now been dismissed because the complaint alleged only a general regulatory violation by Clearview without alleging a particularized injury to the plaintiffs resulting from Clearview's activities. Enforcement of state laws is generally the responsibility of the state, not concerned citizens.

*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.*