



Service Animals in the Work Place

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, perform a task to calm a person with Post Traumatic Stress Disorder during an anxiety attack, or performing other duties. Service dogs are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs or other animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the Americans with Disabilities Act (ADA) or New Jersey's service animal law. Also, a crime deterrent effect due to the animal's presence would not constitute as a service under this definition.

A popular misbelief about service dogs is that they are required to be trained by a professional trainer. In fact, according to the ADA, the dog can be trained by the potential future owner. During the time period of training, the dog is not considered a service animal.

Under the ADA, state and local governments, nonprofit organizations, privately-owned commercial facilities, and privately-owned businesses are required to adhere to the laws of the ADA. Therefore, if an employee has a disability, they are entitled to have / bring their service dog into their place of work. If the covered entity questions whether the dog is a service animal or not, they are not allowed to require documented proof. They are also not allowed to require the dog to demonstrate its service / task, or inquire about the nature of the person's disability. They are only permitted to ask two questions:

1. Is this dog required because of a disability?
2. What work or task has this service dog been trained to perform?

These two questions may only be asked if the need for the service dog is not obvious.

Under the ADA, service dogs must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the service dog through voice, signal, or other effective controls.

In addition to the provisions about service dogs, the Department of Justice's ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. Entities covered by the ADA must modify their policies to permit miniature horses where reasonable. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility; 1) whether the horse is housebroken, 2) whether the horse is under the owner's control, 3) whether the facility can accommodate the horse's size and weight, and 4) whether there are legitimate safety concerns regarding the operation of the facility.

Employers should visit https://www.ada.gov/service_animals_2010.htm for more information concerning service animals in the workplace and in public settings. Additional guidance is available at https://www.ada.gov/regs2010/service_animal_qa.html which answers many frequently asked questions regarding service animals. In light of the fact that the ADA does not specifically list all of the possible disabilities or impairments for which service dogs may be considered as appropriate under federal regulations, the Safety Director strongly recommends that public entities contact their attorney to discuss and review any policy governing service animals in the workplace prior to adoption.

This bulletin is intended for general information purposes only. It should not be construed as legal advice or legal opinion regarding any specific or factual situation. Always follow your organization's policies and procedures as presented by your manager or supervisor. For further information regarding this bulletin, contact your Safety Director at 877.398.3046.