

# SERVICE ANIMAL POLICY

## PURPOSE

Eastern Idaho Public Health (EIPH) provides reasonable accommodations and auxiliary aids to ensure that clients and staff members with disabilities have access to EIPH and its programs.

## POLICY

The Americans with Disabilities Act (ADA) defines a service animal as “any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.” The ADA authorizes places of public accommodation to impose restrictions if it is a safety requirement. **Therapy or Companion Animals are NOT permitted in EIPH’s facilities.**

The ADA contains no blanket policy mandating the places of public accommodation permitting service animals under all circumstances. With regard to the health district, there may be possible restrictions of service animals in clinical practices or laboratories that can pose a safety risk. These exceptions would need to be considered individually to determine whether the service animal poses a possible danger, and if other reasonable accommodations can be provided.

It is the handler’s responsibility to ensure the safety of the animal, the individual and other people participating. While legal access rights are afforded to users of assistance animals, with that comes the responsibility of ensuring that the animal behaves and responds appropriately at all times in public and that the partner/handler, as a team, are to adhere to the same socially acceptable standards as any individual in the community.

## PROCEDURES

### Definitions:

**Therapy or Companion Animal** – An animal that provides a sense of wellbeing, comfort, affection and/or motivation. They are not trained and not afforded the legal protections of service animals. These animals are not trained to assist an individual with a disability in the activities of daily living and are not specifically covered by this policy or under the ADA or Section 504 of the Rehabilitation Act.

**Service Animal** – Any animal individually trained to do work or perform tasks for the benefit of an individual with a disability. The ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered

service animals under the ADA regardless of whether they have been licensed or certified by a state or local government. Service animals perform some of the functions and tasks that the individual with a disability cannot perform for him or herself. "Seeing eye dogs" are one type of service animal, used by some individuals who are blind. This is the type of service animal with which most people are familiar. But there are service animals that assist persons with other kinds of disabilities in their day-to-day activities. Some examples are:

- Alerting persons with hearing impairments to sounds.
- Pulling wheelchairs or carrying and picking up things for persons with mobility impairments.
- Assisting persons with mobility impairments with balance.

### **Documentation Requirement:**

A client/staff with a disability may be required to provide EIPH with documentation from the client/staff member's service provider (e.g. Specialist, Psychologist, or Medical) that verifies the need for a service animal. A staff member with a disability shall provide the Human Resources office with documentation for the staff member's appropriate service provider. This documentation need not disclose the details of the disability, nor provide a detailed medical history, if the sole purpose for the request is for use of a service animal.

The client or staff member is responsible for maintaining the following:

- Service animal health: The animal must be up to date on all required vaccinations and evidence of such shall be provided by the client/staff member if requested. The animal shall be well groomed including appropriate flea and odor control.
- Service animal licensing: All service animals must wear tags appropriate to the municipality in which the client/staff member holds a permanent address.
- Training requirement: Written confirmation may be requested to demonstrate that the animal has been trained to work or perform tasks for the benefit of a person with a disability.

### **Responsibilities**

The individual with a disability, the handler, is responsible for the care and supervision of his or her service animal and must maintain full control of the animal at all times. This may include controlling the animals grooming, feeding, and toilet behavior within appropriate and healthy guidelines. Service animals are trained to remain in close proximity to their handler and not to display disruptive behaviors or noises (barking, growling, or whining) and should remain on a harness or leash at all times. The handler is finally responsible for property damage caused by his or her service animal.

## **SERVICE ANIMAL POLICY FREQUENTLY ASKED QUESTIONS**

### **What is a service animal?**

No matter whether they are called "Service Animals," "Assistance Animals," or by another name, these are animals that have been individually trained to do work or perform tasks for the benefit of an individual with a disability. Under the ADA it is the training that distinguishes a service animal from other animals.

Starting March 15, 2011, only dogs will be considered service animals under the ADA. Business and state and local government entities may also allow miniature horses as a reasonable modification, subject to certain limitations.

### **What is the difference between a service animal and a comfort/emotional/therapy support animal?**

Service animals are individually trained to do work or perform tasks for an individual with a disability who, if asked, must be able to describe the specific tasks performed or work done. The work done or tasks performed by a service animal must be directly related to the handler's disability.

Some service animals may be owned by individuals who have a non-apparent disability, such as a seizure disorder. Their disability may not be visible.

A "comfort", "emotional support", or "therapy animal" that provides support simply by being itself does not meet the definition of service animal. If the animal is not individually trained to do work or perform a task, it is a pet under the ADA. Obedience training, by itself, is not a sufficient qualification.

**Regardless of the term used to describe the animal, it is the training to do work or perform a specific task that makes it a service animal.** Thus someone might mistakenly call their dog a "comfort animal" but if it actually functions as a service dog, it is protected under the ADA.

### **Does the animal need to have any certification or documentation, or wear a vest or tag, to identify it as a service animal?**

No, there is no ADA requirement that the owner carry any certification papers showing that the animal is a service animal.

## **If the service animal doesn't need to have a special tag, certification papers, or other identification, how can we determine if it is a legitimate service animal?**

There are two questions that may be asked:

1. Is the animal required because of a disability?
2. What task or service has this animal been trained to do?

One *cannot* ask: What *is* your disability? This is confidential information.

Even if the service animal will not perform its task or service on the premises, it is entitled to enter.

## **When can a service animal owner be asked to remove their animal from the premises?**

A service animal's professional behavior and good grooming are necessary for it to be protected under the ADA. An individual may be asked to remove his or her service animal if it:

- Makes a mess on the floor
- Bites or jumps on another client/staff member
- Wanders around, away from its owner

A service animal may be removed if it continuously disturbs patrons; for example, if it is repeatedly barking. However, it should first be made clear that the service animal is not just doing its job. Barking may be how the dog performs its job. Find out first!

A service animal may also be excluded from certain areas of a building, though access to the building itself should be allowed. Example: A service animal should be allowed access to a trendy downtown restaurant, but shouldn't be allowed into a kitchen.

## **Do service animals have to obey leash laws?**

Yes, service animals must obey local leash laws. The exceptions are when the service animal cannot perform its task while on leash, or if the handler cannot use a leash, harness, or tether due to disability.

In any case, the service animal must be under control at all times; if not by leash, then by voice control, signals, or other effective means.

## **ETIQUETTE FOR INTERACTING WITH PEOPLE USING SERVICE ANIMALS**

Speak to the person, not the animal.

Do not touch the service animal without asking for, and receiving, permission.

Do not offer food to the service animal.

Do not ask questions about the handler's disability, or otherwise intrude on his or her privacy.

Do not be offended if the owner does not wish to chat about the service animal.

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