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>> SPEAKER: Good morning everyone. Good morning to our virtual attendees. I have the pleasure of doing the introduction for our very first session. I want to invite our two speakers up as I read your bios. The first session is called PHRA and disability. With our first panelist, Heather Roth. Heather Roth joined PHRC January 2013 as regional director for the Harrisburg region. Harrisburg regional office serves 36 counties in Pennsylvania. Roth's role is to manage and investigate staff as well as outreach and training for communities in which the office serves. Prior to this role, Roth spent 15+ years in the field of human resource judgment. She served in multiple senior management roles and directed human resources functions for multistate and multisite organizations. As a district human resources manager for the Home Depot, she oversaw HR operations of eight store locations in central PA employing more than 1000 employees. She served as a certified management trainer and worked on special employment relations, projects throughout PA and New Jersey region. As the manager of source support, - - outlet she oversaw HR functions for 111 stores in over 12 states, employing more than 3000 employees. Roth was instrumental in implementing HR policies, documents, keeping the organization compliant with state/federal laws. Roth served as a market area human resources manager for interstate waste services, now advanced disposal and overseeing PA and Maryland markets. Roth holds a bachelor of arts degree from Penn State University where she studied public relations. Roth has held professional certifications in human resources since 2004. She obtained her PHR, noticing a professional and human resources certification from the human resource certification resource in 2010. Roth was accepted as a member of the mid-Atlantic ADA leadership network in 2018. Received two awards from the Commonwealth in 2016 including a transformational award from the government's office of innovation and education and outreach award from the commission for her work in educating the public. Please join me in welcoming Heather Roth. Our next panelist, Miss Stephanie Chapman. Deputy chief counsel with Pennsylvania Human Relations Commission. She's been with the commission over 25 years. Has worked in a variety of areas including employment, housing, commercial property and public relations. Excuse me. Public accommodations. She has been, conducted numerous trainings on a variety of issues including practice before the PHRC, landlord-tenant laws, support animals and fair housing laws groups including PHR Institute, office of

General Counsel, Ms. Penn legal services, local fair housing groups and advisory councils throughout. Receiving juris doctor and from - - University Commonwealth Law school NBA from University of Pittsburgh. Please join me in welcoming deputy chief counsel Chapman.

>> SPEAKER: Good morning everybody. Give us a second to catch up. As we wait for the slides, I want to acknowledge our first session we thought there may be people in the crowd I don't actually know who PHRC is where what we do. We thought we would start the day off making sure you know that. We are important when it comes to disability and protections in Pennsylvania. I look around and see a lot of PHRC employees, a lot of former PHRC employees. Welcome. Hopefully you know this information. If not, it will be a good refresher when you go back to work on Monday. I will give you a fun fact while we wait. Preparing for the conference, I thought how many discrimination cases have I reviewed? I'm going on my 12th year at PHRC. And I was astonished to see I reviewed over 11,000 cases of discrimination since I got here. Stephanie has been here twice as long as I have. She's probably on the 20,000-type list. But I also look to see about how many of those were disability related? Over 30 percent. Over 3000 cases of disability discrimination have come through the Harrisburg staff and not surprisingly the ones we have found probable cause in our largely disability related cases. Understanding what the law is in Pennsylvania, what the law is on the federal side is very important to make sure we are doing the right things. To make sure folks with disabilities know what their rights are and understanding where to come and what the process will be like if they choose to file a complaint with the commission. Just trivia I guess to ponder for the day. Thinking about how much does go on here and our little state of Pennsylvania and how much we have to address on a daily, weekly, yearly basis. I apologize for the delay, folks. Maybe while we wait for the folks that are not currently with PHRC, could everyone with PHRC stand up and give a wave out to the staff for the crowd here today? I'm going to do it. I know that you hate me but how about former PHRC folks? How many of you are here that have worked for us sometime in the past? Look around, those are the folks that if you have questions they will be able to answer for you. In the interest of time while they get technology I will start and we can follow up with the slides as they come. Everyone will get if they have not already a copy of the slides. Oh. When you go to Plan B, plan a comes right back. As I mentioned we will review who the Pennsylvania Human Relation Commission is. The laws in PA and federally that relate to disability telling you how we got here and why we are here. And talk about the basics of disability. Let's start with information about us. For those of you that are not aware we are Pennsylvania's civil rights agency. We were formed back in 1955 after a survey went out and 1200 employers openly and honestly reported that they would not hire an African-American employee. 40 percent said not for an unskilled job, 50 percent said not for a skilled job and overwhelmingly, 60 percent of employers on their servers said I would not hire an African-American employee for a skilled position, managerial position, sales position or really any position that would face the public. At that point the legislator knew there was a problem in Pennsylvania. And we were put into place back at that time. We have been here since 1955; we have changed over time. We will talk about the protections we have. We've added additional protections in the state. Long before the federal government has, we see there is more groups of people being discriminated against. When you force antidiscrimination laws in Pennsylvania, our biggest law is the PA Humans Relations Act and our secondary act is the PA their educational opportunities act. It became obvious fairly quickly we needed to be an independent agency. We needed to have police powers and investigate even our state. Agencies. As well as all of the other places in Pennsylvania. We were moved to the

executive office where we are today. Our commission is led by our dynamic Executive Director that you heard from this morning. A group of dedicated commissioners that helps govern and advise us. We are the civil rights agency for Pennsylvania. And we are the ones charged with protecting the rights of citizens including those with disabilities. We have three regional offices. I am from the Harrisburg regional office. We have an office in Pittsburgh and Philadelphia. Our focus is primarily the intake of new complaints. Folks coming to us, telling us they have been the victim of discrimination. We help them draft a complaint without an attorney. And get it into our investigative process. We also do outreach and training. Sometimes her settlements when respondents have unnecessarily done the right thing. And we feel they might need educated. We have organizations that - - that is what the majority of the regional offices to. As far as who is covered in what areas, employment as well, started in 1955 but we quickly realized there was discrimination in other areas. Since that time, we are also looking at cases and housing, commercial property, education and public accommodation. We are one of the stated agencies that has one of the broadest jurisdictions. Agencies in other states might just do employment but here we have the whole gamut of things that might be affected. As far as he was protected, all of you are protected. Everybody fits into multiple protected classes. What's important to note is our protected classes, the reasons might be discriminated. While you might fit into many protected classes, we are looking the sea are one of these characteristics the reason you were treated unfairly? Recent color has been in our access in the beginning. As I mentioned, that's what got us started. We amended our act over 30 times since 1955 as I said to include more protections for more individuals. Sex in Pennsylvania started out as gender, male/female, pregnancy. While the act has not been amended, we adopted regulations to ensure non-binary individuals are included. And sexual orientation and sexual identity are also included in protections here in PA. Age is protected act. If they say they wanted someone older, I'm in my 20s or 30s, sorry folks, you'll get there. You'll make it to the protected class but under 40 is not protected at this time. Religion could be any sincerely held religious belief. National origin, where you were born. Ancestry, called ethnicity, culture, background, heritage. And disability. Let me say that one more time. Disability. The number one reason for complaints in Pennsylvania. Here PA disability means a lot of things. Someone with a disability, someone who has had a disability, someone who has cancer but is in remission, someone regarded as having a disability. Perhaps they have no impairments but the employer takes one look at them and says you know, I think maybe they've had back problems and are not sure that they are not seeing quite clearly so I will not hire them. We have association with someone with a disability. You may have a child, spouse, partner, family member, someone decides they don't want to treated the same because of that. Your protected. We have protections for users of service animals, emotional support animals and trainers of service animals. That is all of our disability here in PA. Familial status, another protected class related to housing but for those unaware if you have children under 18 you cannot be denied housing in Pennsylvania with very few exceptions of older communities. Another training if you ever want that. Then, last protected class is retaliation. It's not your garden-variety affiliation. Your manager is out taking too many breaks so you call the corporate office and as a result something bad happened. That's not our retaliation. Retaliation is if you have something unlawful under our act were participated in helping in an investigation or assisting in an investigation and as a result negative action occurs, you are protected under our act. These are things we look at when looking at our investigations in Pennsylvania. Our investigations are thorough. On average it could take one year to your

complaint depending how cooperative parties are. We began intake ensuring what the person is coming to us for is something we protect. Assuming that is the case we move on to investigation where a number of things can happen based on the complaint and facts of the complaint. We may have a fact-finding conference with parties. We may have settlement discussions with parties. The investigation is driven based on the facts of the case. If there is a voluntary settlement between parties, we will close the case because it is the complainant's complaint. However, if there is no settlement continue our investigation. In doing whatever we need to uncover the information. Often interviewing witnesses, reviewing documents, sometimes we go on site to assess. Then we come to a determination. Either we find no probable cause which I would like to say means not enough evidence to support probable cause. It does not mean it didn't happen, a lot of times it's just difficult to get the evidence or we may find probable cause and find violation of our act has occurred. Until we find probable cause I like to mention the commission is neutral, unbiased. We are investigators. As I mentioned we work with the governor, either party. When we find probable cause and know there's violation our perspective and duty shift. Now we are looking to try to get remedy for both the state and complainant. We want to correct the action that happened and make sure it doesn't happen again. We want to help the complainant be made whole is much as possible. After probable cause we will try to conciliate every case. If the party is settled, it will be closed. If not we virtue our legal team, hearing examiners for public hearing. That generally happens in the county where the act occurred. Sometimes virtually if parties agree and it's a hearing. Witnesses testify, documents are presented. And a recommendation will be made to our commissioners as to what the hearing examiner believes the outcome should be. At the end of that if the parties do not agree with our finding both parties could appeal to the Commonwealth Court. Either for remedy, they do have that avenue. We have remediation services available. Generally, after we receive an answer, we allow parties to elect for mediation. A wonderful mediation team, very successful in what they do. For parties it means everything is confidential. Usually an early resolution for each party. If you're on one side of the other of internal complaint I encourage you think about mediation. Let's talk about disability. What are the laws we look at when talking about disability? Of course we will talk about the Pennsylvania Human Relations Act. The ADA and the ADAAA. I always want to make sure I get all of the A's and all not. I'm so proud that we added disability is a protected class in 1974. Don't want to date myself but that's the air was born, maybe by coincidence. We realized way sooner than the federal government folks in Pennsylvania needed protections, or rights and someone to go to when those things weren't happening. If an employer has four or more employees to comply with our law. In housing they only have to have one property. Accommodations, this is how it serves the public. We are more broad than our federal government. We can construe while PHRA is not exactly the same as ADA we look to ADA and ADAAA when making decisions on cases. We do dual file cases, federal employment partner. If there's enough employees, we can get protections under both state and federal law. Under the PHRA, disability is defined the same way federally. Physical or mental impairment that substantially limits just one. After major life activities which we will talk about. Anybody has a record as I mentioned, maybe someone with cancer and revision of impairment. Anyone regarded as having an impairment. Anyone who has relation or association and the use of support animals. Handling and training of the support animals. How is that different than the federal act? The federal act is the Americans With Disabilities Act. Signed much later than in Pennsylvania in 1990. After decades of advocacy for folks with disabilities this was a significant bill that finally got past.

The intent of the ADA, probably the intent and Pennsylvania was provided protections for folks with disabilities. We want folks with disabilities to go out everywhere. We wanted them to be able to be employed. We wanted them to go to their grocery store. We wanted them to get an education. This act put into place things that organizations, employers would have to do to ensure folks have healthcare access. This limited what employers could ask folks about their medical conditions when interviewing for jobs and required that employers would make accommodations where reasonable. So that folks with disabilities could work and thrive like everyone else. Unfortunately, as we see happen a lot, we get this great law put into place. And we think we know what the outcome is going to be. And people start to say hey, I think you are violating my rights under this law and we start seeing court cases. The court cases were showing us that there was still some confusion as to what we really wanted out of this law. People have some famous cases, pilots who had vision impairments with their glasses had 20/20 vision. But when they went for the job interview, they made them take their glasses off to see if they met the qualifications. And they didn't without their glasses and they said well, we would like the reasonable accommodation of being able to use our glasses to test for qualifications and they said sorry, we cannot do that. There like you are disabled enough. So, it was a Catch-22 situation but the courts were routinely coming back looking at whether they were really disabled. Or if they weren't. As a result, we came back with more legislation, I say we like it was me but it feels personal. In 2008 said no, listen, here's the clarifications. We want the intent to have protections that we put in place in 1990. Ed clarified for the courts that the definition of disability did not change but you did not have to show that you had three major life impairments. You didn't have to show that you are significantly impaired in all of them. It made it easier for folks with disabilities and give them protections meaning they were entitled to accommodations if they could meet a minimal threshold. That is what the ADAAA did. Some other things we looked at was we included bodily functions. Not just major life activities. Originally it was seen, if you are prepared for at least six months, couldn't possibly be a disability. The amendment act said maybe someone could be impaired at a shorter length of time but maybe that impairment was so great it would still be considered that they were impaired enough to be considered. Looked at pilots and said we would not consider mitigating measures and said if you don't have your glasses on, you'd be disabled. He will be considered disabled. We looked at things like cancer or other episodic conditions. That would come and go. It doesn't matter if you're currently in that stage. If you've had in the past record comeback you are considered disabled. These were the clarifications that helped us move things forward. Folks say what really is a major life activity? Everyone thinks about standing, walking, hearing. Seeing. But we didn't really think much beyond that. Think about what it takes for an average human being to function in life. You have to be able to breathe. He, interact with others. Performing a manual task for yourself. Being able to concentrate. You want to do things like lifting, sleeping, sitting, bending. Major life activities that someone may have an impairment that would make them not able to do them. I also added bodily functions because these are things folks struggle with but no one could see them. So, we didn't consider these folks disabled. Think of those with impairments to their immune system. Someone with digestive, bowel or bladder issues. Folks with respiratory or circulatory conditions. Neurological issues that affect the brain. Reproductive issues. These are impairments of something major that would qualify someone they might need an accommodation. Things that are not covered, which we get sometimes through our agency, folks want to file. A conditioners typically transitory, it comes and goes very quickly. A common cold. The flu that is just a normal

day, a function flu. Sprained joint, broken bone, depends how limited you are. These are things we generally would not consider disability. When I go out and do training especially for employers I do say don't be a doctor. Right? None of us are, I'm probably dating myself. But we are not medical physicians. It's not for us to decide whether someone brings us a disability. For - - and merriment expected to last less than six months. That substantially limits the ability of an individual in comparison to the general population. If you're going to be out for four months, what a normal person could lift or carry 10 pounds and you're not able to do that you might not be considered under this. Employers think workplace injury can't possibly be a disability. Maybe not on day one. But day two, Day five, Day 12, while still recovering, it could be considered a disability and they may be entitled to accommodations under the ADA. So be cautious on what you're thinking about is disability. I'm going to turn it over the deputy chief counsel Chapman.

>> STEPHANIE CHAPMAN: Hi everyone. I'm probably not as dynamics on graduate. I'm going to talk about what is a reasonable accommodation. The definition of reasonable accommodation is a modification of a practice or policy to allow a person with a disability to work, perform essential functions of a job, to use and enjoy their housing and to obtain an education as long as the change requested is reasonable. A lot of times nobody hears their reasonableness so I will say aloud and proud. Accommodation needs to be reasonable. We always have to measure that. Who is entitled to this reasonable accommodation? Am I one behind? Now okay. Employment. All areas we protect may be different. Employment, the people entitled to the accommodation are qualified applicants. They could be full or part time employees, seasonal or temporary workers. They have to have a qualifying disability director Ross talked about and perform essential functions of that job with or without accommodation. In housing, with commercial property, applies to applicants as well as actual tenants. Education, its potential for current students and the public accommodation it is any user of your service. To actually request reasonable accommodation should request accommodation as soon as they realize there is an actual barrier. It can be an informal request or start as an informal request. It can be in plain English, there is no special magic words that need to be set in order to make the request for the accommodation. And it doesn't have to initially be in writing. The respondent, the company or business, the educational Institute could ask the individual to fill out a form and they can request that they submit the request in writing. But they cannot ignore a request because initially it was not me that way. It's some examples of what a reasonable accommodation may be, and employment, this is an exhaustive list. These are some examples. An employer making sure an interview site is accessible. The facilities are accessible. The parking is accessible. Perhaps restructuring somebody's job function, nonessential job functions. Two other people if they need it, allowing you to work from home which will be a big discussion today. Excuse for mandatory overtime, allowing service animals, this list is not all-inclusive. Reasonable accommodations in housing, nicking the facilities accessible, making additional parking, providing assigned parking spaces. Allowing a person with a disability to pay their rent at a different time. Allowing a tenant to make reasonable accommodations to the actual layout of the apartment. Allowing for example ramps, grab bars in the bathroom. A change of doorknobs and modifying policies for homeowners associations. Could be a reasonable accommodation request. In education it could be making facilities accessible, allowing more time for somebody to take tests. Allowing an alternative test site. Providing accessible transportation to and from the school. Allowing a service animal. Allowing a direct support to be without student all day. Could be a reasonable accommodation. And a reasonable accommodation in a public

accommodation could be again, you'll notice the theme. Making the facility accessible. Giving someone an alternative way to get services like allowing take-out or curbside services. Allowing emotional support animals or service animals in the facility. As part of the reasonable accommodation request, a major area is the interactive process. Interactive process is the individual is going to make a request for what they need. Business is going to come back and they are going to have an interaction with the requester. In that required interaction they will have a dialogue to clarify exactly what is necessary and required for the individual making the request. Again, it depends on the area we are talking about but they can ask relevant questions about the nature of the disability and in employment and education they can actually request what the disability is and get the required medical documentation. In housing and public accommodation, it's really limited to what the limitation on the individual has a not necessarily medical diagnosis. This is a back-and-forth of what an individual requires and what is necessary to allow them to enjoy the facilities they are requesting. In employment and education, the respondent is entitled to the individual's diagnosis. The individual must provide documentation if it is requested and they may deny the accommodation if it is never provided. Bear in mind that have to allow a reasonable amount of time for an individual to make the required documentation. Areas like housing, public accommodation. They are not entitled to the actual diagnosis but they can ask for the limitation documentation. What they cannot do or what they have trouble doing. If both the disability and need for reasonable accommodations are obvious that you may not request medical documentation. If you look at somebody and can determine there is a disability and what the need for requesting, no documentation should be required. My favorite part. What is reasonable? You would be surprised, or not, on how many times I do this presentation and it's like law school. People come up with all kinds of requested accommodations. And I always have to ground them and say the definition or the title of this is a reasonable accommodation. People can request anything they want. But we have to focus on the reasonableness in a lot of circumstances. So the respondent is not required to provide the exact accommodation somebody requests. Right? They may choose among a number of things that could be an option unless burdensome for them. Less costly or more reasonable for the respondent. As long as the accommodation gives the individual what is necessary, we would like to say individual that has a disability knows best on what they need and knows best on what is required to allow them to fully participate in whatever it is. That is a factor to look at but it does not end there. We have to remember the interactive process. Let's talk about what's unreasonable. Eliminating someone's primary job function is unreasonable. Lowering production standards is unreasonable. Providing personal use items like glasses, wheelchairs, canes. That is unreasonable. Maintaining a higher salary for an employee has been moved to a lower paying job as a reasonable accommodation request if it is not done for others, it is unreasonable. Anything that is a safety risk to either that individual or others around them would be unreasonable. Asking housing providers never to increase the rent is unreasonable. Education providers to increase grades when it has not been earned is unreasonable. Not an exhaustive list, these are just some examples. There is also undue hardship that the respondent can say that's an undue hardship for me to provide that accommodation. Requested accommodation can be denied if it would create undue hardship. It's a relatively high burden. For example, if the accommodation would be too costly or fundamentally change the nature of the business. I know that is really hard to think of but if you think about someone needing, let's look at the housing area. Somebody needs a maintenance worker every day to take their trash to the dumpster because they have an

impairment though they are unable to do that and it is a requirement in the housing unit. If the housing provider only has one maintenance person for the whole entire complex that request is unreasonable. Because it changes the nature of what they have here. Another accommodation could be once a week a maintenance person comes to take the trash to the dumpster. That seems reasonable. So, there are always things but if that would fundamentally change the nature of that business due to them only having one maintenance worker. Other factors to consider, it's the cost of the accommodation. The size of the employer. If it is a really big employer cost may be absorbed easier than if it is a small employer. Look at financial resources and the nature of their operation. Let's talk about what today is all about. About technology. Let's really look around today on all circumstances in the new technology that can be used for these reasonable accommodation requests. Broadening with AI and technology, it can make the accommodation for an individual easier and more affordable. The accommodations we are looking at or could look out with this new technology may not be cost prohibitive anymore. It is more reasonable. Their sources that can assist with funding and let's use the rest of the session to look around at the other things available with new technology. And AI and see where accommodations lead us. Questions? Anyone? Yeah. I don't know who the runner is.

>> SPEAKER: Good morning. I had a question about emotional support animals. With the ADA to have a definition of what a service animal is. I'm wondering if PHRA had a different definition?

>> STEPHANIE CHAPMAN: You had a question about what?

>> SPEAKER: Emotional support animals.

>> STEPHANIE CHAPMAN: And the ADA has a definition of what?

>> SPEAKER: Service animals.

>> STEPHANIE CHAPMAN: Okay. Is there a difference between the two? Yes. There is. Even under PHRA, there are differences between service animals and emotional support animals. The definition, I don't know the definition of a support animal versus service animal.

>> SPEAKER: My understanding according to the ADA is a dog the size of miniature horse. And emotional support animals are not necessarily recognized in public accommodation as a service animal.

>> STEPHANIE CHAPMAN: Service animals and emotional support animals are different. Go ahead, Heather.

>> HEATHER ROTH: I do. Frying pan of the fire. I service animal has been trained to perform a task or service for an individual with a disability. And emotional support animal is not as much about the animal is not necessarily trying to do anything but they provide comfort, support, some kind of emotional stability based on that person's disability that simply having them is the support they are getting. And emotional support animal, I hope there's no housing folks in the room because this is the kind of stuff we got. I've had emotional support lizards, hamsters, we have folks who raise chickens, that's their emotional support animals. Some folks will say Heather, that sounds ridiculous. And I'm like let's start with this. Have you ever had a disability where you can't go out in public and you have anxiety and feel unsafe? If the answer is no then you cannot tell me that dog or

cat does not make me feel better because you haven't been there. Have you ever had the disability where you can't focus or find a reason to get up in the morning? Because if you haven't you don't know those 10 chickens that person has to get up at 7:00 in the morning every morning, they have a purpose, feeding them, caring for them, naming them. Sally, Chuckie, Heather, I don't know. But they have a purpose and that alleviates those symptoms of mental impairment. Are you going to tell me about another emotional support chicken? If you'd like, I can tell you a bunch of other stories. You have to understand they are different types of things. A service animal is doing a function, it's been trained. Emotional support animals are there to alleviate the symptoms generally of some kind of mental impairment the person has. In Pennsylvania we are more liberal. Member I said, construed broadly than the ADA. We say in some circumstances where it's appropriate you should have the emotional support animal. I will give you an example. I did a training for a major amusement park here in the area. They weren't in trouble so it's okay. But they wanted me to do a training for their security on just this topic and they told me that they allowed an emotional support goat to come through one of their facilities and I shook my head and laughed a little bit. I said did you think that was reasonable? They said no but we didn't want to get in trouble. And I'm like okay so we have to look at reasonableness. Having a goat and amusement park is probably not reasonable. Not to say it's not emotional support but not reasonable. Emotional support, we look at reasonable accommodation. Is it reasonable to have fluffy in a carrier at Walmart? Bubbling. Is it okay to have the snake on the bus? I don't know. I'm on the fence without one. That's the difference. I hope that answers your question. Any other questions that will get me in trouble with my boss later.

>> SPEAKER: Heather and Stephanie, could you explain from your history one of the worst-case scenario, what you've seen in a case as far as discrimination due to disability?

>> HEATHER ROTH: Do you want to get yourself in trouble? Do you want me? I can't mention names to keep the guilty anonymous, I don't know if that's the right saying but one that hit me as a recent one. You can read at our website. An individual with multiple disabilities, she originally worked in the office. She was doing okay. But not thriving. When COVID hit and everyone got sent home that was the first time telework was even an option. I probably am stealing your thunder. Okay. She worked for a while. And she thrived. She got promoted. She did a great job. Because the policy was everyone coming back to work, they requested her to come back. She requested the accommodation. Needless to say, it was not granted. I will save the details for our keynote session. But like I said I have seen 10,000 cases. 3000 or more disability cases. This is where the complainant testified and I don't know what happened to my heart. I think it has dried up because I have to be that way to look at cases neutral. This was a woman who was doing so well in life because of the accommodation. Her and her wife, they had just experienced life at a different level because her needs were met and it was taken away. Because of a policy. Not a real reason but a policy. Those are the cases employment wise that really get to you after a while. We recently had a case in housing where gentlemen had become disabled. After becoming a tenant. To the point where he could no longer transcend his steps. So, we can no longer go to his bedroom. They had funding from local sources to get a stair lift in the apartment. They requested from their housing provider to be able to have that installed at no cost to the housing provider. The housing provider lied and said that they came out and did an assessment of the house and it just would not work. Meanwhile you have folks doing funding that said I don't think that's right because we assess it

could be done. We come out in the investigation and find the respondent lied. They never went. Property manager made a decision based on knowledge and experience in the housing industry that this wouldn't work. For over two years this man had to sleep in his living room. Did I mention the shower was on the second floor? His wife had to drive him to the local YMCA as often as she could to shower. What kind of life is that? They had funding, it was possible but the respondent, like I said, don't be a doctor, in this case don't be a construction worker made the decision they didn't think it would work. We subsequently have this on our hearing docket. DCC, Chapman settled because it was in their best interest and they were able to get their stair lift put in. Hopefully today he is enjoying his shower and bed but for two years that's egregious. There's so many more. We could probably stand here until 3:00 until stories but these are the things we see. They are so easy to say yes to. And folks don't. Incident take any technology. It was a simple yes. And people said no. And people's lives are affected. I don't think the folks that make this poor decision understand the depth of the herd and inconvenience. And how it impacts people's lives when they really don't take a minute to think of it is reasonable. It is not good for you? Supervisor Richards? Okay.

>> SPEAKER: Thank you. We have a few in the chat. The question is what about the emotional support animal who isn't trained in public? What if it is causing anxiety or stress to other people in the environment? That's the first one and legally, we can only ask two questions for service animal. Is it the same for emotional support?

>> HEATHER ROTH: Let me start with the first. It will sound terrible but I don't care if it causes seminal stress. I don't think we do. I think what we care about is that service or emotional support animal under control? We had someone ask us I have someone coming in my business and they say it's a service animal. I don't really care but they have this dog on a very long leash analytical all the way up in the aisle in the grocery store, drumming up on customers and it's a large dog. If the animals under control and care of the people think. It's not about them. If the animal is not under control, that business, that employer, that housing provider has a right to ask the person to either get the animal under control or leave. They can certainly come back without the animal but if the animal is not under control the animal has to be taken out. I forget your second question. Legally I can only ask two questions. Right?

>> SPEAKER: Legally, only two questions for service animal. Same for emotional support?

>> HEATHER ROTH: Sure. If it's used for disability, yes. - - Emotional support animal can simply say the comfort, security. If the answer to the first is no need to ask the second. As the animal being trained to be of service animal? Are you a trainer or handler? That can allow them to have the animal where they are out as well. Someone in the back, I think.

>> SPEAKER: Thank you for your presentation. I am Lisa Tessler, Executive Director of the disabilities Council in Pennsylvania. Is it a reasonable accommodation for a person who requires a direct support worker to have fees waived for that worker to attend an event? Or access transportation? So, for example, a ticket for Amtrak. They paid their own ticket but a person with autism or a delectable disability might need that person with in order for them to ride. Or to go to a baseball game or access a theater.

>> HEATHER ROTH: The commission is working on guidance now. Generally, if you have a caregiver that is required to give care to that person, that could be a reasonable accommodation. Something like a concert where it is ticket based and everyone has to have a ticket might be different. A bus, train, general admission would probably be case-by-case. They would have to tell us why that accommodation is not reasonable. Anyone else?

>> SPEAKER: I wanted to add a comment to the first question. I have a service dog who happens to weigh seven pounds. He's in my pouch. His name is Hank. Most people don't know he's with me. People have a tendency to make judgment based on the size or type of animal whether it's a service animal or not. I have spent thousands of dollars training Hank. I have a disability where my blood oxygen level drops without warning. Hank has been trained to sense when my blood oxygen level drops below 88 percent. Numerous times going to events or places where there could be security or issues where a dog is not allowed, I get scoffed at that that's a service dog came I guess, he is. We've gone through years of training, cost me thousands of dollars but Hank does his job well. We have to keep in mind we cannot make judgments based on the animal unless the animal is out of control.

>> HEATHER ROTH: Thank you. Any other questions? In the middle.

>> SPEAKER: It's more of a comment of the need for employers specifically in this case to be educated with reasonable accommodations. As we are talking about service animals, we had a case that came before us in York we had one employee who had a service animal and another employee who had severe asthma and allergies. The person with severe allergies was under control so nobody knew about it in a jar. Until the other person brought service animal in. Then it became a disability Olympics. His accommodation was more important? HR decided for them. Instead of trying to figure out how to accommodate with perhaps asking the dog to stay in this location or moving someone. Employer lost the case with us. We needed to settle because they made the decision rather than to say it was an inconvenience for them to move somebody or to set up legitimate boundaries for both folks. And the employer lost. I just wanted to put that out there. A lot of times there is another disability in the room that nobody knew about until the person brought support animal in and everybody lost in that.

>> HEATHER ROTH: That's an undue hardship we see often. Didn't really talk to other people or explore alternate options. Thank you for bringing that up.

>> SPEAKER: Another in the chat. I have a client that wants their animal certified as a service animal. Where would I tell them to start?

>> HEATHER ROTH: I can tell you where to get a dog trained but certification. Colleen, do you have any suggestions? Where they could go?

>> SPEAKER: There are many locals. - - Is the first that comes to mind but it's not a requirement. There is no registry or quote certification for service animal. It has to be able to perform a task. It can cause disruption to the area where people are around. I always suggest for someone interested in getting a service dog, it is cheaper if you can have someone help you pick out a dog or a rescue dog. Obviously, we haven't animal rescue issue with our humane societies. You have to have the right type of dog or animal that can excel at the task you're giving it. They have to go

through testing. I suggest canine good citizen. Most pet trainers, pet Smart, Petco, they have dog trainers there. Do the basic obedience. You can request a canine good citizenship test to the AKC. The trainers themselves have to be certified. From there you can start specific training for tasks per disability.

>> HEATHER ROTH: They don't have to be certified anywhere. As long as they are trying to do the task. If they're looking to have the animal trained, those are good places to start. If they need proof for their well-being or knowledge the animal has been trained any of those places eventually been through training but not required when going somewhere saying it's a service.

>> SPEAKER: Is it reasonable to make other people take on the work of someone's accommodation?

>> HEATHER ROTH: That depends. Jobs may be restructured. Given out to other folks. Generally, within the employer's discretion as to who they give work to.

>> SPEAKER: Thank you.

>> HEATHER ROTH: Anyone else? One more in the back.

>> SPEAKER: Hi I'm from the Attorney General's office, civil rights enforcement. We deal with ESA and service animal to law. On the topic and conversation around qualifications and certifications and official certifications regarding your emotional support animal. Be aware of predatory companies that to be legitimate providing documents for housing, employment and things like that because companies are aware that service animals, emotional support animals are prevalent. Can be predatory in legal tactics to defraud people and take their money with no certifications needed. Be aware.

>> HEATHER ROTH: A good point we didn't mention. When we talk about service and support animals there so many websites and places that people legitimately think they have to have a vest or people legitimately think they have to have a card that says this is whatever it is but it's not needed, they don't certify anything. Like the general said five the employer will go back or housing provider will ask for medical documentation. I don't want to say, there are fraudulent. You very hard and fast but not needed, none of it proves anything. Thank you for bringing it up. In VA we got to go after those places this was online medical folks just getting doctors notes without evaluation. We are looking at that at the commission and state level. Thank you. Okay. I think that's it for questions. We will take a break and be back.