



Service Animals and the USMS Pool Deck

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Americans With Disabilities Act of 1990

- ❖ Landmark Civil Rights Legislation
 - ❖ “With today's signing of the landmark Americans for Disabilities Act, every man, woman, and child with a disability can now pass through once-closed doors into a bright new era of equality, independence, and freedom.” (Remarks of President G.H.W. Bush at signing ceremony)
 - ❖ The Findings of the Law: “The Congress finds that physical or mental disabilities in no way diminish a person's right to fully participate in all aspects of society, yet many people with physical or mental disabilities have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination...”
 - ❖ The Purpose of the Law: “It is the purpose of this chapter to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities...”

Swimming and Disabilities

- ❖ Queenie Nichols (Paralympic swim coach): “Water is one of the big equalizers. One of the phrases I heard since I got involved in this is that we are all equal in the water and that is really true. Athletes with disabilities, from below-knee amputations to severe quads, can compete and compete successfully.”
- ❖ USA Swimming: “Swimmers with a disability participate in USA Swimming programs for the same reasons as swimmers who do not have disabilities – they want to have fun, they enjoy swimming, they want to be with friends and make new friends, they want to ‘get in shape’ and stay healthy, they want to improve their skills and performances, and they enjoy competition.”

USMS and Disabilities

- ❖ About Masters Swimming: “Don’t let your perceived ability, or lack thereof, hold you back. Although it’s important to have a physical examination before starting any exercise routine, you don’t need to be in shape to start Masters swimming—Masters swimming will help you get there. “
- ❖ Search for ‘Disability’ on usms.org yields no hits. Which is kind of odd because...
- ❖ Rule Book Article 107: “Disability is defined as a permanent physical or cognitive disability that substantially limits one or more major life activities.”

ADA & Service Animals

- ❖ The Law:
- ❖ “Service animal means 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.
- ❖ **Other species of animals**, whether wild or domestic, trained or untrained, **are not service animals** for the purposes of this definition.
- ❖ The **work or tasks performed** by a service animal must be **directly related to the individual’s disability**.

ADA & Service Animals

- ❖ Examples of work or tasks include, but are not limited to:
 - ❖ Assisting individuals who are blind or have low vision with **navigation** and other tasks;
 - ❖ Alerting individuals who are deaf or hard of hearing to the **presence of people or sounds**;
 - ❖ Providing **non-violent protection** or rescue work;
 - ❖ **Pulling** a wheelchair;
 - ❖ **Assisting** an individual **during a seizure**;
 - ❖ **Alerting** individuals to the presence of **allergens**;
 - ❖ **Retrieving items** such as medicine or the telephone;
 - ❖ Providing **physical support** and assistance **with balance and stability** to individuals with mobility disabilities;
 - ❖ Helping persons with psychiatric and neurological disabilities by **preventing or interrupting impulsive or destructive behaviors**.

Does NOT Cover

- ❖ “The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.”
- ❖ Air Travel: Air Carrier Access Act creates a broader definition of Service Animals for those flying on a commercial airline flights.
- ❖ Housing: Fair Housing Act creates a broader definition of Assistance Animal for those situation covered by FHA regulations.
- ❖ State Law: Some states may define service animals more broadly than federal law, and in such cases state law applies. States can’t restrict the definition, however.
- ❖ Service Animals in Training: NOT considered Service Animals because they do not provide a service at this time.

Does NOT Require

- ❖ Does not require a public accommodation to permit an individual to participate in or benefit from that accommodations of that public accommodation when that individual poses a **direct threat to the health or safety of others.**
- ❖ A public accommodation must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

The Good Content

- ❖ What the Law requires of a pool operator / meet host / meet referee. Pretty simple, actually:
- ❖ “State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in **all areas of the facility where the public is normally allowed to go.**”
- ❖ “Staff” permitted to ask two things:
 - ❖ Is this a Service Animal required b/c of a disability?
 - ❖ What work or task is the animal trained to provide?

But,

- ❖ Service animals are not pets.
- ❖ Service animal must be under control (normally harnessed, tethered or leashed but not always);
- ❖ Does not override public health regulations regarding animals in pools (deck is different, however).
- ❖ Allergies / fear of dogs not a valid reason for exclusion - entity must make accommodation for both;

But,

- ❖ May be asked to remove animal if it is out of control and handler is unable to control it; or is not housebroken; however, must offer a reasonable accommodation to the individual to allow him/her to remain without the animal.
- ❖ Food service locations must allow access to public areas (but not to preparation areas).
- ❖ Cannot charge supplemental fees for service animals when such fees are charged for pets.

Discuss...

Resources

- ❖ www.ada.gov In particular:
 - ❖ www.ada.gov/service_animals_2010.html
 - ❖ www.ada.gov/regs2010/service_animal_qa.html
 - ❖ www.ada.gov/pools_2010.htm
 - ❖ www.ada.gov/qa_existingpools_titleiii.html
- ❖ USMS Rule Book, Article 107: Guidelines for Officiating Swimmers With a Disability in USMS Meets
- ❖ USA Swimming:
 - ❖ <https://www.usaswimming.org/docs/default-source/temp/situation-resolutions---disability-swimmers.pdf>
- ❖ Potomac Valley Swimming:
 - ❖ <https://www.pvswim.org/disability/bmeetdir.pdf>
 - ❖ <https://www.pvswim.org/disability/blsc.pdf>



Including Swimmers with a Disability: A Guide for Meet Directors and Safety Personnel

The mission of the Disability Swimming Committee is the full inclusion of swimmers with a disability in USA Swimming programs

Including athletes with a disability in your meet is easy. The goal remains the same as it has always been – to make the meet a safe, successful, and fun experience for all swimmers. There is very little to add to the list of “things to do” when including athletes with a disability. A positive attitude, knowledge of Article 105 of the USA Swimming rulebook, knowledge of LSC policies regarding inclusion, and common sense will see you through.

Including Swimmers with a Disability

The USA Swimming rules (Article 105) permit disability accommodations and exceptions for swimmers who have “a permanent physical or cognitive impairment that substantially limits one or more life activities.” This definition encompasses swimmers who are deaf and hard of hearing; swimmers who are blind; swimmers with cognitive disabilities; and swimmers with physical disabilities such as amputations, cerebral palsy, dwarfism, spinal injury, or other mobility impairments.

Safe, successful inclusion of swimmers with a disability at swimming meets is a shared responsibility.

- *Swimmer and coach.* The coach or swimmer is responsible for contacting the meet director in advance of the meet if any *facility accommodations* are needed, and contacting the referee prior to the competition to describe the swimmer’s disability and to request any *accommodations that affect the actual competition*. Examples of *facility accommodations* include preferred parking, wheelchair seating, use of a service animal, or an additional strobe light. Examples of *competition accommodations* include but are not limited to special seeding, more time at the start, rule modifications, and personal assistants.



- *Referee.* The referee is responsible for deciding whether the requested