Service Animals: At Home, At Work, & Everywhere Else

Office of Civil Rights, Diversity, and Inclusion (OCRDI)
Health Resources and Services Administration (HRSA)
U.S. Department of Health & Human Services

Vision: Healthy Communities, Healthy People
Presenters

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Objectives

Define what is considered a service animal

Review federal legal obligations relating to service animals

Contrast service animal requirements in different settings

Discuss how to overcome common service animal accessibility challenges

Hear real-world situations and applications of service animal best practices
## Definition of Service Animal

<table>
<thead>
<tr>
<th>Non-employment:</th>
<th>A service animal is a dog that is individually trained to do work or perform tasks for the benefit of a person with a disability.</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Emotional support animals are not service animals.</td>
</tr>
<tr>
<td>Employment:</td>
<td>No formal legal definition; however, generally the non-employment definition is followed.</td>
</tr>
<tr>
<td></td>
<td>Emotional support animals could be reasonable accommodations.</td>
</tr>
</tbody>
</table>
For the Purposes of this Presentation...

• Service Dog Teams
  ▪ Consists of the dog and the individual working with the dog.

• Handler
  ▪ The human half of the team.
Quick Word about Miniature Horses

• A miniature horse is the one exception to a dog that may be considered a service animal.

• The same requirements established for service dogs (i.e., inquiries, identification, and removal) apply to miniature horses.
Examples of Tasks Performed by Service Animals

- Alerting a person who is deaf/hard of hearing to sounds.
- Providing stability for a person who has difficulty walking.
- Pulling a person in a wheelchair.
- Reminding a person to take medicine.
- Calming a person during an anxiety attack.
- Any task that can mitigate an individual’s disability.
# Federal Laws that Prohibit Disability Discrimination

<table>
<thead>
<tr>
<th>Federal Law</th>
<th>Who is required to comply with this law?</th>
<th>Information</th>
</tr>
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<tbody>
<tr>
<td>Section 501 of the Rehabilitation Act</td>
<td>Federal agencies</td>
<td>• Covers job applicants and employees in federal sector</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Requires affirmative action by government</td>
</tr>
<tr>
<td>Section 504 of the Rehabilitation Act</td>
<td>Federal agencies and their recipients</td>
<td>• Broad protections (no exclusion, denial of benefits, or discrimination based solely on disability)</td>
</tr>
<tr>
<td>Section 1557 of the Affordable Care Act</td>
<td>HHS and HHS funded health programs</td>
<td>• Prohibits discrimination based on disability (and other bases)</td>
</tr>
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# Federal Laws that Prohibit Disability Discrimination

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<td>Title I of the Americans with Disabilities Act (ADA)</td>
<td>Private employers (15+ employees), state and local governments, employment agencies, and labor unions</td>
<td>• Must provide equal opportunity to benefit from employment-related opportunities</td>
</tr>
<tr>
<td>Title II and III of the ADA</td>
<td>State and local government entities (Title II) and public accommodations (Title III)</td>
<td>• Modify policies and procedures when it’s necessary to afford equal access to goods, services, or facilities</td>
</tr>
</tbody>
</table>
## Federal Laws: Transportation & Housing

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<tr>
<th>Federal Law</th>
<th>Who is required to comply with this law?</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Fair Housing Act</strong></td>
<td>Most housing including public housing, private housing, and housing that receives federal funding</td>
<td>• Protects people from discrimination (including based on disability) when they are renting or buying a home, seeking housing assistance, or engaging in other housing-related activities</td>
</tr>
<tr>
<td><strong>Air Carrier Access Act</strong></td>
<td>All flights of U.S. airlines, and to flights to or from the U.S. by foreign airlines</td>
<td>• Prohibits discrimination on the basis of disability in air travel</td>
</tr>
</tbody>
</table>
Service Animal Use as an Accommodation or Modification

In the **employment** context, an organization must consider a **reasonable accommodation** that allows a qualified person with a disability to perform essential job functions.

In the **non-employment** context, an organization is required to **reasonably modify** their policies or procedures to make their programs or activities accessible.

Accommodations and modifications include permitting the use of a service animal.
Interactive Process

Each request must be considered on a case-by-case basis (individualized assessment).

Both the person with a disability and the organization are required to engage in this process to find an effective solution.
Emotional Support Animals

Emotional support animals are animals that provide comfort by being with a person. Because they have not been trained to perform a specific job or task, they do **NOT** qualify as service animals.
### Example: Post Traumatic Stress Disorder (PTSD)

<table>
<thead>
<tr>
<th>Situation</th>
<th>Service Animal (Dog)</th>
<th>Emotional Support Animal (Dog)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nightmares</td>
<td>Trained to wake the handler</td>
<td>Provides comfort and sense of safety during sleep</td>
</tr>
<tr>
<td>Crowds</td>
<td>Trained to lead/navigate the handler to an exit or secluded area</td>
<td>Offers a reason for the owner to leave a space</td>
</tr>
<tr>
<td>Panic Attacks</td>
<td>Trained to provide grounding or pressure for the handler</td>
<td>Provides a calming presence and offers comfort</td>
</tr>
<tr>
<td>Needing Assistance</td>
<td>Trained to act by alerting or finding another person</td>
<td>Provides a calming presence and offers comfort</td>
</tr>
<tr>
<td>Medications</td>
<td>Trained to retrieve medication</td>
<td>Helps the owner stick to a daily routine through normal care of the animal</td>
</tr>
</tbody>
</table>
Questions

To determine if a dog is a service animal, you may ask **two** questions:

- Is the animal required because of a disability?
- What work or task has your animal been trained to perform?
Questions (continued)

If the person refuses to answer the two questions...

You do not have to allow the service animal to enter.

If you exclude the service animal...

You must still permit the person to access without the service animal.
Things to Avoid

Ask questions if it is obvious the dog is a service animal

Request documentation for the service animal

Request the service animal demonstrate tasks

Inquire about the nature or extent of a person’s disability

Ground Rules
Badges, Vests, and IDs

• These are NOT required to prove a dog is a service animal under federal law.
• If a dog is wearing a vest or the handler is stating that the dog is a service animal, you may ask:
  1. Whether the dog is required because of a disability and, if so,
  2. What work or task the dog has been trained to perform.
Under Control

A service animal **must:**

- Have a harness, leash, other tether; or
- Otherwise be under the handler’s control (e.g., voice control or signals).
Settings

You must allow service animals to accompany people with disabilities in all areas of your facilities where members of the public, participants in programs, services, or activities, or invitees are allowed to go.
Example: Settings accessible to service animals

- Healthcare offices
- Gyms and Locker rooms
- Lodging facilities
- Self-service food lines
- Dining rooms
- Schools
Scenario: Pup-eroni pizza

While Carla is in the hospital cafeteria, she sits her service dog in a high chair and feeds him at the table. Cafeteria staff ask Carla to remove her dog from the high chair. Who is right?
Scenario: Raise the woof

Your building has a “no pets” policy. Rahul schedules a radiology appointment at your facility and plans to bring his service dog. Is this allowable?
Exclusion of Service Animals

A service animal may be denied entry into a facility if the animal:

- Interferes with safety requirements (e.g., sterile areas in a hospital)
- Is not housebroken
- Will not obey the handler’s cues
- Poses a direct threat to others (e.g., if a dog snaps at people)
General Limitations

Undue Hardship

• An action that requires "significant difficulty or expense" in relation to the size of the employer, the resources available, and the nature of the operation.

Fundamental Alteration

• You may exclude a service animal if its presence or behavior would fundamentally alter the nature of the service, program, or activity.
General Limitations (continued)

Direct Threat

- A significant risk to the health or safety of others that cannot be eliminated by the modification of policies, practices, or procedures.
- You are not required to permit an individual with a disability to participate in or benefit from your service, program, or activity if that individual poses a direct threat to the health or safety of others.

Legitimate Safety Requirement

- You may impose a legitimate safety requirement that excludes service animals if it is necessary for the safe operation of your service, program, or activity.
Scenario: Remain paws-itive

Your organization is attempting to schedule upcoming appointments with two new patients—one has an allergy to dog dander and the other uses a service animal. What do you do?
Scenario: Ruff around the edges

Laila arrives at her dentist’s office and sits in the waiting room with her service dog. After a heated argument with another patient, Laila’s service dog begins growling at the other patient. What should the office manager do?
# Service Dog Training

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<tr>
<th>Phases</th>
<th>Organization Trained</th>
<th>Handler Trained</th>
</tr>
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<tr>
<td>Dog raising and training</td>
<td>Organization and volunteers raise/train the dog to perform tasks.</td>
<td>Individual with disability takes on responsibility for full training.</td>
</tr>
<tr>
<td>Team training</td>
<td>Formal training with the organization is generally two weeks under staff supervision. Full training takes approximately two years from dog’s birth.</td>
<td>The individual has the same responsibilities an organization.</td>
</tr>
<tr>
<td>Team bonding</td>
<td>Allows the dog and handler to work individually – there is no bonding with others, including family.</td>
<td></td>
</tr>
<tr>
<td>On-going training</td>
<td>Handler provides on-going training when the dog is exposed to new settings.</td>
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Service Dog Teams On and Off Duty

• On Duty
  ▪ May not look like they are “actively” working
  ▪ Should be with their handler
  ▪ Able to “settle” when the handler is occupied

• Off Duty
  ▪ May still need to do tasks for handler
  ▪ Has time to just be a dog
Scenario: Present and prepared

Liz goes to the gift shop at the hospital with her service animal. In the shop, some children are excited to see the dog. The children run over wanting to pet the dog.

What should the adults supervising the children do?
Scenario: Please be paw-lite

Jim, his boyfriend, and Jim’s service dog Leo enter the cafeteria. Leo provides support as Jim makes his way to a table. Due to the cramped floor plan, Jim accidentally bumps into a few tables. Someone complains that the dog should not be allowed in the cafeteria because it is disrupting their meal. At the table, Leo slips below the table out of sight. How should cafeteria staff respond?
# Behaviors in Public Spaces

<table>
<thead>
<tr>
<th>Behavior</th>
<th>Expected &amp; Acceptable</th>
<th>Unexpected &amp; Acceptable</th>
<th>Request To Leave</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Barking</strong></td>
<td>Handler needs assistance, service animal barks to obtain assistance.</td>
<td>Dog barks once and handler corrects behavior.</td>
<td>Dog barks continuously, handler may or may not correct behavior.</td>
</tr>
<tr>
<td><strong>Slipping out of harness</strong></td>
<td>Accidental. Dog remain by handler and remains under handler control.</td>
<td>Dog does not remain by handler. Handler able to recall dog. Dog proceeds under handler control.</td>
<td>Dog does not remain by handler. Handler unable to recall dog. If recalled, dog continues slipping harness</td>
</tr>
<tr>
<td><strong>Toileting</strong></td>
<td>Accidental. Handler immediately remedies the situation.</td>
<td>Occurs multiple times. Handler attempts to remedy the situation.</td>
<td>Dog intentionally or accidentally relieves themselves, handler ignores the situation.</td>
</tr>
</tbody>
</table>
Overcoming Challenges

Get educated!
- Organizations should know what is/is not acceptable so they are prepared.

Know the two questions and don’t be afraid to ask!
- Properly asking/answering the two questions is the key to providing service animal access.

Service animal teams need to stand up for their rights!
- Service animals cannot be denied access. If denied, they should explain their rights and politely insist upon being granted access.
Key Takeaways

- Service animals are highly-trained working animals that perform tasks for people with disabilities.

- You must conduct an individualized assessment.

- In a non-employment context, service animals are defined as a dog or miniature horse. In an employment context, an individual may be able to be accompanied by another type of animal as a reasonable accommodation.

- You may only ask two questions to determine if an animal is a service animal. Handlers must be prepared to answer the two questions.
Resources

• Dep’t of Justice, ADA Service Animal Requirements & FAQs
  ▪ https://www.ada.gov/service_animals_2010.htm
  ▪ https://www.ada.gov/regs2010/service_animal_qa.html

• Dep’t of Health & Human Services, Service Animals in Healthcare Facilities
  ▪ https://www.cdc.gov/infectioncontrol/guidelines/environmental/background/animals.html

• Dep’t of Transportation, Service Animals and Air Carrier Access
  ▪ https://www.transportation.gov/individuals/aviation-consumer-protection/service-animals

• Dep’t of Housing & Urban Development, Assistance Animals
  ▪ https://www.hud.gov/program_offices/fair_housing_equal_opp/assistance_animals

• Assistance Dogs International
  ▪ https://assistedogsinternational.org/
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