Service Animals
What does the ADA require in regard to service animals?

Employers must make reasonable accommodations to known physical or mental limitations of a qualified applicant or employee with a disability unless the employer can demonstrate that the accommodation would be an undue hardship.

The ADA requires that state and local government entities and businesses allow people with disabilities to bring their service animals onto the premises in whatever areas customers are generally allowed.
US Dept of Justice commentary suggests that Congress intended the ADA...

- to allow service animals the "broadest feasible access" to public accommodations and public entities AND

- to avoid unnecessarily separating service animals from their owners.
Service Animal – “Old” Definition

Previously, “Service Animal” was defined by the ADA regulations as:

- any guide dog, signal dog, or other animal
- individually trained to do work or perform tasks
- for the benefit of an individual with a disability.
Service Animal – “Revised” Definition

Recently revised Title II and III regulations...

Service Animal means

- any **dog**
- that is individually trained to do work or perform tasks
- for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

**Effective date: March 15, 2011**
Who is entitled to use a Service Animal?

• ADA authorizes the use of service animals for the benefit of individuals who meet the ADA definition of disability.

• ADA does not limit the type of disability one must have in order to use a service animal.
Tasks or Work

Including, but not limited to,

- guiding individuals with impaired vision,
- alerting a person who is visually impaired of the presence of another person nearby (e.g., at ATM)
- alerting individuals with impaired hearing to sounds or intruder,
- pulling a wheelchair,
- fetching dropped items,
- alerting a person with autism of distracting behaviors
More Tasks or Work

• alerting a person to onset of a seizure, stand guard, or go for help,
• assisting people having mobility disabilities with balance,
• alerting person with diabetes to onset of low blood glucose level and/or notify others after loss of consciousness,
• psychiatric service animals
  – reminding to take medicine;
  – providing safety checks, room searches, or turning on lights for persons with PTSD;
  – interrupting adverse or self-injurious behaviors;
  – keeping disoriented individuals from danger.
Link between tasks/work and “benefit”

The work or tasks performed by a service animal must be directly related to the handler's disability.

Note: In very rare circumstances the “handler” may not be the “individual with a disability” who benefits from the service animal.
Miniature Horses

Miniature horses may be treated as a service animal if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.
Public and Private Entities that serve the public are obligated to allow Service Animals under the ADA.

- Hotel
- Restaurant
- Shopping Mall
- Court House
- Library
- Community Center
Caring for the service animal

Neither public accommodations (businesses) or government entities are required to supervise or care for a service animal.

Responsibility of the person using the service animal.
Controlling the service animal

- Service animals must be under the handler’s control.
- If an animal is out of control, and the animal's handler does not take effective action to control it, it may be properly excluded.
- May not exclude the handler.
- Service animals must be housebroken.
Harness, leash, tethers

- A service animal shall have a harness, leash, or other tether, UNLESS
  - handler is unable because of a disability to use a harness, leash, or other tether,
  - or the use of a harness, leash, or other tether would interfere with the service animal's performance of work or tasks
  - in which case the service animal must be otherwise under the handler's control using voice control, signals, or other means.
Service-Dog-In-Training (SDIT)

A Service-dog-in-training is not a service animal, nor a reasonable accommodation.
How Do You Know? Ask!

You can ask a handler:

• “Is this a service animal required because of a disability?”
• “What tasks has the animal been trained to perform?”

You cannot ask a handler:

“What is your disability?”
“Where is the animal’s certification?”
Identification of Service Animals

Possible terms used...

“Service animal”

“Assistance animal”

“Companion animal”

“Emotional support animal”

“Comfort animal”

“Therapy animal”
Identification of Service Animals

Most important to remember…

if the animal meets the definition of a service animal it is considered a service animal under the ADA!
What about “emotional support” or “comfort” animals?

- An “emotional support” or “comfort” animal’s sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, promote emotional wellbeing, companionship, non-judgmental positive regard, affection, and a focus in life.

- No training is required.

- NOT A SERVICE ANIMAL!
What about “therapy animals”?

- A therapy animal is one that is trained, tested, registered, and insured to visit people in places like hospitals, nursing homes, schools, etc.

- A person with a therapy animal has no particular right under the ADA.
When can I ask for removal of a service animal?

Must permit the use of a service animal by an individual with a disability in any area open to the general public, unless you can demonstrate...

1. that making such modifications would fundamentally alter the nature of the entity’s goods, services, facilities, privileges, advantages, or accommodations;

2. the safe operation of the entity would be jeopardized; or

3. such modifications would result in an undue financial or administrative burden.
When can I ask for removal of a service animal?

1. If the Service Animal is out of control (barking, jumping, etc.) or substantially interferes with the reasonable enjoyment of the public accommodation by others.

2. If the Service Animal poses a direct threat to the health and safety of others.

Remember: Sometimes if the animal is whining or barking they may simply be doing their job.