October 22, 2014

MEMORANDUM

TO: Departmental Personnel Officers

FROM: Anne Marie Puglisi, Program Manager
       Equal Employment Opportunity Office

SUBJECT: Use of Assistance Animals as a Reasonable Accommodation for an Employee with a Disability

This memo outlines the appropriate process for the consideration of animals as reasonable accommodations for employees with a disability.

“Service animals” are the type of animals with which most people are familiar, as they are specifically trained to perform a task for a person with a disability. Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Other species of animals are not service animals for purposes of this definition.

However, there are other animals, often referred to as “support animals”, “comfort animals”, or “therapy animals” that do not perform a specific task, yet may provide relief for a person with a disability. These animals provide people with therapeutic contact to improve their physical, social, emotional, and/or cognitive functioning. These animals are not limited to dogs, but may include cats, birds, rabbits or other animals.

For the purpose of this memo, ALL of the above animals, including service animals, shall collectively be referred to as “assistance animals” and service animals shall be considered one type of assistance animal. All assistance animals, including service animals, should be considered in the reasonable accommodation process if a request is made by an employee to bring such an animal to work. The employer must engage in the interactive process, as outlined in the Reasonable Accommodations for Employees and Applicants with Disabilities policy, Policy No. 601.002, and consider the reasons for the reasonable accommodation request. However, the employee must provide specific information before a request of this kind may be approved as a reasonable accommodation:

- If the disability is not obvious and/or the reason the animal is needed is not clear,
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- documentation from a medical provider of a medical condition that affects the employees ability to perform job duty or duties,
- If the disability is not obvious and/or the reason the animal is needed is not clear, documentation from a medical provider that the requested animal helps the employee perform their job,
- Documentation or demonstration that the animal is trained, and
- Documentation or demonstration that the animal will not disrupt the workplace.

It is not enough for the employee to present a prescription or a letter from their doctor stating that they require the animal in the workplace.

**Handler’s responsibilities relating to his/her animal approved as a reasonable accommodation**

The employee with an approved assistance animal is referred to as the “handler.” If an employee/handler is allowed to use an assistance animal as a reasonable accommodation, the handler is responsible for taking care of the animal. The employer may require that the handler:

1. Observe applicable laws, including leash laws and pick-up laws;
2. Assume responsibility for any damage caused by the animal;
3. Clean up the animal’s waste
4. Have the animal licensed with the county, if required;
5. Have the animal vaccinated, with documentation of vaccinations;
6. Have a health certification that the animal is free of ticks, rabies, etc.;
7. Have the animal under the control of its handler by use of a harness, leash, tether, cage or other physical control. If the nature of the person's disability makes physical control impracticable, or if physical control would interfere with the assistance that the animal provides, the employer may require that the animal be otherwise under the control of its handler, by voice control, signals, or other effective means;
8. Have the animal meet minimum sanitary standards (i.e., the animal must be housebroken).

**Employer’s Responsibilities relating to an assistance animal approved as a reasonable accommodation**

The assistance animal must be allowed to accompany the handler at all times and everywhere on the work premises except where the animal may pose significant health or safety hazards. In addition, the employer must provide a designated area where the employee can tend to the animal’s basic daily needs, e.g., eating or bodily functions and allow periodic breaks so the employee can care for the animal’s basic daily needs.