

ADA TITLE II SERVICE ANIMAL POLICY

In compliance with the ADA, individuals with disabilities are welcome to be accompanied by their service animals in all areas of the county facilities where members of the public, participants in services, programs or activities are allowed to go.

Please note: use of service animals within the county facilities and system does not require prior notice or completion of the county's ADA form.

DEFINITION OF SERVICE ANIMALS

A service animal is defined as:

- A dog (note miniature horse exception below*);
- 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).

Exception*: Miniature horses qualify as a service animal if (1) the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability; (2) its type, size and weight can be accommodated in the facility; (3) the handler has sufficient control of the miniature horse; (4) the miniature horse is house broken; and (5) it does not compromise legitimate safety requirements that are necessary for safe operation.

The following are NOT considered to be service animals:

- Animals that are not a dog (see miniature horse exception above);
- Other species of animals, whether wild or domestic, trained or untrained;

The work or tasks performed by a service animal must be directly related to the individual's disability. The following are not considered "work" or "tasks" under the ADA:

- A dog whose mere presence is a crime deterrent

- A dog who only provides emotional support, well-being, comfort, or companionship

IDENTIFICATION OF SERVICE ANIMALS

There is no official certification or licensing of service animals. Training can be done by anyone and any organization, including the owner/handler. The dog is not required to wear anything that indicates it is a service dog and the patron does not have to produce or carry any documentation or certification on the dog, **nor should an employee ask for proof/certification.**

Staff should not ask about the patron's disability, but can make two inquiries to determine whether the dog is a service animal:

1. Is the animal required because of a disability?; and/or
2. What work or task has the animal been trained to perform?

Note: Do not make the above inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (*e.g.*, the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

WHEN CAN A SERVICE ANIMAL BE REMOVED?

The county may ask an individual with a disability to remove a service animal from county premises if:

- The animal is out of control and the animal's handler does not take effective action to control it; or
- The animal is not housebroken.

If the county properly excludes a service animal for reasons stated above, under 35.136(b), the county shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

NOTE: A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (*e.g.*, voice control, signals, or other effective means).

PROCEDURES FOR ENCOUNTERING A PATRON WITH AN ANIMAL

1. Politely stop the patron and notify him or her that pets are not allowed in county buildings.

2. If the patron says the dog is his/her service animal, allow the patron to enter with the animal.
3. If you have any questions or concerns about the animal, contact: County Risk Manager, Department of Human Resources.

Procedures for Routine encounters with a Patron and their animal

1. Politely start the conversation by stating, “I’m sorry; Washington County does not permit pets or animals in the building (or on county property).”
2. WAIT for the patron’s response: Individual: “This is my service dog.” or “I have a disability, and this is my service animal.” NOTE: People may describe the dog by the category of tasks it performs, such as a guide dog, hearing dog, psychiatric dog, etc. which is okay.
3. **Staff should not ask about the patron’s disability**, but can make two inquiries to determine whether the dog is a service animal:
 - Is the animal required because of a disability?; and/or
 - What work or task has the animal been trained to perform?
 - If the patron states the task(s) or work the dog is trained to perform, and those tasks meet the disability-related needs or the person with the disability, the patron and the dog are allowed into the county facility **provided** it does not pose a direct threat or fundamental alteration (e.g., is not under the control of its handler, or urinates or defecates in the building).
4. If you have any questions or concerns about the animal, contact: County Risk Manager, Department of Human Resources