Legislation and Other Legal Issues Relevant in Choosing to Partner with a Service Dog in the Workplace

A quick look: ■

A dog can be a person’s best friend and companion. Many people take their dogs with them everywhere they go, with exceptions of course. But what about those dogs with the vests on? Are there limitations for them? Service dogs can be seen in various capacities and in numerous places in which people may not be used to seeing them. Anywhere from restaurants and hospitals to schools and recreational centers, service dogs provide many individuals with disabilities the support of living with more independence. But what about at work? Can service dogs provide their people with support in a workplace environment? And what are the legal issues that may come with a four-legged ‘co-worker’? The authors of this article take a look at the regulations and case law in the United States to shed a better light on this topic.

Key Findings: ■
The authors found that many laws and regulations, both federal and state, were presented for disability support and accommodation, including the definition of a service animal and the use of service animals in different environments such as the workplace. Here are a more key findings:

- A service animal is defined by federal law as any dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, intellectual, or other mental disability.
- The work or tasks performed by the dog must be related to the person’s disability, such as pulling a wheelchair, assisting an individual during a seizure or helping persons with psychiatric and neurological disabilities by preventing or stopping impulsive or destructive behaviors.
- Federal law does not limit certain breeds from being service dogs, but dogs must have proper licensing and registration as required by local governments.

Putting It into Practice: ■

- A reasonable accommodation, according to the Americans with Disabilities Act (ADA), is a change to the work environment or in employer policies and procedures that assist qualified employees with a disability to perform tasks and functions of their position.
- According to a Code of Federal Regulations provision in the Americans with Disabilities Act, service dogs fall into the category of reasonable accommodations as “auxiliary aids or services.”
- In a 2005 federal case discussed in this article, the court ruled that service animals are not pets, but are a form of “assistive device that needs to be accommodated.”
- When considering a service dog for work, both the employee and employer should look at the legal hurdles and concerns that have come about for others. They should consider the definition of a service dog and what service the dog is providing the individual with a disability in relation to their tasks and work performance.

More about this Article (What did they say?) ■

- The ADA states that the purpose of a service dog is to provide necessary supports for people with significant disabilities.
- A person with a disability who has a service dog has a right to privacy, in that, they do not have to disclose their disability to business owners, public service officials, and law enforcement officers; however, “the person handling the dog must be able to articulate the tasks the animal is trained to perform.”
- According to the ADA, service animals must be harnessed, leashed or tethered unless the devices interfere with the service animal’s work. If they do not have a restraining device, the dogs must be under verbal, signal or other form of control.

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