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# Appendix A

## The Americans with Disabilities Act (ADA)

This appendix presents an article written by Jerry Droll of the Technical Assistance and Training Network of the ADA-OHIO. The article, “Americans with Disabilities Act: Accommodating Guests Who Have Disabilities,” appeared in the June 1997 issue of the International Executive Housekeepers Association’s magazine, *The Executive Housekeeper Today*. It is drawn from a larger publication, *Access for All*, 3d edition, ©1994, a 256-page illustrated handbook of barrier-free design for the State

of Ohio, developed by the architectural firm of Schooley, Caldwell Associates and the Ohio Governor’s Council on People with Disabilities.

Persons involved in the design of housekeeping and other spaces of lodging properties would do well to seek this larger publication as a reference before renovating, remodeling, and/or building lodging, restaurant, or other hospitality facilities.

# The Americans With Disabilities Act: Accommodating Guests Who Have Disabilities

By Jerald J. Droll

ADA-OHIO recently received a call from a manager at a large hotel with a question about responsibilities to accommodate guests who had disabilities. Several people with disabilities had reserved accessible rooms and wanted the hotel to provide hospital beds. They claimed that without the hospital beds the rooms were not accessible to them and that the Americans With Disabilities Act (ADA) required the accommodation.

Ordinarily, ADA-OHIO would say that the hotel is not responsible for providing hospital beds for two reasons:

1. Installing hospital beds would alter the essential nature of the service the hotel is designed to provide.
2. A hospital bed would be a "personal device," which is not the responsibility of the hotel.

However, the guests had a legitimate need. Beds in the hotel were on platforms that prevented the guests from using their transferring lifts. The lifts had to slide under the beds.

The guests did not really need hospital beds. They needed *space* under the beds to accommodate their lifts. ADA-OHIO suggested that the ac-

commodation request be changed from hospital beds to raising the existing platform beds a few inches so the lifts could slide underneath. The hotel would be required to make these modifications, if there is a safe and effective way to raise the beds.

This is an example of the challenges faced by the lodging industry when it receives an accommodation request. Serving both the customer and the law sometimes requires creativity, sensitivity, an open mind, and a customer satisfaction approach. Many hotels, motels, inns, etc., have prided themselves on meeting requests of all guests, long before civil rights legislation required them to, because they realized it was just good business. If you make people happy, and provide them with what they need and want, they will come back.

Others, however, have resisted when a person does not, or cannot, accept standard, cookie-cutter service or provisions. These folks would be happier if everyone were the same and did not want all those "extra" things that are so much trouble. Sometimes not providing those extra things, creates illegal barriers to people with disabilities.

What aspects and areas of lodging need to be accessible to people with disabilities? All aspects and areas accessible to guests without disabilities. This includes van and bus shuttles; parking; the front door; the reservation process; guest rooms and associated amenities; res-

The Americans with Disabilities Act (ADA) made discrimination against people with disabilities illegal in the United States.

The ADA, signed into law July 26, 1990, is the first federal law that requires privately financed businesses to make themselves accessible to people with disabilities. There are two sections of the ADA that apply to places of lodging.

1. Title I, "Equal Employment Opportunity for Individuals with Disabilities," makes it illegal to discriminate against people with disabilities in the workplace.
2. Title III, "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities," requires places of lodging, and other "public accommodations" to remove barriers and provide accommodations for guests with disabilities.

**This article focuses on Title III responsibilities.**

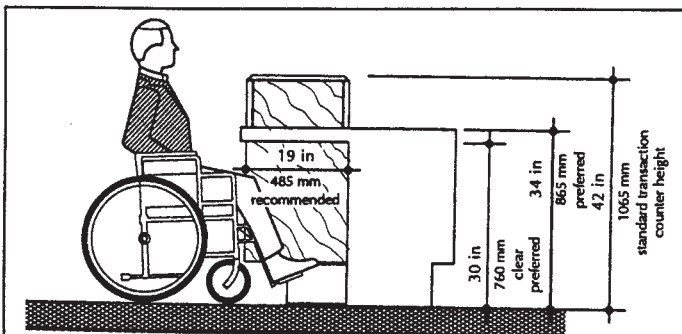
taurants and bars; exercise and health facilities; meeting rooms; restrooms; telephones; and shops.

## Reservations

How can a nonspeaking or non-hearing person make a reservation or obtain reservation information? Hearing and speaking people can simply pick up the telephone, and talk with a reservation or service representative.

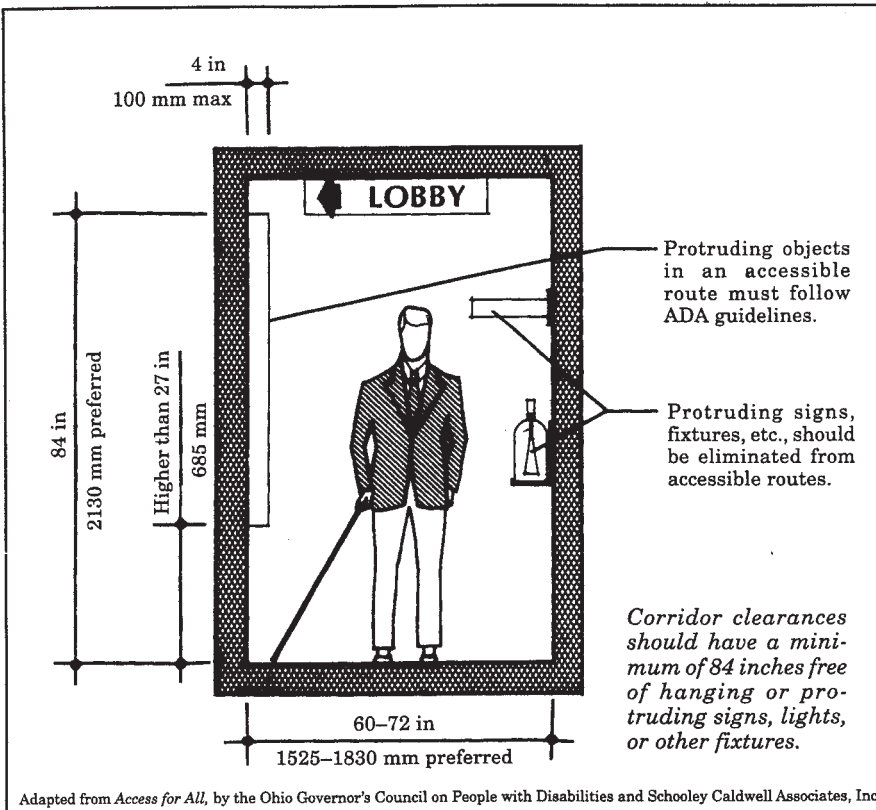
Under the ADA, places of lodging have to provide effective communication. This can be accomplished several ways. Reservation and service representatives can be given access to and training on how to use a TTY, which is a communication device for people who have difficulty hearing or speaking.

Title IV of the ADA created a relay system throughout the country. The relay system allows a person who uses a TTY to make a telephone call to a hearing person using a third-party operator who also has a TTY and serves as a translator. Reservation and service representatives



A portion of the hotel registration desk should be lowered, as shown. Often a registration desk will be as high as 42 inches, making the surface almost impossible for people to reach across or write upon if they are short or use wheelchairs. The lowered portion should be a maximum height of 34 inches, with a knee space of at least 30 inches.

Adapted from *Access for All*, by the Ohio Governor's Council on People with Disabilities and Schooley Caldwell Associates, Inc.



should be trained on how to use the relay system in their state. Another method of communication that is growing is computers on the Internet. Many places of lodging have Web sites that provide information, and E-mail that can accept reservations.

### Transportation

If a hotel, resort, etc., provides transportation such as shuttle service, that service needs to be accessible to people with disabilities. This means accessible vehicles need to be used, or other provisions must be made to provide an equal level of service to guests who have disabilities.

Also, if a transportation provider has policies that unintentionally discriminate against people with disabilities, those policies must be amended. For example, a transportation provider might have a policy against transporting animals. That policy would need to be amended to allow transporting a service animal accompanying a person with a disability.

### Registration Counters

Many registration counters are too high to conduct business appropri-

ately with guests who are short or use wheelchairs. These guests would be better served if the hotelier would lower a portion of the counter or serve them at another counter or desk that is the appropriate height.

### Interpersonal Communication

Reservation and service representatives should receive some training about communicating with guests who have hearing and speaking impairments. Given the relatively uncomplicated level of communication required to check in and out, communicating through written notes should be adequate.

In more complicated communications, or if the place of lodging held a program open to all guests, a sign language interpreter might be necessary. For example, ADA-OHIO received a call concerning a resort and timeshare condominium facility that conducted sales presentations to guests and failed to provide a sign language interpreter for a guest who was deaf.

Given the complicated nature of the investment discussion, the sponsor of the presentations would have

obligations under the ADA to provide effective communication, and this might include interpreters, real-time captioning or other auxiliary aids or services. However, ensuring effective communication is just good business for anyone who is trying to sell something.

### Accessible Rooms

Places of lodging are required to have a reasonable number of rooms accessible to guests with physical disabilities and a number of rooms accessible to people with hearing disabilities.

A physically accessible room would include such features as:

- Minimum 32" clear door opening width
- Doorway push and pull clearance
- Accessible door hardware
- Accessible security features
- A peephole mounted between 36" and 45"
- Controls and lights switches mounted between 48" and 54" from the floor
- Minimum 32" clear opening to the bathroom
- Accessible sink and faucets
- Grab bars for the toilet
- Toilet seat 17" to 19" above the floor
- Adequate maneuvering space in front of the toilet, tub, or shower
- Grab bars and transfer seat for the tub; and a number of other features.

Guest rooms accessible to people with hearing disabilities may include such features as:

- A closed caption television decoder
- Text telephone
- Audible and visual emergency warning devices
- Notification devices for door knocking and telephone ringing
- And other features.

ADA-OHIO has received calls from some people who made reservations for accessible rooms only to find when they checked in that the accessible rooms already had been given to people without disabilities. Reservation systems should ensure that accessible rooms go to the people who

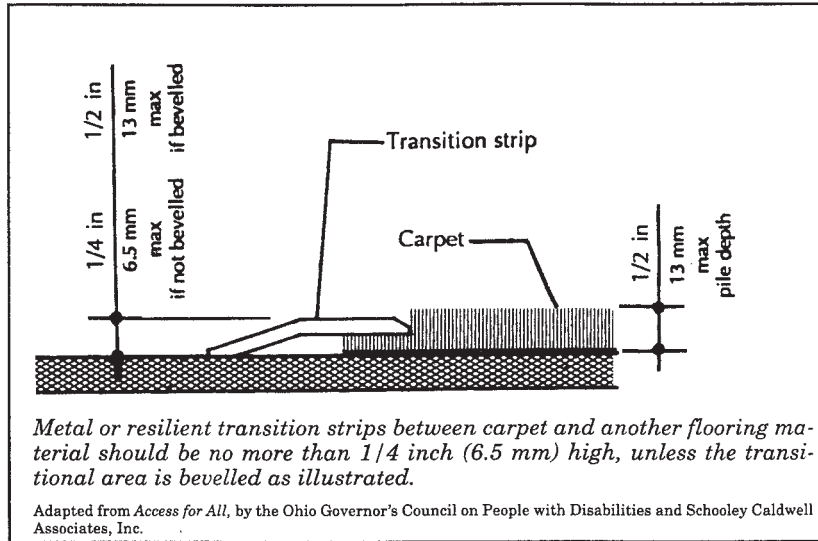


Accommodating Guests...

**Resources**

*Access for All* is a 256-page information-packed book of guidelines to help make private or public buildings and exteriors and public housing usable by everyone. It is filled with photographs and illustrations to aid understanding. Published by Schooley Caldwell Associates and the Ohio Governor's Council on People with Disabilities. Send name, address, and check or money order payable to GCPD for \$20 ea. copy to Governor's Council on People with Disabilities, 400 Campus View Blvd., Columbus, OH 43235, voice (800) 282-4536, ext. 1391.

*Accommodating All Guests*, by John P.S. Salmen, AIA, is published by The American Hotel & Motel Association, 1201 New York Ave., NW, Washington, DC 20005, voice (202) 289-3100. The booklet is well illustrated, easy to read, and was made possible by a grant from the U.S. Department of Justice—Civil Rights Division.



need and reserve them. Assigning accessible rooms to guests who do not need the modifications is not necessarily illegal, but it can present significant problems for guests who do need those rooms, as well as for the check-in staffers who try to explain why the accessible rooms are all gone.

**Exercise and Health Facilities**

The ADA requires that exercise and health facilities be located on an accessible path of travel and be equally accessible to guests who have disabilities. A recent caller to ADA-OHIO asked if guests with disabilities needed to have access to the swimming pool area, even if they are unable to get into the pool.

The ADA requires access to the pool deck area, regardless the accessibility of the pool itself. Also, while there is ongoing discussion, the ADA does not require a specific means of pool access. However, the Recreation Access Advisory Committee recommends there be at least one means of access to the pool. The owner or manager of the pool should determine the means of access most appropriate for his or her own facility, whether that be a ramp, transfer tier or lift.

**Accommodating Less Obvious Disabilities**

Many people understand the need to accommodate people who have obvious disabilities—people who use wheelchairs, people who are blind, etc. But what about people who have disabilities that are less obvious such as diabetes, mental illness, epilepsy, AIDS, etc.?

Accommodating people who have hidden disabilities often requires more sensitivity and understanding than accommodating people who have visible disabilities. For example,

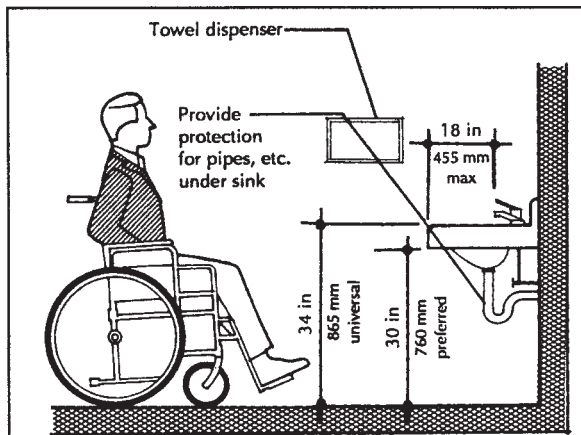
a guest with diabetes might request a refrigerator to store medication. Or a guest who has panic attacks and is attending a conference might ask to be placed in a room next to someone he or she knows.

**Respect Privacy**

In addition, people have privacy issues that need to be respected. Explaining why a guest who has no visible disability needs certain items or services not usually provided to guests, can be a challenge. Disclosing information about a guest's disability should be done only on a need-to-know basis. It could be illegal, and it is certainly inappropriate, to do otherwise.

A place of lodging should have at least one person on staff who is familiar with accommodating people with disabilities. That person could act as a liaison between guests with disabilities and other staff members responsible for providing the accommodations.

Staff members should periodically receive training on talking and interacting with guests who have disabilities. Printed literature should include information about requesting accommodations, reserving accessible rooms, and other amenities available to guests with disabilities.◆



*Accessible lavatories should have lever-type or push-type faucet handles or electronically controlled mechanisms. Faucets should be mounted no further than 18 inches (455 mm) from the front edge of the lavatory counter. Hot and cold water faucets should be clearly identified with graphics or colors as well as tactile symbols.*

Adapted from *Access for All*, by the Ohio Governor's Council on People with Disabilities and Schooley Caldwell Associates, Inc.

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