



Who Let the Dogs Out?

The Americans with Disabilities Act and Service Animals

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Roadmap of Topics

- What is the Americans with Disabilities Act ("ADA")?
 - Definition
 - Reasonable Accommodations
- How does the ADA define a "service animal?"
 - Examples and scenarios
- What are the rights of public entities as it relates to service animals under the ADA?
 - Exclusion of service animals
 - Restrictions of breeds
 - Requirement of documentation
- What is the difference between a "service animal" and a "comfort animal?"

What is the Americans with Disabilities Act?

- The Americans with Disabilities Act of 1990 ("ADA") allows people with disabilities to have access to the same type of employment benefits and opportunities.
- It prohibits discrimination in employment, public services, and public accommodations.
- To qualify for protection under the ADA, a person must have a disability qualified by the ADA as "a physical or mental impairment that substantially limits one or more major life activities."
- Prohibited discrimination may include:
 - Firing
 - Refusal to hire
 - Failure to promote
 - Conditions and privileges of employment



Reasonable Accommodations

- Under the ADA, an employer is required to provide reasonable accommodations to the disabled job applicant and/or employee.
- A reasonable accommodation is defined as "any change to a position or workplace that will enable an employee or job applicant to do his or her job despite having a disability.
- An employer may avoid having to provide a reasonable accommodation if doing so would pose an undue hardship on the employer.
 - In this situation, the employee must still perform the essential functions his/her job.

Service Animals under the ADA

- Under the ADA, a service animal is considered a reasonable accommodations, so long as the tasks of the animal's performance is related to the employee's disability.
- A service animal is defined as a **DOG** that has been trained to perform specific tasks for a disabled individual.
 - This includes physical, sensory, psychiatric, intellectual, or other mental disability.
- Other species of animals, trained or otherwise, are NOT considered service animals under the ADA.
 - As a side note, the ADA has a separate regulation allowing miniature horses to be considered service animals in certain situations.
- There is no restriction on dog breeds that may be used as service animals. Therefore, an employer may not exclude a service based on generalized fears and apprehensions about how a particular breed of dog may or may not behave.



Examples of service animals under the ADA

- Helping a blind employee with navigation.
- Pulling the wheelchair of a physically disabled employee.
- Alerting a deaf employee of sounds and dangers.
- Providing stability and support for a physically disabled employee.
- Preventing impulsive and interruptive behaviors of an employee with a neurological disability.



Service Animals



- Only limited inquiry into the services animal's ability and purpose is allowed under the ADA.
- An employer may not ask the employee about the nature or extent of his/her disability.
- An employer may ask the following:
 - Does the disability require the use of a service animal?
 - What task has dog been trained to perform? (Employers may not demand demonstration of the dog's abilities).
- The ADA does not require service animals to be licensed, registered, or certified.

Scenarios to Ponder

- Due to observing the Total Eclipse for an extended period of time, Ashley now suffer from partial blindness. She has recently applied for a job in Browntown School District for a teaching position. Ashley's parrot, Stevie, helps guide her by squawking when she is in danger. Does Stevie qualify as a service animal under the ADA?
- Sara, the administrative assistant at White Middle School, was recently in an unfortunate cliff diving incident that left her unable to walk. She adopted Ozzy, a German Shepard, to assist her in maneuvering her wheelchair. The district has decided that a school is not an appropriate place for Ozzy, and tells Sara that she may not bring him back. Is Ozzy considered a reasonable accommodation?
- Jennifer has a hereditary disorder that has left her completely deaf. Lollipop, her service dog, helps her with communication and warns Jennifer of potential dangers around her. Recently, Jennifer applied for the assistant principal position at Storyville Elementary School. The interviewer asked Jennifer to provide medical documentation of her disability and asked whether the service dog was required by a disability. Which, if either, are appropriate questions under the ADA?



Comfort Animal

- Under the ADA, a comfort or emotional support animal does not meet the definition of a service animal.
- A comfort animal is defined as "an animal that provides companionship, emotional support, relief of loneliness, and other phobias, but have no special training to perform tasks that assist people with disabilities."
- If the animal, a dog or miniature horse, has not been trained in any specific task or provides only emotional support, the animal is not a reasonable accommodation.
- Comfort animals can be any type of animal.



Questions?

White & Story, LLC thanks you for your service and wishes everyone a wonderful 2017-2018 school year!