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FOR THESE, WE GIVE THANKS

In this season of Thanksgiving, it seemed a good time to cover some of the things we're thankful for. It shouldn't be a surprise that everything we'll discuss traces back to our members and the people of the automatic door industry.

Because of the work we all do together, more public buildings are accessible to people living with disabilities and mobility challenges. Automatic doors are safer and more reliable than they've ever been. The workforce of inspectors and installers is of the highest quality. Our industry is driving innovation that continues to improve features, reliability, and operation.

We're thankful for our members who serve on our key committees: Marketing, Certification, and Government Affairs.

The Marketing Committee helps to get the word out about AAADM's services and accomplishments, and key milestones of our entire industry. It is gearing up for the biggest and best National Automatic Door Day yet, coming up on March 19. This lighthearted event raises awareness about the societal benefits of our industry's products as well as their supreme convenience.

The Certification Committee is the conduit between our industry and ANSI. Like any piece of machinery, automatic doors must be properly installed and maintained to provide reliable, safe operation. Through its work, the Certification Committee helps to develop and refine standards that guide the proper design, manufacture, and installation of automatic doors. The committee also creates and teaches training materials to our industry's people in the field. Their diligent work results in a better-educated workforce and safer doors for the public. It's a vital function that impacts the daily lives of millions.

The Government Affairs Committee keeps watch on universal access legislation in all 50 states and at the federal level. It is the chief advocacy arm of AAADM, furthering the interests of the automatic door industry and promoting its products as solutions for the safety and security of public buildings, as well as their integral role in compliance with accessibility laws. Because of their efforts, public buildings are safer and more accessible, and growing more so every day.

Overall, we're thankful to work in an industry that makes a real difference in the lives of people. From simply making it easier to maneuver through a doorway with your hands full to preventing the spread of surface germs to improving independence for millions, automatic doors touch lives even as they remain touchless.



PRESIDENT'S MESSAGE

I'd like to begin by wishing everyone a joyful time during the upcoming holidays. I hope you are all able to spend this time with friends and family.

As the year is winding down, we're busy preparing tests for the next year's certification renewals. Renewal testing should begin by Dec. 1, 2024 and must be completed by Jan. 31, 2025. So, it's time to break out your AAADM binders and ANSI Standards and brush up on what we should be doing every day as AAADM inspectors.

I wanted to mention that there have been some mostly minor changes to the ANSI standards governing our industry's products, ANSI A156.10, Standard for Power Operated Pedestrian Doors and ANSI A156.27, Standard for Power and Manual Operated Revolving Pedestrian Doors.

Perhaps the most notable change is in A156.10, Sections 8.2.2.2.2 and 8.2.2.3 regarding Door Mounted Presence Sensors for swing doors. The maximum inactive zone from the face of the door for Door Mounted Presence Sensors has been changed from 5 in. to 8 in. This means the previous "5-5-1" rule is now more accurately described as the "8-5-1" rule (the maximum inactive zone is 8 inches from face of door, 5 inches from the pivot point, and 1 inch from the lead edge).

To make more training available to inspectors, when we pushed out the memo detailing the ANSI changes, we created a voluntary quiz and invited them to test their knowledge of the revised standards. We also created a second, public-facing version so architects could test themselves, too. I was pleased that within days of announcing the quiz, more than 100 people had already taken it, with an 89% pass rate.


I wanted to thank and congratulate Marcus Keenan for taking on the role of Certification Committee chair. As a codes and compliance manager for Stanley, Marcus is steeped in a culture sure to make him successful in the position. He will oversee all aspects of inspector training and certification. It's a huge time commitment, which I know from having done it myself, so I also thank his employer for giving Marcus the time he'll need to devote to the committee. I also want to thank the outgoing chair, Vaughn McDaniel, for his leadership and stewardship.

Finally, a note on the people who keep AAADM a viable association: our membership. We all come from many different companies. Out there in the marketplace, we would be defined as competitors. But when we come together under the AAADM umbrella, we put the good of the industry and the association first.

This was clearly illustrated to me at our recent Train the Trainer event. During a break, I looked around and saw tables full of people from all different companies sitting together. No one had siloed themselves by corporate affiliation. We were all just friends working together toward common goals.

Let's take that spirit into the New Year and beyond.

Dave Timmerman
AAADM President



"When we come together under the AAADM umbrella, we put the good of the industry and the association first."

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

ILL-FATED VACATION OF GOVERNMENT AFFAIRS' KATHLEEN CARROLL SPOTLIGHTED IN *FACILITY EXECUTIVE*

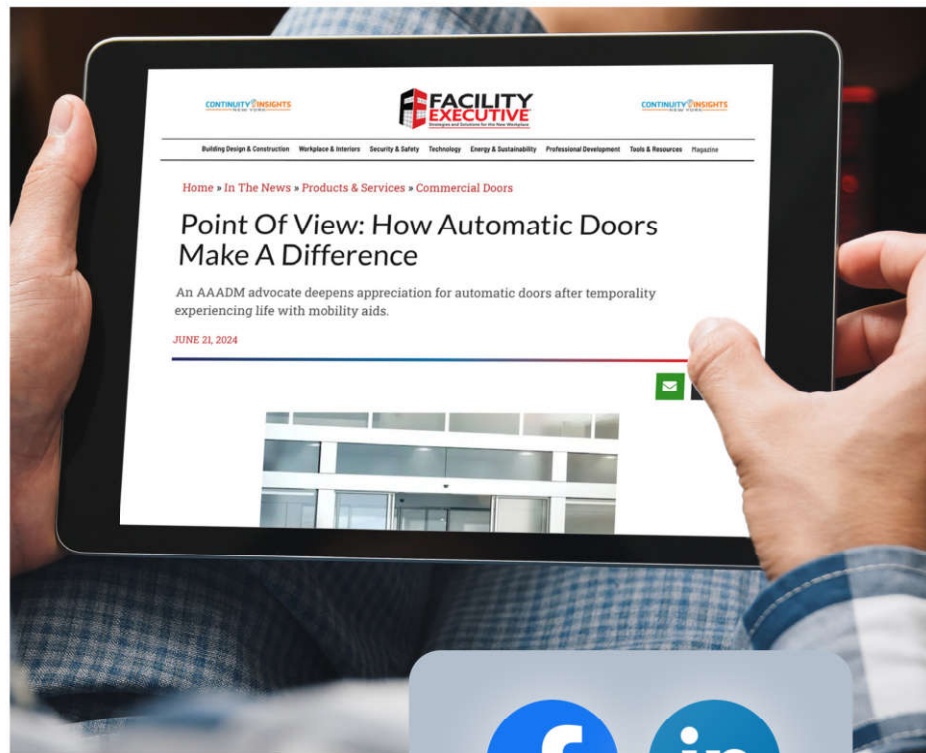
AAADM's own Kathleen Carroll was the subject of an article in a recent issue of Facility Executive magazine, recapping how her experience being injured on vacation gave her a new appreciation for the ways automatic doors contribute to building access and individual independence.

Kathleen was on just her second day in Puerto Rico when she slipped on a marble floor and badly broke her ankle. She had to use a wheelchair to get around for the remainder of her stay – and the resort only had automatic doors at the main entrance. Suddenly, she found herself having to rely on the kindness of strangers to open doors everywhere else on property—out to the beach, onto the patio, even into her room.

Obviously, through Kathleen's work with Government Affairs, she is more aware than perhaps most able-bodied citizens about the challenges faced by those living with disabilities. But the experience gave her additional insight into the importance automatic doors hold in helping all individuals maintain their independence. [She also stresses that her situation was temporary and in no way compares to a person facing a lifetime of disability.]

Even after transitioning out of the wheelchair and beginning to walk with crutches, Kathleen still found it difficult to traverse manual doorways. The experience bolstered her resolve that the owners of public buildings need to invest in accessible entrances. As she says in the article, "It is an investment that will pay huge dividends by literally opening doors to new customers, patrons, and clients."

You can read the full article [here](#).



Like and share content as it amplifies our message and raises awareness about the industry, which helps all of us.

AAADM COMMITTEE UPDATES

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Certification Committee

CHAIR: DAVE TIMMERMAN

THE IMPORTANCE OF WELL-TRAINED, CERTIFIED INSTALLERS

As the (automatic) door shuts on Halloween season and we head into the thankfulness of Thanksgiving, we can appreciate how our professional organization equips the industry to make automatic doors safer and more efficient. Because, let's face it, the alternative can be spooky.

Here's a look at some challenges to proper automatic door operation, how they can be improved, and how AAADM contributes to the expertise needed to optimize the system.

Poorly installed automatic doors can cause a number of scary issues, including:

- **Misalignment:** The door may not fit the frame properly, or parts may rub together, causing a squeaking noise or difficulty opening or closing.
- **Air leaks:** You may feel a draft near the door, even when it's closed.
- **Jamming:** The door may get stuck in place.
- **Gaps:** Gaps may appear between panels.
- **Freezing or staying open:** The door may freeze in place or stay wide open due to power failure, bad wiring, or faulty connections.
- **Moving too quickly:** The door may move too quickly, which can be dangerous.

Here are some other things to consider:

- **Switch settings:** Make sure the switch is set to "AUT" (automatic) and is receiving electricity.
- **Obstructions:** Check that the door's pathways and tracks are clear of obstructions.
- **Timing belt:** Check that the timing belt is properly aligned and adjusted.
- **Electrical work:** Ensure that the electrical work complies with the NEC.
- **ADA requirements:** Check that the area around the door meets ADA requirements.
- **Building codes:** Don't assume that the floor plan or door locations comply with building codes. Check it yourself.

AAADM's regular training, certification, and re-certification programs are vital to public safety and the continuous improvement of our industry. Our training specifically helps ensure doors comply with the ANSI standard. Critically, automatic doors may be out of ANSI compliance without exhibiting any of the above areas of concern, which is why regular inspections are so important.

Government Affairs Committee



CHAIR: TIM BLANKE

GOVERNMENT AFFAIRS CONSULTANT TAKES AAADM INSPECTOR CERTIFICATION TRAINING

AAADM government affairs consultant Kathleen Carroll recently audited Inspector Certification Training, fully participating in two days of instruction and even taking – and passing – the 50-question test at its conclusion.

Kathleen got the idea to take the training because she felt it might assist her in crafting messaging for her government contacts about our industry's intense commitment to safety. That's how she found herself in a room full of automatic door professionals, ANSI Standard books in hand, participating in two full days' worth of classes on how to accurately inspect an automatic door to make sure it is safe for public use.

Kathleen had already assumed her colleagues in the safety arm of the industry were doing everything in their power to make doors safe. "I was surprised at the level of detail covered and the depth of discussions related to certification and safety adherence.," said Kathleen.

Many people are surprised to find out that the Americans with Disabilities Act (ADA) does not mandate automatic doors on public buildings as a mobility accommodation for people with disabilities. Because the ADA was signed into law in 1990, several years before AAADM's founding, Kathleen wonders if a more robust safety message now might help her address these accessibility oversights.

She is planning an advocacy blitz in 2025. "I've spent enough time on Capitol Hill and spoken to so many people; I've learned that there is no appetite to re-open the ADA legislatively," said Kathleen. "So, I have to take a new approach."

"There are dozens – hundreds – of government agencies, each with their own regulatory capabilities," she continued. "The Veterans Administration, for example, could mandate automatic doors for all their facilities. The Department of Education could mandate them for schools that accept government funds. And so on."

"Now that I've been through the training, I can confidently tell my government contacts that safety is truly priority No. 1 in the industry," said Kathleen. "Now, I'll be able to better articulate the effort that goes into helping to ensure a safe product interfaces with the public."

LEGAL NEWS

By Christina Pannos, Esq., AAADM Legal Counsel

FEDERAL TRADE COMMISSION'S BAN ON NON-COMPETES

Non-compete agreements have been around since the Middle Ages, but is it time for them to change? Traditionally, in the United States, non-compete agreements have been regulated by individual states. Under that framework, only three states banned employee non-compete agreements outright. The other forty-seven states varied greatly in interpreting enforceability of non-compete agreements, based on factors such as scope (time and geography), applicability to certain types of workers, and effect on competition.

FTC Rule

Now, the framework has changed significantly. On April 23, 2024, the Federal Trade Commission ("FTC") issued a final rule banning non-compete agreements in order to promote competition and protect the fundamental freedom of workers to change their jobs, increase innovation, and foster the new formation of businesses. The ban, which the FTC says is to prevent both "unfair and deceptive trade acts or practices", and "unfair methods of competition", was supposed to go into effect Sept. 4, 2024. However, a flurry of legal challenges since April has put the rule on hold.

The rule prohibits employers from entering into new non-compete agreements with most workers. This includes employees, independent contractors, and interns. It also makes existing non-compete clauses unenforceable against most workers except for senior executives. Under the rule, existing non-competes for senior executives can remain in effect, but employers are barred from entering into or attempting to enforce new non-competes even at the senior executive level. The FTC defines a senior executive as a worker who earns more than \$154,164 annually and holds a policy-making position.

Finally, the rule includes the power for the FTC to conduct investigations, issue cease and desist orders, and enforce those orders, as well as to initiate court proceedings to impose civil penalties for violations of the rule, and such authority has sparked many legal challenges.

Legal Challenges

Since April, numerous lawsuits challenging the ban of non-competes were filed in courts around the United States. These challenges primarily center around the FTC's authority to implement such a sweeping policy and the potential negative economic consequences of the rule. Other challengers assert that the rule is arbitrary and capricious, as it fails to adequately consider the economic impact on businesses and workers. They argue that the FTC did not provide sufficient justification for the ban or explore alternative approaches.

As of Aug. 20, 2024, a federal court in the 5th circuit had held that the FTC may not enforce the rule across the country for the very reasons outlined above. This means that the original date for compliance (Sept. 4, 2024) will come and go without the need to update contracts and practices. Until the FTC appeals the decision.

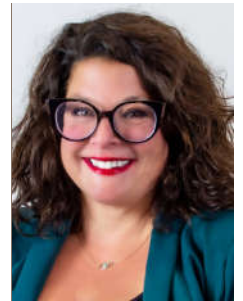
What Employers Should Do

First and foremost, employers should contact legal counsel as state restrictions regarding non-compete provisions will still apply. Also, be sure to have legal counsel check on a very regular basis as this may change as the appeals process progresses or with the Nov. election.

Employers should also consider alternatives to non-compete agreements that enable protection of their investments, including trade secrets laws and non-disclosure agreements ("NDAs"). Both give employers the ability to protect their proprietary and other sensitive information.

This trend towards limiting the use of non-competes is not likely to go away completely, even in light of the current legal landscape. Employers should keep this in mind when entering new agreements and consider what restrictions are truly necessary to protect their business interests rather than using boilerplate non-compete provisions. And if you already prepared your notices for Sept. 4, keep your work, because the rule could very well be reinstated through the appeals process.

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.



“Employers should also consider alternatives to non-compete agreements that enable protection of their investments, including trade secrets laws and non-disclosure agreements.”
