



# Nevada Equal Rights Commission

*Fosters and protects the rights of all people of the State reasonably to seek, obtain and hold employment and housing, and seek and be granted services in places of public accommodation, without discrimination, distinction or restriction, as prohibited by state and federal discrimination laws.*



# Nevada Equal Rights Commission

## Public Accommodations Discrimination



- ❑ Oversees Nevada's equal rights/equal opportunity program in employment, public accommodations, and housing
- ❑ Investigates and resolves complaints of discrimination
- ❑ Provides information and education to businesses and community groups

# State Public Accommodation Discrimination Laws



- NRS 651

- Prohibits discrimination in public accommodations based on race, color, religion, national origin, sex, sexual orientation, gender identity or expression, and disability

- NRS 233 (Public Policy)

# Federal Public Accommodations Discrimination Laws

## ■ Title II of the Civil Rights



## Act of 1964

- Prohibits discrimination in public accommodations based on race, color religion, national origin, and sex
- Jurisdiction – Department of Justice – Civil Rights Division, Housing and Civil Enforcement Section (pattern and practice cases)

# Federal Public Accommodations Discrimination Laws

## ■ Title III of The Americans



## with Disabilities Act (ADA)

- Prohibits discrimination in public accommodations on the basis of disability
- Includes accessibility issues
- Jurisdiction - Department of Justice - Civil Rights Division, Disability Rights Section

# Protected Categories in Public Accommodations



- Race
- Color
- Hair Texture
- National Origin
- Religion
- Sex
  - Includes Pregnancy
  - Includes Sexual Harassment
- Sexual Orientation
- Gender Identity or Expression
- Disability



# Disability Defined (NRS 651)



“Disability” means:

- (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;
- (b) A record of such an impairment; or
- (c) Being regarded as having such an impairment.



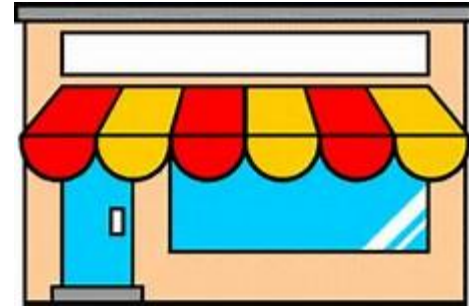
# ADA: “Disability” Defined



## Major Life Activities Include:

Sleeping, eating, breathing, hearing, seeing, speaking, walking, sitting, standing, bending, stooping, lifting, caring for one's self, learning, concentrating, communicating, interacting/relating with others, performing manual tasks, sexual activity, major bodily functions, and working.

# Places of Public Accommodation



- Include any establishment or place to which the public is invited or which is intended for public use, such as: hotels, restaurants, retail stores, doctor's offices, parks, schools, gymnasiums, and places of exercise or recreation
- *Do not* include any private club or other establishment not open to the public.

# What is Public Accommodation Discrimination?

- ❑ Refusal to Serve
- ❑ Refused Entry
- ❑ Unequal Enjoyment
- ❑ Refusal to permit service animal or service animal in training
- ❑ Refusal to allow individuals use of bathroom, or other gender-specific facility, that coincides with his/her gender identity or expression



# Public Accommodation Exemptions



- Businesses may offer discounts or special prices to senior citizens, children or students and may impose age limits up to age 21.
- Businesses may offer differential pricing, discounted pricing or special offers based upon sex if used to promote or market the place of public accommodation.



# Places of Public Accommodation

May:

- Excuse or remove any person whose conduct is disruptive, offensive or a direct threat to the health and safety of others
- Require customers to check bags at the door
- Enforce a dress code

# Modifications



- May be required if they do not fundamentally alter the nature of the services
- Modifications to policies, practices, and procedures may be required i.e. requiring a driver's license as the sole acceptable means of identification

# Auxiliary Aids



- May be required if they do not result in an undue burden or in a fundamental alteration in the nature of the goods or services
- Alternative aids
- Services and devices such as:
  - qualified interpreters, assistive listening devices, and written materials for individuals with hearing impairments
  - qualified readers, taped texts, and braille or large print materials for individuals with vision impairments

# Accessibility

- Places of public accommodation are required to remove architectural barriers in existing facilities when it is “readily achievable”, i.e., it can be done “without much difficulty or expense.”






# “Service Animal” Defined



- Under State law (NRS 651):  
“Service animal” means an animal that has been trained to assist or accommodate a person with a disability.”
- Under federal ADA:  
a service animal is defined as “a dog that is individually trained to do work or perform tasks for a person with a disability.” The ADA definition provides an exception for miniature horses.





# Service animals are not the same as comfort animals

- Service animals are **trained** to perform a task to assist the disabled individual; this could include someone with emotional/cognitive disabilities
- A comfort animal, while it may accommodate a person's emotional needs, has not been “trained” to perform a task to ameliorate the effects of the disability

# Rights of Individuals with Service Animals

- Public Accommodation (NRS 651.075): “It is unlawful for a place of public accommodation to refuse admittance or service to a person with a disability because the person is accompanied by a service animal,” or if the person is “training a service animal.”



# Service Animal Do's & Don'ts



- Don't refuse service or admittance
- Do allow access to all areas of the facility where the public is normally allowed to go
- Don't deny access due to fear of or allergies to the animal
- Don't presume the animal is dangerous by reason of the fact it is not muzzled
- Do insist the animal is under the control of its owner

# Service Animal Do's & Don'ts



- Don't require proof  
(There is no special ID or documentation).
- Do inquire (if necessary):
  - If the animal is a service animal or service animal in training
  - What tasks the animal is trained to perform
- Don't ask the nature of the individual's disability
- Don't isolate the individual due to the service animal
- Don't charge a fee for a service animal

# Service Animal Exceptions



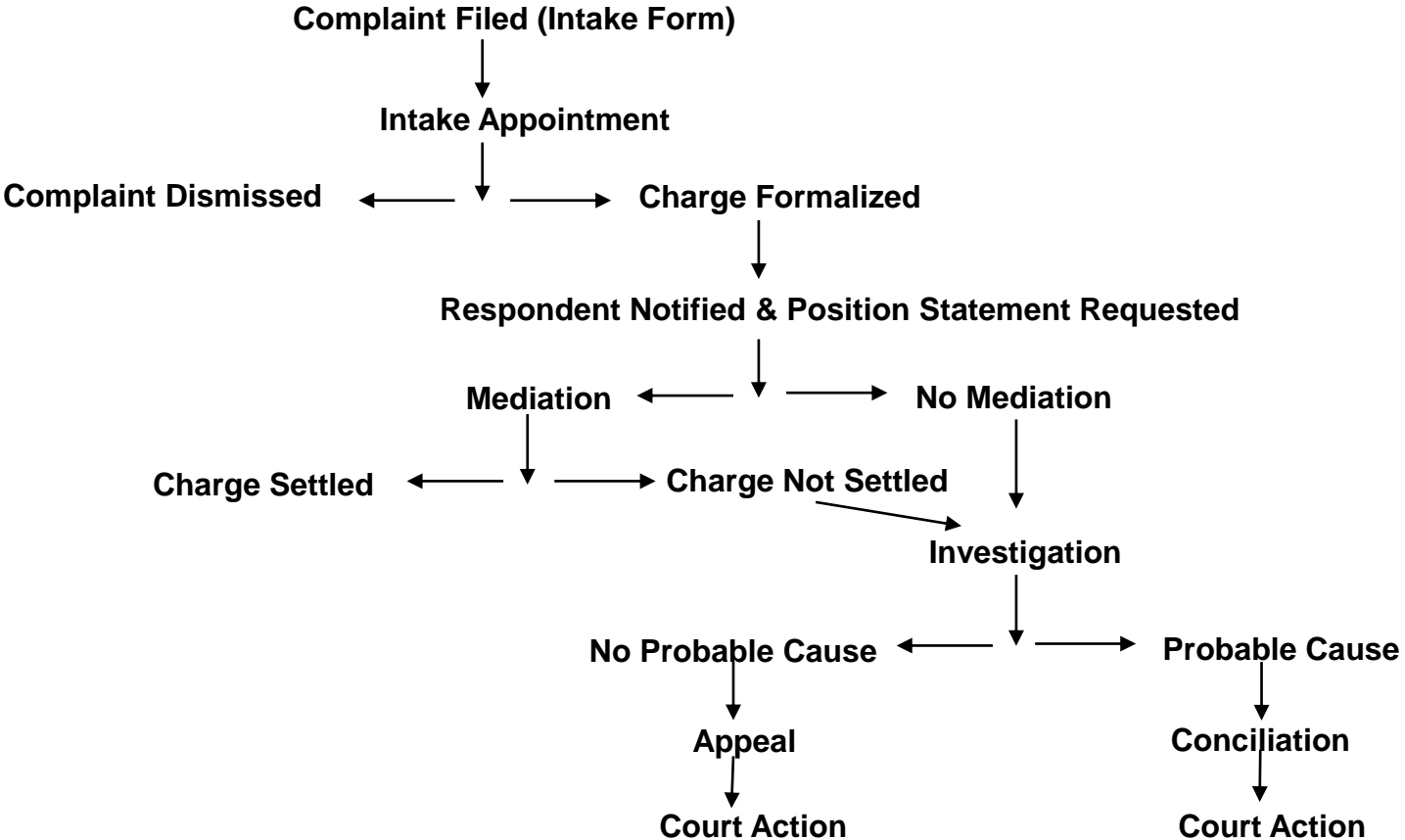
- An individual may be asked to remove his/her service animal if:
  - The animal is out of control
  - The animal is not housebroken
  - The animal compromises legitimate safety requirements necessary for the safe operation of the facility

# Service Animal Exceptions



- Staff are not required to provide care or food or water to the animal
- Businesses are not required to allow a service animal to eat or drink in its establishment
- A service animal may be excluded from food handling/food preparation areas

# NERC Complaint Processing





# Contacting NERC

**[WWW.DETR.NV.GOV](http://WWW.DETR.NV.GOV)**

OR Engine search “Nevada Equal Rights Commission”

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