

## Service Animals

<b>Objective:</b>	To articulate the conditions under which service animals may or must be permitted access to County property and facilities.	<b>Policy/Procedure Number:</b>	01-48
<b>Reference:</b> (All applicable federal, state, and local laws)	Americans with Disabilities Act of 1990, Title II and III; Federal Rehabilitation Act of 1973, Sections 503-504; New York State Human Rights Law, Section 292 and 296; New York State Civil Rights Law, Article 4-B, NYS Attorney General Service Animals Pamphlet, 2010	<b>Effective Date:</b>	May 7, 2019
<b>Legislative Policy Statement:</b>	In accordance with the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 ("ADA"), and State and Local laws, Tompkins County will accommodate persons with disabilities who require the assistance of a qualified service animal.	<b>Responsible Department:</b>	County Administration
		<b>Modified Date (s):</b>	
		<b>Resolution No.:</b>	2019-100
		<b>Next Scheduled Review:</b>	May 2024

**General Information:** Tompkins County will ensure that no qualified individual with a disability shall, solely on the basis of his or her disability, be excluded from the participation in, be denied benefits of, or be subjected to discrimination under any of its programs, services, or activities.

The policy and procedures within, are in reference to the public visiting County property and/or facilities. Tompkins County employees with disabilities have different rights under Federal and State laws for reasonable accommodation.

**I. Definitions:** **Disability** - The statutory definition "disability" under Federal, State and Local law includes the following broad categories of disabilities:

1. A sensory, mental, or physical impairment that substantially limits one or more major life activities (such as walking, seeing, working, learning, dressing, etc.).
2. A sensory mental or physical condition that is medically cognizable or diagnosable.

**Partner/Handler** - A person with a service animal. A person with a disability is called a partner; a person without a disability is called a handler.

**Service Animal** – As defined by the Americans with Disabilities Act (ADA), any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. A service animal is a working animal, not a pet. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

**Trainer** – A person who teaches service animals to perform behaviors that assist individuals with disabilities with daily tasks.

**II. Policy:**

**A.** Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. These areas include restaurants, hotels, stores, transportation, public facilities, theaters, etc. Any person violating these laws

can be assessed damages and penalties.

Types of animals protected include:

- **Service Animal** - Trained to assist a person who has a mobility or health disability. Duties may include carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, helping a person up after a fall, etc.
- **Guide Animal** - Trained to serve as a travel tool by a person who is legally blind.
- **Hearing Animal** - Trained to alert a person with significant hearing loss or who is deaf when a sound occurs, such as a knock on the door.
- **Seizure Response Animal** - Trained to assist a person with a seizure disorder. The animal's service depends on the person's needs. The animal may go for help or may stand guard over the person during the seizure. Some animals have learned to predict a seizure and warn the person.

**B.** Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

**Note:** In accordance with Federal and State law, certified and registered comfort/emotional support animals are allowed for use by County employees with a disability. This requires a certification signed by the mental health professional providing treatment to the employee, which can then be provided to Tompkins County Human Resources Department so they may provide a reasonable accommodation.

\*\*\*The County is not required to provide this same right to the public visiting County properties or facilities.

- C.** Service animals 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 animal through voice, signal, or other effective controls.
- D.** Service animals that meet the ADA definition are considered service animals regardless of whether they have been licensed or certified.
- E.** The County may not impose extra deposits, fees or surcharges because of a service animal but may charge a fee if a service animal causes damage.
- F.** The use of a service animal may not be limited by the sex, shape, or weight of the animal.
- G.** The County must allow service animals regardless if there is a "no pets" policy: a service animal is not a pet.
- H.** A trainer of a service animal has to be provided the same right of access to County property and facilities as a person with a disability using such an animal.

### III. Procedure:

#### **A. County Employee Rights and Responsibilities**

Under the above laws and legislation, all Tompkins County departments and employees must abide by the following:

1. When it is not obvious what service an animal provides, only limited inquiries are allowed. Employees may ask two questions:
  - a. Is the service animal required because of a disability?
  - b. What work or task has the animal been trained to perform?
2. Employees cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the animal, or ask that the animal demonstrate its ability to perform the work or task.
3. Allergies and fear of animals are not valid reasons for denying access or refusing service to people using service animals.

When a person who is allergic to animal dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

4. A partner or handler cannot be asked to remove their service animal from the premises unless:
  - a. The animal is out of control or poses a threat (growling, biting, etc.) and the handler does not take effective action to control it.
  - b. The animal is not housebroken. When there is a legitimate reason to ask that a service animal be removed, employees must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
  - c. A person with an ill animal may be asked to keep the animal home.
5. Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
6. Employees cannot isolate people who use service animals from other patrons, treat them less favorably than other patrons, or charge fees that are not charged to other patrons without animals.
7. County employees are not required to provide care or food for a service animal.
8. County employees should not pet, feed, distract or interact with a service animal in any way.

## **B. Partner/Handler Rights and Responsibilities**

Partners or handlers bringing service animals in County facilities or on County property shall abide by the following:

- a. Service animals must be housebroken.
- b. The partner/handler is responsible for assuring that the animal does not unduly interfere with the routine activities of County facilities. The

owner must always be in control of the animal. An unruly or disruptive animal (e.g., barking, running around, bringing attention to itself) may be asked to be removed from premises unless the behavior can be mitigated.

- d. The partner/handler must ensure the animal is behaving and not posing a threat to others (i.e. not growling, biting others, etc.). The partner/handler is expected to cooperate if asked by County employees to remove from the immediate environment a service animal that is not behaving appropriately. Instances of inappropriate behavior may result in a determination that the animal is no longer allowed on County property.
- e. The partner/handler is financially responsible for the actions of the animal, including bodily injury or property damage. The owner's responsibility covers but is not limited to replacement of furniture, carpet, window, wall covering, and the like.
- f. The partner/handler is responsible for ensuring the cleanup of the service animal's waste and, when appropriate, must toilet the animal in an appropriate area.
- g. The partner/owner is responsible for the overall health and well-being of the animal. Service animals that are ill should not be taken into public areas.