An assessment of lodging/gaming properties' responsiveness to the requirements of Title Ii of the Americans with Disabilities Act

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AN ASSESSMENT OF LODGING/GAMING PROPERTIES' RESPONSIVENESS TO THE REQUIREMENTS OF TITLE III OF THE AMERICANS WITH DISABILITIES ACT

by

Bradley J. Elgin

A thesis submitted in partial fulfillment of the requirements for the degree of

Master of Science

in

Hotel Administration

Department of Hotel Administration
University of Nevada, Las Vegas
August, 1996
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ABSTRACT

An assessment of lodging/gaming properties responsiveness to the requirements of Title III of the Americans with Disabilities Act examines three Las Vegas lodging gaming/properties in detail. The assessment is made through the use of varying methodologies that generated 1) the organizational policies for responding to the intent of the law and 2) the physical ability of the properties to comply with the law. In addition, the opinions of disabled persons who are current users of Las Vegas' lodging/gaming industry. The assessment allows the industry to better its ability to understand and serve the needs of persons with disabilities.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABSTRACT</td>
<td>iii</td>
</tr>
<tr>
<td>ACKNOWLEDGMENTS</td>
<td>vii</td>
</tr>
<tr>
<td>CHAPTER I - OBJECTIVE STATEMENT</td>
<td>1</td>
</tr>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>Introduction to the Americans with Disabilities Act</td>
<td>2</td>
</tr>
<tr>
<td>Research Objectives</td>
<td>5</td>
</tr>
<tr>
<td>Limitations and Delimitations</td>
<td>6</td>
</tr>
<tr>
<td>Justification Statement</td>
<td>8</td>
</tr>
<tr>
<td>Definition of Terms</td>
<td>8</td>
</tr>
<tr>
<td>Summary</td>
<td>11</td>
</tr>
<tr>
<td>CHAPTER II - LITERATURE REVIEW</td>
<td>12</td>
</tr>
<tr>
<td>Introduction</td>
<td>13</td>
</tr>
<tr>
<td>The Americans with Disabilities Act</td>
<td>14</td>
</tr>
<tr>
<td>Legislative History</td>
<td>16</td>
</tr>
<tr>
<td>Laws</td>
<td>17</td>
</tr>
<tr>
<td>Accessible Design</td>
<td>18</td>
</tr>
<tr>
<td>Language and Sensitivity</td>
<td>19</td>
</tr>
<tr>
<td>Who is Disabled</td>
<td>20</td>
</tr>
<tr>
<td>Terminology</td>
<td>21</td>
</tr>
<tr>
<td>Evolution of Society's Attitude</td>
<td>23</td>
</tr>
<tr>
<td>Purpose, Relevance, and Importance of the ADA.</td>
<td>24</td>
</tr>
<tr>
<td>Economics of the ADA</td>
<td>27</td>
</tr>
<tr>
<td>Undue Burden and Reasonable Accommodation</td>
<td>29</td>
</tr>
<tr>
<td>Case Examples</td>
<td>31</td>
</tr>
<tr>
<td>Enforcement of the ADA</td>
<td>37</td>
</tr>
<tr>
<td>ADA Assessment Plan</td>
<td>38</td>
</tr>
<tr>
<td>Summary</td>
<td>39</td>
</tr>
<tr>
<td>CHAPTER III - RESEARCH METHODOLOGY</td>
<td>41</td>
</tr>
<tr>
<td>Introduction</td>
<td>41</td>
</tr>
<tr>
<td>Inapplicability of the Questionnaire for Members of the Nevada Association for the Handicapped</td>
<td>44</td>
</tr>
</tbody>
</table>
Specific Procedures ........................................ 45
Research Population ........................................ 48
Instrumentation and Information Collection .......... 49
Treatment of the Information .............................. 52
Summary ...................................................... 53

CHAPTER IV - RESULTS ....................................... 54
Introduction .................................................. 54
INTERVIEWS ................................................... 54
  Imperial Palace .......................................... 54
  Golden Nugget .......................................... 60
  Sam’s Town .............................................. 66
  New York, New York .................................. 69
OBSERVATIONAL PORTION OF THE STUDY ............. 70
  Imperial Palace .......................................... 70
  Sam’s Town .............................................. 72
  Golden Nugget .......................................... 73
Summary ...................................................... 74

CHAPTER V - CONCLUSIONS ................................... 75
Introduction .................................................. 75
Relevance and Importance of the Study ................. 76
Conclusions .................................................. 78
  Golden Nugget .......................................... 79
  Imperial Palace .......................................... 81
  Sam’s Town .............................................. 82
Implications .................................................. 84
  Golden Nugget .......................................... 84
  Imperial Palace .......................................... 84
  Sam’s Town .............................................. 85
  Industry .................................................. 86
Suggestions for Future Research .......................... 87

APPENDIX I - Interview Questionnaire ................. 89
APPENDIX II - Questionnaire for Persons with
  Disabilities .............................................. 90
APPENDIX III - Observation Instrument .................. 95
APPENDIX IV - Graduate College Human Subjects Form.. 100
APPENDIX V - QUESTIONNAIRE RESPONSES FROM MEMBERS
  OF THE NEVADA ASSOCIATION FOR THE
  HANDICAPPED ........................................... 102
  Visual Impairments .................................... 105
  Hearing Impairments ................................... 108
  Mobility Impairments .................................. 110
  Epilepsy .................................................. 112
Respondents Who Have Visited Properties Used in
the Observational Portion of the Study........ 112
Imperial Palace.......................... 112
Golden Nugget........................... 113
Sam’s Town............................... 113
REFERENCES................................. 115
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CHAPTER I- OBJECTIVE STATEMENT

Introduction

The hospitality industry can trace its roots to the earliest recorded times (Davies and Beasley, 1992). Mansiones were developed during the Roman era to serve government officials in need of lodging as they traveled throughout the empire. During the middle ages, abbeys and monasteries expanded the idea of lodging by offering shelter and travelers assistance to wayward journeymen. Country inns were established throughout England in the 1200's, providing room and board to merchants and other travelers. It was during this time that the British government developed the first regulations for the lodging industry. In the United States, Massachusetts law in the 1700's required every town to provide some form of lodging to accommodate the needs of travelers.

Hospitality refers to the ability to satisfy the needs and desires of guests. A pleasant experience and satisfaction for the guest is the goal for every lodging establishment. A successful hospitality property understands this concept and strives to provide a facility that demonstrates concern for the needs of guests, in terms of personal service and the physical design of the property.
Present-day society includes individuals who face the world with functional impairments. This society requires an environment that is designed to provide both physical and social services that allow functionally impaired persons to participate in society with limited difficulty. Persons with functional impairments have impacted the hospitality industry in terms of accessible design.

Accessible design, as applied to the hospitality industry, refers to the ability of lodging properties to design their properties and educate their employees to the extent that the property can be used by persons with physical and mental disabilities (Salmen, 1992). In its broadest sense, accessible design may be described in terms of construction and education that results in the ability of all individuals (not just persons with disabilities) to perform basic activities in the easiest and safest method possible.

Introduction to the Americans with Disabilities Act of 1990

The term "disabled" is generally taken in a negative context synonymous with such words as unqualified, incompetent, and impaired. Throughout history, disabled persons have been relegated to positions wherein there is little opportunity for advancement and satisfaction in life. Most of the hardship suffered by the public with disabilities has not been the result of deliberate animosity, but rather neglect. In the past, services such
as public transportation, movie theaters, and restaurants simply chose to ignore the needs of persons with disabilities. In many cases, this ignorance could be attributed to perceived added costs of accommodation.

On July 26, 1990, President George Bush signed into law the Americans with Disabilities Act (ADA), regarded by many as the most sweeping piece of legislation since the Civil Rights Act of 1964 (Tucker, 1994). Advocacy groups of the ADA describe its passage as the emancipation proclamation of persons with disabilities (Allen, 1993). The ADA prohibits discrimination against any person with a disability seeking employment or customer service throughout all public entities and the majority of businesses found in the United States. The principal reason for the ADA is to guarantee persons with disabilities full participation and the opportunity for equal enjoyment in the mainstream of American life. The ADA is law, and the intent of any law is to solve some existing socio-economic problem (Goll, 1994). The limited opportunities that persons with disabilities have to participate in society is a socio-economic problem. Prior to the ADA, there was no law that was specifically designed to ameliorate this problem.

Another long-term benefit is evident in the fact that the population of the United States is becoming increasingly older (Davies and Beasley, 1992). As this trend continues, the ADA will grow in importance as more individuals will potentially fall under the provisions of the Act. The
statistical projections, regarding the aging of the population, are discussed in the purpose, relevance and importance section of Chapter II in this study.

Although the focus of this study is on the impact of the ADA in the area of Public Accommodations, the following paragraphs address important information regarding employment. The ADA has the potential to positively impact the US economy in many ways, employment being but one. There were nearly 43 million persons with disabilities in the United States in 1986, of whom 66 percent were unemployed. At that time, the total number represented nearly one-third of the total potential work force, which was largely untapped and eager to perform (Allen, 1993). According to a Harris poll taken in 1986, two-thirds of the unemployed public with disabilities desired employment (Institute of Real Estate Management, 1992). The poll indicated that the main reason persons with disabilities had a difficult time finding employment was because employers did not feel that they were capable of performing useful work. The ADA should facilitate the birth of a new era in the recognized norms and values of the work place.

Figures released in a 1991 census report indicated that the number of persons with disabilities has increased to 48.9 million Americans. This number represents 19.4 percent of the total population of roughly 250 million in the United States (Las Vegas Review Journal, 10/10/95). Of the 144.8 million persons between the ages of 21 and 64 in the US,
27.6 million persons were recognized as persons with disabilities. The overall unemployment rate among this group was 48 percent. With an unemployment rate of 48 percent, this number represents a significant increase in the number of employees with disabilities over the 1986 Harris poll, where two-thirds of the public with disabilities was unemployed. One could reasonably conclude from this data that the ADA has had an initial positive impact on the number of workers with disabilities in the United States. This potential positive impact on employment is not unrelated to the intent of Title III regarding guests.

Research Objectives

The research took the form of an exploratory and descriptive-elemental study in order to assess the degree, ability, and willingness of Las Vegas' hotel, casino, and meeting properties to comply with the requirements of Title III of the ADA in accommodating the needs of persons with disabilities. In exploratory, or formulative, studies the major emphasis is on discovery of ideas and insights with a major purpose of gaining familiarity with a phenomenon or to achieve new insights into it, often in order to formulate a more precise investigation or for developing hypotheses (Sellitz, et al, 1976:90).

In descriptive-elemental studies, it is not considered appropriate to attempt to formulate or test hypotheses.
Rather, such studies are intended to report accurately the characteristics of particular individuals or groups of individuals or situations. Additionally, such studies may determine the frequency and quantity of specific occurrences in the context of the relationship with other occurrences. The value of a descriptive-elemental study is considered to lie in the development of more specific guidance, which may, in the context of this study, ultimately provide for selection of a fresh methodology for more productive research into the impact of the ADA on organizations within the hospitality industry. In the context of this study, specific occurrences of actions taken to accommodate guests with disabilities were compared to the perceived intent of the ADA. Further discussion on the relevance and importance of exploratory and descriptive-elemental studies is provided in Chapter III (Research Methodology). The rationale behind this study is that the ADA is a law which affects the socio-economic conditions of the hospitality industry.

Limitations & Delimitations

The study includes several limitations. The ability to physically inspect the facilities was limited, due to the nature of the hospitality industry. It would be inappropriate for any individual to walk around an establishment taking actual measurements. Thus, the researcher had to rely on the property lay-outs provided and observation.
The interviews conducted with the properties' ADA specialist(s) were limited by response bias. The researcher did not expect any of these individuals to scrutinize or indict the very area for which they are responsible.

The physical ability of certain individuals to respond to the questionnaire and survey was limited by the nature of their disabilities. For example, if a blind individual was to respond to the questionnaire it had to be dictated. Such requirements further limited the research.

The ability to find respondents with disabilities who have patronized the specific properties (Sam's Town, Golden Nugget, and Imperial Palace) used in this study was limited. This is the result of the fact that the properties did not want any individual on their property disturbing their guests. The properties utilized in the questionnaire, which rated how well lodging properties have accommodated the needs of the disabled, were limited to those properties utilized by the respondents. The respondents are members of the Nevada Association for the Handicapped.

The delimitations faced in the study were the constraints of 1) place, 2) time, and 3) money.

1) In terms of place, the study was limited to those areas which were used most frequently by persons with disabilities. These areas were casino/gaming, food and beverage, rooms, and meeting facilities.

2) Based on the total number of facilities and the aforementioned time frame of the study, it was time and
place prohibitive to include all of Las Vegas’ properties in this study.

3) To compensate for the delimitation of money, resulting from mailing/telephone costs, the questionnaire/survey was conducted in person with the assistance of the Nevada Association for the Handicapped.

Justification Statement

As stated previously, the ADA is a law that serves to solve an existing socio-economic problem. This problem directly relates to the opportunities persons with disabilities have for full participation and equal enjoyment in society. Businesses and public entities must make the necessary accommodations to comply with the ADA. Because the law is binding on the majority of public/private entities throughout the United States, understanding of the law and its provisions is vital to the ability to meet the requirements of the law. This study enhances the hospitality industry’s ability to understand and incorporate the intent and requirements of the ADA.

Definition of Terms Particular to this Study

ACTION PROGRAM- An action program is a written or formal procedure that is incorporated throughout the organization for responding to the requirements of the American with Disabilities Act.
AMERICANS WITH DISABILITIES ACT- This act, (i.e. ADA), is the federal legislation enacted on July 26, 1990, consisting of five different Titles. The ADA makes it illegal to discriminate against any disabled individual who is seeking employment or customer service throughout all public entities and the majority of private businesses found in the United States. Further discussion of the ADA and each of its Titles is provided in chapter II (Literature Review).

DIRECT THREAT. The direct threat or safety defense is a clause in the ADA which owners may use to resist changes or accommodations due to the presence of imminent danger to the well being of the organization. In using the direct threat defense the employer must demonstrate there is a significant and current risk in making an accommodation for a person with a disability (Brierton, 1994). The risk of potential damage to the organization must not be speculative, but based on factual or medical evidence and cannot be removed or reduced with a reasonable accommodation. The risk must be imminent in that the potential for danger is now, not ten years from now (Tucker, 1992).

DISABLED- According to the ADA (1990), a person with a handicap or disability is one who is recognized as having a physical or mental impairment that substantially limits one or more of life's major life activities, having a record of this impairment, or is regarded as having such an impairment. Further discussion on the definition of "disabled" is provided in chapter II (Literature Review).
PERSONAL SERVICE- Personal service refers to one's ability to understand the human side of the ADA. In understanding the human side of the ADA, employees or persons who work with disabled individuals must recognize the importance of treating disabled individuals the same as everyone else. Expressing one's discomfort and treating individuals with disabilities as if they are lepers is not conducive to future business or an acceptable mode of behavior (Wagner, 1993).

REASONABLE ACCOMMODATIONS- Under Title III of the ADA most hospitality businesses are required to make necessary accommodations so that persons with disabilities have the full and equal enjoyment of their goods, services, facilities, and privileges. A reasonable accommodation is one that does not impose significant difficulty or expense (Title III, ADA, 1990). Further discussion on reasonable accommodations is provided in chapter II (Literature Review).

UNDUE BURDEN. What is reasonable is evaluated on the basis of whether an undue burden has been placed upon the business. An undue burden results when the cost of an accommodation is detrimental to the health of a given business (Brierton, 1994). Further discussion on what is an undue burden is provided in chapter II (Literature Review).
Summary

The ADA became law in July of 1990. The purpose of the law is to provide persons with disabilities the opportunity for full participation and equal enjoyment in society. The number of persons with disabilities continues to increase in the United States. The objectives of this study are to assess the degree, ability, and willingness of Las Vegas' lodging industry to comply with the requirements of Title III of the ADA. The importance of this study is that it will assist the industry in understanding the intent and requirements of Title III of the ADA.
CHAPTER II- LITERATURE REVIEW

The purpose of the literature review section is to identify and discuss some of the different theories presently existing in the field, and examine specific past events relevant to the provisions of the ADA and the objective statement presented in Chapter I. The literature review in this study specifically examines, in order:

(1) briefly, the different types of law in the history of the United States,
(2) the ADA and Titles I-V,
(3) the legislative history of the ADA,
(4) language and human sensitivity as applied to persons with disabilities,
(5) the purpose, relevance and importance of the ADA in modern society,
(6) the economics of the ADA,
(7) further discussion of the terms "undue burden" and "reasonable accommodation",
(8) positive and negative case examples involving the provisions of the ADA specific to the hospitality industry,
(9) the procedures for enforcement of the ADA’s Titles II and III, and
an example of an ADA assessment plan that is applicable to the hospitality industry.

Introduction

As stated in chapter I, the purpose of any law is to solve some existing socio-economic problem (Goll, 1994). Throughout history, the passing of laws has resulted in the formation of regulations and regulatory agencies to insure that laws are followed. Initially, laws and their related agencies were created to solve problems that were specific to industry, in an attempt to insure fair business practices. As stated by Goll, "because of the relatively narrow scope but the great depth to which the regulations went, these are referred to as vertical regulatory agencies" (p. 29).

As society progressed, so too did the laws surrounding it. Such laws were created to solve problems relevant to society, as opposed to industry (Goll, 1994). Examples of the regulatory agencies which resulted are the Equal Employment Opportunity Commission, and the National Labor Relations Board (NLRB). According to Goll, "because of the relatively broad scope of interest, these agencies are referred to as horizontal regulatory agencies" (p. 29). The ADA is a law that attempts to solve an existing socio-economic problem.
The Americans with Disabilities Act

The ADA was signed into law on July 26, 1990. The specific regulatory agencies that enforce the law include the Equal Employment Opportunity Commission, the Department of Justice, the Department of Transportation, and the Federal Communications Commission. The role each of these agencies play in enforcing the ADA is discussed in the following presentation of the Titles of the law. The scope of the ADA, covered in Titles I-V, attempts to cover all areas where there is potential for discrimination against persons with disabilities.

Title I- Title I covers the employment of persons with disabilities. The purpose of this title is to allow qualified individuals with disabilities equal access to jobs in both public and private sector employment. Title I does not mandate that employers hire persons who are disabled; it prohibits them from discriminating against any individual with a disability who is qualified and capable of performing a job. Title I also requires that businesses make reasonable accommodations to allow employees with mental and/or physical disabilities to participate in the work environment, unless doing so would impose an undue burden.

Businesses with 25 or more employees had to fully comply by July 26, 1992; businesses with 15 to 24 employees, by July 26, 1994. Employers with 14 employees or less are exempt. Title I of the ADA is enforced by the Equal Employment Opportunity Commission.
Title II- The purpose of Title II is to grant equal access for persons with disabilities to public services. This title pertains directly to public transportation services and government buildings. All newly constructed state and local government buildings and transit services had to be accessible by January 26, 1992. The Department of Justice and Department of Transportation are responsible for the enforcement of Title II.

Title III- The purpose of Title III is to allow equal access for persons with disabilities to businesses and entities that serve the public. This is the title which affects the hospitality industry, in addition to Title I (employment). Title III prohibits discrimination against disabled individuals in the area of public accommodations and services provided by private entities.

Title III went into affect on January 26, 1992. However, for business with 25 employees or less or gross revenues of $1 million or less, civil actions for non-compliance were not permitted to occur until July 26, 1992. Civil suits could occur before July 26, 1992, if the case involved new construction or alterations. For entities with ten or fewer employees or annual gross revenues of less than $500,000, Title III did not take affect until January 26, 1993. The Department of Justice is responsible for enforcing all matters that pertain to Title III.

Title IV- Title IV states that all public and private entities falling under the provisions of the ADA must
provide telecommunications devices for persons with disabilities. This involves areas such telephone communication devices for the deaf in hotels and accessible telephones for persons in wheelchairs. The Federal Communications Commission enforces Title IV.

**Title V** - The purpose of Title V is to illustrate the ADA's relationship with other existing laws. The ADA, does not lower the requirements of any other previous state or federal statutes, as long as such statutes provide equal or greater protection. The previously existing laws relating to the ADA include the Civil Rights Act of 1964, Architectural Barriers Act of 1968, the Rehabilitation Act of 1973, and the Fair Housing Amendments Act of 1988.

**Legislative History**

Prior to the enactment of the ADA, persons with disabilities were not guaranteed the opportunity to participate in mainstream society. The only protection from discrimination came from local and state statues and the Rehabilitation Act of 1973, which applied only to federally funded buildings and programs. The federal legislation leading to the enactment of the ADA began in the middle of the twentieth century, when the need for accessible design became paramount (Institute of Real Estate Management, 1992).
Laws

Legislation leading to the passage of the ADA began in 1964 with the passing of Title VII of the Civil Rights Act. Although persons with disabilities were not originally identified as a protected group under Title VII, it laid the framework for ADA legislation (Mikochik, 1992). In 1968, Congress enacted the Architectural Barriers Act (ABA) and began the process of removing architectural barriers that limited the accessibility of persons with disabilities into federal buildings (Department of Justice, Code of Regulation (Code of Regulation), 1994).

In 1973, Congress enacted the Rehabilitation Act to provide vocational rehabilitation and prevent discrimination against persons with disabilities by affording them equal access and opportunities in federal buildings and federally funded programs, respectively (O'Day, 1992). The ADA augments the Rehabilitation Act by applying its provisions to the private sector. The legal structure of the ADA is based on both the Civil Rights Act and the Rehabilitation Act (Salmen, 1992). Furthermore, the ADA has been structured so that changes to the enforcement provisions of the Civil Rights Act automatically result in corresponding changes to the enforcement provisions of the ADA (Mikochik, 1992).

All of the previously discussed legislation is indicative of the trend towards providing accessibility in the United States. The efforts of lobbyist organizations, the public, and the existence of laws that did not allow
persons with disabilities to participate in society resulted in the birth of the ADA (Allen, 1993).

**Accessible Design**

The original perception of accessible design was distinguished as a building or components of a facility that could be used by persons in wheelchairs. Today, this idea has expanded to include many forms of functional limitations (O’Day, 1994). The evolution of accessibility has been a slow, and at times, stagnant process. Following World War I, many American soldiers returned with permanent injuries rendering them functionally impaired (Salmen, 1992). At that time, it became evident that the majority of buildings, businesses, parks, and transportation systems in America were inaccessible for persons with disabilities.

As a result of medical and technological advances which allowed veterans to survive previously fatal injuries, an even greater number of wounded soldiers returned from World War II only to find the same accessibility problems that veterans of World War I had encountered (Davies and Beasley, 1992).

The Architectural Barriers Act of 1968 mandated a level of accessibility for all federally funded buildings (Salmen, 1992). The ADA extended the provisions of this act by requiring all buildings to maintain a certain level of accessibility. The Fair Housing Amendments Act of 1988 initiated law regarding the accessibility of commercial
housing facilities by including persons with disabilities among the groups of persons protected from discrimination in housing (Institute of Real Estate Management, 1992). In addition, the Act required all multiple housing structures with four or more units to have an accessible common area. The elevators inside such structures must also be accessible.

The strong economic status of the United States following World War II afforded the ability of significant development and advancement in architectural processes (Davies and Beasley, 1992). The chief problem, with respect to accessibility, was that architects were more concerned with their desires to shape their designs around the advances and demands of technology rather than meeting the needs of all users (O’Day, 1994). It appears that architects were more concerned with aesthetics than accessibility. Although medical advances were allowing people to live longer, more useful lives, architecture had failed to keep pace. The result was an increasing population of persons who were capable of only limited participation in mainstream society and in leading productive lives (Davies and Beasley, 1992).

**Language and Sensitivity**

This section of the study presents a detailed discussion of the language and terminology regarding persons with disabilities. In addition, the evolution of society’s
attitude about persons with disabilities is addressed. In terms of language, the areas that are examined in detail include the definition of who is disabled and terminology that is sensitive to persons with disabilities. The evolution of society’s attitude is examined in terms of the different perceptions and positions the public has held about persons with disabilities.

**Who is Disabled?**

As stated in chapter I, a person who is handicapped or disabled is one who is recognized as having a physical or mental impairment that substantially limits one or more of life's major life activities, having a record of this impairment, or is regarded as having such an impairment (ADA, 1990). 1) "Major life activities", as defined by the ADA, include such functions as seeing, hearing, breathing, speaking, walking, caring for oneself, and working. According to the Department of Justice, the definition component 2) "recognized as having such an impairment" means that an individual "has a history of an impairment that substantially limits one or more of life’s major activities" (Code of Regulation, 1994, p. 469). Common examples of "recognized as having such an impairment" are diseases such as Cancer and Aids (Mello, 1994). In these situations, it may be unlawful to discriminate against a persons because they impose a potential burden.
3) "Being regarded as having such an impairment" means that an individual does not have an impairment that limits one or more of life's major activities, but is treated as if he or she does. In addition, this term pertains to individuals who are discriminated against because they have impairments that limit major life activities only as a result of the attitudes of others towards such impairments (Department of Justice, Code of Regulation, 1994). A common example of such an impairment is a facial disfigurement (Institute of Real Estate Management, 1992).

Terminology

When considering the purpose of the ADA, to guarantee persons with disabilities full participation and the opportunity for equal enjoyment in the mainstream of American life, the law asserts that persons with disabilities are persons first, not disabled persons. Persons with disabilities are more like non-disabled persons than they are different, and are thus deserving of the same respect and rights as all citizens (Salmen, 1992). The statements of experts as well as government activities have suggested that the most evident way of demonstrating a clear understanding of the ADA is by being aware, and careful, of the use of terminology regarding persons with disabilities (Jarrow and Park, 1992).

Terminology consistent with the intent of the ADA has established itself as important. The use of correct
terminology as applied to persons with disabilities stands much room for improvement (Salmen, 1992). Consider how persons use the terms "disabled person", "deaf person", or "cancer victim." These terms emphasize the limitation rather than the person. It is important to recognize the person as the important entity, not the disability (Jarrow and Park, 1992). Appropriate terminology places the person before the disability. An example is a "person who is hearing impaired." In addition, consider the commonly used terms "handicapped rooms" or "disabled entrance." These terms can result in confusion. One cannot be definitive as to whether the room or entrance is incapacitated or designed for persons with disabilities. Again, correct terminology is room/entrance designed for persons with disabilities or a room which is accessible (Jarrow and Park, 1992).

The Department of Justice (1994) highlighted the following changes as evidence of the federal government’s effort to use terminology that is sensitive to persons with disabilities. The definition of the term "individual with a disability" in the ADA is comparable to the definition of an "individual with a handicap" as found in the Rehabilitation Act and Fair Housing Act. (Department of Justice, Code of Regulation, 1994). The use of the term "disabled" is representative of the federal government’s effort to use correct terminology. In addition, Congress recently changed the name of the National Council on the Handicapped to the National Council on Disability. The significance of the
terms "disability" and "handicap" are as follows: disability relates to the limitation one experiences as a result of an impairment, while handicap relates to the social consequences of a disability (Salmen, 1992).

Evolution of Society’s Attitude Towards the Disabled

Society’s initial perception of persons with disabilities was founded under the "protectionist model." According to this model, individuals with disabilities were generally recognized as abnormal persons from whom society should be protected. During this era (1900-1940’s), persons with disabilities were subject to institutionalization and sterilization from society (Watson, 1994).

As society progressed, the "charity model" emerged (O’Day, 1994). During this time (1950’s-60’s), persons with disabilities were distinguished as victims of a natural tragedy. As a result, federal income subsidy programs and philanthropic agencies were founded with the purpose of bettering the livelihood of the public with disabilities. Evidence of this sentiment was demonstrated by the enactment of the Architectural Barriers Act of 1968. Despite the existence of this sentiment, persons with disabilities were still regarded as unemployable and devoid of any definitive constituency (Watson, 1994).

Because of the negative images and perceptions society initially had of individuals with disabilities, a new philosophy emerged aimed at minimizing the negative impacts
created in earlier years. The new philosophy influenced society to look at individuals with disabilities as if they were easily employable and eager to be contributing members of society. Advocates of the public with disabilities tried to create an environment wherein individuals with disabilities could operate in a collective manner. This time frame (1970’s-80’s) and the philosophy which resulted can be distinguished as the "rehabilitation-medical model", as it led to the establishment of numerous medical and vocational rehabilitation programs (O’Day, 1994).

Presently, society’s position on the rights and roles of individuals with disabilities has evolved into what can be described as the “minority-independent living” model (O’Day, 1994). In this model, persons with disabilities are not recognized as inherently dependent. One’s level of dependence is reflective of the degree he or she comes forth and embraces his or her role in the mainstream of society. The purpose of the ADA is to enhance this. Society will help those individuals with disabilities who help themselves (O’Day, 1994).

**Purpose, Relevance, and Importance of the ADA**

The principal reason for the passing of the ADA was to grant persons with disabilities the opportunity for full participation and equal enjoyment in present day society.
Full participation and equal enjoyment may be interpreted to mean that persons with disabilities should have the opportunity to achieve the same results, in life, as non-disabled persons, to the extent that such accommodations as required by the ADA and its regulations make it possible (Allen, 1993). It does not mean that persons with disabilities must achieve an identical result as those persons who are not disabled.

Based upon the aging trends occurring in the U.S., the passage of the ADA is preparing America's businesses, organizations, and citizens for an environment that presently exists and will continue to grow in importance (Institute of Real Estate Management, 1992). In 1900, average life expectancy was 47 years, and only 4 percent of the total population was 65 years or older. Life expectancy had increased to 73 years by 1980. A similar increasing trend is predicted for the future (Salmen, 1992). The percentage of Americans over the age of 65 is expected to increase 13 percent by the year 2000 (Figure 1). In addition, the number of persons over the age of 65 is expected to increase to 22 percent of the total population.
(one in every five people) by the year 2040 (Davies and Beasley, 1992).

![US Population over the age of 65 since 1900](image)

**Figure 1**

Several factors illustrate the importance of application of this aging trend to the hospitality industry. Persons between the ages of 55-74 now represent 80 percent of the vacation travelers in the United States. Presently, there are 28 million Americans over the age of 65. Of these 28 million, sixteen million (59 percent) are disabled (Figure 2). Persons over the age of 50 control 77 percent of the total financial assets of the country. By the year 2020, greater than 50 percent of the population is expected to be over the age of 50 (Davies and Beasley, 1992).
Figure 2

The Department of Commerce reports that there is a four times higher probability of an older person (55 years of age or older) having a disability than a younger one. All of the preceding figures illustrate the importance of the hospitality industry adjusting its facilities and services to respond to this growing user group. As the aging trend continues, the ADA and its application to the hospitality industry will grow in importance as more persons will need to be accommodated under the provisions of the Act (Davies and Beasley, 1992).

Economics of the ADA

According to the ADA, the duty to provide reasonable accommodations is presently the responsibility of the business organization. Although all persons with disabilities do have the right to participate, organizations are not required to make accommodations which would impose
an undue burden. A problem results from the definition of "undue burden" which is not clearly defined in the ADA (Barnard, 1992). How does an organization know if and when accommodations are reasonable or unreasonable? How does an individual who is disabled determine if he or she has been discriminated against on the basis of reasonable accommodation? The ADA states that all matters in question, concerning the law, will be decided on a case-by-case basis (Department of Justice, Code of Regulation, 1994). According to Dolatly (1993), "the reasonable accommodation responsibility and its lack of clarity will result in excessive litigation, uncertainty for organizations, and unfairness for plaintiffs due to the lack of uniformity in interpretation of the law" (p. 540). Further discussion on the confusion resulting from the definition of what is an "undue burden" is presented in the case examples later in this chapter.

Two approaches to ADA policy are the civil rights approach and the economic approach (O'Day, 1994). According to the economic approach, ADA policy should be based upon a cost-benefit analysis, where the policy could be rejected if it is unduly costly. The civil rights approach focuses on the rights of persons with disabilities to participate, regardless of the cost. Which approach is most appropriate for this day and age is and was the subject of much legislative debate.
Several compelling arguments have been presented to alter the burden of responsibility for complying with the ADA. Some of the arguments concerning this issue are presented as follows. First, it has been argued that caps or ceilings should be placed on the costs of accommodation and the penalties for non-compliance for a certain time period, while the law develops and organizations gain a better understanding of its requirements (Barnard, 1992). Others have argued that relying on the business as the sole source of funding for necessary accommodations is unjust. Yet another argument states that if society as a whole benefits from persons with disabilities participating in the mainstream of American life, then society as a whole should assume the costs of accommodation (Allen, 1993).

**Undue Burden and Reasonable Accommodation**

As stated earlier, an **undue burden**, as applied to the ADA, is "an accommodation that cannot be made without significant difficulty or expense" (Department of Justice, Code of Regulation, 1994, p. 471). The factors involved in determining what is an undue burden involve the cost of the accommodation, the financial resources and the site of business, the structure of the work force, and whether the nature of the business is altered or disrupted. According to Tucker (1992), a fifth factor involving the accommodation's impact on the operation of the facility must be considered when determining an undue burden. Although
employment issues are beyond the scope of this study, some aspects of Title I are worth mentioning. For example, an employer is not required to accommodate unpredictable work hours or require fellow employees to take up the individual with a disability's proportionate work load. An employer would be required to enlarge door ways or place a ramp at the entrances to allow disabled employees and customers to enter and exit the facility. Again, this study focuses on Title III of the ADA and the servicing of customers with disabilities.

A reasonable accommodation is an accommodation or activity that can be made without too much difficulty or expense, in making a facility or service accessible (Department of Justice, Code of Regulation, 1994, p. 3). Public accommodations such as hotels and restaurants are required to remove all architectural and communication barriers, when they are able to do so without undue burden. Even in circumstances where an undue burden exists, properties are still required to make the necessary accommodations or renovations to comply with the provisions of the ADA. The key term is reasonable accommodation and its lack of clarity in definition. This will force law interpreters to decide what is reasonable on a case-by-case basis. Although it is beyond the scope of this study, Title I of the ADA requires employers to provide reasonable accommodations for the employment of persons with disabilities, as long as no undue burden is imposed on the
business. Reasonable accommodation is again the key term and will be decided on a job-by-job basis (Institute of Real Estate Management, 1992).

Case Examples

Positive- The following two cases are examples of hospitality properties that have positively complied with the requirements of the ADA.

Case #1: In 1991, the Loews Anatole hotel, in Dallas, Texas had only eighteen of its 1500 rooms specifically designed for meeting the needs of persons with disabilities. Despite its apparent inability to handle large numbers of persons with disabilities, the hotel was able to make the necessary accommodations to host the annual meeting of the President's Committee on Employment of People with Disabilities in 1991. Because the meeting involved roughly 6,000 persons, of which one-half were disabled, the Anatole was confronted with a formidable task. Examples of accommodations made for persons in wheelchairs included; the removal of bathroom doors, the trimming of counter tops, the installation of bathtub stools and hand-held shower heads, and the lowering of peep-holes and clothes racks. For "persons with hearing impairments," the hotel offered closed-captioned television and portable blinking fire detectors. For "persons with visual impairments," Braille was installed in elevators, menus, and on room doors.
The hotel also guaranteed accessibility to committee meetings. All aisles and walk areas were arranged with extra-width, chairs were removed from certain aisles to allow room for wheelchairs, and ramps were set up to lead to podiums and head tables. The Anatole's accommodations were recognized as readily achievable and relatively inexpensive by Christopher Duperre, the hotel's conference manager (Hospitality Law, 1992a).

Case #2: Another case illustrating positive compliance with the ADA involves a Sheraton hotel. In late 1994, the Sheraton Suites Fairplex in Pomona, California, was able to successfully make much of its facility accessible when it hosted the American Sign Language festival for 400 persons with hearing impairments. In addition to the eight permanent guest rooms, which are tailored for individuals with disabilities, numerous temporary changes were made. Twelve additional TDD telephones were added at various locations throughout the hotel, and flashing light signals were added to an additional 100 telephones. The hotel retained three sign language interpreters to be available 24 hours a day for the duration of the festival, and trained all of its employees in effective communications in servicing individuals with hearing impairments. The total cost of the accommodations was $5,000. This may appear to be costly at first, but the General Manager felt that cost was reasonable considering the long-term benefits of the adaptations (Hospitality Law, 4/95).
Negative - The following four cases are examples of lodging establishments that failed to comply with certain provisions of the ADA.

Case #1: In 1994, the Department of Justice (Department of Justice) filed a complaint, under Title III of the ADA, against the Royal Lahaina Resort on Maui, Hawaii. The complaint was filed on behalf of a non-guest who was unable to locate an accessible bathroom via a wheelchair, while attending the resort for a meeting. As a result, the individual filed a grievance with Department of Justice and a formal investigation was launched. The investigation revealed a number of ADA violations in the resort, as well as in several resorts in Hawaii which were operated by Pleasant Travel Service, Inc., owners of the Royal Lahaina. In June of 1995, the Department of Justice and Pleasant Travel Service Inc. reached an out-of-court settlement whereby the owner of the company agreed to the following: modify restrooms, conference rooms, swimming pools, restaurants, public parking, make 14 guest rooms fully accessible, and provide TDD communication devices for persons with hearing and speech impairments. In addition, the owner agreed to pay a total of $25,000 in compensatory damages to those individuals who filed complaints and $25,000 in civil damages to the United States Treasury (Hospitality Law, 8/95).

Jonathan Greenbaum, attorney for the resort, raised several points regarding the ADA and offered advice for
lodging properties in responding to the intent and requirements of the ADA. In describing the difficulty of compliance, he indicated that there was no previous case law to interpret the requirements of what is readily achievable. In addition, neither the Department of Justice or any individual ADA expert was able to distinguish what is readily achievable, only a judge was able to make that distinction. Greenbaum encouraged all hoteliers to have some form of an ADA action program, so that a property is able to make a concrete "good faith effort" to comply with the requirements of the ADA. A good faith effort is a strong indicator of a property's willingness to comply with the ADA. Greenbaum has argued that "a good faith effort should not have to result in economic hardship for the property in question" (Hospitality Law 8/95)

Case #2: Eugene Phillips rented a room for a week at the Lorraine Motor Hotel in Toledo, Ohio, in September, 1992. Several nights into his stay, Phillips became ill and asked front desk personnel to call for an ambulance. Upon the arrival of the paramedics, Phillips informed them that he had the HIV virus, so they could take precautions for their own safety. When Phillips returned to the Lorraine the next day, the hotel refused to allow him back into his room. He was forced to return to the hospital in order to obtain a document stating that he was admitted for a bleeding ulcer rather than the HIV virus. Upon presentation of this document, Phillips was allowed back into his room.
That same night, Phillips became ill again and was forced to return to the hospital, where he underwent surgery and remained hospitalized for close to a month. While in the hospital, Phillips asked his sister to go to the Lorraine and retrieve his belongings. The hotel refused to allow his sister on property grounds. When Phillips was discharged from the hospital, he called the Lorraine to inquire about the availability of rooms. The hotel manager immediately informed him that no person who has been infected with the HIV virus would be allowed to stay at the hotel.

Phillips sued the Lorraine under a section of the Toledo municipal code, which makes it illegal for a business establishment not to allow persons equal enjoyment of goods and services because of an HIV related condition. In the trial court, the judge ruled in favor of the Lorraine on the grounds that Phillips' proof of damages was insufficient.

Phillips immediately appealed the lower court's decision. The Ohio court of appeals reversed the trial court's decision on the basis that a special situation exists in the guest/innkeeper relationship. According to the appellate court, an innkeeper is required to protect guests to the extent that they may recover from any injury which occurs as a result of a willful breach of duty, insult, or unlawful treatment (Hospitality Law, 6/95). Although this case did involve a state Municipal Code, the intent of the code is similar to the provisions of the ADA.
Case #3: In 1992, the Hyatt Regency in Dallas, hosted the annual convention for the Spina Bifida Association. Several guests were disappointed upon their arrival at the Hyatt, when they found that the guestrooms, public restrooms, and pool facility were inaccessible. In December of 1994, the Department of Justice and the Hyatt were able to settle out of court. The settlement was contingent upon Hyatt’s willingness to make 28 guest rooms and three public restrooms accessible to individuals with disabilities and construct ramps to provide access to the hotel’s pool and hot tub areas. In addition, Hyatt agreed to pay a total of $36,000 in compensatory damages to 24 individuals with disabilities (Department of Justice (Enforcing the ADA), 7/26/95).

Case #4: In early 1993, four individuals sued for discrimination under the ADA, because they were unable to enter several McDonald’s and Burger King establishments in the state of Connecticut. The parents of three children who suffer from asthma, and one woman with lupus, were apparently unable to enter the restaurants because the amount of second hand cigarette smoke resulted in respiratory problems. Originally, the case was dismissed on the grounds that uniform smoking bans could not be recognized as reasonable accommodations under the ADA. Upon appeal, the decision was reversed and returned to trial court, on the basis that further investigation was needed to determine if non-smoking sections could be deemed reasonable.
accommodations. In addition, the court sought to further determine if the cost of a uniform smoking ban in such establishments should be deemed unreasonable or an "undue burden." (Hospitality Law, 10/95).

Enforcement of the ADA

According to the Department of Justice's enforcing the ADA document (7/26/95), the enforcement of the ADA Titles II and III by the Department of Justice follow generally the same procedures. Some minor differences exist for the different titles. The general pattern is as follows:

1) Initially a complaint is filed with the Department of Justice. A civil complaint may also be filed in the appropriate federal district court by the individual complainant. All complaints must be filed within 180 days of the time of the alleged violation.

2) The Department of Justice determines any such violations in a document recognized as a "Letter of Findings." The letter serves to indicate any violations, in terms of the requirements of the ADA. Secondly, the letter provides possible remedies for each of the violations. Lastly, a notice of rights available is sent to the property in question and the individual that filed the complaint.

3) The "Letter of Findings" is sent to the office of the Attorney General of the United States, where an attempt is made to secure voluntary compliance. If a settlement cannot be reached outside of court, the case then proceeds
to court. When the case involves a civil lawsuit (without the direct participation of the Department of Justice) the Attorney General’s office will investigate the matter to determine if there is reasonable cause to believe that discrimination has occurred. If the Attorney General determines that discrimination has occurred, a complaint is filed on the grounds that it is a matter of general public importance.

Civil penalties involving the ADA do not exceed $50,000 for first and $100,000 for second time offenders. Punitive damages are not available under the ADA. Instead, monetary damages are the types of awards granted in a civil suit. Monetary damages include all compensatory damages and out of pocket expenses for pain and suffering. The Attorney General has discretion regarding the types and amount of damages sought on behalf of the complainant in a civil suit.

**ADA Assessment Plan**

The ADA directly relates to Section 504 of the Rehabilitation Act of 1973, in terms of the self evaluation requirement. The Rehabilitation Act requires all businesses with 50 or more employees and under federal supervision to have a self evaluation form on file (Department of Justice, Enforcing the ADA, 7/26/95). The form must be updated at least once every three years. The ADA reinforces this requirement with the addition of placing it on places of public accommodation and private business. The
Rehabilitation Act requires only those buildings or entities which are federally owned/operated or in receipt of federal assistance to be accessible to persons with disabilities.

Robert Kohr (1994) developed a four-step assessment plan to assist hotels in their compliance efforts.

**STEP 1:** The hotel identifies risks and evaluates its basis for compliance. Evaluation consists of accessibility measurements of the property itself and employee awareness of the guidelines and regulations of the ADA.

**STEP 2:** Step two involves the development of a compliance program to ensure the property meets the requirements of the ADA. In addition, this step indicates the methods which will be used to educate management and employees on the principles of the ADA.

**STEP 3:** Step three involves the actual implementation of the program. Activities include construction, the removal architectural barriers, and the educating of employees.

**STEP 4:** Step four involves the reevaluation of the plan. As the law changes and more ADA cases are decided in court, the nature and scope of the Act will change. Hotels will need to be flexible in their ability to alter their plans and meet the needs of clientele and employees and the requirements of the ADA.

**Summary**

The ADA, and its five Titles, is a law that is meant to solve an existing socio-economic problem. This problem is
the opportunity for disabled persons to participate in mainstream society. The laws and societal attitudes existing in the United States have evolved to the point where disabled persons now have the opportunity to be contributing members of society. The aging of the population will result in the necessity of increased accessibility for all businesses and services, especially the hospitality industry.
CHAPTER III- RESEARCH METHODOLOGY

Introduction

The objective of the methods used in this study was to assess the degree, ability, and willingness of Las Vegas' hotel, casino, and meeting properties to comply with the requirements of Title III of the ADA in accommodating the needs of persons with disabilities. The methods used in this study were exploratory and descriptive-elemental in nature. This is evident in that interviewing techniques and naturalistic observation were the methodologies used to facilitate the research process. Because of this, the observations and assessments drawn from this study were based on qualitative data, as opposed to the more traditional quantitative data (i.e. statistics) (Jorgensen, 1989).

The method of collecting data directly reflected the purpose of the study. Procedural guidance for conducting the interview portion of the methodology was obtained from the works of Sellitz, et al (1976) and Dexter (1970). Dexter referred to procedures for an "elite and specialized" interview.

1. stressing the interviewee's definition of the situation,
2. encouraging the interviewee to structure the account of the situation, and
3. letting the interviewee introduce to a considerable extent...his notions of what he regards as relevant, instead of relying upon the investigator’s notions of relevance (Dexter, 1970: 5).

In taking this approach, it was necessary to distinguish between objectivity and subjectivity as expressed by the interviewee.

The informants' statement represents merely the perception of the informant, filtered and modified by his cognitive and emotional reactions and reported through his personal verbal usages. Thus, we acknowledge initially we are getting the informant's picture of the world as he sees it (Dexter, 1970: 120).

A qualitative approach was chosen because qualitative data are particularly suitable for research that utilizes exploratory/observational methods (Barton & Lazarsfeld, 1969). Despite existing pessimistic attitudes about qualitative research and its inability to be replicated, many researchers have found that qualitative research is an effective method for analyzing the attitudes and perceptions of human beings. One researcher points out that the most important parts of research are often subjective and have little to do with finite quantitative analysis (Jones, 1985).

Several different research methodologies were used in this study. The selected methodologies decipher pertinent information, make comparisons across the respective population, and make observations regarding the questions
proposed in the objective statement. The scope, nature, and limited understanding of the ADA make the use of varying methodologies applicable, so that there is a broader base in order to assess the status of the industry and needs of the public who are disabled.

The following paragraphs illustrate the different types of methods used in analyzing the information generated through the three methodologies. These methods are based on Stock’s guide to practical research (1985).

1) An **analytical method** involves the analysis, synthesis, and interpretation of information. This method was used to determine and interpret the principles and provisions of the ADA that serve as a guide for action. These principles are based upon the law itself and the actions and policies set forth by the respective organizations and their ADA specialists. Through evaluation and interpretation of the gathered data, observations and interpretations were made about the principles which govern the present position and future direction of responses to the ADA by lodging properties in Las Vegas.

2) A **comparative method** involves the examination, comparison, and interpretation of different information sets. The comparative method was used, based upon a comparison of the chosen properties. Within the context of this comparative analysis, the different policies of the properties were examined to determine the different types of strategies for incorporating the intent and requirements of
the ADA. Such comparisons involved the physical conditions of the properties themselves, as well as the organizational attitudes towards the requirements of the ADA.

3) A correlation-predictive involves the analysis of information to make predictions about the existence of given circumstances. In this study, a determination was made as to whether the existence of certain property conditions had an impact on the actual circumstance. The property conditions were recognized as the physical conditions of the properties themselves, and the organizational attitudes of their ADA facilitators in terms of the provisions of the ADA. Examination was based on the following questions:

1) Because these properties made these accommodations, are they in compliance with the provisions of the ADA, in terms of Title III? 2) Did the levels of accessibility and physical states of the properties pose potential difficulties in meeting the needs of persons with disabilities?

Inapplicability of the Questionnaire for Members of the Nevada Association for the Handicapped

As stated in chapter I, the ability to apply the questionnaire’s results directly to the properties studied, was limited by the fact that none of the properties would allow the questionnaire to be administered among their clientele with disabilities. As a result, the respondents were taken from members of the Nevada Association for the
Handicapped. The applicability of the questionnaire to the properties used was limited because of the total number of responses generated from the association. In addition, only ten of the respondents indicated that they had visited the subjects of this study: the Golden Nugget, the Imperial Palace and Sam's Town.

Because of the small sample size of 53 respondents and the inability to directly apply the questionnaire to the properties used in the study, the questionnaire became inapplicable to the results of this research. Therefore, the results of the questionnaire are not an integral part of this study and were not used to make generalizations about, or assess the ability of Las Vegas' lodging industry to meet the requirements of the ADA. Although the information provided in the questionnaire is not applicable to the results of the study, it did provide some valuable insights into the needs of persons with disabilities and the status of Las Vegas' lodging/gaming industry. Therefore, the results of the questionnaire are provided in Appendix V.

**Specific Procedures**

Information was gathered in the properties themselves through naturalistic observation. Naturalistic observation is recognized as observation that occurs in the research environment's natural state. Such research is analogous to a "fly on the wall", where naturalistic observation is a method of gathering data that allows the researcher to not
personally involve him/herself, in order to prevent alterations to the natural research environment (Bunker, Pearlson, and Schulz, 1975).

There are advantages to conducting research in a natural environment over a laboratory setting. Activities which often transpire in real-life situations are ignored or non-existent in laboratory settings, and the act of bringing an observational study into the lab has the potential for altering its nature (Anderson and Brown, 1984). The use of observation requires that the researcher physically position him/herself in the environment. The benefit of being in the actual environment can be distinguished by the belief that the researcher’s immediate experience is an extremely valuable source of data (Jorgensen, 1989).

The guidelines for conducting the observational portion of the methodology were derived from Jones (1985) and Jorgensen (1989). A potential weakness of observational research is that the researcher has the opportunity to introduce his or her own personal values. It is essential that the researcher maintain an open mind and dismiss any personal agendas (Jones, 1985). The information gathered through observation was used in conjunction with material provided by the facilities to assess the level of compliance with the ADA. In assessing the level of compliance, the gathered information was examined in terms of the requirements set forth by the provisions of the law itself. The permission of the respective property was obtained for
this aspect of the study. In addition, approval of the methods in this study was obtained on April 11, 1996 by the Office of Sponsored Programs at the University of Nevada, Las Vegas (Appendix IV).

Information was gathered through interviews with the ADA facilitator/specialist for each hotel property. Interviewing allows the researcher to put him or herself directly into the field. Through interviewing, one can become more of a behavioral scholar, as opposed to the traditional scholar who uses literature as the primary tool (Dexter, 1970). The difference is that interviewing allows the researcher to expand his or her understanding of the situation in its own environment, while literature and its interpretation provides a basis and foundation for study. The use of interviewing as a research method has gained increasing respect. Dexter (1970) indicated that he was able to obtain more intensive, detailed, and useful information through interviewing than other forms of methodology that provide insight into the attitudes and perceptions of human beings. Information gathered in the interviews with the ADA specialists was used to determine if an action program is in place. In addition, the information illustrated the specific policies and strategies used by the respective properties in complying with the ADA. These interviews were used to specifically examine the properties' ability to understand the intent of the ADA.
The information gathered in the aforementioned specific procedures was compiled to compare and contrast the different policies and methods being used by the respective properties, determine specific accommodations which were taken to meet the provisions of the ADA, and make recommendations for the future of the industry. The specifics on how the data lead to such conclusions are covered in a latter section of this chapter, entitled Treatment of the Information.

Research Population

The properties included in this study (Sam's Town Hotel and Gambling Hall, the Imperial Palace, the Golden Nugget, and the New York New York) were chosen for several reasons. First, the properties are representative of the spectrum of lodging/gaming facilities in Las Vegas. This spectrum can be distinguished in that there is at least one property from the three primary lodging/gaming areas: Downtown (Golden Nugget), the Strip (Imperial Palace and New York, New York), and Boulder Highway (Sam's Town). Secondly, utilization of the New York New York allowed for comparisons and observations to be drawn about the different ADA strategies and activities taken by properties constructed before versus after the passage of ADA legislation.

As stated in chapter I, the necessity of a small sample was based upon the actual size of Las Vegas' lodging market,
as well as the time constraints of this study. Because the nature of this study is qualitative, it is often times preferable to have a smaller sample so that the research effort can maintain manageability (French, 1971). French also stated that "when performing qualitative research, a short period of time is preferable because of the probability of outside factors altering the research environment" (p. 335).

Instrumentation and Information Collection

The use of two methodologies (naturalistic observation and interviewing) satisfied the objectives of this research. Again, the objectives were to assess degree, ability, and willingness of Las Vegas' hotel, casino, and meeting properties to comply with the ADA and meet the needs of persons with disabilities. The hypothesis was that properties with a specific ADA action program would be in strong positions relative to their competition, in terms of satisfying the provisions of the ADA and the needs of persons with disabilities. A detailed explanation of how each of the methodologies satisfied the objectives of the study and tested the hypothesis is provided in the following paragraphs.

The first portion of the methodology involved the observation of the properties, in the areas of food & beverage, gaming, guestrooms, and meeting facilities. The instrument used in this portion of the methodology is an
observational guideline and is provided in Appendix III. The instrument was derived from several ADA inspection forms, including the American Hotel and Motel Association’s guide to complying with the ADA, the guide to Accessible Meetings and Conventions, and the Department of Justice’s code of regulations for non-discrimination on the basis of disability by Public Accommodations.

The observation instrument specifically examines the accessibility, in terms of the requirements of the ADA, of each of lodging properties in the aforementioned areas. The use of the observation instrument directly pertained to the properties’ abilities to comply the physical requirements of the ADA. It also demonstrated potential problem areas for persons with disabilities in each of the properties.

The information compiled in the observations was derived from physical property layouts, as provided by the facilities themselves and naturalistic observation. With respect to observation, visual examination was used to determine the properties’ levels of compliance. Visual examination was necessary because the properties would not permit anyone to walk around the facility taking actual measurements, just as they would not allow anyone to question the clientele with disabilities.

The second portion of the methodology consisted of a direct interview with the properties’ ADA specialists. The interview format is provided in Appendix I. The interview utilizes questions about the organizational policies for
meeting the requirements of the ADA. The information generated in the interview identified the degree and willingness of each of the properties to comply with the requirements of Title III of the ADA. Specifically, the interview identified if an ADA action program was in place in the organizations. The existence or non-existence of an action program was necessary to test the hypothesis.

Using the information provided through the interviews in conjunction with the information generated through observation enhanced the study. Contrasting the results of the two methodologies allowed for a determination of the properties' physical abilities to meet the policies and philosophies demonstrated in the interviews. The determination was evident by examining the accessibility of each of the properties and determining the existence or non-existence of potential problem areas for persons with disabilities.

The interview was tape-recorded, provided that the interviewee did not object, to encourage a free-expression of thoughts and ideas, and to facilitate a better understanding of the material in question. The intent was to conduct the interview in a conversational manner. The interview is more useful when it can be kept in a conversational tone (Dexter, 1970). The biggest challenge of the interview was to ask questions in a manner that would not jeopardize the positions or reputations of the specialists.
Treatment of the Information

The information obtained in the observational portion of the methodology is based upon the observational guideline (Appendix III). The information identified how well the properties are actually complying with the law, as set forth by Title III of the ADA. In discussing the results of the observation, only those areas which demonstrated potential problems in complying with the ADA and meeting the needs of persons with disabilities are discussed in detail (in chapter IV). An assessment of how well the property is complying was based upon the analysis of the physical condition of the property compared to the requirements of the ADA. In addition, the observations derived in the study were contrasted with the information provided in the interviews with the ADA specialists to see if the properties are truly satisfying the provisions of the ADA.

The information obtained in the interview is based upon the format provided in Appendix I. The results of the interview are presented chronologically in chapter IV, according to the questions provided in the interview format. The interviews served as an indicator of what types of policies each of the properties have incorporated to meet the provisions of the ADA. As stated earlier, the determination of what type of strategy or action program each organization has taken, was related to the actual ability of the hotel to meet the intent and requirements of the ADA, as identified through observation. The existence
or non-existence of an action program was necessary to test the hypothesis. Again, the hypothesis was that properties with a specific ADA action program would be in a strong position relative to their competition, in terms of satisfying the provisions of the ADA and the needs of persons with disabilities.

Summary

This study combined two separate methodologies to facilitate the research process. These included the use of interviewing techniques and naturalistic observation. The interviews were conducted at three separate properties with each of their respective ADA specialists. The observation was conducted at the same three properties with the use of a guideline that was derived from several ADA inspection forms. The information generated from both serves to identify the properties' abilities to meet the intent and requirements of the ADA. In addition, the collective use of the methodologies, demonstrates if the organizational philosophies, as expressed in the interview are existent in the work environment.
CHAPTER IV-RESULTS OF THE METHODOLOGY

Introduction

All of the information presented in this chapter of the study is the result of interviewing and naturalistic observation. The results of the two methodologies are discussed in detail, as they pertain to the objectives of the study. The information from each of the methodologies was analyzed collectively to assess the status of the industry and make recommendations for the future, in terms of the intent and requirements of the ADA. Because the collective analysis directly pertains to the conclusions of this study, its results are presented in chapter V (conclusions).

Interviews

Imperial Palace

The process involved in obtaining an interview with the ADA specialist at the Imperial Palace began on the morning of January 22, 1996. The operator on the general information line at the Imperial Palace was initially confused with the term ADA when asked to speak with the popery's on-hand ADA specialist. As a result, connection was made with the public relations office. A representative
of the office stated that the Human Resources department generally deals with matters related to the ADA and referred to Mike Nelson, Director of Human Resources.

The initial meeting with Mr. Nelson involved a brief discussion of the intentions of the study, why the Imperial Palace was relevant, and a presentation of the questionnaires to be used in the property. Mr. Nelson asked several questions as to why the Imperial Palace was chosen as a potential subject of the study. He was informed that the purpose of the study was not to find problems with the property’s ADA compliance, but to assess its ability and strategies taken to meet the intent and provisions of the law. In addition, Mr. Nelson was informed that the property was chosen because of its location (on the strip) and the reputation the organization has in terms of the ADA. According to Mr. Nelson, the Imperial Palace has won several national awards for its ability to employ the disabled. These are discussed later in the results of the interview.

Mr. Nelson asked to examine the questionnaires applied in the study. After examining them, Mr. Nelson said that he had no problem answering the interview questionnaire (see Appendix I for sample). He stated that the organization would not allow the questionnaire for guests with disabilities (see Appendix II for sample) to be used in the property. His rationale was that organizational policy stresses the limitation of any activity that has the potential to deter from the pleasure of the guests’ visit.
The actual interview with Mr. Nelson took place on Thursday, February 22. Mr. Nelson agreed to the taping of the interview. The questions were asked chronologically, as provided in Appendix I, and Mr. Nelson was encouraged to elaborate or add any additional information he deemed necessary.

The following paragraphs illustrate the Imperial Palace's strategies and efforts to meet the intent and requirements of the ADA. When the ADA became law, the Imperial Palace created a compliance committee consisting of Mr. Nelson, the General Manager, and the Assistant General Manager, to examine every area of the hotel and make a determination as to what actions the property would need to take in meeting the requirements of the law. The committee serves as a representation of the property's initial and ongoing stance towards the ADA, as every manager is expected to examine his or her department area(s) on a daily basis.

In the area of gaming, the Imperial Palace brought in members of the Gaming Control Board, the Governor's Committee on the Employment of Persons with Disabilities, and casino managers from various properties in town to discuss the applicability of the ADA in gaming. They considered such issues as how persons with various disabilities can participate in gaming. For example, how can a wheel chair user play slot machines, and how can a person with a visual impairment play blackjack? They concluded that slot machines could be constructed so that
they were user-friendly for persons with disabilities. Chairs in front of machines were designed to be movable. It was clear that Braille cards could never be used, if purity in such games as blackjack and poker was to be preserved. Persons with disabilities are permitted to have an assistant in certain situations (mobility/vision impairments). Blackjack and Roulette participants who are disabled may use assistants to place bets and identify numbers (roulette).

In the area of Food and Beverage, all of the property’s restaurants had Braille incorporated. Every food outlet was built to meet the requirements of the ADA, in terms of available and accessible seating. Mr. Nelson indicated that the majority of blind individuals cannot read Braille, and to compensate for this, the Imperial Palace developed audio menus for several of the restaurants in the property. In addition, restaurant personnel are required to have sensitivity training. For example, hosts and waitstaff are trained to assist and make suggestions for persons with disabilities without being embarrassing or overly solicitous in their behaviors.

In the area of guest rooms, Mr. Nelson stated that the Imperial Palace met the requirements of the ADA before it ever became law. Questions which had to be addressed focused primarily on what to do in emergency situations. The Imperial Palace purchased 20 emergency evacuation chairs at $1100 per chair, and installed one in each stairwell on the property. In addition, personnel had to be trained on
how to accommodate persons with disabilities in emergency situations. There are seven different configurations (suites, penthouses) of guest rooms in the property. Accessibility had to be designed to the degree that persons with disabilities had the opportunity to stay in every type of room. In addition, the Imperial Palace purchased 35 ADA kits which contain assisted grab bars, TDD devices, sound activated alarms, and closed-captioned devices. According to Mr. Nelson, an ADA kit allows the Imperial Palace to make a regular hotel room accessible in just fifteen minutes.

The Imperial Palace has no formal Action Program for meeting the requirements of the ADA. The compliance committee was created only for the property’s initial assessment. Presently, the organization does not look upon the ADA as a special circumstance. The organizational policy is to "get it done." No formal committee is needed, as every manager/employee is expected to do his or her part in meeting the needs of the customers. The policy of the Imperial Palace is not to centralize the control and application of the ADA. Line supervisors are expected to provide insight and make recommendations on strategies the organization should take to improve the user-friendliness of the property. The organizational philosophy does not look at compliance with the ADA as a program or process, but rather as a commitment. Mr. Nelson stated that "organizations with formal programs tend to gyrate rather than accomplish specific objectives through action."
The Imperial Palace conducts ADA sensitivity training for all members of the managerial staff. In addition, the Governor's Committee on the Employment of People with Disabilities has come to the property to educate its staff. Managers are expected to filter what they have learned down to the line employees. All line employees are exposed to the organizational philosophy regarding the ADA during the orientation process.

According to Mr. Nelson, the most challenging aspect of the ADA has been creating a universal organizational philosophy that is free of the traditional stereotypes of persons with disabilities as an abnormal minority. Mr. Nelson feels that the challenge lies in facilitating an understanding that persons with disabilities are the same as other individuals, who have unique goals and aspirations. Mr. Nelson's goal is to create integrated understanding and uniformity among all organizational members to accept and embrace diversity.

According to Mr. Nelson, the most rewarding aspect of the ADA for the Imperial Palace was demonstrated in 1991, when it won the President's award for the top employer of persons with disabilities in 1991. Personally, Mr. Nelson identified the psychological benefits of providing employment for persons who are eager to be productive members of society, as going well beyond any tangible reward (plaques, national awards). He distinguished the Imperial Palace as an operation which influences the entire hotel.
industry, by outwardly demonstrating its leadership in embracing the spirit of the law. He recognizes that the organization has not always succeeded in satisfying the needs of the public who are disabled, but it has made a difference and given something back to the community. When handling any matter that pertains to the needs of its clientele, the philosophy of the Imperial Palace has been and always will be to "get it done."

Golden Nugget

The process involved in contacting the Golden Nugget's on-hand ADA specialist was similar to the Imperial Palace. The operator on the property's information line, directed the call to the Public Relations department, who then redirected the call to the Human Resources department and its Director Carole Knepper. Unlike the Imperial Palace, the Golden Nugget's information line attendant knew exactly what the ADA was.

On February 16, an interview was conducted with Ms. Carole Knepper, Director of Human Resources, and her assistant Ms. Toni Jewell. The Director inquired about the intentions of the study and how it would be of benefit to the Golden Nugget. The interview and guest questionnaires were presented to both managers, and an explanation was given about how each of the instruments was to be used. Ms. Knepper stated that she was ready to conduct the interview and would take the guest questionnaire to the Golden
Nugget’s President to determine if its use was possible. Ms. Knepper later stated that it would be impossible to conduct the guest questionnaire. She explained that it was the policy of the Golden Nugget, as well as all of Mirage Resorts’ properties, to never use any form of guest questionnaires.

The following paragraphs are a summary of the information received through the interview with Ms. Knepper and Ms. Jewell, regarding the Golden Nuggets’ policies for incorporating the intentions and requirements of the ADA. Ms. Knepper agreed to the taping of the conversation, so the interview proceeded with the questions being asked in a chronological manner, as found in Appendix I. Ms. Knepper claimed that the Golden Nugget began incorporating the requirements of the ADA before it ever became law. She said that the property had taken measures to make the facility user-friendly for persons with disabilities in the early 1980’s. When the ADA became law, the property conducted a full analysis of all of the services offered, to determine if they were in compliance. Ms. Knepper emphasized that the Golden Nugget’s goal was to do more than just meet the requirements of the law, in fact it was to make the property a place where guests with disabilities had the same opportunities as every individual, regardless of their limitations.

In the area of gaming, the Golden Nugget adjusted their slot machines and certain table games to allow access to
persons with various disabilities. She explained that although it might not be reasonable for a grocery store or small property to make its entire facility accessible, it was not unreasonable for a property with the gross revenues of the Golden Nugget to spend $10,000 on such an accommodation.

In the area of rooms, the Golden Nugget made 39 of its total 1908 rooms fully accessible to persons with disabilities. According to Ms. Knepper, the property purchased 30 ADA kits that would allow for a room to be made accessible within one hour. The ADA kits contain closed captioned decoders, TDD devices, grab bars, audible and flash alarms, and shower equipment. The purpose of the kits is to allow the Golden Nugget to exceed the minimum requirements of the law, in that it can make more than 2 percent of its total rooms accessible. The total number of accessible rooms was designed so that every variety of room (regular, suites, penthouses) could be used by a person with a disability.

In the area of Food and Beverage, all of the restaurants and bars were made to be accessible to persons with disabilities. All of the restaurants had Braille menus created to facilitate usage by persons with visual impairments. In addition, all members of the food and beverage staff received training on how to be sensitive in accommodating the needs of persons with disabilities.
The Golden Nugget has no specific ADA action program that is uniformly followed or utilized, to insure that the organization stays abreast with the requirements of the law. The Golden Nugget embraces the law on a day-to-day basis by asking all of its managers to operate in a manner that demonstrates the organizational philosophy regarding the needs of persons with disabilities. Managers are expected to communicate this understanding and sensitivity towards the ADA to the line employees in their respective departments.

The specific measures taken to educate the staff of the Golden Nugget about the requirements of the ADA are conducted in orientation and “growth classes.” In the orientation process, all employees are informed of the intentions and requirements of the ADA and the role that they will each individually play in assuring that the Golden Nugget is satisfying the needs of its clientele with disabilities. Employees are asked to analyze themselves and their role in the work environment. This analysis requires that employees who are not disabled be aware of their physical condition, as related to persons who must face life with functional limitations. Employees (without disabilities) are made aware of the differences in their physical status and are told that the success of the Golden Nugget lies in satisfying the needs of all of their guests, especially those with disabilities.
Employees are instructed not to put guests in embarrassing situations. When an employee comes into contact with a guest who is disabled, he or she is required to treat this individual the same as any other guest. The point is to not assume that someone needs extraordinary assistance, unless they ask. Such extraordinary behavior can be interpreted as an "indirect form of discrimination."

"Growth classes" are conducted at the Golden Nugget for all managers. These classes address the ADA, as applied to the Golden Nugget, in specific detail. All participants are given an ADA packet that describes regulations and legislation involving the law, the facility and building modifications resulting from the law, and the safety procedures in accommodating persons with disabilities. The classes also address the significance of the Golden Nugget's ADA Resource Center, the importance of sensitivity awareness related to guests with disabilities, and training techniques for facilitating understanding of the law throughout the organization. Employees with managerial aspirations are encouraged to attend the "growth classes", which are open to all Golden Nugget employees.

According to Ms. Knepper, the greatest challenge the ADA has imposed upon the Golden Nugget is ensuring that all employees act in a manner that is sensitive to the requirements of the law, as well as those guests with disabilities. Ms. Knepper is faced with the challenge of making sure that every employee acts in a manner that is
non-discriminatory towards guests with disabilities. The challenge is ensuring that the property and all of its employees are always in compliance. There is no room for error, according to Ms. Knepper.

The greatest reward Ms. Knepper has found in meeting the requirements of the ADA comes from the employment of persons with disabilities. She described a situation where she employed a housekeeping attendant with a hearing impairment. The initial concerns she had were making sure that the individual was taken care of in emergency situations and limiting possible uncomfortable situations for guests. In dealing with the problem of emergency situations, the Golden Nugget provided a vibrating beeper that would activate in the event of an emergency. The housekeeping attendant was instructed to report to a certain location when the beeper was activated. To prevent uncomfortable situations for guests, the Golden Nugget provided an inspectress who would be present with the housekeeper to minimize potential problems. The use of the inspectress was not unreasonable, because this individual was already a current employee.

Since the inception of the ADA, the philosophy of the Golden Nugget has always been to anticipate and be prepared to accommodate the needs of persons with disabilities. The Golden Nugget firmly believes that it will never have to react to the requirements of the law, because the
organizational stance for complying with the ADA goes beyond the requirements of the law.

Sam's Town Hotel and Gambling Hall

The ADA specialist at Sam's Town is the Training and Development Manager, Ms. Sheree' Cunningham. When Ms. Cunningham was contacted to schedule an interview, she expressed interest but was skeptical of the study's intentions. She explained that Sam's Town has passed every Department of Justice test regarding the ADA. She also said that she did not want any individual coming in to her office telling her that Sam's Town has problems complying with the ADA. Ms. Cunningham was reassured with an explanation that the purpose of the interview was to discuss the organizational philosophy and specific activities for complying with the intent and requirements of the ADA.

At the time of the interview, Ms. Cunningham stated that she would be able to answer only general questions and refused to discuss any specific details about the application of the ADA in Sam's Town. Ms. Cunningham further stated that it was the policy of the Boyd Gaming Corporation to not tape record events such as interviews. The interview questionnaire was then presented, and Ms. Cunningham reinforced her position on not discussing any detailed information. Ms. Cunningham looked at the guest questionnaire (Appendix II) for approximately one minute and explained that Sam's Town would not ask their guests to
respond. She claimed that it was organizational policy to "never single-out persons with disabilities."

The following paragraphs are indicative of the information derived from the interview, regarding Sam's Town's efforts to incorporate the intent and requirements of the ADA. Sam's Town incorporated the requirements of the ADA by forming a compliance committee which consists of the General Manager, the Facilities Manager, and the Training and Development Manager. The committee is responsible for ensuring that the property complies with the provisions of the law, in terms of physical accessibility and the service standard of its employees. The committee educates all of the organization's managers about the intent of law, and how it applies to Sam's Town. The manager(s) is responsible for making sure that all of the employees, under his or her direct supervision, are following the organizational policy for responding to the ADA.

The following steps were taken with respect to ADA compliance in gaming, guest rooms, and food and beverage areas. In the area of gaming, all slot machines were designed to have removable chairs and slot personnel were trained to respond to the needs of persons with disabilities. In addition, all table game dealers were trained to be sensitive to the needs of persons with disabilities. Hotel rooms were inspected and designed to meet the requirements of the law. In addition, several alterations were made to the front desk, and a
telecommunications device was installed. All of the eating establishments' personnel were trained to provide assistance and offer suggestions to persons with disabilities.

Sam's Town provides an introduction to the ADA in its orientation program. Here, employees receive a sheet of paper describing the purpose of the law and the manner which it should be applied to the property. The orientation facilitator spends roughly fifteen minutes discussing the importance each individual employee plays in assuring that the hotel is complying with the law. Sam's Town managers and supervisors all must participate in the standardized Boyd Training Program. The program provides a detailed discussion of the requirements of the ADA, and discusses the role each manager will play in insuring that their area(s) is in compliance and their subordinates are acting in the best interest of the law.

According to Ms. Cunningham, the biggest challenge Sam's Town has faced since the ADA became law is assuring that every aspect of the property is in compliance. Ms. Cunningham stressed the fact that the ADA requires the property to consider every service offered. She stated that "a property the size of Sam's Town has many different service components and addressing each one of these components requires the cooperation and participation of every individual employee."

The greatest reward the property has experienced in relation to the law, is illustrated by the fact that many of
the organization's repeat customers are persons with disabilities. Ms. Cunningham explained that these persons would not return to the property unless they were satisfied with the services they receive.

The organizational philosophy regarding the ADA has been to provide whatever services their clientele require. Ms. Cunningham claimed that the service ethic throughout the property is to satisfy and anticipate the needs of their customers. According to Ms. Cunningham, the service ethic has allowed the property to operate above the requirements of the law because Sam's Town would take the necessary measures to meet the needs of its customers, even if the ADA did not exist.

**New York, New York**

In attempting to meet with the ADA specialist at the New York, New York property, the information line operator made a referral to Mr. R.C. White, Director of Property Operations. Mr. White's assistant inquired about the exact intentions of the study and stated that Mr. David Downey, Architect for the New York, New York, would be the appropriate person to contact.

Unsuccessful attempts were made to contact Mr. Downey for more than one month. He never returned any of the messages left with his secretary. Based upon this information, it was reasonable to assume that the New York,
New York had no desire to participate in this study. The last message left with Mr. Downey was on Monday, April 29.

Observational Portion the Study

The observational portion of this study required examination of each of the properties in their natural settings. Permission for conducting the observations was granted by the each of the respective properties' ADA specialists at the time when the interviews were conducted. In an effort to facilitate comprehension of the information generated through observation, this aspect of the study addresses only those areas where the properties appeared to have potential difficulty in meeting the needs of persons with disabilities. The provisions that were specifically examined are based upon the observation guideline used in this portion of the study. The instrument is provided in Appendix III. Again, the properties which were examined are the Imperial Palace, Sam's Town, and the Golden Nugget.

Imperial Palace

Permission to conduct observation of the Imperial Palace was granted by Mike Nelson, Director of Human Resources. The Imperial Palace satisfied all of the provisions of the ADA, in terms of those prescribed in Appendix III. One could reasonably conclude that the Imperial Palace and all of the services it provides meet the requirements of the law.
In terms of accommodating the needs of persons with disabilities, several of the observed areas appeared to have room for improvement. None of the stairwells leading from the room areas to the ground floor were equipped with audible and visual alarm indicators or two-way communication devices. Nevertheless, the Imperial Palace is still in compliance, as other stairwells are equipped with such alarms and communication devices.

The front desk does not have a space that is 36 inches in maximum height. The ADA requires there be such a space, unless an alternative reasonable accommodation can be made. The Imperial Palace is in compliance as front desk personnel can service persons with disabilities by moving in front of the desk area. Such activity is a common example of a reasonable accommodation. The front entrance to the Imperial Palace is accessible only to the point where it requires persons in wheel chairs to use a separate entrance. This separate entrance allows the Imperial Palace to be in compliance, but it puts the individual with a disability at a disposition. This predicament is the result of the individual being required to navigate through a narrow corridor (although accessible) that contains several turns and doorways. The corridor also contains several offices that results in a consistent flow of pedestrian traffic.
Sam's Town

Permission to conduct the observation of Sam's Town was granted by Ms. Sheree' Cunningham, Sam's Town's Training and Development Manager. Sam's Town satisfactorily complied with all of the requirements of the ADA, as listed in Appendix III. Therefore, one could reasonably conclude that Sam's Town is in full compliance with the provisions of the ADA. Nevertheless, several aspects of the facility were indicative of potential problem areas in meeting the needs of persons with disabilities. For example, none of the public parking areas surrounding the property had vertical upright signs. Such signs possess the universal accessible symbol and allow persons with disabilities to easily identify designated parking spaces. Several of the accessible parking areas are not at a point that is closest to an accessible entrance. This presents a potential problem, as persons with disabilities are forced walk through the parking area to reach the entrance. Although Sam's Town is in compliance, in terms of the location and number of available accessible spaces, improvements can be made.

There are twelve separate phone banks throughout the property. Each of these banks contain a minimum of four telephones, of which at least one is accessible. Potential problems result because none of the phone banks are centrally located. Instead, each of the banks are positioned at the entrance ways and in the far corners of
the facility. This results in a situation where persons, if they are in the main area of the casino, are required to walk a considerable distance to reach a phone. Such a requirement can impose hardship for persons with disabilities. In addition, none of the accessible phones are equipped with volume control devices. This is problematic, considering the fact that the persons who use the accessible phones are likely the individuals who need the volume control devices. Sam’s Town is in compliance, in terms of the availability of accessible phones, but the aforementioned potential problem areas are representative of improvements that would make the property more user-friendly for persons with disabilities.

Golden Nugget

Permission to conduct observation of the Golden Nugget was granted by Ms. Carole Knepper, Director of Human Resources. The property met all of the requirements of the ADA, as provided in Appendix III. Accessibility to the Golden Nugget was reputable considering that there was only one area that imposed potential difficulty for persons with disabilities. This area is the location of the public parking garage, which is positioned across the street from the property. This location forces persons with disabilities to cross a main public street in downtown Las Vegas. Crossing this street imposes danger for persons attempting to enter the property from the garage.
Summary

Each of the methodologies satisfied different aspects of the objectives of this research. The interview demonstrated the existence or non-existence of an ADA action program and demonstrated the organizational policies for satisfying the provisions of the ADA and the needs of persons with disabilities. Observation allowed for an assessment of the properties abilities to meet the physical requirements of the ADA and demonstrated the existence of potential problem areas for persons with disabilities. Analyzing the methodologies in conjunction with each other allows for an improved assessment and determination of the objectives of this study. The methodologies are contrasted, compared and analyzed in conjunction with each other in the following chapter (conclusions).
CHAPTER V - CONCLUSIONS

Introduction

The purpose of the study was to assess the degree, ability, and willingness of Las Vegas' lodging/gaming industry to meet the requirements of Title III of the ADA. In assessing the status of the industry, two methods were used. These included interviewing each of the sample properties' ADA specialists and naturalistic observation of the sample properties, in terms of the provisions of the ADA and the needs of persons with disabilities. To facilitate an accurate assessment of the Las Vegas lodging/gaming market, the sample properties were selected from each of Las Vegas' primary lodging/gaming areas, the Strip, Downtown, and the Boulder Strip.

The use of interviewing allowed the researcher to gather detailed information about each of the properties' stance towards the ADA. This enabled the identification of the different organizational policies in the various properties for meeting the intent and requirements of the law. Application and discussion of these policies permitted discussion of the specific activities and accommodations which the properties have undertaken to meet the provisions of the law. Most importantly, the interviews resulted in a
clear understanding of the different organizational philosophies regarding the ADA. These philosophies directly pertained to the existence of an ADA action program. By analyzing each of these philosophies individually, and contrasting them with each other, an assessment was made about whether each of the properties are operating at a level that encourages full participation and opportunities for persons with disabilities or merely making an effort to meet the minimum requirements of the law.

Observation of each of the properties, in terms of the observation instrument provided in Appendix III, allowed physical examination of how well they are meeting the requirements of the ADA. In addition, the use of observation allowed for a determination of the accessibility of each facility without bias from the organizations. Comparing the information generated in the interviews with the information provided through observation furthered assessment of the ability of each of the properties to meet the intent and requirements of the law. Furthermore, observation allowed direct examination of those areas where the specialists indicated that accommodations had been made in complying with the ADA.

Relevance and Importance of the Study

This study is important because it has the potential to assist Las Vegas' lodging/gaming industry in meeting the intentions of the ADA and the needs of persons with
disabilities. In particular, as the population of the US continues to age, the number of persons with disabilities will increase. In addition, the persons who control the majority of discretionary income in the US are elderly persons. The money being spent in Las Vegas' lodging/gaming market is discretionary. Thus, as such trends as the aging of the population continue, Las Vegas' lodging facilities will have to continue advancing themselves in complying with ADA regulations and understanding its intent to meet the needs of all guests.

Outside of these macro factors, it is important that the different organizational policies for meeting the provisions of the law and the needs of persons with disabilities are identified. It is also important that the industry be aware of the potential problem areas that were identified in the properties used in this study. The information provided in this study will further the ability of the entire industry, and especially those properties used in this study, to examine their facilities, in terms of meeting the intent and requirements of the ADA and the needs of persons with disabilities.

This study also helps the industry to identify whether the organizational philosophies and efforts to meet the intent and requirements of the ADA are indicative of what is actually being demonstrated in the work environment. The study identified whether the philosophies and efforts are
representative of the provisions of the ADA, as demonstrated by the accessibility of the properties through observation. An additional benefit of this study is that it provided information in an area where there is very limited research. Now that the ADA has been law for six years, the number of cases and events involving the Act will continue to increase. Expansion and increased knowledge of the provisions of the Act improves the ability of the industry to meet the requirements of the law, understand its intent, serve the needs of persons with disabilities.

Conclusions

Each of the properties possess their own distinctive competencies, allowing them to distinguish themselves in the market of persons with disabilities. For example, the Golden Nugget was recognized as providing outstanding employee education, the Imperial Palace was noted for its national reputation in meeting the requirements of the ADA, and many of Sam's Town's repeat visitors were persons with disabilities.

In ranking each of the respective properties, it was concluded in this study that the Golden Nugget had best incorporated the intention and requirements of the ADA. The Imperial Palace was a close second, and Sam's town was third best. This ranking was based on examination and analysis of all of the information generated in the interviews and observations. Additional supportive evidence for the
ranking of the properties was based on the results of the questionnaire. These results are presented in Appendix V.

Sam's Town receiving the third best ranking is by no means a statement that the property failed to meet the requirements of the law. This ranking is simply indicative of Sam's town's ability to identify, understand, and incorporate the needs of persons with disabilities relative to the other properties used in this study. The ranking of these three properties is based upon the discussion provided in the next three sub-sections of this paper.

Golden Nugget

Analysis of the information provided in the interview and observation regarding the Golden Nugget indicates that the property has done an outstanding job of meeting the provisions of Title III of the ADA and responding to the needs of persons with disabilities. The organizational efforts to incorporate the intent and requirements of the law have allowed the property to meet its goal of allowing persons with disabilities to enjoy the same benefits as all of its clientele. As stated earlier, the purpose of the ADA was to guarantee persons with disabilities full participation and the opportunity for equal enjoyment in the mainstream of American life.

The organizational promotion of the intention of the law is further evident in the interview with the ADA specialist. The organization has been willing to
participate and assist with the facilitation of the study from the first time its purpose was introduced. The specialist discussed all of the strategies the property has used in attempting to meet the needs of persons with disabilities, presented documentation of the program used to educate employees about the property’s position relative to the requirements of the law, and openly discussed the difficulties she and the entire organization have faced in incorporating the intent and provisions of the ADA.

The open nature of the organization and its willingness to participate in the study are strong indicators that it has nothing to hide and is confident in its ability to meet the requirements of the law. Such participation serves to improve the industry’s understanding of the law and allow persons with disabilities equal participation. This is the intent of the law.

The Golden Nugget differentiated itself from the other properties used in the study. It has incorporated a detailed ADA education course to better the organization’s ability to serve the needs of persons of disabilities. This course is incorporated into the “growth classes” to educate each individual organizational member about the role he or she must play in assuring that the entire facility is meeting the needs of its customers with disabilities. Observation of the Golden Nugget also indicated that there was only one area (parking garage) of potential difficulty for persons with disabilities.
It should also be noted that the three members of the Nevada Association for the Handicapped indicated in the questionnaire that the staff of the Golden Nugget was outstanding in its ability to provide disability friendly service. The information provided in the questionnaire is provided in Appendix V.

Imperial Palace

The cumulative results of the assessment of the Imperial Palace indicate that the property has done a commendable job in meeting the requirements of the ADA. The organizational philosophy of "let's get it done" is clearly represented by the fact that every service and physical amenity the property offers complies with the provisions of the law. The level of accessibility is indicative of the organization's efforts, as expressed in the interview, to meet the needs of persons with disabilities.

The entire interview experience with the Imperial Palace's ADA specialist reinforced the property's ability to incorporate the provisions and intent of the ADA. Although skeptical at first, the specialist assisted in the facilitation of the study. This point is illustrated in that there was no problem with tape recording the interview. It was clear that the Imperial Palace was confident in its ability to understand and meet the requirements of the ADA.

The Imperial Palace was ranked second to the Golden Nugget because of two circumstances. First, the observation
portion of the research indicated that the front entrance, although in compliance, had the potential to place persons with disabilities in uncomfortable situations. Second, the Imperial Palace does not have, or at least did not indicate that it had an intensive ADA incorporation strategy, such as the Golden Nugget's "growth classes", for educating its employees about the organization's role in meeting the needs of persons with disabilities.

One additional note is that in Appendix V, one of the respondents to the questionnaire indicated that the most challenging aspect of the Imperial Palace, in terms of accessibility, was entrances.

By no means does this analysis suggest that the Imperial Palace is not effectively meeting the provisions of the law or the needs of the public with disabilities. The organization is "getting it done."

**Sam's Town**

Analysis of the information provided in the two methodologies indicates that Sam's Town has successfully met all of the requirements of the ADA. This success is enhanced by the property's being in full compliance with the law, in terms of the observation guideline, and as expressed in the interview with the ADA specialist.

The interview experience was questionable, at best, considering the position the specialist took towards discussing detailed information about the ADA, as applied to
Sam's Town and the purposes of the study. As stated earlier, the specialist was hesitant in granting the opportunity to conduct an interview. She had a difficult time comprehending the intentions of the study and claimed that the property had passed several tests regarding the ADA. Furthermore, she did not want anyone coming into her office telling her that Sam's Town needs to make these changes to meet the requirements of the ADA. Permission to tape record the interview was not granted, thus limiting the information obtained.

The primary reason Sam's Town is ranked behind the other two properties used in the study is based on the following circumstances: First, the location and quality of accessible phones in the property presented potential problems for persons with disabilities. In addition, the conditions surrounding accessible parking spaces present similar problems. Second, the property's ability to meet the intent of the law is subject to speculation. The specialist's attitude towards the purposes of the study was very skeptical. It seems that the organization is afraid of facing any form of scrutiny regarding the ADA. For this reason, one could reasonably conclude that the requirements of the ADA have imposed difficulty for members of Sam's Town's upper management.

One additional note is that three members of the Nevada Association for the Handicapped indicated in the
questionnaire that they found the level of disability service as the most challenging aspect of Sam's Town.

**Implications of the Study**

The following discussion presents some of the factors that three respective properties used in this study, as well as the entire industry, should examine in terms of meeting the needs of persons with disabilities.

**Golden Nugget**

The Golden Nugget needs to continue its present efforts in complying with the ADA. The organizational philosophy regarding the ADA is being demonstrated in the work environment as persons with disabilities have the opportunity for full participation and equal enjoyment. The one area the property might want to address, in improving its ability to serve the needs of persons with disabilities, is the potentially dangerous walk across the street from the public parking area. The construction of a walkway or bridge would eliminate this potential problem.

**Imperial Palace**

The Imperial Palace needs to continue its current efforts and policy for meeting the needs of persons with disabilities. Based on the results of the methodology, the organizational efforts and policy have been effective. In terms of improvements, the Imperial Palace might consider
restructuring the front entrance so that it is more user-friendly for persons with disabilities. This suggestion is based on the information provided through observation, which indicated that the front entrance was a potential problem area for persons with disabilities. Overall, however, the Imperial Palace needs to continue its consistent examination of the facility and stay in touch with the requirements of the ADA.

**Sam’s Town**

Sam’s Town needs to continue to its efforts and ability to comply with the requirements of the law. In improving the accessibility of the facility, Sam’s Town may want to consider adjusting the location of, and adding volume control devices to its accessible phones. The property may also want to consider re-locating some of its accessible parking spaces and the installation of vertical upright signs which possess the universal accessible symbol to make them more user-friendly for persons with disabilities.

An additional area the property could improve is its willingness to discuss the importance and impact of the ADA, as applied to the property. Opening its communication lines about the ADA will assist the organization in understanding the intent of the law and the needs of persons with disabilities. The intent of the law is to afford persons with disabilities the same opportunities for equal enjoyment as all persons. The organization’s willingness to discuss
the ADA would be a strong indicator of its intention to advance opportunities for persons with disabilities.

Industry

The existence of a specific ADA action program is not necessary for being in a strong position, in terms of meeting the requirements of Title III of the ADA and the needs of persons with disabilities. None of the properties had a concrete action program for incorporating the requirements of the ADA. Each organization looked at this incorporation as a daily activity that was part of their regular operations. All of the properties indicated that although it is challenging, there is nothing extraordinary about considering the requirements of the ADA in every part of their respective operations. All of these properties effectively met the requirements of the law.

In terms of meeting the needs of persons with disabilities, the most important policy Las Vegas’ lodging/gaming properties can take is to participate and involve themselves in all matters that pertain to improving the accessibility of facilities. This participation will allow properties to evoke the intent of the law, increase their understanding, and improve their ability to provide service to persons with disabilities.

In terms of accessibility, several areas of importance were demonstrated in the results of the questionnaire (Appendix V). The areas that members of the Nevada
Association for the Handicapped persons with disabilities distinguished as important were disability friendly service, parking, and entrance ways. Properties should pay attention to the accessibility and level of user-friendliness in these areas. The importance of disability friendly service is paramount as 51 of the 53 respondents identified it as an important attribute. Further evidence of this is represented in the responses that specifically discussed the ability of Sam's Town and the Golden Nugget to provide disability friendly service.

**Suggestions for Future Research**

The research found that the education a respective property administers for incorporating and understanding the organizational philosophy and strategy to meet the requirements of the ADA, is indicative of the employees' ability to understand the needs of persons with disabilities. Future research could focus on the specific types of educational methods currently in use. These methods could be analyzed in specific detail to determine the advantages and disadvantages of each. The outcome of this research could be the creation of a superior education method.

The ranking of each of these properties was based on the information generated through the two forms of methodology: interviewing and observation. The property that presented the strongest effort for doing more than just
meeting the requirements of the law, but responding to the needs of persons with disabilities was selected as the best. This property was the Golden Nugget, selected solely by the opinion of this research.

The possibilities for future research of the ADA in the hospitality industry are numerous. One possible area of future research could focus on the ability to devise a formal ranking system for properties' abilities to comply with the ADA. This system should consist of the different criteria that distinguish the accessibility and user-friendliness of a given facility. This ranking would also give properties the opportunity to aim their organizational policies at a specific goal. Thus, such a system would be of benefit to the entire industry and all persons with disabilities.

One final suggestion for future research comes from the fact that the opinions of disabled persons were not applicable to the results of this study. Future research should gather a sample that is large enough to make generalizations and conclusions about the positions' and attitudes' of persons with disabilities towards the industry. In addition, gathering a sample that is reflective of persons with disabilities who are actually using the respective sample properties of a study could be of significant benefit.
APPENDIX I

Interview Questionnaire

Questions to be asked in the interview:

1) How has your organization incorporated the requirements of ADA legislation into the areas of Gaming, F&B, and Rooms.

2) Does an ADA action program exist within your organization in the areas of Gaming, F&B, and Rooms?
   If so, what does the program specify?

3) What specific actions have been taken to accommodate the needs of the disabled? (Renovations/alterations as applied to rooms, entrance ways, gaming areas, F&B, etc.)

4) What have you done to educate your employees in meeting the requirements of your operation (in relation to the ADA)? Have any steps been taken to advance their human understanding?

5) What aspect of the ADA (specific activity resulting from the legislation) has imposed the greatest challenge on you and your organization?

6) In terms of the ADA, what direction/philosophy has your property taken
   (1) taken
   (2) is presently taking
   (3) will take in the future?

   Where do you see the property five years from now in relation to the requirements of the ADA?

89
APPENDIX II

Questionnaire for Persons with Disabilities

Hotel Characteristics Pertinent to Individuals with Disabilities

Dear Participant,

Since 1992, all lodging facilities have been required to accommodate the needs of the disabled. This requirement is the result of the Americans with Disabilities Act, enacted in July of 1990. The purpose of this study is to identify what specific hotel characteristics/attributes are important to you as a consumer and how well a given property has satisfied your needs as a consumer.

This study is being done with the cooperation of those organizations whose goals are to best satisfy your needs as a consumer. Results will be used to help Las Vegas' lodging industry better understand how to serve you as a consumer. Your identity will remain anonymous.

Your participation is greatly appreciated. The questionnaire should take no longer than five minutes to complete. The validity of this study depends on your response. Your participation serves to better the disabled public and the industry overall.

Once you have completed the questionnaire please return it to Mary Evilsizer or a participating member of the Nevada Association for the Handicapped.

Thank you for your time and cooperation,

Brad Elgin
433-9845
**Part A** - The purpose of Part A is to provide some general information about you the respondent and to identify the role you will play in this study.

Questionnaire:

The following questions require only a short answer or a circle.

1. What is your gender?   A) Male   B) Female
2. Are you a resident of Las Vegas?   A) yes   B) no
   If no, where are you from? ______________________
3. How would you classify/describe your disability? (hearing, vision, mobility, etc...) ______________________
4. Have you visited a lodging/gaming property in Las Vegas in the past year?   A) yes   B) no
   If no, skip question #5, #6, and #7
5. What was the purpose of your visit to the property?   A) Business   B) Pleasure   C) Other
   If Other, please state your reason ______________________
6. What was the name of the property you visited (If more than one, please state the property you feel most comfortable discussing)? ______________________
7. Did you stay over night?   A) Yes   B) No
   If yes, for how many nights? __________
   If no, for how many hours did you stay at the property, approximately? __________

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Part B. The purpose of Part B is to identify the importance of different product characteristics and attributes for you as a consumer.

Please circle the appropriate response.
- Be concise and go with your first instinct!

1. How often do you frequent lodging (restaurants) and/or gaming properties (anywhere in the world)?

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<td></td>
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2. How important are the given product attributes (in terms of accessibility) when determining which property you will patronize? 1 = very important 5 = not important

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<thead>
<tr>
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<tr>
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<td>5</td>
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**Part C** - The purpose of Part C is to allow you to rate the property, in terms of accessibility, that you mentioned in Part A, (Question #6). If you did not select a property, you may skip Part C.

1. Please re-state the name of the property from Question #6, Part A. __________________

2. How would you classify the property’s ability to accommodate your needs?

   1=Very good  2=bad  N/A=not applicable (no answer)

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<th>below average</th>
<th>bad</th>
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Which specific area(s) would you consider outstanding in terms of accommodation, if any?

Which area(s) would you consider most challenging?

Thank you for your time and cooperation. The results of this survey will be used to determine how well Las Vegas' lodging industry is satisfying the needs of its disabled consumers. All results will be made available to you, if you desire!
APPENDIX III

Instrument Used as an Observational Guideline

Inspection checklist

**Guest Rooms:**

- Total # of rooms
- # of wheel chair accessible rooms
- # of wheel chair accessible rooms w/ roll in shower
- # of rooms equipped for hearing impaired individuals

**YES/NO**

Does the property meet the requirements for accessible rooms in each of these types?

1) Is the route accessible?

   - Floor = stable, firm, and slip resistant?
   - protruding objects no greater than 4” b/w 27” & 80”?
   - width 60”?
   - if width is less than 60”, is it at least 36” minimum?
   - if less than 60”, is there for reasonable space for 180-turn 42”x48”x42”?  

2) Are the accessible guest rooms equally dispersed among all of the different types of rooms offered?

3) Room keys or cards?

   - if key is it easy to handle?
   - if card is the angle no problem?
   - is the key hole/card slot height a maximum of 48”?  
   - is the forward reach a maximum of 25” from eye level?

4) Rooms dispersed in numerical sequence?

   - room indicators are large and tactile, minimum 2.5” in diameter and a maximum of 5’ in height?
   - are accessible rooms equipped with Braille indicators?
5) Are the doors min. of 32” wide with min. of 18” on pull side (24” recommended)?
    - 5” maximum threshold?
    
6) Are all mirrors a minimum of 40” from floor?

7) Are thermostats/other accessories a maximum of 48” from floor?

8) If double room, is there 36” between the two beds

9) Is there sufficient turning space in the room 60”x60”

10) Are the accessible rooms equipped with audible and visual alarms?

**Bathrooms w/ respect to rooms:**

1) Can the sink and tub be operated with a fist?

2) Is there an accessible seat in the tub/shower (support up to 250 lbs.)?
    - Is the seat sturdy with a height of 17”-19”?

3) Are the shower controls on the side wall opposite the seat with a 48” max.?

4) Are the grab bars a max. of 36” above floor and a min. of 18” in length?

**General bathrooms:**

1) Are the routes accessible (see question#1 in guest rooms section)?

2) Are the mirrors a minimum of 40” in height?

3) Is the sink height a min. of 29”?
    - 34” maximum for the top of the sink?
    - 9” min. for adequate toe clearance/protective coating?

4) Is the toilet seat between 17” - 19”?
    - Is the flush control a max. of 44”?

5) Is there no obstruction in the first 42”?

6) Is there Braille and large tactile signage (2.5”) outside of each bathroom?

7) Is there sufficient turning space (60”x 60”)?

8) Are the soap towels and accessories at 48” or below?

9) Is at least one of the interior stalls a min. of 39”x 69” in diameter?

10) Are grab bars a max. of 36” in height and 18” from center wall to urinal?
Restaurants:

1) Are 5% of the tables or at least one accessible?  
2) Are accessible table heights a minimum of 29" and a max. 34"(top)?  
3) Is there an accessible route and proper width?  
4) Are 50% of the self serve items in accessible reach?  
5) Is the cashier counter top height no greater than 36"?  
6) Does the buffet line have a min. width of 36" and is there adequate turning space at corners (60"x 60")?  
7) Are menus in Braille/ large print?  
   - Are personnel trained to be responsive to persons with disabilities?

Entrances:

1) Are at least 50% of the entrances accessible?  
2) Are accessible door widths a min. of 32" in width +18" for pull space?  
3) Are their handrails on both sides?  
   - Are the handrails located between 34"-38"  
   - Is the walkway 5' wide to facilitate pedestrian and disabled use?  
4) Are the entrances equipped with international symbol of accessibility?  
5) Are door mats/ carpets secure and not greater than 1/2" in height?

Telephones:

1) Does each telephone bank (six or more telephones) have at least one accessible phone?  
2) Are the controls no higher than 48"? (from side 54")?  
3) Is the telephone cord at least 29" long?  
4) Is the height a min. of 29" for leg room / 30" width minimum?

Parking:

1) Is there a sufficient number of accessible spaces (2-4% of total)?  
2) Are the spaces located in the shortest possible distance from an accessible entrance?  
3) Is the route accessible route from parking and passenger loading zones?
4) Are 1/8 of accessible spaces van accessible with 96" width and adjacent access of 60"?

5) Are the slope of ramps a max. of 1" increased height for every 1' (1:12) the ramp advances?

6) Are the spaces identified by an upright international symbol sign?

7) Are the curb heights a min. of 36"?
   -Is there a 48" accessible aisle parallel to passenger loading zone?

8) Is the passenger loading zone 60" wide with a min. of a 72" parallel accessible aisle?

Elevators:

1) Are the call button at 42" or below and 3/4" minimum size in any direction?

2) Are the arrow indicators vertical positioned w/ up on top, down below?

3) Does the elevator audible once for up and twice for down?

4) Is there a light fixture min. 2.5' in smallest dimension indicating up or down min. of 72"?

5) Is the floor indicator at 60" min. and raised (2") and in Braille?

6) Does the door open and close automatically w/out physical obstruction for 20 seconds?

7) Does the door remain open for a minimum of 3 seconds?

8) Are the control buttons min. of 3/4" in diameter?
   -are the control buttons no higher than 48" (54" from side, min. of 35" in height)

9) Are emergency communication device no higher than 48"?
   -Is the device equipped for two-way communication?

10) Are the interiors a min. of 54"x 68" for all of the elevators?

Meeting Rooms:

1) Are the rooms centrally located so that persons with disabilities have easy access?

2) Is the route accessible? (doorways?)

3) Are their accessible ramps for podiums and head tables?

4) Are their adjustable microphones?

5) Is the property equipped with portable assisted listening devices?

6) Do the rooms have audible and visual alarms?
Emergency/Rescue Assistance:

1) Has the staffed received special instruction for accommodating persons with disabilities in emergency situations? __________

2) Are emergency exits clearly marked? __________

3) Are emergency stairwells equipped with emergency communication devices? __________

4) Are their audible/visual alarms in stairwells? __________

5) Is the property equipped with emergency evacuation chairs? __________
Appendix IV

Letter of Permission for Use of Human Subjects form the Office of Sponsored Programs, University of Nevada, Las Vegas
DATE: April 11, 1996

TO: Brad Elgin (HTLM)
    M/S 6021

FROM: Dr. William E. Schulze, Director
       Office of Sponsored Programs (X1357)

RE: Status of Human Subject Protocol Entitled:
    "An Assessment of Las Vegas' Lodging Industry in Meeting
    the Requirements of the Americans with Disabilities Act
    (ADA)"

OSP #604s0496-007e

The protocol for the project referenced above has been reviewed by
the Office of Sponsored Programs and it has been determined that it
meets the criteria for exemption from full review by the UNLV human
subjects Institutional Review Board. Except for any required
conditions or modifications noted below, this protocol is approved
for a period of one year from the date of this notification, and
work on the project may proceed.

Should the use of human subjects described in this protocol
continue beyond a year from the date of this notification, it will
be necessary to request an extension.

cc: G. Goll (HTLM-6021)
    OSP File
APPENDIX V

Questionnaire Responses From Members of the Nevada Association for the Handicapped

Due to the three properties’ refusal to conduct the guest questionnaire, the Nevada Association for the Handicapped was contacted. Ms. Evilsizer, Director of the Nevada Association for the Handicapped, agreed to administer the questionnaire with members of the association. Ms. Evilsizer then offered a specific event where the questionnaire could be administered.

A total of 53 responses were gathered from members of the association at the event. The event was an association activity designed to raise money and provide a social gathering for its members. Ms. Evilsizer was the main catalyst in facilitating the responses. She explained the purpose of the questionnaire, who it was for, and the reason it was of benefit to all persons with disabilities. The total number of attendees at the event was roughly 200. 53 responses were generated from this group.

Of the 53 total respondents, 34 were female and 19 were male. Hearing, visual, mobility and epilepsy were the types of disabilities found among the respondents.
The total number is representative of four persons with hearing impairments, ten with visual impairments, 38 with mobility impairments, and one with epilepsy. Of the total respondents, 17 had not been to any of Las Vegas’ lodging/gaming properties in the past year. This group included seven males and ten females. 36 of the respondents had been to at least one of Las Vegas’ lodging/gaming properties in the past year. This group included twelve males and 24 females (see table 1 for full explanation).

Table 1

-Total # of respondents = 53
-17 had not been to a Las Vegas Lodging/gaming property in the past year.
-36 had been to a Las Vegas Lodging/gaming property in the past year.

Not Been to a Vegas Property

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<th>Mobility</th>
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<td>6</td>
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<tr>
<td>7 males</td>
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<td>17 persons</td>
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Been to a Vegas Property

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<th>Vision</th>
<th>Mobility</th>
<th>epilepsy</th>
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<tbody>
<tr>
<td>24 females</td>
<td>1</td>
<td>3</td>
<td>19</td>
<td>1</td>
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<tr>
<td>12 males</td>
<td></td>
<td>1</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>36 persons</td>
<td></td>
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</tbody>
</table>

The information provided in the questionnaire was sorted and analyzed by the types of disabilities the respondent has, and whether or not the person has been to a
Las Vegas lodging/gaming property within the past year. The study examined the importance of specific lodging attributes for all of the respondents. The importance of these attributes was related to the type of disability. Those questionnaires filled out by respondents who indicated that they had been to one of the properties involved in this study, (Sam’s Town, Golden Nugget, Imperial Palace) were examined as to how the individuals rated the properties, in terms of the questionnaire.

The properties which the respondents indicated they had visited included a multiple of lodging/gaming properties. Examples of these properties include: the Riviera, Gold Coast, Rio, Fiesta, Texas, Palace Station, Boulder Station, Stardust, El Dorado, Buffalo Bills, Binion’s, and Danny’s Slot Country. Two, three, and five of the respondents indicated that the Imperial Palace, the Golden Nugget and Sam’s Town were the properties they chose to discuss, respectively.

In general, all of the respondents indicated that accessibility of elevators, entrance ways, and parking areas was important. Persons who had been to properties in the past year identified that access to restaurants and gaming areas was important. Persons who had not been to any property were not concerned with the accessibility of gaming. Disability friendly service was of primary importance to all of the respondents. This is demonstrated by the fact that 51 of the 53 respondents gave disability
friendly service a score of 1 or 2 on the scale, as provided in Appendix II.

The following information presents the results of the questionnaire by each type of disability:

**Individuals with Visual Impairments**

The total number of respondents with visual impairments was ten. Of these ten, four had been and six had not been to any of Las Vegas' lodging/gaming establishments in the past year. Application of the survey to persons with visual impairments was the most difficult of any of the disabilities in the study. Because these individuals were visually impaired, their participation required that another individual verbally ask the questions.

In terms of accessibility, the six respondents who had not been to a property indicated that restaurants, rooms, elevators, entrances, parking and disability friendly service were the most important attributes. The majority of the respondents indicated a score of either 1 or 2 in each of these areas, on a scale where 1 is very important and 5 is not important (Table 2). Only one individual responded with a score of 3, regarding the importance of entrance ways. Gaming and meeting facilities were not important to these individuals, with the highest of the scores in either category being a 3.
The four respondents with visual impairments, who had been to a property, indicated that the accessibility of restaurants, gaming, entrance ways, parking and disability friendly service were the most important attributes. Rooms, elevators, and meeting facilities were not important to these individuals with the highest score being a 3 in these areas. The scale illustrating these figures is provided on the next page in Table 2.
Table 2 (visual impairments)

- Total number of respondents = 10 (9 females, 1 male)
- 4 had been and 6 had not been to a Las Vegas property in the past year

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<td>Elevators</td>
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<td></td>
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Individuals with Hearing Impairments

The total number of respondents with hearing impairments was four. Of these four, one had been, and three had not been to any of Las Vegas' lodging/gaming properties in the past year. The one respondent who had been to a property indicated that accessibility of restaurants, gaming areas, entrance ways, parking, and disability friendly service was important, with a response of either 1 or 2 in each of these categories. Rooms, elevators, and meeting facilities were not important to this individual. The scale illustrating this information is provided in Table 3.

The three individuals who had not been to a property indicated that accessibility of gaming and meeting facilities was not of particular importance, as the responses were all 4 or 5 on the scale. Restaurants were not unimportant as one respondent indicated a score of 2 and the other two respondents gave a score of 3. Rooms were very important, as all three responded with a score of 1. Accessibility of elevators, entrance ways, parking, and disability friendly service were important as all scores were 1 or 2. A detailed summary of this information is provided in Table 3.
Table 3 (bearing impairments)

- Number of respondents = 4 (2 males, 2 females)
- 1 had been and 3 had not been to a Las Vegas lodging/gaming property in the past year

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Individuals with Mobility Impairments

The total number of respondents with mobility impairments was 38. Of this group, 30 had been, and eight had not been to any of Las Vegas' lodging/gaming establishments in the past year. The respondents who had not been to a property indicated that accessibility of elevators, entrance ways, parking, and disability friendly service was of primary importance, as all of the scores were either 1 or 2. Gaming and meeting facilities were not important, as the majority of responses were 4 or 5. One of these individuals did indicate that meeting facilities were important. Accessibility of restaurants and rooms was important, as the majority of responses were either 1 or 2. The scale demonstrating this data is given in Table 4.

The respondents who had been to a property indicated that accessibility of restaurants, gaming, entrance ways, parking, and disability friendly service was important, as the majority of responses were 1 or 2. The accessibility of rooms and elevators was of varying importance, as the scores were dispersed variously throughout the scale. Accessibility of meeting facilities was not important, as 22 of the 30 respondents indicated a score of 5. A summary of this information is provided in Table 4.
Table 4 (mobility impairments)

- number of respondents = 38 (22 females, 16 males)
- 30 had been and 8 had not been to a Las Vegas lodging/gaming property in the past year

#### Been to a Vegas property:

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<td>(# of persons)</td>
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<tr>
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<td>(# of persons)</td>
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</tr>
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<tr>
<td>Rooms</td>
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<tr>
<td>Gaming areas</td>
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<td>1</td>
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<tr>
<td>Disability friendly</td>
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**Individual with Epilepsy**

One of the respondents faced the limitation of epilepsy. This individual had visited a property in the past year. The attributes of primary importance to this individual were rooms, elevators, entrance ways, parking, and disability friendly service. This individual was indifferent about gaming and rooms. Meeting facilities were unimportant to this person.

**Respondents Who had been to Properties Used in the Observational Portion of the Methodology**

**Imperial Palace**

Two of the respondents from the Nevada Association for the Handicapped indicated that they had visited the Imperial Palace in the past year. These two individuals consisted of one male with a visual impairment and one female with a mobility impairment. Neither of the individuals stayed in the property overnight.

The female with a visual impairment indicated that the accessibility to bathroom facilities was average, by giving it a score of 3, on a scale where 1 was very good, and 5 was bad. Accessibility to gaming and food and beverage was good and very good with scores of 1 and 2, respectively. The area that this individual indicated was outstanding in terms of accommodations was restaurants, while entrances were most
challenging. As stated in chapter III, the instrument used in collecting this information is provided in Appendix II.

The male with a mobility impairment indicated that accessibility to bathrooms and gaming was very good. This person was indifferent about the accessibility of food and beverage. He indicated that this area was neither good nor bad, but average. In terms of accommodation, the man did not discuss any specific area that was outstanding or challenging.

**Golden Nugget**

The three respondents who had visited the Golden Nugget were all females with mobility impairments. None of the respondents stayed overnight at the property. As such, accessibility of rooms was not applicable. All of the respondents indicated that accessibility to bathrooms and food and beverage was very good. Two of the respondents also identified gaming as very good, in terms of accessibility. The other respondent claimed that accessibility to gaming was just average. The respondents all said that the level of disability friendly service exemplified by the staff of the Golden Nugget was outstanding.

**Sam’s Town**

Five of the respondents indicated that they had visited Sam’s Town in the past year. Four of the five respondents
were female and persons with mobility impairments. There was one male respondent with a visual impairment. None of the visitors stayed over night. The reason Sam’s town generated the highest number of responses among the three properties is likely because it caters to the local market (Cunningham, interview, March 7).

Responses regarding the accessibility of bathrooms ranged from good to okay. With this in mind, it should be noted that 50 percent (two of four) of the persons who responded about the bathrooms stated that accessibility was average. All but one of the respondents indicated that accessibility to gaming was very good. The responses demonstrated that accessibility to food and beverage was good, but all of the individuals were dissatisfied with the length of wait. Although one of the respondents indicated that Sam’s Town was outstanding in terms of accommodating her needs, two of the respondents claimed that the level of disability friendly service provided by the organization’s employees needed improvement.
REFERENCES


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