

MEMORANDUM

Department of Labor and Workforce Development

State Americans with Disabilities Act (ADA) Coordinator's Office

TO: Department
Commissioners & ADA
Coordinators

DATE: July 12, 2007

PHONE: 465-6929

FROM: Don Brandon
State ADA Coordinator

SUBJECT: State Policy on Service Animals

STATE POLICY ON SERVICE ANIMALS

It is the policy of the State that:

A. No qualified individual with a disability shall be excluded, by reason of such disability, from participation in or be denied the benefits of the services, programs, or activities of a state agency, or be subjected to discrimination by any such agency.

B. No agency shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and any other term, condition, and privilege of employment.

C. Each agency shall operate each of its services, programs, and activities so that a service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

SERVICE ANIMAL DEFINITION AND DESCRIPTION

Regulations implementing the ADA define a service animal as any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including but not limited to: guiding individuals with impaired vision; alerting individuals with impaired

hearing to intruders or sounds; providing minimal protection or rescue work; and pulling a wheelchair or fetching dropped items. If the animal meets this definition, then it is considered a service animal under the ADA regardless of its licensure or certification by a state or local government.

Service animals perform some of the functions and tasks that the individual with a disability cannot perform independently. "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. However, there are service animals that assist persons with other kinds of disabilities in their day-to-day activities. The service an animal provides must be directly related to the functional limitation of the person's disability.

Service animals are NOT pets. Under the ADA, animals trained and used to assist individuals with disabilities are permitted in state facilities and are granted special permission to go into areas where other animals (dogs) are usually prohibited from entering.

A service animal whose behavior poses a direct threat to the health and/or safety of others or is disruptive to the state program may be excluded, regardless of training or certification. In these cases, the agency or program should give the person with the disability the option to obtain goods and services without having the animal on the premises.

People with disabilities who use service animals cannot be charged extra fees, isolated from other members of the public, or treated less favorably than others. A state program is not required to provide care or food for a service animal or provide a special location for it to relieve itself.

ASCERTAINING STATUS AS A SERVICE ANIMAL

Some, but not all, service animals wear special collars and harnesses. Some, but not all, are licensed or certified and have identification papers. Such documentation may not be required as a condition of providing a service to an individual accompanied by a service animal. Although a number of states have programs to certify service animals, you may not insist on proof of state certification before permitting the service animal to accompany the person with a disability.

To help determine whether an individual's animal is a service animal, agency staff may ask the individual the following questions:

- Is this animal your pet, a therapy animal, or a service animal?
- Is this service animal required because of a disability recognized under the ADA? [However, you cannot ask about the nature of the disability.]
- Is your service animal certified with the Service Animal Registry of America (SARA) or the Delta Society? [Note: Certification is not required and you may not insist on proof of certification, so you may wish to eliminate this question.]
- Has the animal been individually trained to assist you? [*If not, then the animal does not qualify as a service animal.*]
- What service does this animal provide that you need to participate in this state program? (Only get general information about the individual's disability as it may assist in making reasonable arrangements for the individual and their service animal.)

REQUIREMENTS OF SERVICE ANIMALS AND THEIR PARTNERS/HANDLERS

The partner/handler must be in full control of the service animal at all times.

The care and supervision of the service animal is the sole responsibility of its partner/handler.

The service animal must be on a leash and/or under the direct control (i.e. voice or signal commands) at all times.

The partner/handler is responsible for ensuring the animal does not soil furniture, floor, carpeting, etcetera, to the extent that the state agency would charge others for similar damages they caused; the partner/handler is fully responsible for any damages caused by the animal or its waste.

THERAPY AND EMOTIONAL SUPPORT ANIMALS

Therapy and emotional support animals are not service animals. The ADA does not require that individuals be allowed to have therapy or emotional support animals accompany them in public places. A request to keep a therapy or emotional support animal in housing should be considered as a request for an accommodation and reviewed on an individual basis. An individual requesting accommodation in housing for a therapy or emotional support animal must establish that he or she has a documented medical condition and that the animal is providing essential therapeutic benefit related to that disability. Part

of the documentation for therapy animals should include a letter or prescription from a qualified doctor (i.e., psychiatrist or neuropsychologist or other qualified medical professional).

HEALTH

As outlined in Title 18 of the Alaska Administrative Code [18 AAC 36.015-60] all animals transported into the State of Alaska are required to have current health certificates (dated within 30 days of travel).

Allergies and fear of animals are generally not valid reasons for denying access or refusing service to people with service animals.

If other employees are adversely affected by the service animals presence, Supervisors may request a health certificate and that the animal meet acceptable level of cleanliness.

STATE OF ALASKA EMPLOYEES WITH SERVICE ANIMALS

Service animals allowed as a reasonable accommodation for a State of Alaska employee must also comply with reasonable accommodation policies and procedures.