

REASONABLE ACCOMMODATION

Under the ADA and Section 504, a person with a disability cannot be denied participation in an outfitter/guide's program that is available to people who do not have disabilities, unless the person with a disability does not meet the "essential eligibility criteria" that is applied to all people prior to participation in that outfitter/guide's program.

The purpose of developing essential eligibility criteria is to give both the outfitter/ guide and the potential client the information they need to make an accurate, objective assessment when deciding if their abilities are appropriate for a specific program. This means that employees must be able to clearly explain the criteria for participation. The criteria must be based on functional components and applied equally to **every** potential client. Instead of an outfitter guide disqualifying a person from registering for a program or trip because the potential client uses a wheelchair, the program provider must apply the criteria for safe participation in that activity.

Steps To Developing Essential Eligibility Criteria

Developing guidelines based on what you need your clients to be able to do should be an easy process. You may already know your guidelines—you just need to write them down. The following the steps will help you in this process.

- 1.** Determine the physical and mental abilities necessary for participation in your programs and activities. What abilities are necessary to participate in the specific activities of your program, such as using a fishing rod or rifle or riding a horse or mountain bike? Do you have to be smart? Do you have to be strong? Do you have to understand directions? Do you have to understand any highly technical factors of equipment operation? Could you use adaptive equipment?
- 2.** Break the activity into the basic stages of participation (for example, putting on equipment, using equipment, and returning equipment to a specific area). In effect, you need to separate the program into the discrete activities or variables that make up the program. Could a companion safely assist an individual in the completion of the task?
- 3.** Consider the abilities necessary to remain safe. What are the most likely causes of death or injury involved with that activity and what does someone need to do to avoid them?
- 4.** Prioritize the stages described in number 2 into the critical abilities needed to be safe. For example, in the case of riding a bike, an essential ability would be to balance, steer, and stop the bike. This ability is a higher safety priority than the abilities to shift gears or read a map. Do not use limiting words like walk, climb, or see, instead describe the end result that must be accomplished in nondiscriminatory terms, such as access, ascend, or identify.
- 5.** Consider basic rules or etiquette that the participant must follow. These include issues

such as yielding to others who have the right of way or waiting for the rest of the group to catch up.

6. Determine if the guidelines may be satisfactorily met with the help of a companion. An individual may not be able to perform a function independently, but that same individual might easily do it with the help of a friend, family member, employee, or attendant.
7. Edit for simplicity. Stick to the basic physical or mental abilities necessary to participate—the fewer the better. Refer to an activity in terms of who can participate, rather than in terms of who can't.

Examples of Essential Eligibility Criteria Guidelines

The following are examples of essential eligibility criteria that an outfitter/guide may have for determining whether a person can participate in an activity.

Guided/Rental White Water Float Trips

Each participant must have the ability to:

- ◆ Wear all protective equipment recommended/required by industry standards.
- ◆ Enter and exit the raft (boat, canoe, kayak) independently or with the assistance of a companion.
- ◆ Remain seated and balanced using adaptive equipment if necessary.
- ◆ Get out from under the watercraft, remain face up in the water with the aid of a lifejacket, and make progress to the shoreline, in the event of a capsizing.
- ◆ Move about the camp independently or with the assistance of a companion, on trips including overnight camping.
- ◆ Move the watercraft independently or with the assistance of a companion—through the water in a stable manner and return it to the rental area.

Guided Nonmotorized Hunting Trip

Each participant must have the ability to:

- ◆ Meet qualifications to obtain the State hunting license.
- ◆ Enter, sit stably, and exit the transport vehicle independently or with the assistance of a companion.
- ◆ Move through (specific type of hunting terrain and vegetation) to the hunting sites, independently or with the assistance of a companion. Understand and apply safe hunting techniques.
- ◆ Identify the quarry independently or with the assistance of a companion.
- ◆ Safely shoot and reload a big-game weapon, using adaptive equipment if necessary.
- ◆ Implement outfitter/guide's emergency procedures in the event of an accident.
- ◆ Move about the campsite independently or with the assistance of a companion on trips including overnight camping.