

ACCESS EQUALS OPPORTUNITY: GROCERY STORES

Q. Are grocery stores required to have TTYs (TeleTYpewriters)?

A. No. For making calls to or receiving calls from customers with hearing or speech impairments who use TTYs, grocery stores will be able to rely on the relay systems that telephone companies must establish by July 26, 1993. Operators employed by relay systems will relay communications between TTY-users and people using conventional telephones. Only those businesses that allow their customers or clients to make outgoing calls on more than an incidental convenience basis must provide TTYs.

Grocery stores can ensure effective communication by telling staff who answer the telephone to anticipate incoming calls through the relay services. Handling these calls may take longer because an operator at the relay system will be receiving typed communications from the caller and will also be using the relay system equipment to type communications from the grocery store staff person to the caller. Training should be undertaken as soon as possible because at least 40 states already offer some type of relay service.

A TTY is relatively inexpensive, however, usually costing about \$275 and would be welcome service for customers with hearing or speech impairments. Businesses with TTYs should list their telephone number followed by "Voice/TTY" in any publications or advertisements to signify that customers can communicate with them by voice or TTY.

Q. Are grocery stores that offer parking required to provide accessible parking spaces for people with mobility impairments? If such parking is required how many spaces must be provided?

A. Yes. If a grocery store owns and operates the parking lot, it must provide accessible parking if it is readily achievable to do so. If a grocery store is a tenant, responsibility for providing accessible parking rests with both the landlord and the tenant. These responsibilities may be allocated between the landlord and tenant in the lease or other contract.

The spaces must comply with the dimensions specified in the ADAAG (see page 8) if it is readily achievable to meet those standards. The ADAAG also specifies a formula for determining the appropriate number of accessible spaces which must be followed if it is readily achievable to do so. If it is not readily achievable to comply with the ADAAG standards for the number and dimensions of accessible spaces, a grocery store must provide as many spaces as readily achievable and of readily achievable dimensions.

If it is not readily achievable to provide any accessible spaces, a grocery store could consider providing valet parking as an alternative method of providing access.

Q. Are grocery stores required to remove barriers posed by sidewalk curbs?

A. Curb cuts (also known as curb ramps) enable people who use wheelchairs or other mobility devices to have ready access to grocery stores. If the only parking available is on a city street and the grocery store does not own or control the sidewalk, the municipality, not the grocery store, is responsible for providing curb ramps. If a grocery store owns or controls the sidewalk, it must provide curb ramps if readily achievable. If a grocery store is a tenant, responsibility for providing curb ramps rests with both the landlord and the tenant.

The ADAAG establishes standards for construction of curb ramps that must be followed if readily achievable.

Q. Must all entrances to existing grocery stores be accessible?

A. No, but one entrance, preferably the main entrance, must be accessible, making it possible for people with disabilities to "get through the door."

Stores that use devices such as turnstiles or stanchions to prevent people from removing shopping carts can provide Access for customers with mobility impairments by removing the devices, installing gates that remain open during business hours, or providing an alternate mean of entry.

If there are steps up to the entrance, ramping one step or even several steps will be readily achievable for most grocery stores.

Installation of a permanent ramp, rather than a portable one, is required unless such installation is not readily achievable. If a public accommodation cannot meet the ADAAG's technical requirements for ramps because of space or other limitations, it can deviate slightly from these specifications as long as the ramp is still safe.

If a permanent ramp cannot be installed, the store must provide a portable ramp if readily achievable. Portable, i.e., moveable, ramps also must be safe. Most portable ramps are relatively inexpensive to purchase or construct. A grocery store using a portable ramp should install a doorbell or intercom (with an appropriate sign) to summon an employee to bring the ramp to the door if readily achievable. If the accessible entrance is one other than the main entrance, a sign at the main entrance should indicate where the accessible entrance is located.

If none of these barrier removal options is readily achievable, alternative methods to provide service must be considered, such as curbside service or home delivery at no additional charge.

Q. How does a grocery store know if the doorway for the accessible entrance is wide enough for customers who use wheelchairs or other mobility devices?

A. The ADAAG standard states that a minimum of 32 inches of clear opening measured between the face of the door and the opposite stop when the door is opened 90 degrees is required to provide access for customers who use wheelchairs or other mobility devices. Offset hinges can increase the amount of clear space by several inches.

Automatic or push button doors are the best for providing access. Whether installing them is readily achievable or not depends on the circumstances of the individual grocery store.

Another measure that makes doors easier to use, not only for customers who use mobility devices but also for those who have conditions that limit their manual dexterity, is to install lever or U-shaped handles. Some retrofit levers cost less than \$10 and can improve access significantly.

Adjusting door closers or springs and oiling hinges are also inexpensive steps that make it easier to open doors and prevent them from closing too quickly. Widening doors, installing accessible door handles, and making door adjustments are examples of modifications that will be readily achievable for most businesses.

Q. Can a grocery store deny service to a person with a disability because his or her disability or behavior resulting from the disability may be disturbing to other customers?

A. No. The ADA specifically prohibits this type of discrimination against people with disabilities.

Q. Must grocery stores allow service animals, including guide dogs, to accompany customers with disabilities into grocery stores?

A. Yes.

Q. How can grocery stores make their merchandise accessible to customers with various disabilities?

A. Customers who use wheelchairs, crutches, or other mobility devices, customers with limited manual dexterity, and customers who are blind or who have limited vision tend to experience certain types of access problems in grocery stores. For example, people who use wheelchairs often cannot move down aisles when stock or displays are placed in them.

Although widening aisles where merchandise is displayed is an ideal solution for customers who use wheelchairs, in many grocery stores it will result in a significant loss of selling space and is, therefore, in those cases not readily achievable. Some grocery stores, such as supermarkets, may be able to rearrange display racks and shelves in a way that does not result in a significant loss of selling space.

Placing lightweight items on higher shelves and heavier items on lower shelves and offering the use of a device for reaching high items will improve the usability of a store not only for customers with mobility impairments but also for customers with manual impairments. Otherwise, sales clerks should offer assistance in reaching items.

Moving boxes and displays that impede access to aisles or could trip a customer with a vision impairment is a simple, common sense solution to certain access problems that also makes access easier for other customers.

For grocery stores housed in cramped facilities, there may be no storage alternative for boxes placed in the aisles. If readily achievable, the store could provide service at the door to customers who are unable to move down the aisles.

Some people with disabilities cannot use shopping carts and must, instead, use hand-held baskets. This may require them to make several trips to the check-out counter to complete their purchases. Grocery stores should provide a temporary storage area for items selected by people who cannot use shopping carts.

Produce bag dispensers and number dispensers used at deli, bakery, and other food service counters must be mounted within easy reach of customers who use wheelchairs if readily achievable.

Q. Do price labels have to be in Braille for customers who are blind? What other auxiliary aids and services must be provided to people who are blind or who have limited vision?

A. No. For most grocery stores, putting all price labels in Braille could not be done without significant expense. Furthermore, not everyone who is blind reads Braille. A store employee could offer to assist customers who are blind or who have limited vision by describing the items and reading prices and labels unless an undue burden would result.

When merchandise and price information are available on a display board at a deli, bakery, or other service counter, high-contrast signs or large print handouts are helpful for people with limited vision. In most cases, these are low- or no-cost solutions that embody common sense, courtesy, and good business practice.

Signs that protrude into aisles from display shelves can be a hazard to people who are blind or have limited vision; these must be mounted in locations that do not impede travel if readily achievable.

Q. What measures are required in grocery stores for people with cognitive impairments such a mental retardation?

A. Accommodating people with cognitive impairments can include reading the price labels or product information, using color-coded pictorial maps showing what products are sold in particular locations in the store, and hanging a sign with a large question mark over customer service areas so people with cognitive disabilities know where to go for assistance.

Store personnel should us simple, direct language and speak in short sentences.

Q. How can a grocery store communicate with a customer who is deaf or hard of hearing or who has a speech impairment?

A. Most customers who are deaf or hard of hearing will identify themselves by writing a note or using hand gestures. When a sales clerk has determined that a customer is deaf or hard of hearing, he or she can communicate by writing notes. Maintaining face-to-face contact is important for communicating with a customer who reads lips.

The services of sign language interpreter are not necessary to enable deaf person to make purchases at grocery stores because the transactions are short and straightforward.

Grocery stores that use public address systems to announce special offers or sales should consider providing electronic bulletin boards or print announcements near doors and check-out counters to announce these events as a way to communicate effectively with customers who are deaf or hard of hearing if they can do so without incurring significant difficulty or expense.

It is also important for grocery store staff to communicate effectively with customers with speech impairments. Allowing sufficient time for a person with such a disability to express himself or herself or to spell out a message on his or her word board are examples of methods to achieve effective communication.

Q. If a grocery store is staffed with only a single cashier, is the cashier required to leave the cash register to assist a customer with a disability?

A. No. The ADA does not require a cashier to leave the register if doing so poses a security risk.

Q. Can grocery stores charge people with disabilities for deliveries?

A. If home delivery is the only readily achievable alternative to barrier removal that is offered, grocery stores may not charge for the home delivery to a customer with a mobility impairment. If, however, the store is accessible to customers with mobility impairments

and home delivery is provided at an additional cost to customers, the store may charge customers with mobility impairments for home delivery.

Q. Must grocery stores install visual fire and other emergency alarms?

A. Where audible alarms are provided, visual alarms must be added if readily achievable. The ADAAG specifies the types of alarms that meet this requirement.

People who are deaf or hard of hearing depend on visual alarms to alert them to fire or other emergencies. It is suggested that signs be placed next to alarms indicating their purpose. Store maps or directories should also point out the location of visual alarms.

Q. Is a grocery store required to purchase special items for customers with disabilities?

A. No. Grocery stores are not required to carry special products for people with disabilities. However, if the store routinely makes special orders of un-stocked goods for its customers and the special goods can be obtained from a supplier with whom the store customarily does business, the store must make special orders for customers with disabilities, too.

Q. Can a grocery store that requires a driver's license as identification for payment by check refuse to accept a check from a person with a disability who does not have a license?

A. People with disabilities such as blindness or limited vision who are ineligible to obtain a driver's license must be permitted to present another form of identification, such as a school or work ID, to verify their identity when they wish to pay by check for the goods that they are purchasing.

Q. What must grocery stores do to make check-out aisles accessible to people who use wheelchairs or other mobility devices?

A. If a store already has one or more accessible check-out aisles, customers with mobility impairments should be provided a level of convenience equivalent to that provided for other customers. The store must either keep an adequate number of accessible aisles open or otherwise modify its policies or practices. For example, if only one aisle is accessible and it is an express aisle limited to customers purchasing fewer than 10 items, the store must permit a customer who uses a wheelchair to make his or her purchase at the express lane, regardless of the number of items.

If the store has no accessible check-out aisles, then at least one accessible check-out aisle is required in facilities under 5,000 square feet of selling space if readily achievable.

In facilities with 5,000 or more square feet of selling space, at least one accessible aisle of each design being used by the business is required if readily achievable.

Signs identifying the accessible check-out aisle(s) must also be provided if readily achievable. If it is not readily achievable to provide any accessible check-out aisles, grocery stores must provide readily achievable alternative methods for customers to pay for merchandise, such as assistance at the check-out counter or curbside service.

Adjustments needed to provide access to check-out aisles must comply with the ADAAG if readily achievable.

Q. How can cashiers communicate effectively with customers who are blind or have limited vision, who are deaf or hard of hearing, or who have cognitive impairments?

A. In order to communicate effectively with customers with vision impairments, cashiers must tell the customer the total cost of his or her purchase.

Grocery stores could change the position of cash registers or add another price display to registers if doing so does not pose a significant expense, so customers with hearing impairments can see item prices and the total cost of a purchase. Other options include writing the total cost on a note pad or handing the customer the cash register tape.

Cashiers can communicate effectively with customers with cognitive impairments by saying aloud the total purchase amount.

Q. Must grocery stores have accessible drinking fountains?

A. Stores with drinking fountains must make them accessible if it is readily achievable to do so. To make fountains accessible, mount them low enough to be easily reached from a sitting position or install a paper cup dispenser within easy reach.

Q. Are grocery stores that provide public telephones required to provide wheelchair accessible public telephones?

A. If a grocery store provides public telephones, at least one telephone must be accessible to people who use wheelchairs or other mobility devices if readily achievable. If providing an accessible telephone is not readily achievable, then readily achievable alternative methods of providing access to a telephone are required. For example, grocery stores can offer customers who cannot use the public telephone the use of a private telephone. A sign should be posted near the public telephone(s) specifying the location of an accessible telephone and/or whom the person should contact to arrange for its use.

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