Thank you, everyone for your interest in our service animal webinar. This is the first session of our two-session service animal webinar series.

Slide 1: Service Animal Basics

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My name is Miranda Levy. I have a master degree in rehabilitation and have been at the northwest ADA center for six years this month. I answer our 800 line and do presentations on service animals and variety of other topics. For those of you who are not familiar with the Northwest ADA center, we are part of the ADA network which has ten centers throughout the country. We provide information to Washington State, Oregon, Idaho and Alaska.

Slide 2: The Northwest ADA Center

• Technical Assistance
• Training
• Material Dissemination
• Research
• Public Awareness

Our regional office is north of Seattle. We are grant funded from the National Institute on Disability and Rehabilitation Research. Our project is part of the Center for Continuing Education in Rehabilitation, which is affiliated with the University of Washington. We provide technical assistance like the ADA hotlines. We do trainings, face-to-face trainings, and disseminate materials that we have written ourselves. We do some research and public awareness. We go out into the community and we are vendors at various events. “Service animals”, this is just going to be a general overview on service animals. It’s a hot topic for us and probably the number one topic that comes up for people with regard to the ADA. And not just the ADA, but other types of legislation as well.

Slide 3:

Why the Confusion?

• Americans with Disabilities Act (ADA)
• U.S. Dept of Transportation/Federal Transit Administration (FTA)
• Fair Housing Act (FHA)
• Air Carrier Access Act (ACAA)
• State and Local Laws

Not just the ADA, but as you can see from the slide, the Department of Transportation/ Federal Transit Administration, Fair Housing Act, the Air Carrier Access Act and state and local laws on how they handle that. Next week we have a second webinar. This is a brief overview and touching on some of these things. Service animals can be confusing. It can be confusing because there are several pieces of legislation and different governmental bodies. You see this whole list here including the state and local law and we know there are 50 states out there. Each can have a definition of what is the service animal and what the requirements are, including service animals in training and emotional support or comfort animals.

The ADA alone is confusing because Title I is different than Title II and Title III. We will get into that in a minute. So what are service animals under the ADA?

Slide 4: What Are Service Animals Under the ADA?
• Two Definitions of Service Animal Under the ADA
  – Similar Not the Same
  – Still Use Qualifying factors

U.S. DOJ’s Definition for Title II and Title III entities:
• “Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities.” [Emphasis added]
• The work or task a dog has been trained to provide must be directly related to the person’s disability

There are two different definitions under the ADA. They are similar, but not quite the same. They use qualifying factors. The Department of Justice’s definition for Title II and Title III says that “service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities.” That’s a quoted definition. That quote comes from the Title II and Title III regulation that went into effect a couple of years ago. The work or a task a dog has been trained to do must be directly related to a person’s disability. That causal relationship needs to be there.

Slide 5: U.S. DOT’s Coverage of Transportation & Definition of Service Animal Under the ADA
• Title II Part B Public Transportation
• Private Transportation – Taxicabs, Motor Coaches, and Transit Facilities
• “Any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability” [Emphasis added]

Moving on to slide five, the U.S. Department of Transportation’s coverage of transportation and the definition of service animals under the ADA. Still ADA the Department of Transportation, not the Department of Justice anymore, is part of ADA Title II. But it’s Title II part B public transportation. This department of transportation, D.O.T., applies to private transportation, taxicabs and motor coaches and transit facilities.

Slide 6: U.S. Dept of Transportation: Federal Transit Administration
“Service animal means any guide dog, signal dog, or other animal individually trained to
work or perform tasks for 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, pulling a wheelchair, or fetching dropped items.”

That’s the quoted definition. And so you have the actual definitions. Because in some respects they are only slightly different from each piece of legislation and each agency. The definition here from the D.O.T. is “….any guide dog, signal dog or other animal individually trained to work or perform tasks for an individual with a disability….”

Note that this is different from the Department of Justice’s Title II and Title III definition because it says “or other animal”. It doesn't just say a “dog”. That leaves a lot more room for you to have -- you know, I don't know snakes in a cab. Right? Or chickens in your motor coach. I'm sure they've had it all. We get those questions on any kind of animal-Bunny rabbits in your transit facility. That leaves a lot of room. There was a lot of talk when those new regulations came in. The Title II and Title III regulations I was talking about, we could ask, does the DOT definition change because the Department of Justice definition changes? Absolutely not. We are not changing our definition right now. Maybe it will in the future. Not right now.

More information on that can be found on the web site. I can send that out if you are interested. There is sort of a longer version of the Department of Transportation Federal Transit Administration definition on slide six. I’m not going to read the whole thing for you, but it goes on, talks more about the “other animals” and then it includes all-- well, tasks that those animals might perform though they are not limited to that list.

Slide 7: Service Animals in the Workplace

- In the workplace (Title I), a service animal is a reasonable accommodation
  - There is no specific definition for service animals under ADA Title I
- A service animal can be any type of animal
- Employers may ask for medical documentation if the need for the service animal is not apparent
- The documentation goes into a confidential medical file

Let’s talk about service animals in the workplace. This is Title I of the ADA, the employment title which I mentioned is different from Title II and Title III. That makes it kind of confusing. In the workplace, under Title I, a service animal is a “reasonable accommodation.” It's not exactly the same. A lot of you probably know, a reasonable accommodation is something you would request like an ergonomic chair or a screen reader or accessible parking spot that is reserved for you-something like that. Well, it’s the same thing in this case. You request that you can bring your service animal or comfort animal, emotional support animal, something like that, into the office or the workplace. As such, there’s no specific definition for service animals under the title one part of the ADA.

It’s up to the discretion of the employer or H.R. or something like that to decide, “Oh, would it be reasonable for this person to bring their cat into the office?” You know, you don’t think about behavior and is it necessary for them to bring their cat into the office
and is it just going to curl up and be quiet and not disturb anyone and various issues. Certainly a broader definition and different issues-a reasonable type of accommodation. Another example might be the office park that we work in currently has a “no pets” rule. A “No animals” rule. If I had a service animal, I would go to them and say, as a reasonable accommodation for my disability, I want to bring my dog to work. And they would say, okay. So, your disability, tell me about this and you would go through the reasonable accommodation rigmarole. In theory, I would be allowed to bring my dog even though no dogs are allowed in the office park. That's kind of how that goes.

So a service animal, again, under Title I can be any type of animal in theory, as long as it is not dangerous. You can ask for medical documentation if the need is not readily apparent. The documentation goes into a confidential medical file. Just like any other reasonable accommodation.

We're not going to talk about this too much because generally today we are focused on ADA information about service animals applying to Title II and Title III. If you have a question, just ask. We do have a fact sheet based on this topic as well on our website.

**Slide 8: Identifying a Service Animal**
- **The Two-Question Test**
- **The “Functionality” Component of the ADA Definition of Disability**
- **The “Causal” Relationship between Training and disability**

How to identify a service animal. There is the two question test. We get to what those questions are on the next slide. There is a “functionality” component of the ADA definition of disability. Also, there is a “causal relationship” between training and the disability, which I touched on a few slides ago.

Some things that a service animal can do: limiting or guiding individuals with vision ability; alerting individuals with a hearing disability to introduce sounds; providing minimal protection; pulling a wheelchair or fetching items; opening doors; turning the lights on and off. You have to be able to describe the function of a service animal. And the job that they are trained to do has to be directly related to that person's disability.

If there is a seizure alert dog, the person that they are working with has to have a seizure disorder. If they are trained to assist a person with a seizure disorder and the handler/owner, has, you know, I don't know -- fibromyalgia and they have some kind of physical limitation and they think, okay, this dog will be able to turn lights on and off for me. That there's no causal relationship there between the training and the needs related to the person’s disability. Just doesn't make sense. The dog is not trained to do what this person needs. That isn't a great example. I will think of a better one.

**Slide 9: What Clarifying Questions Can You Ask?**
- **OK:** “Is the animal required because of a disability?”
- **OK:** “What work or task has the animal been trained to perform for you?”
- **NOT OK:** “What is your disability?”

This is slide nine here. Let's clarify the two questions that are okay for someone to ask a person
who has a service animal. Say that the person walks into a grocery store with their service animal and the owner is like, I'm not sure if that animal is a service animal. They can ask, “Is the animal required because of a disability?” Person says, “Yeah.”

“What work has the animal been trained to perform for you?” They then describe that. What's not okay is to ask is, “What is your disability?” That's confidential medical information and they are not allowed to ask that kind of thing. Nor can they ask to see any I.D. or anything like that. No proof. As long as the person gives satisfactory answers to those two questions, then they have to allow the animal to be admitted.

Slide 10:
Certification, Training, and Assistance Animals
- No certification or documentation
- Animals must be individually trained
- Emotional support/assistance animals are not covered under the ADA

Certification and training and assistance animals. There’s no certification or documentation required under the American with Disabilities Act. If you’re a person who has a service animal, you don’t need certification or documentation saying that this is a service animal. You can’t require the handler to present you with something like that. It’s the same with identification of any sort. There are no tags to say this is a service animal. They are not required to wear a patch. The animals must be individually trained. You might have noted that in the two definitions that we noted earlier, but the key aspect there that emotional support or emotional/assistance animals are not covered under the ADA. Emotional support or emotional/assistance animals are considered pets under the American with Disabilities Act, because they are not trained animal. Someone says, oh, yeah, this is my emotion support animal, you would not be obligated to have them stay in your hotel if it does not generally admit animals because it’s not a service animal. It’s really just a pet under the ADA. That’s the law that covers places of public accommodation which is a hotel.

Slide 11: Direct Threat: When An Animal Can Be Removed
A service animal can be removed from the premises if it:
- Makes a mess on the floor
- Bites or jumps on another patron
- Wanders away from its owner
Handlers must obey leash laws and keep their animals well groomed.

Moving to slide 11, direct threat. There are always a lot of questions on this and specifically when an animal can be removed from the premises of a place. An animal can be removed if it makes a mess on the floor, which the owner is responsible for cleaning up. Another reason would be if it bites or jumps on another patron, of course, or if it wanders away from the owner, out of the handler's control. It says in the regulations that the service animal must be under leash or harness control unless the handler can’t have a leash or harness due to disability or the animal can’t perform its functions on a leash in which case it must be under voice control or some similar alternative. So the handler would not be doing their job if the dog wanders away. It would be acting inappropriately if it wandered away.

Again, handlers must obey leash laws and state/local laws as well. For example, they must keep
their animals well-groomed at all times. And in any of these cases when these things happen, you can say, you need to remove your animal. You can't kick a person out per se. You can say, all right, put your dog outside. You can finish your dinner or something like that.

**Question:** “if it's not required to provide documentation, how do we verify that animals have been individually trained to meet the guidelines?

**Answer:** That’s the thing. Remember we had the two-question test so to speak, is it required for disability? What work has the animal been trained to perform work for you? It's not that these questions have no -- they are not 100% full proof, right? They are not going to give you total proof, I guess, that this animal has been trained. But that’s what you can ask. Hopefully the person gives you a satisfactory, truthful answer. And then if they give you satisfactory answer, you admit them into the place of business or wherever. And then it misbehaves, then you remove it. But regardless, in the ADA you cannot ask for documentation.

**Question:** The comfort animal could be reasonable accommodation under Title I. But not Title II or Title III, is that correct?

**Answer:** Yes, that is correct.

**Question:** I currently work at a courthouse and we have had a request for a juror to bring their service parrot. Due to our type of business, it would be disruptive.

**Answer:** Wow. Well, I mean different states have different laws, different service animal laws as I mentioned earlier about what their definition of a service animal is. If in your state and we will get into a little more. If in your state the definition of a service animal is broad enough that it covers all animals stated, then the court may have to allow that animal to be in there. I don't know what state the person asking the question is from. But they want to check into that. There might be some examples where a service animal could be a distraction, for sure. But we need more clarification but if that is their service animal and the definition jives with the state law, then that’s how it works. Under the ADA, if the law was as stringent as the ADA, they could say, no parrots, dogs only.

**Question:** What does well-groomed mean, if the animal has an odor, can they be asked to leave?

**Answer:** To a certain extent, yes. They do need to be cleaned, yeah. That’s pretty much what it is. It’s hard to state that, but, you know, I can’t say for a dog that is not a service animal, I'm sure you can remove a dog because it doesn't smell very good. That's up to you. Whatever your policy is. But, I think you need to be reasonable. If it had a little bit of a dog smell, you know, probably let it go. If it’s just a dog that jumped out of the lake or something, let it go is what I would say. If it clearly had not been bathed in two weeks, that’s not appropriate and not well-groomed. It’s not been taken care of and you do not have to allow it to stay in your facility.

**Slide 12: Fair Housing Act**

- “Assistance Animals”

- “An assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person’s disability

So on to the Fair Housing Act on slide 12. The Fair Housing Act, service animals, emotional support animals, therapy animals, comfort animals and the like are called assistance animals.
Just to quote a definition again. “Is not a pet. It is an animal that works. Performs tasks for the benefit of a person with a disability or provides emotional support that alleviates one or more identified symptoms effects a person’s disability. As you can see, the first part of this is very similar to the ADA. The second part is emotional support. A little less severe, maybe, than the ADA definition. But it covers a much broader range. The picture, by the way, is a guy sleeping with a miniature horse. I like that sort of because it reminds me of “The Godfather.” I thought it was kind of funny. People do keep miniature horses as service animals, even under the ADA.

**Slide 13: Fair Housing Act and Training**
For purposes of reasonable accommodation requests under the FHA, assistance animals do not have to be individually trained to do work or perform a task.

Slide 13. More about Fair Housing Act. Specifically training. For the purposes of reasonable accommodation requests under the Fair Housing Act. If you are asking an emotional support animal or whatever, assistance animal in your apartment per se, the assistance animal does not have to be individually trained to do work or perform a task. Remember that was in the definition with the Department of Justice service animal definition and the Department of Transportation. But here the definition doesn’t require the animal to be individually trained.

Those animals generally are the emotional support, therapy comfort animals, generally aren’t trained. But a condo, apartment, some other housing facility that’s covered under the Fair Housing Act, they would be obligated to provide that in most circumstances.

**Slide 14: Fair Housing Act and Documentation**
- If the person with disability does not have a readily apparent disability, the housing provider may ask for reliable documentation.
- Need can be proven by a “qualified professional or person in the position to know”

Slide 14. If this needs to be proven by a qualified person in the position to know is what it says. And need for documentation does not need to include the diagnosis of the disability. The documentation could say “This person would benefit from this accommodation,” something like that. An example of a person in a position to know would be the present treating physician, a vocational rehabilitation counselor, case manager, physician’s assistant or registered nurse, therapist.

**Slide 15: Air Carrier Access Act**
U.S. airlines are not required to accept unusual or exotic service animals such as miniature horses, pigs or monkeys, if they determine that they are too large or heavy to be safely carried in the cabin, or if they would pose a direct threat to the safety of the other passengers.

Air Carrier Access Act. Which is, again, has a little bit more confusion. And actually more interesting because when you’re in the airport, you’re still on the ADA. And then you get on the airplane and on to the Air Carrier Access Act which is slightly different. A little bit more broad. When you are in your house or in your apartment, you are in the Fair Housing Act. Go outside and go to the grocery store under the ADA. Under the Air Carrier Access Act, they are not allowed to take in exotic service animals such as miniature horses or pigs or monkeys if they pose a direct threat to the safety of the other passengers. They can, but they don’t have to. I’m personally dying
to see a miniature horse on a plane.

**Slide 16: ACAA cont’d**
- US airlines are never required to accept snakes, other reptiles, ferrets, rodents or spiders as service animals.
- Foreign air carriers are only required to accept dogs as service animals, and that only applies to flights to and from the US.
- US air carriers are required to carry an emotional support or psychiatric service animal if the passenger presents the required documentation.

U.S. airlines are never required to accept snakes, other reptiles, ferrets, rodents or spiders as service animals. Foreign air carriers are only required to accept dogs as service animals, and that only applies to flights to and from the U.S. U.S. air carriers are required to carry an emotional support or psychiatric service animal if the passenger presents the required documentation. That includes a letter from the mental health professional for that individual stating that the passenger has a mental health related disability and the letter must be less than one-year-old and be from a mental health professional who is currently treating that passenger. They can have that type of animal, but they need a little documentation.

**Slide 17: State and Local Laws**
- Cities, Counties, and States may make their own service animals laws.
- The law offering the broader coverage is the determining law.
- Factors such as service-animals-in-training coverage are never determined by ADA.

Slide 17. There’s a picture of a parrot. State and local laws might be different and it depends exactly what that question was applying to. City and county and states may make their own service animal law. A lot of these are more broad than the ADA. And other pieces of legislation. A lot of them have changed since the ADA went into effect a few years ago. But some of them have not yet, maybe they will change. Whichever law is determining the process, that's the determining law. Factors such as service-animals-in-training coverage are never determined by ADA. It states that each state can make their own decisions about “service animals in training”. They put it in their own law books about whether to cover them or not. For example, in our region, Washington State does not cover service animals in training. If you bring your service animals in training into a grocery store in Washington State, they have a right to kick you out. It's not a fully trained animal. In other states in our region, they are covered. You are all good there. They have extra things about it. I shouldn't say weird. But they tack some things on. They can. You have to carry a card in Idaho. States are unique, for example, in Oregon, the service animal law says, assistance animal is a dog or other animal designated, that has been asked to do work for an individual. Since this provides broader coverage than the ADA, it means that in Oregon, you may use a type of animal other than a dog.

If that person was on a jury in the state of Oregon, they would have a legitimate service animal for that state. They would have a pretty significant argument to keep their parrot. Like this guy with the mustache up here on my slide. Or a kitten. Also on the slide.

**Slide 18: Service Animal Etiquette and Guidance**
- A service animal is a working animal.
• Always ask before approaching or petting a service animal
  Why?
• It is dangerous to interfere
• The animal is not a pet

Slide 18. Just some service animal etiquette and guidance. It’s really important to think about a service animal as a working animal. Keep that in mind. Always ask before approaching or petting a service animal. Why is that? It is dangerous to interfere. The animal is not a pet. The service animal is working, you know, all of the time pretty much. You might not know it’s a service animal honestly. You will see that. They might be cute and cuddly, you want to snuggle it. Maybe go and say, “Can I pet your dog?” They might say, “Oh, he’s working right now.” Or, “Oh, yeah, sure, go ahead, it’s okay.” Depends on the person and the dog and what they are trained to do. Depends on their job. Just ask first.

So where to go for more information.

Slide 19: Where to Go for Further Information

http://nwadacenter.org/tools/pwdtools/serviceanimals

800-949-4232

Of course, the Northwest ADA center is where I am. A page on our website is dedicated to service animals. We have fact sheets and a comparison sheet on there. We are transitioning to another website; it will be up there soon. You can find it under the person’s with disability’s toolkit. It’s under the service animal link.

Of course, you can call us if you have service animal questions at 800-949-4232. We are oftentimes posting information about service animals on our Facebook page which is Facebook.com/northwestadacenter or on Twitter. And then, you know, we have webinars and presentations as you wish.

Next week, we do have one more webinar in this series which is going to be service animals under the ADA and the Fair Housing Act. It will be a little more focused on those two topics.

Question: “What is meant by– ‘protection’? A friend of mine has a dog that is trained for social protection work.
Answer: Basically it states that because they don’t consider a guard dog to be a service animal. There’s a difference between a guard dog and service animal. A guard dog is not a service animal. People keep dogs with them. And they get anxious being around, I don’t know the situation with your friend. People that have significant PTSD, they have a difficulty being around other people sometimes. The dog stays close and stays around them, that kind of thing. But a dog that is solely for protecting you against people, that will lunge out at people, is not a service animal. They would not consider that a service animal, if that makes sense?