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Listening to the Webinar, *continued*

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Captioning

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Submitting Questions

- In the Webinar :
 - In the chat feature under the “Room” tab type your question in the text box and “enter”.
 - Your question will be sent to the presenters; other participants will not be able to see it
- E-mail: hospitality@transcen.org

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Technical Assistance

- If you experience any technical difficulties during the webinar:
 1. Use the Chat panel to send a message to the “Mid-Atlantic ADA Center”
 2. Email hospitality@transcen.org
 3. Call 301-217-0124 (V/TTY)

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Archive

- This webinar is being recorded and can be accessed within a few business days
 - ADA Hospitality Initiative website
 - <http://adahospitality.org/content/Archives-Compliance-Webinars>

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ADA & LODGING

***Service Animals:
Beyond the Traditional Guide Dog***

*Marian Vessels, Director
Mid-Atlantic ADA Center*

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Reasonable modifications

- Generally, a public accommodation shall modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability

~ 36.302(c)(1); ADA Title III regulations

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Equal opportunity

- Reasonable policy modifications enable guests with disabilities to have access to the same places, activities, services, and experiences as everyone else

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Integration

- People with disabilities who use service animals can't be isolated, restricted to certain guest rooms, or barred from areas where other guests are allowed to go

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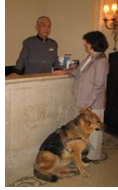
Surcharges

- Extra fees *may not* be imposed on individuals with service animals, even if your facility accepts pets and charges extra fees for them (service animals are not pets!)
 - You *may* charge individuals with service animals if the animals actually cause any damages, if you normally charge guests for damages they (or their pets) cause

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Service animal defined

- Any **dog** that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability



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Monkeys and ferrets and snakes, oh my!

- Species other than dogs, **wild or domestic, trained or untrained**, are **not** considered service animals under this part of the ADA
 - Animals such as cats, birds, monkeys, rats, pigs, snakes, or other types of animals do **not** have to be allowed in hotels and other places of lodging (unless they are generally allowed, for example, as pets)

However ...

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Miniature horses

- Reasonable policy modifications must also be made to allow an individual with a disability to use a *miniature* horse that has been individually trained to perform work or tasks



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Dogs or miniature horses:
What's the difference?

- Service dogs must be allowed in virtually *all* areas where members of the public are allowed to go
- Miniature horses are subject to a few additional considerations ...

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Miniature horses:
When and where?

- Consider:
 - The type, size, and weight of the miniature horse and whether the facility can accommodate these features
 - Legitimate safety requirements that are necessary for safe operation

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What do service animals do?

- Service dogs or miniature horses must be trained to do tasks or work *directly related to a person's disability*, for example ...

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Examples of animals' work

- Providing physical support and help with balance and stability for people with mobility disabilities
- Guiding individuals who are blind or have low vision
- Providing non-violent protection or rescue work
- Pulling wheelchairs



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More examples of animals' work

- Retrieving items
- Alerting individuals who are deaf or hard of hearing to sounds
- Helping people with psychiatric or neurological disabilities by preventing or interrupting impulsive or destructive behaviors
- Alerting individuals to oncoming seizures



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Active animals

- Service dogs or miniature horses must be **trained** to perform specific **actions, tasks, or work**
 - Many animals, simply by being *present*, provide comfort, companionship, emotional support, or other benefits, but they are not trained to *do* anything specific – they are not service animals under the ADA

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Example:

Service dog

- Marge has a psychiatric disability; her dog Bumper can tell when Marge's anxiety level rises, and Bumper is **trained to respond** by moving himself in front of Marge and nudging her away from her current location

Pet dog

- Aaron has a psychiatric disability, too; his dog Floppy is good-natured and sometimes he can even tell that Aaron is becoming anxious, but Floppy **isn't trained to do anything** to help Aaron

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What can you ask?

- Two questions can be asked about dogs or miniature horses *when the answers are not obvious*:
 - Is this animal needed because of a disability?
 - What work or tasks has the animal been trained to do?

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Should you ask?

- Remember –
 - You should not ask questions if it is apparent that the animal is working for a person with a disability
 - For example, a dog pulling a person in a wheelchair

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What can you *not* ask?

- You can *not* ask for documents, certificates, proof, or details about ...
 - The individual's disability
 - The animal's training

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Disability revealed?

- Sometimes people will tell you exactly what their disabilities are, but if they don't, remember you can't ask for specifics or details
 - "I have a disability and my dog retrieves things for me" is enough
 - A person does not have to say "I have *arthritis* and my dog retrieves things for me"

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What can you expect?

- A service dog or miniature horse must be housebroken



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Tethered, controlled

- A service animal must have a harness, leash, or tether *unless* ...
 - The individual, because of disability, is unable to use a leash
 - A leash would interfere with the animal's work
- If a service animal is not tethered, it must still be under control (for example, by voice commands or hand signals)

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Identification

- Many service animals wear harnesses, vests, or other items that *identify* them as working animals, but this kind of identification is **not required**
 - **Remember, certificates, documents, or proof of the service animal's status or training can not be required**



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Excluding animals

- You can ask an individual to remove a service dog or miniature horse if
 - The animal is not housebroken
 - The animal is not under control
 - For *example*: the animal is running around, jumping on people, growling, or snapping, and the individual can't or won't control it



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Work it out ...

- Employees' or other guests' fear of animals or allergies are *not* valid reasons to exclude service animals

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Excluding animals, not people

- When an animal is excluded (for example, if it acts aggressively), the individual with a disability must still have the opportunity to access goods and services and participate in activities without the animal

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Care and supervision

- Individuals with disabilities are responsible for the care and supervision of their service animals
 - Hotel staff do not have to feed, water, or walk service animals (unless, of course, your facility accepts pets and you normally provide such services)



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Relief

- Although not required, you may wish to provide a “relief” area where individuals can take their service animals
- It is helpful if staff can provide information about any relief areas or nearby public areas (parks, grassy areas) where people can take their service animals



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Fundamental alteration

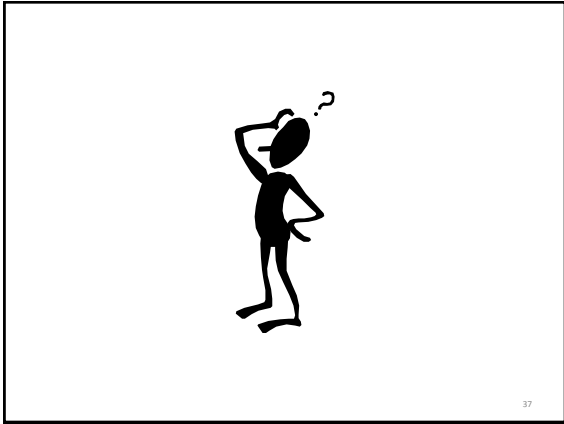
- Hotels and other businesses are not required to make a change to a policy that would result in a *fundamental alteration* to the nature of the business
 - For example, although service animals are allowed to go almost everywhere members of the public are allowed to go, it may be a fundamental alteration to allow a service dog or miniature horse to enter the water in a swimming pool (the animal would be allowed in the pool area and on the pool deck)

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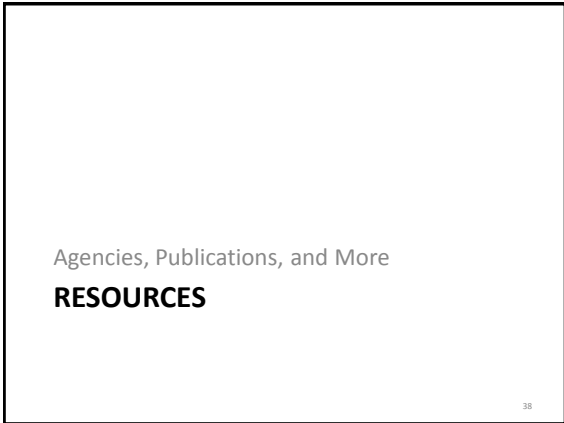
What about state or local laws?

- Businesses must comply with all applicable laws
 - If a state or local law (or part of one) is better for people with disabilities, it will override the ADA (or that part of it)
 - If the ADA (or part of it) is better for people with disabilities, it will override a state or local law (or that part of it)

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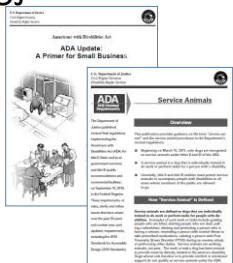
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DOJ

- Department of Justice
- www.ada.gov
- 1-800-514-0301 Voice; 1-800-514-0383 TTY



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ADA National Network

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