

SERVICE ANIMALS AS AN ADA ACCOMMODATION



A guide for Oregon state government, addressing requests for service animals in the workplace under the Americans with Disabilities Act



SERVICE ANIMALS AND THE AMERICANS WITH DISABILITIES ACT (ADA)

Sometimes, people with disabilities use a service animal in order to fully participate in everyday life. Under the employment provisions (Title I) of the ADA, allowing the use of service animals in the workplace can be a reasonable accommodation.

There is no definition of service animal and no specific guidelines for agencies to follow when an employee asks to bring a service animal to work. However, the animal must **already** be trained to perform specific tasks. Emotional support animals and therapy animals are **NOT** considered service animals under the ADA.



Because Title I of the ADA does not specifically address service animals, a request from an employee to bring a service animal to the workplace can be addressed like any other request for a reasonable accommodation. This means that agencies must consider the request and engage in the interactive process required by the ADA.

Under the ADA, agencies have the right to request reasonable documentation that an accommodation is needed because of an employee's disability. Documentation of the employee's disability and functional limitations typically comes from a health care provider. But what about documentation related to the service animal? In most cases, a health care provider was not involved in the acquisition of the service animal and thus cannot provide documentation about the animal. In that case, additional documentation about the service animal may need to come from some other source, such as from the service animal's trainer.

The goal of agencies is to understand why the service animal is needed and what it does for the person. The agency also has the right to require that the service animal is trained to be in a workplace and is capable of functioning appropriately in a work environment. An employee who trains their own service animal can be asked to document or demonstrate that the service animal is in fact appropriately trained and will not disrupt the workplace.

ENGAGING IN THE ADA'S INTERACTIVE PROCESS

Agencies treat a request to bring a service animal into the workplace as a request for an accommodation under Title I of the ADA and engage in an interactive process, just like they would for any other request for an accommodation.

Important note: Employees or their representative(s) may voice objections to the questions agencies ask as the interactive process unfolds. Some employees believe that agencies are only permitted to ask two questions:

1. Is the animal required because of a disability?
2. What work or task has the animal been trained to perform?

While that is true **under Titles II and III of the ADA, under Title I** agencies can ask more than these two questions.

Below are a few initial considerations and questions agencies may find helpful as they enter into the interactive process with employees:

1. What work or tasks has the service animal been trained to perform? **Note: This is a very important question.** By definition, service animals are trained to perform specific tasks or work connected to the person's disability. It is important to understand what tasks the service animal has been trained to perform. Sometimes an employee will say that the mere presence of their dog helps them while in the workplace and/or the dog offers them comfort and support. These are likely emotional support animals, which are not covered under the ADA as service animals.



2. How are the work tasks the service animal has been trained to perform connected to the disability?
3. Employee may submit a service animal certificate as proof of the animal being a service animal and/or doctor's notes.
4. Agencies determine if they have sufficient information or what additional information they need to engage in and proceed with the interactive process. For instance, an employee who is visually impaired uses a service dog to navigate in the building. It is likely that the dog has been trained as a service animal under the ADA. Therefore, agencies would **not** need to contact a health care provider to verify the disability.
5. In some cases it will NOT be obvious the animal is a service animal. For instance, a service dog may be trained to monitor smells in the air for a specific scent on the human breath that is related to rapidly dropping or low blood sugar levels. They are then trained to "alert" the person, usually by touching them in a significant way such as pawing or nudging them. In this case, since the medical need or condition (diabetes) is not obvious, it is OK to ask additional questions.

6. Has the animal been “designated” a service animal? An emotional support animal? A therapy animal? **Note:** Even if the employee says that the animal is an emotional support animal, agencies should continue through the interactive process as there may be other reasonable accommodations that can be explored by the employee and the agency.
7. How was the service animal designated as such? Was the designation given by an outside organization that specializes in training service animals? Did the employee train the animal?



8. What type of training has the animal received?
9. Does the employee have a document outlining the training curriculum the service animal received? If so, agencies may request a copy.
10. If not, is the service animal still considered as being in training, and how can the employee demonstrate the animal is capable of functioning appropriately in the work environment?

Note: If an agency is unsure if the animal is a service animal or trained to be in the workplace, another option is to have a trial period; allow the employee to bring in the service animal on a trial basis to see if the animal is effective and does not pose an undue hardship. There is no set timeframe for a trial period, but one to six weeks should be enough time to assess the situation.

GUIDANCE UPON APPROVAL OF AN ACCOMMODATION

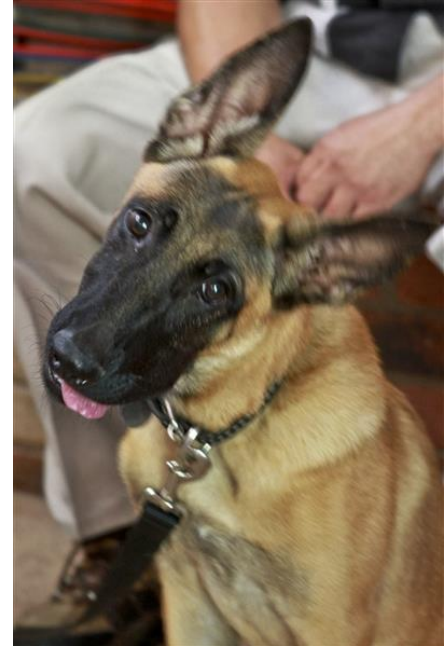
If after going through the ADA’s interactive process, the agency determines the animal is indeed a service animal and it is a reasonable accommodation to allow the animal into the workplace, agencies may:

- Approve the accommodation requested using this template (or a customized version). The template is important because it outlines expectations of the employee and their service animal while in the workplace. ()
- In coordination and consultation with the disabled employee, craft a message about service animal etiquette to educate other employees who will work around the animal. Sometimes other employees may want to pet the animal or play with it. Employees should understand that a service animal is performing work and is not a pet. Coordinating this message with the disabled employee will help achieve the level of confidentiality they desire.
- Ask other employees to come directly to a manager if they have any concerns with the presence of the service animal. Some employees may have allergies to animals or fear them. Agencies may need to explore accommodations for these employees, but generally may not deny the request for the service animal on the basis of other employees’ objections or concerns.
- Notify DAS Facilities of the accommodation for a service animal in the workplace.

OTHER: SERVICE ANIMAL TRAINING

It is important to understand the training a service animal receives to become a service animal. This can be the most difficult step in the interactive process for these reasons:

- There is no national or state standard training curriculum for service animals.
- Agencies may not require that a service animal be trained by a “professional” trainer.
- A person with a disability may choose to train the service animal themselves.
- A service animal training certificate or items typically associated with a service animal (vest, collar, etc.) do not automatically make a service animal.
- There are many online organizations that offer physical items (certificate, collar, vest) for a fee, without training the service animal.



Many service animal training organizations use three stages in their training: basic obedience training, training for public access, and task training. The following examples relate to canine training.

1. Basic obedience training encompasses the skills required for well-behaved pet dogs. At this stage, dogs learn basic "do's and don'ts" of living with people, including basic commands (sit, down, stay, etc.), housebreaking, and appropriate behavior (such as chasing a ball rather than chasing cats). An example of basic obedience training is offered by [Canine Good Citizen](#). Dogs are trained in 10 basic areas, including reactions to distractions; walking through a crowd; reactions to other dogs; supervised separation etc. **This type of training in and of itself does not qualify a dog to be a service animal.**

2. Training for public access consists of advanced socialization and obedience training. This is the stage where dogs start accompanying their handlers in public. Dogs learn how to sit still in a classroom or office setting, get on and off elevators and escalators, and proper restaurant behavior, among other things. They become desensitized to traveling in cars, busses, and on trains and planes. Often, when trained by a reputable organization, a dog is required to pass a [Public Access Test \(PAT\)](#). Another option can be the [American Kennel Club Urban Canine Good Citizen Test](#), which includes training in 10 different areas, including: exiting/entering doorways; walking through a crowd on a busy urban sidewalk; appropriate reaction to city distractions; crossing streets; ignoring food on sidewalk; transportation. **This type of training in and of itself does not qualify a dog to be a service animal.**

Various organizations set standards for when a service dog is ready to accompany their handler in public. Below is a quick list of a few important criteria for a service dog to pass:

- No aggressive behavior towards people and other animals.
- Cease sniffing behaviors unless released to do so.
- No solicitations for food or affection while on duty.
- No over-excitement and hyperactivity in public.
- Able to tolerate novel sights and sounds in various public settings.
- No unruly behavior or excessive barking.
- No relieving themselves in public without being given a specific command.

3. Task training is a major requirement for a dog to be a service dog because by definition, service dogs are individually trained to perform tasks that help their handlers with their disabilities. For example, service dogs can be trained to guide people who are blind, alert people who are deaf, pull a wheelchair, alert and protect a person who is having a seizure, remind a person with mental illness to take prescribed medications, calm a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or perform other tasks. **This is the most important piece of the training an animal receives to be considered a service animal.**

