

YOUR LOGO

Date: November 8, 2006
To: Executive Staff &
Development Team
From: Lauren Godfrey - Staff Relations
Subject: Assistance Dog Guidelines



In the spirit of providing hospitality and world class service to all of our guests, we would like to encourage our staff to be especially mindful of the special needs of our handicapped guests with assistance dogs. To begin with, it would be helpful for the staff members in our restaurants to know about assistance dogs and what exactly they do. By having a greater respect not only for disabled people but for their assistance animals as well, our servers, managers, and other staff who interact with them, will then be better able to provide an environment of absolute guest satisfaction.

The Dogs

Although Guide Dogs for the blind have been trained formally for over seventy years, the training of dogs to assist deaf and physically disabled people is a much more recent concept. Assistance dogs are vitally important to those people with disabilities who are fortunate enough to have these helpful animals. A disabled person is allowed the use of a licensed service dog if they have a disability which substantially limits them in one or more major life activities, and the dog is specially trained to do demonstrable tasks (as opposed to, say, social or therapy dogs, whose work is to effect a change in the person's emotional or psychological state).

Types of Dogs

The three types of Assistance Dogs are [GUIDE DOGS for the blind and the visually impaired](#), [HEARING DOGS for the deaf and hard of hearing](#) and [SERVICE DOGS for people with disabilities](#) other than those related to vision or hearing. Service dogs include guide (or "leader") dogs for the blind; hearing dogs, that alert their owners to sounds; mobility assistance dogs, which may pull a wheelchair or directly support a person; seizure alert dogs; and "others". To clarify, "others" can refer to dogs trained to assist the mentally ill and children with medical conditions such as autism and diabetes.

Guidelines

Here are some tips to follow when meeting or approaching a working assistance dog and his or her partner:

- **Don't be afraid of the dog.** Assistance dogs from organizations like Canine Companions for Independence and other service dog training organizations are carefully tested and selected for appropriate temperament. They have been professionally trained to have excellent manners.

- **Don't touch or attempt to pet the dog!** This is a distraction and may prevent the dog from tending to the human partner. The guest wants you to concentrate on them, not the animal.
- **Never feed the dog.** It may be on a special diet. Food is the ultimate distraction to the working dog and can jeopardize the working assistance dog team.
- **Speak to the person, not the assistance dog!** Most handlers do not mind talking about assistance dogs and their dog specifically if they have the time. But when they are in a restaurant, they are there to enjoy a meal and time with friends and family, not spend time with restaurant staff talking about their dog.
- **Do not whistle or make sounds to the dog** as this again may provide a dangerous distraction.

The Law

Under the Americans with Disabilities Act (ADA), privately owned businesses that serve the public, such as restaurants, hotels, etc. are prohibited from discriminating against individuals with disabilities. The ADA requires these businesses to allow people with disabilities to bring their service animals onto business premises in whatever areas customers are generally allowed. An individual with a service animal may not be segregated from other customers.

The state criminal laws usually specify a particular form of identification for the dog, generally an identification card, harness, backpack or tag. Under the ADA, a person with a disability is entitled to take a service animal with him or her wherever it is needed, including restaurants.

Definitions

The ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered service animals under the ADA **regardless of whether they have been licensed or certified by a state or local government.**

Service animals perform some of the functions and tasks that the individual with a disability cannot perform for him or herself. "Seeing eye dogs" are one type of service animal, used by some individuals who are blind. This is the type of service animal with which most people are familiar. But there are service animals that assist persons with other kinds of disabilities in their day-to-day activities. Some examples include:

- Alerting persons with hearing impairments to sounds
- Pulling wheelchairs or carrying and picking up things for persons with mobility impairments
- Assisting persons with mobility impairments with balance
- A service animal is not a pet

Identification

Some, but not all, service animals wear special collars and harnesses. Some, but not all, are licensed or certified and have identification papers. If you are not certain that an animal is a service animal, you may ask the person who has the animal if it is a service animal required because of a disability. Although a number of states have programs to certify service animals, **you may not insist on proof of certification before permitting the service animal to accompany the person with a disability.** You may ask what **task** the service animal performs (i.e. "how does the animal assist you?") but **not** what their disability is or for an ID since there is no national certification program.

Local Laws

The ADA provides greater protection for individuals with disabilities and takes priority over local or state

laws or regulations regarding local health department regulations or other state or local laws. Therefore, cities or towns with “no pet” laws are overruled by the federal ADA statute. For restaurants, this means the federal law (the ADA) requires you to exempt a service animal team from local health department regulations which forbid animals to be on the premises where food is prepared and served. This is because a service animal is legally considered to be medical equipment, like a wheelchair or assistive listening device, rather than a pet.

Cleaning Fees

You may not charge a maintenance or cleaning fee for customers who bring service animal into the restaurant. Neither a deposit nor a surcharge may be imposed on an individual with a disability as a condition to allowing a service animal to accompany the individual with a disability, even if deposits are routinely required for pets. However, a public accommodation may charge its customers with disabilities if a service animal causes damage so long as it is the regular practice of the entity to charge non-disabled customers for the same types of damages. For example, a restaurant can charge a guest with a disability for the cost of repairing or cleaning furniture damaged by a service animal if it is restaurant’s policy to charge when non-disabled guests cause such damage.

Responsibility

The Company is not responsible for the animal while the person with a disability is in the restaurant. The care or supervision of a service animal is solely the responsibility of his or her owner. You are not required to provide care or food or a special location for the animal.

The Guest

Disabled Guests With Dogs

Most service dog owners try to minimize their chances of trouble with access by keeping their dogs well groomed, quiet, unobtrusive, and on their best behavior when in public places such as restaurants. Some carry proper identification for their dogs and may be willing to provide it in response to a polite inquiry. After all, inappropriate behavior by a pet passed off as an assistance dog creates a bad image and problems for legitimate assistance dogs and their users. But it is important to note that assistance dog users **are not required** to produce any form of ID for their animals.

Never make assumptions about the disabled individual's intelligence, feelings or capabilities.

It is also important to note that when denied access or harassed in any way, the majority of disabled assistance dog users are usually not afraid to be assertive. More importantly, they tend to be familiar with the laws that support them and are prepared to describe and take advantage of them.

Other Guests

Here is what you should do if a service animal barks or growls at other guests, or otherwise acts out of control: You may exclude any animal, including a service animal, from your facility when that animal's behavior poses a direct threat to the health, safety or welfare of others. For example, any service animal that displays aggressive behavior towards other guests or customers may be excluded. You may not make assumptions, however, about how a particular animal is likely to behave based on your past experience with other animals. Each situation must be considered individually.

Although a public accommodation may exclude any service animal that is causing a disturbance, you must give the individual with a disability who uses the service animal the option of continuing to enjoy your goods and services without having the service animal on the premises. *(Legal language: still offer same service and products in the same manner . . .without fundamental alteration of goods and services)*

Suggestions for Servers & Managers from Joan Froling (IAADP)

Generally, you should not put the customer in a far corner away from other guests. If another customer who is already seated complains of an allergy or dog phobia (usually such conditions do not qualify as a disability according to the Department of Justice so legally it is not a reason to violate the civil rights of the service animal handler), you can offer to move the person alleging the allergy or phobia to a different location. If this is not practical, as their food has already been served, one option is to explain the problem and apologetically ask the service animal handler if he/she would consider moving to a different location in the restaurant. Make sure the service animal handler knows it is optional. Most will be good natured and oblige.

In the unlikely event they refuse to move, perhaps in the belief that the other customer is just trying to give them a hard time, err on the side of accommodating the disabled person with the service animal. Calmly explain to the complaining customer it is the federal law that disabled persons cannot be segregated from other customers. Offer to have the waitress move the complaining customer to a table as far away as possible, if the objection continues. While this situation will seldom occur, you should be aware of the protocol in how to handle such a conflict so as to avoid potential litigation for discriminatory treatment of the service animal handler.

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Procedure

1. After a disabled person with a service dog approaches the front desk, ask if there are any special accommodations that they require.
2. If the dog is not wearing a vest and you have any doubts as to the validity of the dog's purpose, you may ask how the animal assists the user or what tasks it performs. Do so before seating them and not in front of other guests. Most handicapped persons are more than willing to cooperate with such requests. Please remember however, that you are verifying the dog's purpose, not the person's disability. Occasionally, the handler will offer to show you the dog's certification or ID but never ask to see it.
3. When seating a party with a service dog, consider the dog a member of the party for space accommodation purposes. For instance, if there are 2 persons and one of them has a service dog, they should be seated at a table large enough to accommodate 3 people.
4. Be aware of potential architectural barriers to the individual. Be respectful of the assistance dog team. They are a working pair going about their daily lives.
5. Offer to remove a chair from the table so that the dog can fit entirely under the table for both the dog's safety and the comfort and well-being of the guests in that party, as well as the safety of those walking near or around the table.
6. It's OK and even appreciated, if you offer water for the dog but never offer food. Other than this polite offering, once the guest is seated and the dog is under the table, simply ignore the dog and go about the business of serving the guest.

Typically, other guests and wait staff at most restaurants will pay too much attention to the dog and not enough to the disabled person for whom you are **both** there to serve. The bottom line is – do not dwell on the dog; **serve the guest**.

Resources & Examples

Sample Vests & IDs:



Research/Resources

- Americans With Disabilities Act: home page on the internet - <http://www.usdoj.gov/crt/ada/>
- International Association of Assistance Dog Partners: www.iaadp.org, (586) 826-3938
- Assistance Dogs International: <http://www.adionline.org/>,
 - Great resource for state laws listing
 - *Assistance Dogs International's Guide to Assistance Dog Laws* (we have a copy of this)
- Canine Companions for Independence: www.caninecompanions.org, 1-800-572-BARK (1-800-572-2275)

