

ADA Sensitivity and Transit Policies for Persons with Disabilities

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City of Phoenix



Introductions

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Session Goal

Improve customer service through improved awareness of human disabilities and increase levels of comfort in working with diverse groups of people.



Session Objectives

- Review ADA law.
- Develop appropriate accessibility language within the workplace and with the public.
- Build appropriate skills to interact with people with disabilities.
- Understand Federal Transit Administration Policies related to serving customers with disabilities.



Knowledge Check



How many of you work with someone who has a disability?



How many of you know someone who has a disability?



How many have a disability now or may have at some point in life?



Knowledge Check



If you live to the age of 70, the chance of you having a disability is:

- A. 12%
- B. 28%
- C. 55%
- D. 82%



Definition of Disability

dis·abil·i·ty (ˌdɪs·əˈbɪl·ə·ti)
condition of being disabled
pursue an occupation by
or mental impairment
providing financial support
by disability - went on
retirement - 2: lack of ability

- A physical or mental impairment that substantially limits a major life activity
- A record of such an impairment
- Being regarded as having such an impairment



Americans with Disabilities Act





ABCs of the ADA



- Americans with Disabilities Act
 - Enacted in 1990
 - Amended in 2010
- ADA is a wide-ranging civil rights law that prohibits discrimination based on disability.



Local Government and the ADA

- Focus of today's training
- ADA requires that we provide
 - Equal access to
 - Programs
 - Facilities
 - Activities
 - Services





Five Titles of the ADA

Title 1. Employment

Prohibits disability discrimination in all employment processes.

Title 2. Accessibility in public entities

Physical and program access in State/local governments.

Title 3. Accessibility in businesses

Physical and program access in restaurants, hotels, stores, places of business, and transit facilities.

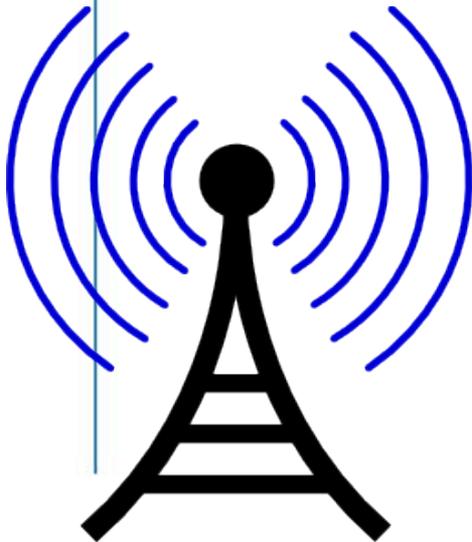


Five Titles of the ADA

Title 4. Telecommunications

Ensures accessibility to public telephone and communications systems.

Title 5. Miscellaneous





Title II of the ADA

- The Americans with Disabilities Act, Title II, states that no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in programs, services or activities sponsored by a public entity.



Title III of the ADA

- Prohibits discrimination on the basis of disability in public accommodations, which includes transportation facilities.
- Places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with accessibility standards.



Signspotting.com



Five (5) Criteria of Discrimination

1. Was there a denial of benefits or services?
2. Did we provide a different service or a service in a different way than we provided it to others?
3. Did we segregate or separately treat individuals?
4. Was there direct discrimination?
5. Did the customer specifically mention that they were discriminated against?



Avoiding Discrimination and Harassment

USE COMMON SENSE

BE INCLUSIVE

ENSURE ACCESSIBILITY

MAKE ACCOMMODATIONS

PROTECT RIGHTS



Protection of Rights

- DO relax and make people feel comfortable.
- DO provide reasonable accommodations.
- DO learn where to find and recruit people with disabilities.



Protection of Rights

- DO learn how to communicate with people who have disabilities.
- DO ensure that your publications, meeting agendas, etc. are in formats that are accessible to all persons with disabilities.



Protection of Rights

- DON'T ask if a person has a disability.
- DON'T assume that you must provide every accommodation to a person with a disability.
- DON'T speculate or try to imagine how you would perform a specific job, task, or activity if you had the person's disability.



Protection of Rights

- DON'T assume that your workplace, and facility is accessible.
- DON'T make medical judgments.
- DON'T assume that a person with a disability can't do a job, task, or activity due to apparent or non-apparent disabilities.
- DON'T assume that reasonable accommodations are expensive.



Key Elements to Inclusion

- Universal Precautions
 - Treating all people with sensitivity, patience, and respect
- Inclusiveness is a priority



Key Elements to Inclusion

- Thinking “universally” with Universal Design
 - Strive to only develop those things that will meet the needs of the largest number of people





Disability Facts

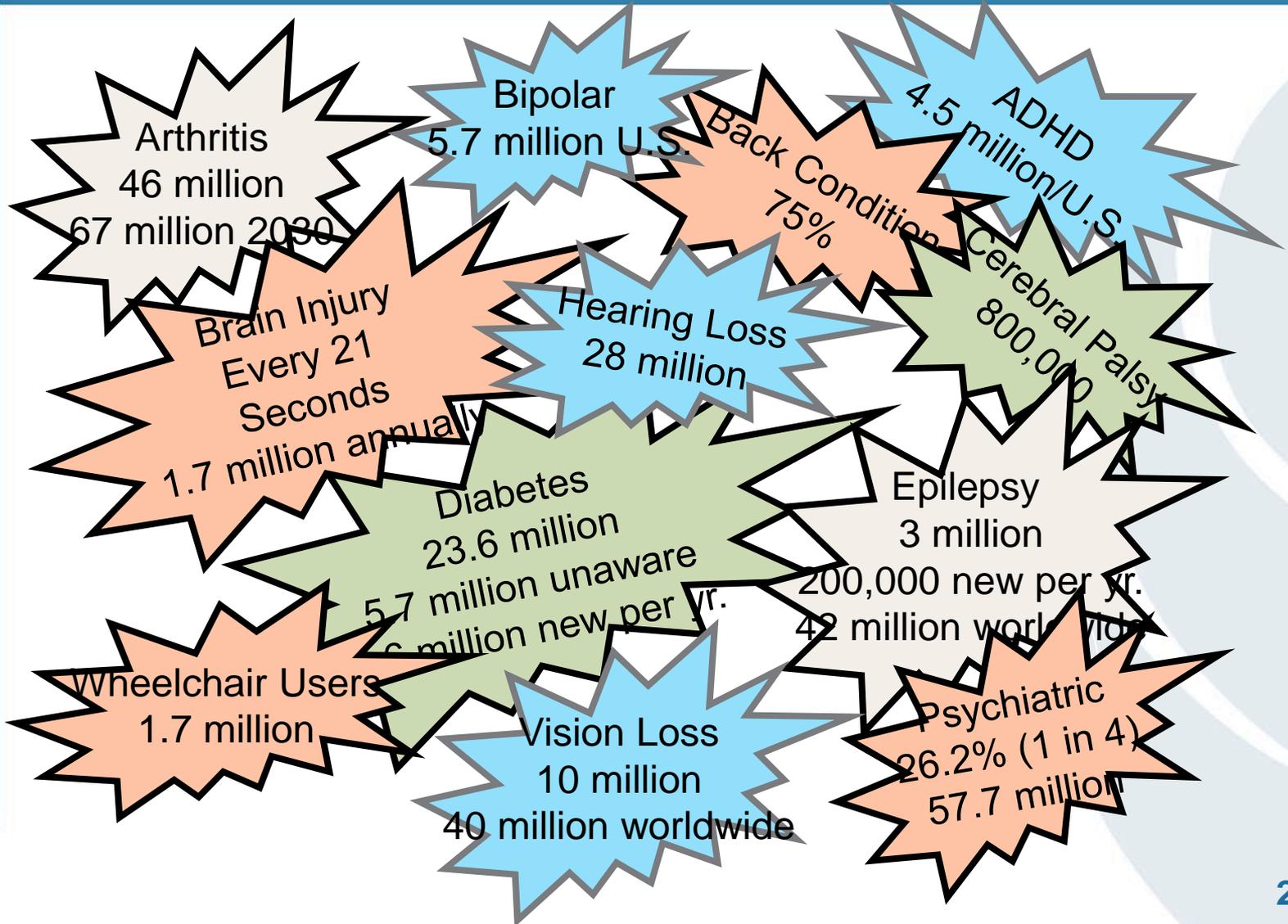
People with disabilities are America's largest minority group, making up 20% of the population.

That's about 56.7 million people

It is the only minority group that you can become part of at ANY time.



Disability Facts





Types of Disabilities

"It was ability that mattered, not disability, which is a word I'm not crazy about using."

- Marlee Matlin



Variations in Disability Types

Adult Onset



Childhood Onset





Variations in Disability Types

Visible



Invisible





Variations in Disability Types

Temporary



Chronic



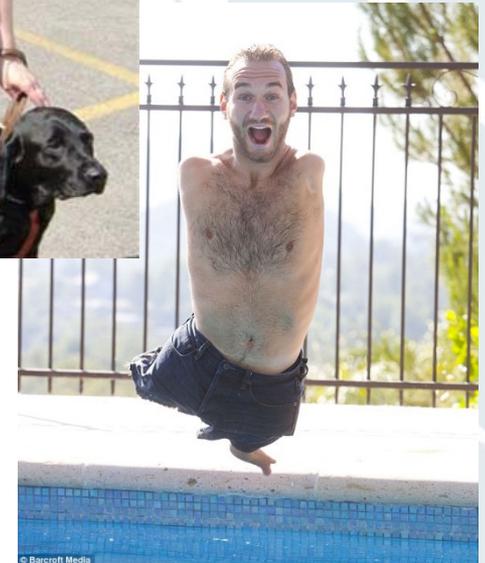


Variations in Disability Types

Nominally impairing



Significantly impairing

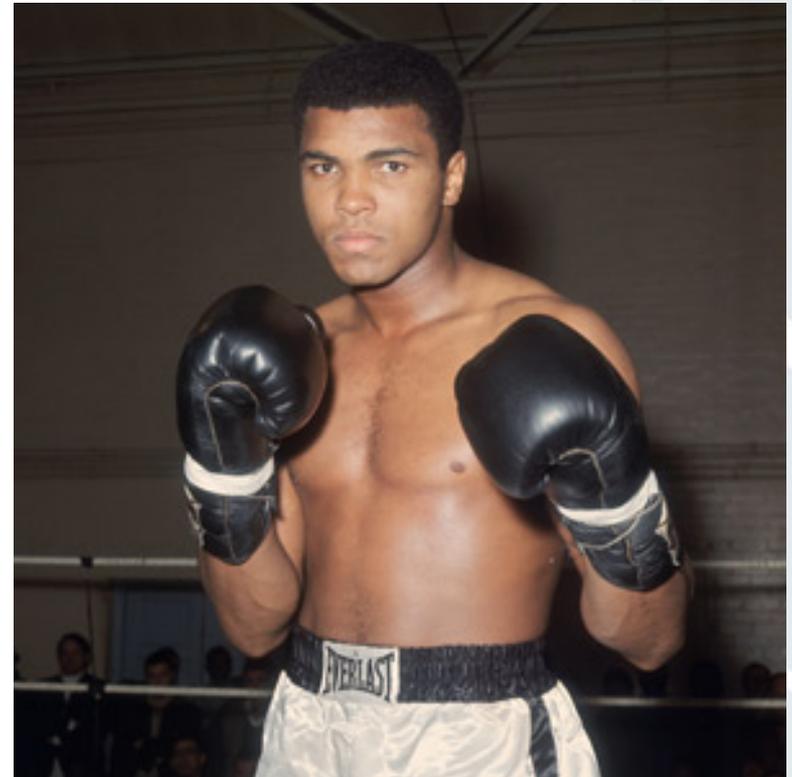




Variations in Disability Types

Stable

Progressive





Hank Williams Sr.

Country music singer





Josh Blue

2006 winner of Last Comic Standing

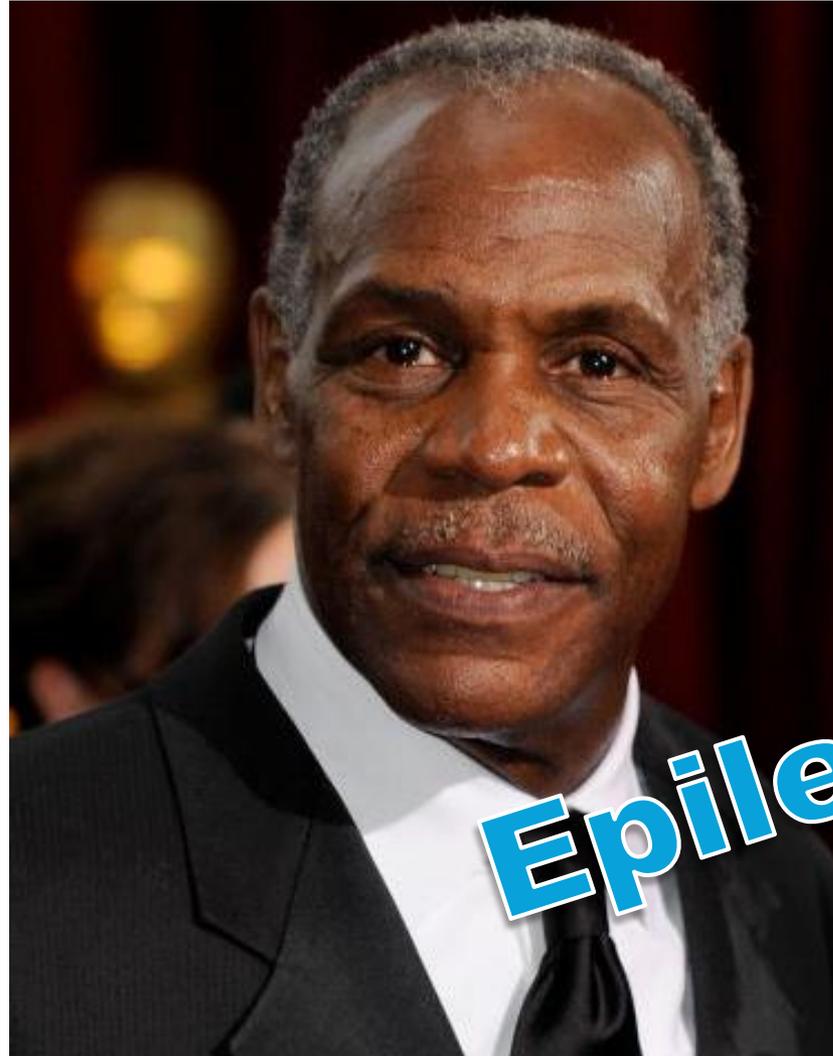


**Cerebral
Palsy**



Danny Glover

Actor - *Lethal Weapon*, *Predator*



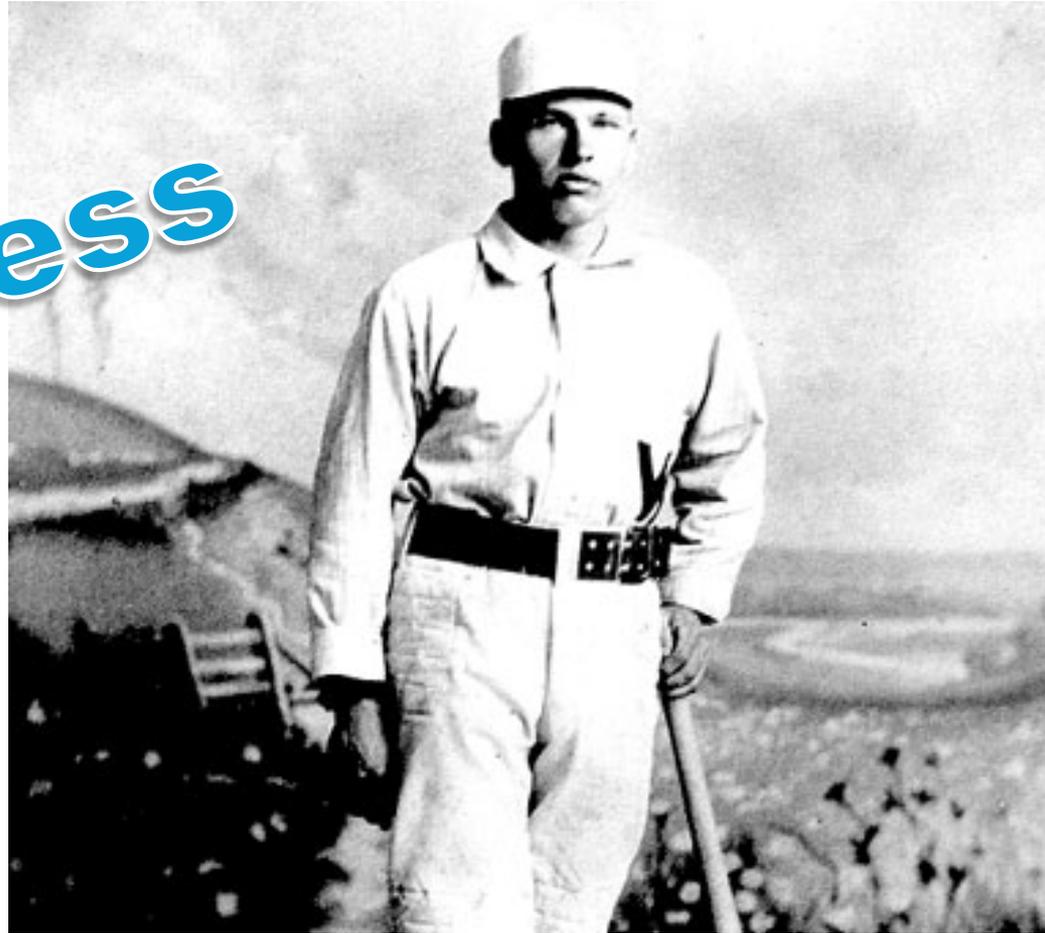
Epilepsy



William Elsworth - “Dummy Hoy”

Center Fielder for Reds, Goodyear Executive

Deafness





Sir, Richard Branson

Founder of Virgin Enterprises



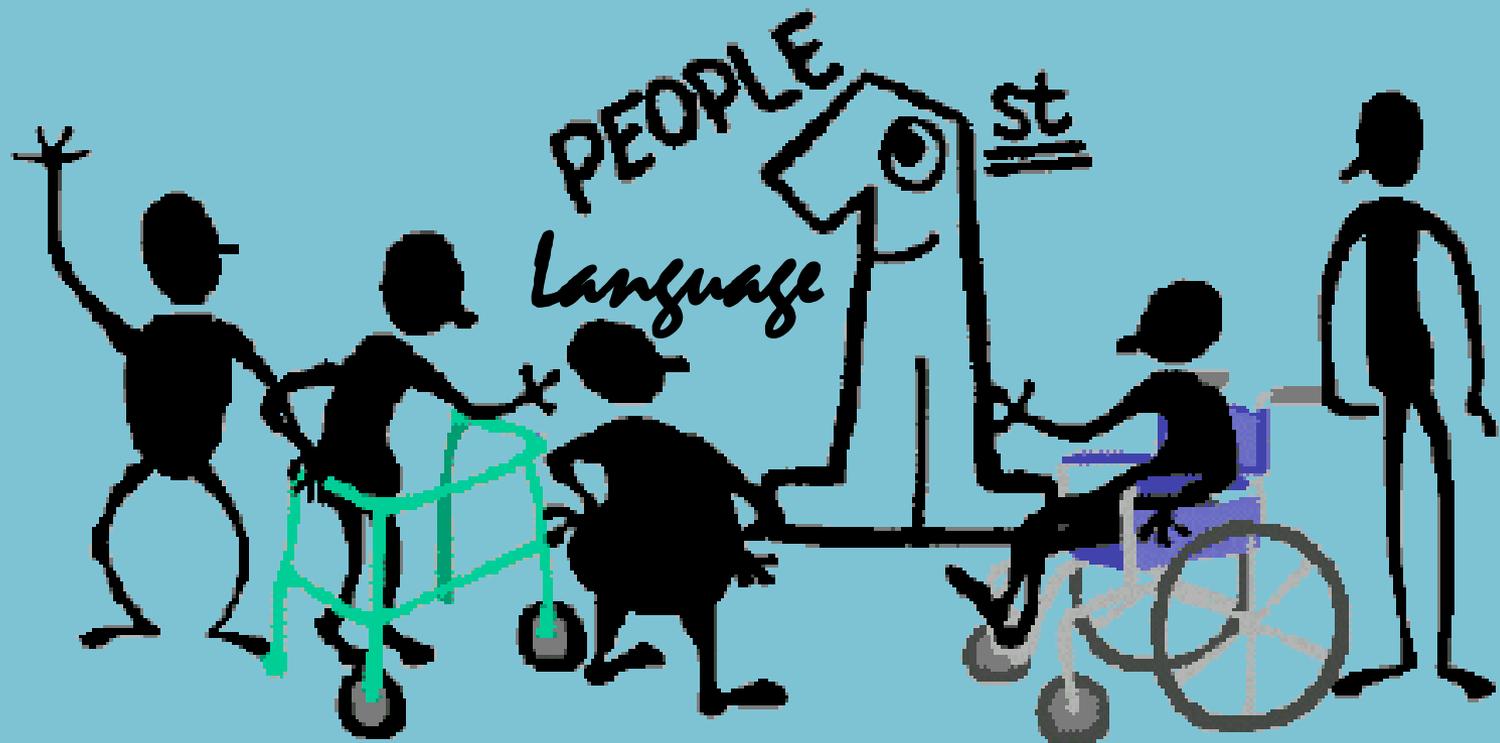


Douglas Bader

WWII war hero - Fighter pilot with the Royal Airforce



**Legs
Amputated**





Language

**“Change your language
and you change your
thoughts.”**

-Karl Albrecht

Examples of Unacceptable Disability Language





Words, Thoughts, Beliefs, Feelings, Behavior...Matter

**Our words affect our thoughts
Our thoughts affect our beliefs
Our beliefs affect our feelings
Our feelings affect our behavior
and Our behavior affects our
world.**

- Shirley Devol VanLieu



The Misconceptions

People with disabilities are often viewed as:

- Victims or objects of pity
- Horrible or grotesque
- Burdens
- Evil, some threat to comfort and safety of others
- Unable to do things
- Having multiple disabilities
- Childlike
- “Special”





Words matter...

Handicapped or Disabled?

Wheelchair Bound or Wheelchair User?

Midget or Dwarf or...?

Deaf or Hearing Impaired?

Blind or Visually Impaired?

Crazy, Nuts, or Mental Illness?



Guarding Your Words

- Put the person first
 - Disability does not define the person.
 - Use “person with a disability” instead of “disabled person.”
- Avoid outdated terms
 - Examples: “handicapped”, “crippled”, “invalid”, “afflicted with...”, and “suffers from...”



Guarding Your Words

- Avoid negative, disempowering terms.
 - Examples: “victim”, “sufferer”
- Avoid “Normal” or “Healthy”
 - Denotes abnormality or illness
- People with disabilities do not always agree on what is politically correct language.



Beyond Language in Disability Etiquette

Refer to the individual first, then to his or her disability when it is relevant and appropriate.

Say "person with a disability" rather than "disabled person" or use the following formula:

Name or Title of Person + Verb + Assistive Device or Disability

Professor Jones	+	has	+	Rheumatoid Arthritis.
Mrs. Cassidy	+	utilizes	+	crutches.



How to Replace the UNacceptable Language

- Do not refer to a person's disability unless it is relevant to the conversation.
- Use the word "disability" rather than "handicap" to refer to a person's disability. Never use "cripple/crippled" in any reference to a disability.
- Avoid referring to people with disabilities as "the disabled, the blind, the epileptics, the retarded." Descriptive terms should be used as adjectives, not as nouns.
- Avoid negative or sensational descriptions of a person's disability. Don't say "suffers from, a victim of, or afflicted with." These portrayals elicit unwanted sympathy, or worse, pity toward individuals with disabilities. Respect and acceptance is what people with disabilities prefer.
- Don't use "normal" or "able-bodied" to describe people who do not have disabilities. It is better to say "people without disabilities," if necessary to make comparisons.



Beyond Language in Disability Etiquette

**Three Primary Principles:
Who People with Disabilities REALLY are...**

- 1. They are NOT their disabilities.**
- 2. They treasure their independence.**
- 3. They are the experts.**



Basic Etiquette

- Speak directly to the person.
- It is appropriate to offer to shake hands.
- OFFER assistance; don't just give it. If accepted, listen or ask for instructions.
- Treat adults as adults.
- Relax, and stay calm.
- Don't apologize if you happen to use accepted, common expressions that seem to relate to a person's disability. 50



Basic Etiquette

- Don't be afraid to ask questions when you are unsure what to do.
- Service dogs are working tools. Do not pet, feed, or distract them while they are working. Ask their person before making any contact with the dog.
- Don't make assumptions.
- Know where accessible restrooms, drinking fountains, and telephones are located within your work area.



Etiquette 101: Physical Disabilities



- A wheelchair is part of a person's body space - don't lean on it.
- Pushing the chair is a skill.
- Sit at eye level for notable chats.
- Offer help, but make sure it is provided in an unassuming manner.
- Follow through on whatever needs to be done.
- Keep paths clear in buildings and outside.
- Don't use the accessible (wide) bathroom stalls if you don't need to.





Etiquette 101: Blindness or Low Vision



- Always identify yourself and others with you.
- Never touch or grab a cane - or the person. In order to gain their attention, you may touch the person lightly on the arm as you speak.
- Don't assume your help is wanted or needed, rather ask if they would like your help.
- Offer your arm, elbow, or shoulder if assistance is needed. Give them information - "I'm offering you my arm."
- When moving, describe what is on their path ahead.
- Let them know when you are leaving the room.
- Face them when you speak.



Etiquette 101: Blindness or Low Vision



- Immediately greet them when they enter a room.
- When greeting, feel free to shake his or her hand after saying, “How do you do? Let me shake your hand.”
- Address them by name in a conversation so they know you are talking to them.
- Speak in a normal tone and speed of voice.
- Answer all questions verbally instead of with gestures or body language.
- Direct your conversation to the person rather than someone who might be with them as a helper.



Etiquette 101: Speech Impairment



- Allow them to speak- feeling rushed impairs speech more.
- Seek a quiet setting in which to talk.
- Don't complete their sentences.
- Make eye contact.
- Use the same tone of voice and volume that you would normally use unless the person asks differently.
- Listen to the person's words, not the manner in which they are said.
- If you don't understand, ask them to repeat.
- Don't pretend to understand if you are having difficulty doing so.



Etiquette 101: Speech Impairment



- If you're not sure you understood, repeat back what you heard.
- If needed, ask them to write or use a computer.
- Respect that a person with a speech impairment may prefer one-on-one conversation to group discussions.
- If you are uncertain, ask the person how to best communicate instead of guessing.
- If necessary, ask short questions that require short answers, a nod or shake of the head.



Etiquette 101: Hearing Loss



- **Speak normally-** hearing aids are tuned for it.
- **Keep your face and mouth visible** for lip reading.
- **Don't exaggerate speech or emotion.**
- **Touch their arm or gesture** to get attention.
- **When a translator is present, address the person with hearing loss.**
- **Avoid sudden changes of topic** in conversation.



Etiquette 101: Cognitive Disability



- **Make no assumptions.**
- **Might need extra time to process information.**
- **Use clear language.**
- **Don't take lack of response personally - they might be overwhelmed.**
- **Don't take sudden emotions personally.**
- **Direct eye contact can be intimidating.**
- **Allow for different styles of processing information.**



Disability Awareness

Watch the Video!



Disability Sensitivity Training Video



Reasonable Modification – What is it?

- A reasonable modification is a change in Valley Metro's service policies and practices in circumstances where established practices may prevent individuals with disabilities from accessing and participating fully in Valley Metro's programs, services and facilities.



For Example...

- Other Mobility Devices
- Due to construction or obstacles, boarding customer in mobility aid in a different accessible location
- Eating and drinking for people with diabetes
- Handling fare for customer with disabilities that limit their ability to handle fare
- Taking injectable medicine on the bus/light rail



Reasonable Modification

- We must consider all requests
- If there are issues, we must interact with the person making the request
- Violations of ADA
 - Automatic refusal to accommodate
 - Not dealing with requests in good faith
 - Lack of interaction about request



Reasonable Modification, Cont.

- The ADA requires we engage with the person requesting an accommodation
 - Reasonable modifications to be inclusive
 - Case-by-case situations
 - No “one-size-fits-all”
- Put biases aside
- If we drop the ball, we lose





What am I obligated to do or provide?

- Individuals may request reasonable modifications online, by email, in writing or by phone. To facilitate this process, Valley Metro has made this policy and the Reasonable Modifications Request Form available online and in hard-copy upon request at www.valleymetro.org/accessibility/reasonable_modifications. Customers may also call Valley Metro Customer Service to make this request.



What am I obligated to do or provide?

- Valley Metro, (in consultation with those providers involved in a requested modification) will have five (5) business days to review and decide on each request. Valley Metro will have an additional (5) business days to provide a final response to the customer.



Undue Hardship

“If we say no...”

- Reasonable
 - Cost
 - Resources
- Safety
- Fundamentally alter the program, service, or activity





Can we do more? Yes, but...

Consider:

- **Are we setting a precedent?**
- Are we able to remain consistent in providing the same accommodation to everyone?





Service Animals

- According to FTA ADA guidance, a service animal is defined as:
 - Any guide dog, signal dog, or *other animal* individually trained *to work or perform tasks* for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or fetching dropped items.





Service Animals, Continued

- The Department of Justice narrowed the definition of service animals to dogs and miniature horses, but this does not affect the Department of Transportation's definition recognizing the possibility that other animals can be service animals.





How do you determine if it's a Service Animal?

Only two permissible inquiries:

- Is this a service animal required because of disability?
- What work or tasks is the animal trained to perform?





How do you determine if it's a Service Animal?

What does “do work or perform tasks” mean?

The dog must be trained to take a specific action when needed to assist the person with a disability.





Examples of types of tasks...

- Tasks can be for people with physical, sensory, psychiatric, intellectual, or mental disabilities.
- Assist during seizure.
- Retrieve medicine or other items.
- Help individual with dissociative identity disorder to remain grounded.
- Prevent/interrupt impulsive or destructive behavior.
- Assist with balance, stability.
- Provide non-violent protection or rescue work.





General rules regarding service animals

- Can't ask about disability.
- Can't request documentation (no formal training or certification required).
- Can't ask for additional payment (no surcharges).
- Service Animals are not required to wear a vest, ID tag or harness.





What about emotional support or protection animals?

- Dogs whose sole function is “the provision of emotional support, well-being, comfort, or companionship” are not considered service dogs under the ADA.
- The use of service dogs for psychiatric and neurological disabilities IS protected under the ADA.
- “The crime deterrent effects of an animal's presence” do not qualify that animal as a service animal and “an animal individually trained to provide aggressive protection, such as an attack dog, is not appropriately considered a service animal.”



Emotional v. Service

- Unless the animal is individually trained to do something that qualifies as work or a task, the animal is a pet or support animal and does not qualify for coverage as a service animal. A pet or support animal may discern that the handler is in distress, but it is what the animal is trained to do in response to this awareness that distinguishes a service animal from an observant pet or support animal.
- DOJ states “that an animal that is trained to ‘ground’ a person with a psychiatric disorder does work or performs a task that would qualify it as a service animal as compared to an untrained emotional support animal whose presence affects a person’s disability. It is the fact that the animal is trained to respond to the individual’s needs that distinguishes an animal as a service animal.”



Emotional v. Service, Cont.

- According to the DOJ, “the process must have two steps: Recognition and response. If a service animal senses that a person is about to have a psychiatric episode and it is trained to respond, for example, by nudging, barking, or removing the individual to a safe location until the episode subsides, then the animal has indeed performed a task or done work on behalf of the individual with the disability, as opposed to merely sensing an event.” Tasks performed by psychiatric service animals may include reminding the handler to take medicine, providing safety checks or room searches for persons with PTSD, interrupting self-mutilation, and removing disoriented individuals from dangerous situations.
- Remember the difference between an emotional support animal and a psychiatric service animal is the work or tasks that the animal performs.



Service Animals – Other Considerations

- Transit agencies may refuse to transport service animals if the animal is out of control and the animal's handler does not take effective action to control it. However, if a dog barks occasionally this does not necessarily mean it is out of its handler's control.
- The FTA does not prescribe limits to the number of service animals that can accompany a customer. Different service animals can provide different services.
- Other riders' or agency personnel's allergies to dogs or other animals would not be grounds for denying service to a person accompanied by a service animal. The regulations explicitly state that service animals must be allowed to accompany individuals on vehicles and in facilities. Encountering a service animal in the transit or other environment is an expected part of being in public.



Other Mobility Devices



Persons with mobility disabilities may use devices other than wheelchairs to assist with locomotion. Canes, crutches, and walkers, for example, are often used by people whose mobility disabilities do not require use of a wheelchair. These devices must be accommodated on the same basis as wheelchairs.



Other Mobility Devices



Chronicle / Michael



Other power-driven mobility devices like the Segway®, when used by a person with a disability as a mobility device, is part of the broad class of mobility. In this way, a Segway® occupies a legal position analogous to canes, walkers, etc.



Other Mobility Devices - What they are NOT



Valley Metro does not accommodate devices that are not primarily designed for use by individuals with mobility impairments on buses. This includes items such as shopping carts and bicycles. However, bicycles may be boarded on the light rail.



Other Important Transit ADA Policies

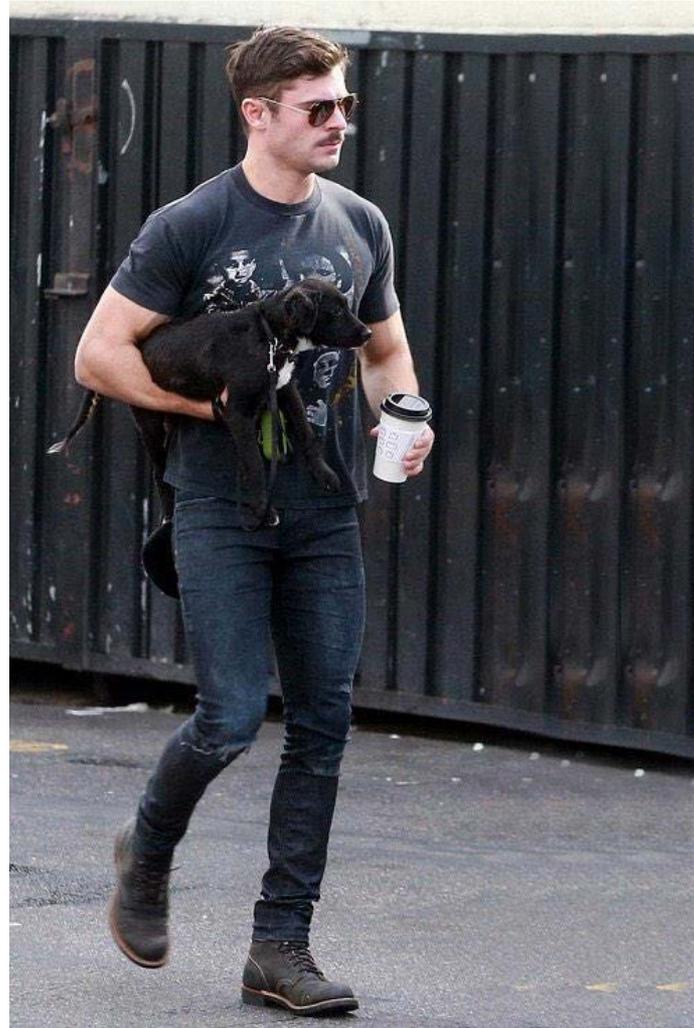
- Announcing Bus and Light Rail Stops
- Bus Stops
- Maintenance of Lifts and Ramps
- Mobility Aid Securement
- Seatbelts
- Operator Training
- Priority Seating / Mobility Aid Securement Areas
- Rescue Policy
- Transferring to a Seat from a Mobility Device
- Transporting Wheelchairs
- Wheelchair Brakes

Applying
the
ADA

**Case
Studies**



Case 1 – Is it a Service Animal?



Applying
the
ADA

**Case
Studies**



Case 2 – Is it a Mobility Device?



Applying
the
ADA

**Case
Studies**



Calling All Streets!





Online Resources

- **Federal Transit Administration Guidance Circular 4710.1 American's With Disabilities Act Guidance** - OR City of Phoenix Public Transit Web page – Title VI and ADA Program
- **Bus and Light Rail Policies for Customers with Disabilities** – Valley Metro Web site OR City of Phoenix Public Transit Web site – Title VI and ADA Program
- **This presentation** – City of Phoenix Public Transit Web site – Title VI and ADA Program



Bottom Line

We are all obligated to respect and provide the best service to all customers, regardless of disability.



QUESTIONS?

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