

 STATEWIDE POLICY	NUMBER 107-011-150	SUPERSEDES Policy #125-6-132 July 1, 2003
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Division Enterprise Asset Management	REFERENCE ORS 167.352, 276.094, 276.095, 659A.141, 659A.143, and 659A.400, Senate Bill 610 [2013], HB2732 [2017] Disability Rights Oregon – Service and Assistance Animals in Oregon Americans with Disability Act (ADA) Requirements – Service Animals http://www.ada.gov/service_animals_2010.htm U.S. Department of Justice – Frequently Asked Questions about Service Animals and the ADA Job Accommodation Network – Service Animals as Workplace Accommodations	
Policy Owner Facilities		
SUBJECT Animals in facilities owned, operated or leased by DAS	APPROVED SIGNATURE Katy Coba, Director Chief Operating Officer <i>(signature on file with DAS Business Services)</i>	

PURPOSE

To provide guidance on the term “service animal” as it applies to Titles II and III of the Americans with Disabilities Act (ADA) and where service animals are allowed in facilities owned, operated or leased by the Department of Administrative Services (DAS). This policy does not apply to Title 1 of the ADA. If an employee requests use of a service animal in the workplace, refer to DAS Chief Human Resources Office (CHRO) statewide policy [50-020-10](#), ADA and Reasonable Accommodation in Employment.

APPLICABILITY

Any tenant agencies, employees and visitors occupying facilities owned, operated, or leased by DAS.

FORMS

- [125619 – Service Animal Request for Exception](#)
- [125602 – Project Authorization Request](#)

DEFINITIONS

- Animal: A living organism of the animal kingdom that is not a human being or plant.
- Assistance animal: Has the same meaning as a service animal as authorized in ORS 659A.143.
- Educational animal: Has the same meaning as a service animal.
- Facility: Any enclosed building except parking structures, facilities designed to house non-human animals, and facilities legally occupied by entities that are not state agencies. Facility does not include: a Department of Corrections institution as defined in ORS 421.005; a state hospital as defined in ORS 162.135; a youth correction facility as defined in ORS 420.005; a local correction facility or lockup as defined in ORS 169.005; or an institution, or facility that is in its nature distinctly private.

Service animal: As of March 15, 2011, the Americans with Disabilities Act (ADA), Titles II and III, recognizes only dogs as service animals. A service animal is a dog trained to do work or perform tasks for an individual with a disability as defined under Titles II and III of the ADA. A service animal is not a pet. Dogs whose sole function is “the provision of emotional support, well-being, comfort, or companionship” are not considered service animals under the ADA. An animal individually trained to provide aggressive protection, such as an attack dog, is also not appropriately considered a service animal.

There is no definition of service animal under the employment provision (Title I) of the ADA.

Tenant agency: Any state agency residing in a DAS-owned, operated or leased facility.

Therapy animal: Has the same meaning as a service animal.

GENERAL INFORMATION

- Service animals are allowed in DAS-owned, operated or leased facilities, where the public is normally allowed to go, if the dog:
 - Is a service animal; trained and required to assist an individual with a disability
 - Is in training to become a service animal, and is accompanied or directed by its trainer
 - Resides or is brought into a facility for educational, therapy, or laboratory purposes
 - Is harnessed, leashed, or tethered except when performing work or tasks where such tethering would interfere with the dog’s ability to perform. In these cases, the animal must be controlled with voice commands, signals or other means.
- Staff are not required to provide care, food or supervision for a service animal or a service animal trainee.
- When it is not obvious what service the animal provides, staff may ask only the following two questions:
 1. Is the animal required because of a disability?
 2. What work or task has the animal been trained to perform?
- Staff may not:
 1. Ask about the person’s disability,
 2. Require medical documentation, require a special identification card or training documentation for the service animal, or ask that the animal demonstrate its ability to perform the work or task.
 3. Charge an admission fee for a service animal or service animal trainee.
- Animals in the workplace must be housebroken and meet the requirements of any other local laws imposed on animals.

EXCEPTIONS AND SPECIAL SITUATIONS FOR MINIATURE HORSES

- Though not considered service animals, the ADA generally requires businesses to accommodate the use of miniature horses under specific condition. Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weight between 70 and 100 pounds. Four assessment factors set out in the ADA regulations must be met: (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner’s control; (3) whether the facility can accommodate the miniature horse’s type, size and weight; and (4) whether the miniature horse’s presence will not compromise legitimate safety requirements necessary for safe operation of the facility.
- DAS considers the use of any animal that is not a service animal a special situation that requires approval. Tenant agencies may seek approval for special situations by submitting a [Service Animal Request for Exception form](#) to DAS EAM Operations and Maintenance at: Facil.project@oregon.gov.

- Any modifications to the building as a result of an approved exception request, will require project approval by submitting a [Project Authorization Request form](#) to DAS EAM Operations and Maintenance at: Facl.project@oregon.gov.

EXCLUSIONS, ACCESS, AND OTHER SPECIFIC GUIDELINES RELATED TO ANIMALS

- Animals critical to fulfilling the mission of the agency such as Police K9 units, fish or animals in hatcheries, or wild animals in a state park are exempt from this policy.
- It may be appropriate to exclude a dog from areas where the dog's presence may compromise a specific environment. If necessary, the individual may be asked to remove the dog from the facility for the following reasons: 1) The dog is out of control and the handler does not take effective action to control it or 2) The dog is not housebroken.
- When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the dog's presence.
- Damage caused by a guest, a service animal, or any animal that is not a service animal is the responsibility of the handler.

EMPLOYEE WITH A SERVICE ANIMAL

Employee requests to use a service animal in the workplace fall under the DAS CHRO statewide policy 50-020-10, ADA and Reasonable Accommodation in Employment. This policy does not apply to Title 1 of the ADA.