

**HLAGH  
MISSION  
STATEMENT:**

*THE MISSION OF THE  
HOTEL & LODGING  
ASSOCIATION OF  
GREATER  
HOUSTON IS TO  
IMPROVE THE  
LODGING  
INDUSTRY IN THE  
GREATER  
HOUSTON  
AREA THROUGH  
EDUCATION,  
GOVERNMENTAL  
AFFAIRS AND PUBLIC  
AWARENESS OF THE  
TRAVEL  
INDUSTRY  
ECONOMIC  
IMPACT.*



**SPRING IS FINALLY HERE!  
HLAGH THANKS YOU FOR YOUR  
MEMBERSHIP AND FOR  
SUPPORTING OUR ASSOCIATION!**

**2009 Spring Newsletter ~ Chair's Message**

**Dear HLAGH Members,**

I would like to express my gratitude to each of you for your support and for the warm welcome I have received as the new HLAGH Chair. I am honored to be representing our group and will work to assist our members and staff and to promote the effectiveness of our Association. I would also like to thank Beth Thomas for her service to this organization and wish her all the best as she pursues her career in Atlanta.



**Jim Mills**  
**HLAGH Chair and**  
**General Manager of**  
**The Houstonian**  
**Hotel, Club & Spa**

As this economy unfolds we should consider the forecast for our industry presented by Mr. John Keeling at our February Monthly Luncheon. As we all probably feared, he predicted that hotels' performance in our market will not begin to improve until the beginning of the third quarter of 2010. In spite of this news, it may be helpful to remember that this is neither our first recession nor our last. We know that the economy will improve with time and it is important to preserve our ability to operate as normally as possible in the meantime. Mr. Keeling predicts that occupancy rates for Houston overall will go as low as 63.9% by year end 2009 and Houston will begin an upward trend in 2010 with an ending occupancy of 64.9%. He left us with one guiding thought: 2009 is the year of the ox and in ox years, patience, fortitude, and hard work rather than leverage will lead to prosperity.

In January, Mr. Greg Ortale laid out his vision for the ongoing efforts by the GHCVB to bring business to Houston. The Bureau continues to focus its efforts on bringing conventions to our city. He also described the many potential prospects and leads for major companies considering Houston for their events. Mr. Ortale asks that hotels respond quickly and efficiently when bids are sent out. It is certainly in our mutual interest to work together to provide the necessary accommodations to get these conventions booked here in Houston.

Finally, my favorite event recently took place, the 14<sup>th</sup> Annual HLAGH Golf Tournament which was a huge success. Despite the gloomy economy we all came together for a fun and relaxing day of golf at BlackHorse Golf Club. We had 200 golfers participate this year and met many new faces while expanding our professional network. I offer my personal thanks to the players and sponsors for supporting this event.

Finally, spring is here at last, so do try to get out and enjoy the beautiful weather and let's work together to make a better 2009!

**Hotel & Lodging Association of Greater Houston**

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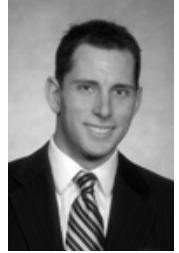
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## ADA Amendments Act of 2008

by Nick Deutsch & Marlene Williams  
Shook, Hardy & Bacon, LLP

On January 1, 2009, the ADA Amendments Act of 2008 (“ADA Amendments Act”) went into effect. The ADA Amendments Act broadens the reach of the Americans with Disabilities Act (“ADA”) and rejects a string of Supreme Court decisions limiting the ability of employees to bring ADA claims. The ADA Amendments Act represents a dramatic change in the law and significantly expands the number of individuals who may be entitled to protection under the ADA.



Nick Deutsch

Protection under the ADA hinges on whether an individual suffers from a “disability,” as the term is defined by the ADA. The ADA Amendments Act declares that the term “disability” is to be construed in favor of broad coverage of individuals. As a result, ADA cases will now focus on whether an employer covered by the ADA complied with its legal obligations rather than on whether an individual has a disability.



Marlene Williams

In addition, the ADA Amendments Act includes the following expansive changes:

- It states that an impairment that is episodic or in remission is a disability if it would substantially limit a so-called “major life activity” when active;
- It mandates that employers determine whether an impairment substantially limits a “major life activity” without regard to mitigating measures, which is broadly defined but does not include ordinary glasses or contact lenses;
- It specifies a non-exhaustive list of “major life activities,” which includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working;
- It explains that the definition of “major life activities” includes the “operation of major bodily functions,” including, but not limited to, functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions;
- It clarifies that an individual meets the requirement of being “regarded as” having a disability if the individual establishes that he or she “has been subjected to action prohibited under [the ADA Amendments Act] because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity,” and;
- It provides that reasonable accommodations do not need to be made for an individual who is “regarded as” having a disability and further directs that an individual who is subjected to an adverse action because of an actual or perceived impairment is not covered under the “regarded as” prong if the impairment is “transitory and minor.”

The practical effect of the ADA Amendments Act is likely to be an increased number of ADA lawsuits, which may be more difficult for employers to defend. Although it is too soon to predict the ultimate impact of the ADA Amendments Act, employers should train their managers and Human Resources personnel on the ADA Amendments Act and should review their employment policies, practices, and procedures to ensure compliance with the ADA.

If you would like additional information about the ADA Amendments Act or other legal issues please contact

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