



ACCESS RIGHTS AND WORKING IN PUBLIC

At present, most hotels, restaurants, grocery stores, etc., admit guide dogs without question. You may, however, come across an establishment that will not let you in with your dog; very often this is the result of misunderstanding (for example, a new or inexperienced member of the staff may just have been told not to admit dogs). If this happens to you, here are a few guidelines to follow:

- Assume that it is a misunderstanding rather than prejudice, and keep calm.
- Ask to see the manager and explain the situation to them.
- If they still refuse to let you and your dog in, ask yourself if there is perhaps a good reason – some premises really are unsafe, even for a guide dog (for example, management of a petting zoo may be worried about communicable diseases or their animals not being friendly with the guide dog).
- If you are convinced that they are being unreasonable, follow the steps outlined below under “Advocacy and Education.”

Also bear in mind that guide dogs are granted access to places prohibited to other dogs largely because of their reputation for good behavior. A dog that is unkempt, noisy, or restless in such a place is not only a source of embarrassment and irritation to all concerned, but is also placing that reputation in jeopardy.

Access problems occur infrequently but, if one does arise, try reasoning rather than getting angry - it's usually the best response.

Legal Protection: the ADA, ACA, and the FHA

There are three federal laws that govern your right of access to public places when working with your Pilot Dog:

- **Americans with Disabilities Act (ADA)**

- The ADA guarantees you and your dog access to any place the public is allowed to go including hotels, places of business, all forms of public transportation, restaurants, and any other place open to the public.
- Charging an additional pet fee for a service dog is illegal under the ADA, although it is legal to hold you responsible for any damage your dog may do, such as chewing carpet.
- Some states have laws that provide additional protection for handlers of service dogs including penalties for refusing access or for interfering with a service dog, but no state can have laws that are more restrictive than the federal law.
- The ADA does not apply to churches or Native American reservations.
 - Access may also be limited in some very specific places such as the ICU of a hospital or a wild animal park with free-ranging wild animals that may be upset by the presence of a dog.

- **The Air Carriers Access Act (ACA)**

- The ACA allows you to have your Pilot Dog with you when you travel by air.
- Airlines are not allowed to require you to sit in any specific seat because of your Pilot Dog.

- **Fair Housing Act (FHA)**

- The FHA prevents you from being discriminated against when seeking housing.
- Like the ACA, the FHA also accommodates emotional support animals.

Public Interference with Your Pilot Dog

Public interference is common when working with your Pilot Dog and can take two different forms. The most common type of public interference is when someone distracts your dog by talking to him, petting him, offering him food, or allowing pet dogs to greet him. The other form of public interference happens when someone tells you that the dog is not allowed or that you have to pay an additional fee to have the dog with you.

Advocacy and Education

Anyone who uses a guide dog is going to have to deal with public interference occasionally. This can be one of the less pleasant aspects of being a guide dog handler; however, it is less stressful if you think about how you will handle these situations before they happen.

When someone interferes by distracting your dog, the best response is a polite but firm, “Please don’t pet him (or talk to him); he’s working and it’s important that he not be distracted.” This usually results in the interfering person apologizing and withdrawing. If it is a dog that is interfering, you can say to their owner, “Please control your dog; my dog is working and needs to concentrate.” Whether you want to spend more time educating the person about working dogs is up to you.

If you are refused access at a business, the first thing you should do is inform the person that the dog is a service dog and that you are legally allowed to be there. You should know that the business owner is not legally allowed to ask you for proof of disability or for any type of certification proving that your dog is legitimate.

They are only allowed to ask you two very specific questions:

1. Is this a service dog required because of a disability?
2. What tasks has he been trained to perform?

You are never legally obligated to show your Pilot Dog ID card; nevertheless, many graduates choose to show it because it often resolves the conflict quickly. If you are still refused access, consider the following options:

- Ask to speak to the manager. Sometimes the employees do not know the law, but the manager should.
- Carry a copy of the law with you. The National Association of Guide Dog Users (NAGDU) has a free iPhone app that lists applicable laws that you could download and show, or you could carry a copy of the state and/or federal law in your wallet.
- If neither of the above choices work, call the police. This will mean that you have to wait until they arrive and it may take a long time.
- Leave and take your business elsewhere.
- Write a letter to the business and include a copy of the law.

- Contact Pilot Dogs and inform us of the incident; we may be able to assist you in advocating for yourself.

There is no “right choice.” It depends on your available time, your feelings about confrontation, the feelings of people you are with, and whether you are likely to return to the business, among other things.

Considerations for Having Your Pilot Dog in Public

- As usual, with rights come responsibilities. Legally, you may be asked to remove your dog from any public place if:
 - Your dog is out of control and you are unable to bring him under control
 - Your dog is not housebroken
 - Your dog poses a direct threat to the health or safety of others
 - The presence of a dog would require a fundamental alteration to the nature of the business (such as an anxious or active dog in a yoga class, or a dog in a petting zoo that causes the animals to run away)
- You should always keep your Pilot Dog well-groomed and clean. Remember, your dog is a representation of yourself and of this organization.
- You should be mindful of the dog’s comfort when deciding whether to take him with you or not. You are legally allowed to take him to a loud rock concert, a fireworks display, or a summer day at a waterpark, but will the dog really be comfortable in those situations? Sometimes leaving the dog at home or with a trusted friend is the best option.
- You should always make sure that you position your dog out of the way as much as possible when in a restaurant or other crowded space. It is easy for people to trip on dogs when they are not expecting to see a dog there, especially a dog that blends in with the environment. This can be dangerous for both people and dogs. Dogs should be positioned under a table, under a chair, or against a wall whenever possible.