

## **City of Kingsport Service Animal Guidance to Employees**

### **Purpose**

The purpose of this guidance is to comply with the Americans with Disabilities Act of 1990 as amended and provide city employees with guidance on the allowed use of Service Animals in our facilities or when participating in any city programs services or activities.

### **Service Animals and the Law ([U.S. DOJ FAQs about Service Animals](#))**

- Beginning on March 15, 2011, only dogs are recognized as service animals under the Americans with Disabilities Act (42 U.S.C. § 12101).
- A service animal is a dog that is individually trained to do work or perform tasks for the benefit of a individual with a disability, *e.g.*, physical, sensory, psychiatric, intellectual, other mental disabilities, *etc.*
- Generally, the city must permit service animals to accompany individuals with disabilities in all areas where members of the public are allowed to go.
- The work or task a dog has been trained to provide must be directly related to the individual's disability.
- *Emotional support or comfort animals often used for medical treatment as therapy animals are NOT considered service animals under the Americans with Disabilities Act.*
- Tenn. Code Ann. § 62-7-112 provides that "dog guide in training" are to be treated the same as any other service animal.

### **Service Animal Defined**

Service animal means any dog 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of individuals or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, reminding individuals with mental illness to take prescribed medications, and helping individuals with

psychiatric, neurological disabilities by preventing or interrupting impulsive or destructive behaviors, and calming individuals with Post Traumatic Stress Disorder during anxiety attacks. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the individual's disability. *Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the Americans with Disabilities Act.*

### **Service Animals Must Be Under Control**

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.

### **Service Animal or Pet**

When it is not obvious what service an animal provides, only limited inquiries are allowed.

*Employees may ask only two questions:*

- Is the dog a service animal required because of a disability?
- What work or task has the dog been trained to perform?

Employees cannot ask about the individual's disability, require medical documentation, require a special identification card, or harness, or training documentation for the dog, ask to see the dog's rabies tag or ask that the dog demonstrate its ability to perform the work or task.

Allergies and fear of dogs are not valid reasons for denying access or refusing service to individuals using service animals.

The individual with the service animal may request that others avoid: petting or addressing his/her service animal as it may distract if from the task at hand, feeding the service animal, deliberately startling the service animal, and separating or attempting to separate the individual from his/her service animal.

## **Service Animal Exclusion**

An individual with a disability cannot be asked to remove his service animal from the premises unless:

- The dog is out of control and the handler does not take effective action to control it.
- The dog is not housebroken.
- The dog's presence would fundamentally alter the nature of a service, program, or activity.

When there is a legitimate reason to ask that a service animal be removed, employees must offer the individual with the disability the opportunity to obtain services or participate in programs or activities without the animal's presence. In determining whether a service animal poses a direct threat, or significant risk, to the health or safety of others, employees will make an individualized assessment, based on reasonable judgment relying on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures can mitigate the risk. A direct threat assessment will be made on a case-by-case basis, specific to a particular service animal's actual behavior or history, not based on fears or generalizations about how an animal or breed might behave.

## **Miniature Horse**

Employees will make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability, if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. Miniature horses, as a reasonable modification of policies, are subject to the same policies and conditions as dogs used as service animals. Miniature horses are typically no larger than dogs commonly used as service animals, ranging in height from 24 inches to 34 inches measured to the shoulders, and generally weighing between 70 and 100 pounds.

The assessment factors that may be considered in determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility include:

- The type, size, and weight of the miniature horse and whether the facility can accommodate these features.
- Whether the handler has sufficient control of the miniature horse.
- Whether the miniature horse is housebroken.
- Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Reasonable modifications DHS will make reasonable modifications in policies, practices, or procedures, unless we can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity or would pose a direct threat to the health or safety of others or in undue financial or administrative burdens. Reasonable modifications will be addressed on a case by case basis.

### **Maintenance**

It is the responsibility of the service animal's owner or handler to make or arrange any cleaning necessary due to the presence of the Service Animal. Feces must be cleaned immediately and disposed of properly.