

# FEDERAL LAWS OF HELPING PAWS AND CLAWS

## Accommodating Service Dogs and Emotional Support Animals

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# Service Animals



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## Service Animal Defined

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- Service Animals are “dogs that are individually trained to do work or perform tasks for people with disabilities”
  - Examples of tasks include:
    - ❖ Guiding person with visual impairment
    - ❖ Warning of allergens
    - ❖ Opening doors, reaching items, making beds, etc.

For example, Janna is hard at work . . . 😊



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# WHAT??! Just dogs??

- YES! 😊
  - Only DOGS qualify as service animals



# One small caveat – miniature horses

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(pardon the pun)

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# How to identify a service dog

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- Can only ask two questions:
  - Is the dog a service animal required because of a disability?

AND

- What work or task has the dog been trained to perform?

## How **NOT** to identify a service dog

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- There is no official registry
- There is no official certification
- There is no official identification card
- Vests, handkerchiefs, collars, etc. are not enough . . .



- Because anyone can buy them cheaply anywhere, including on Amazon!



(\$16.99)



(\$19.95)



(\$10.00)

## So, it's a service animal...

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- Must be permitted in all areas where the public is normally allowed
  - Includes clinics, cafeterias, classrooms, hospital patient rooms
    - ❖ DOES NOT include places where the dog would compromise a sterile environment

## Are there limits?

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- Can request to remove service animal if:
  - The dog is out of control and handler does not take effective action to control it;  
OR
  - The dog is not housebroken
- The person must still be afforded the opportunity to participate without the dog.

# Emotional Support Animals (“ESA”)

- Defined as an animal whose presence alone is therapeutic



# How to identify an ESA

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- Ask service dog questions
  - Oh no—what are they again??
- If either answer is a “no,” then follow your reasonable accommodation process

# Interactive Process

- Accommodation Coordinator must engage student in interactive process
  - Discuss need and scope for ESA's access
  - Can impose reasonable limitations
  - Wiggle room here
  - Think collaboration . . .



# Interactive Process...

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... Not Trickery



# Things to do if you **want to get sued**

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- Charge a cleaning fee not imposed upon others
  - ❖ Unless the dog causes damage
- Segregate people with disabilities
- Allergies or fears are not reasons to exclude



# Additional Requirements for Housing

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- Must permit:
  - Service dogs (ADA/Section 504)
  - Assistance animals (Fair Housing Act)
    - ❖ Broader than service dogs
    - ❖ Must follow reasonable accommodation process

## State and local laws

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- Can provide additional protections to people accompanied by service dog or ESA
- Example of additional protection:
  - Access for service dogs in training
    - ❖ Protected by California law, not federal law

# Hypothetical Situation

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- Student brings dog onto campus. Dog is wearing a vest and student presents a Service Dog ID card. Student does not have a known disability. University does not permit pets.
  - What questions can be asked?
  - Student has anxiety—is it a service dog or ESA?
  - What if instructor believes dog will be disruptive?
  - What if dog bites somebody?

# Concluding Thoughts

## Tips for Interacting with Service Dogs/ESAs

- **DO:**
  - Interact with the person, not the animal
  - Use person-first language
- **DO NOT:**
  - Pet, speak to, or otherwise distract the service dog/ESA
    - ❖ Could endanger safety of person and/or animal
  - Assume the person wants to hear about your pet

To quote my father-in-law's favorite joke, service dogs don't always have a "ruff" life. 😊



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# Thank you for attending!

## Any Questions?



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