



DirectEmployers
Association

Service Animals 101



Christa Martin, MRC, CRC

Disability & Community Outreach Specialist

DirectEmployers Association Strategic Partnerships & Alliances

re:con The Convention of New Beginnings - November 1, 2022

Knowledge Check!

ADA REQUIREMENTS OF SERVICE ANIMALS QUIZ

Quiz Question #1

Is a Service Animal required to wear a vest that identifies them as a Service Animal?

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Text **CHRISTAMARTIN585** to **22333** once to join

Is a Service Animal required to wear a vest that identifies them as a Service Animal?

YES

NO

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Quiz Question #1 ANSWER

NO!

The ADA does not require a Service
Animal to wear a vest.

Quiz Question #2

Who can train a Service Animal to perform tasks?

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Who can train a Service Animal to perform tasks?

Certified Service Animal Trainer

Dog Trainer

Person with a Disability

Anyone

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Quiz Question #2 ANSWER

Anyone!

The ADA does not require the Service Animal to be professionally trained.

Quiz Question #3

**Does a Service Animal
have to be on a leash
in a public setting?**

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Does a Service Animal have to be on a leash in a public setting?

YES

NO

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Quiz Question #3 ANSWER

Typically yes, but there are exceptions!

Service Animals do not have to be leashed if the leash would hinder the animal's ability to perform the needed task or the person's disability prevents use.

If not leashed, the animal must be under the handler's control.

Quiz Question #4

**Does the Service Animal Team
have to pass a test to be
allowed in public settings?**

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Does the Service Animal Team have to pass a test to be allowed in public settings?

YES

NO

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Quiz Question #4 ANSWER

NO!

Some organizations require this, per their policy, but it is not required under the ADA.

Quiz Question #5

Is there a certification or registration a Service Animal must have?

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Is there a certification or registration a Service Animal must have?

YES

NO

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Quiz Question #5 ANSWER

NO!

**ADA Service Animal registration does not
exist!**

**Individual organizations and entities may
require a certification, but it is not
required under the ADA.**

Quiz Question #6

Does a business have the right to ask a Service Animal Team to leave their establishment?

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Does a business have the right to ask a Service Animal Team to leave their establishment?

YES

NO

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Quiz Question #6 ANSWER

YES!

If the handler is not able to control the Service Animal in public facilities or it is not housebroken, the business could and **SHOULD** ask the Service Animal Team to leave.

If asked to leave, the business must allow the handler to obtain goods or services without the Service Animal present.

Quiz Question #7

Are employers required to allow an employee to bring a Service Animal into the workplace?

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Are employers required to allow an employee to bring a Service Animal into the workplace?

YES

NO

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Quiz Question #7 ANSWER

NO!

Title I of the ADA does not address Service Animals, therefore, a request to bring a Service Animal into the workplace would be considered a Reasonable Accommodation.

If the Reasonable Accommodation request is valid, it **SHOULD** be granted, unless the employer can demonstrate that it would impose an undue hardship on the operation of its business.

The employer may offer alternatives in lieu of a Service Animal and/or request documentation to substantiate the need for a Service Animal on the job.

What is a Service Animal?

The Americans with Disabilities Act (ADA), defines a Service Animal as a dog that is individually trained to perform a task for a person with a disability.

- Title II of the ADA protects Service Animal Teams in State and Local Government Services
- Title III of the ADA protects Service Animal Teams in Public Accommodations and Commercial Facilities
- As of March 15, 2011 – Only dogs are recognized as Service Animals under Title II and Title III of the ADA

What is a Service Animal?

The miniature horse is not included in the definition of a service animal; however, the new ADA regulations contain a specific provision which covers miniature horses.



Businesses must 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 Horse: Factors for Consideration

When accommodating a miniature horse, factors include:

Is it housebroken?

Is the horse under the owner's control?

Can the facility handle the miniature horse's type, size, & weight?



The miniature horse's presence will not compromise legitimate safety requirements necessary for the safe operation of the facility.

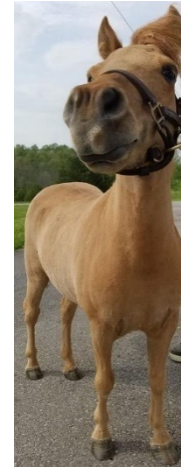
Miniature Horse: Benefits for Consideration

Benefits of having a miniature horse as a Service Animal:

Life span and working life are longer than dogs

Stronger body and larger body mass to assist with mobility/balance

Hypoallergenic, No fleas, Easily housebroken, and Lack “social drive”



Other Laws & Regulations for Consideration

Air Carrier Access Act (ACAA)

The ACAA defines a Service Animal the same as the ADA.

Service Animals must be allowed to accompany their handler in the cabin of the plane in the space under the seat.

Fair Housing Act (FHA)

A person with a Service Animal may not be denied housing because of a Service Animal.

Housing facilities with a “No Pets Policy” must modify guidelines to allow Service Animals as a reasonable accommodation.

Other Laws & Regulations for Consideration

Rehabilitation Act of 1973

A person with a Service Animal may not be discriminated against in programs conducted by Federal Agencies, by programs receiving Federal financial assistance, in Federal employment, or in the employment practices of Federal Contractors.

The standards for determining employment discrimination are the same as those in Title I of the ADA.

ACAA Guidelines Clarifications

In 2018, more than one million passengers brought an Emotional Support Animal (ESA) on flights

Increase in incidents involving ESAs on flights

August 8, 2019 – U.S. Department of Transportation issued clarifying guidance on existing law:

- Prohibits banning specific breeds as Service and Emotional Support Animals after Delta created a policy that would not allow pit bull types as Service Animals

*U.S. Department of Transportation is developing new long-term rules for passengers with Service Animals

ACAA Guidelines Clarifications (continued)

- Cannot restrict number of Service Animals or ESAs on a flight
- Cannot require advance notice from passenger traveling with a Service Animal
- Can require specific documentation and 48 hours advance notice for ESAs and Psychiatric Service Animals
- Can require lobby check-in for travelers with an ESA

ACAA Guidelines Clarifications (continued)

- Can require animal owners to provide vaccination, training, or behavior documentation to determine whether an animal poses a threat to the health or safety of others
- Can ask questions to determine the passengers need for the ESA; must accept letter that meets Dept. of Transportation's criteria as medical documentation
- Can deny animals that are too large or heavy
- Can prohibit animals younger than 4 months old

**Are Emotional Support Animals
treated equally to Service
Animals under the ADA?**

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Are Emotional Support Animals treated equally to Service Animals under the ADA?

YES

NO

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Knowledge Check! Pop Quiz! ANSWER

NO!

&

NO!

Service Animals VS Emotional Support Animals

SERVICE ANIMALS

Individually trained to perform tasks for a person with a disability

Allowed anywhere the general public can go

Allowed to accompany handler on flights and in housing facilities with “No Pets Policy”

No restrictions on breed of dog

EMOTIONAL SUPPORT ANIMALS

Do not have to be trained to perform tasks

Not allowed in general public facilities, unless pets are allowed

Can be allowed on flights and in housing facilities with “No Pets Policy” with appropriate medical professional documentation

Can be any species of animal

FAKE SERVICE ANIMALS!

Fake Service Animals Video

Implications of ESAs and Fake Service Animals

Saying or implying an untrained ESA or fake service animal is a Service Animal can have serious adverse effects on the legitimate Service Animal community!

The provision of emotional support, well-being, comfort, or companionship do NOT constitute work or tasks for the purposes of defining a SERVICE ANIMAL!

More Implications of ESAs and Fake Service Animals

Interference: untrained animals can cause a Service Animal to be distracted or lose ability to focus on tasks they are trained to perform

*Untrained animals can attack or injure a Service Animal/handler

Judgement: individuals and businesses may pass judgement on legitimate Service Animal Teams due to previous negative interactions with untrained animals

Laws: with the number of fake service animals and ESAs in public settings, laws may be changed that could negatively impact Service Animal Teams

Assistance Dogs International, Inc. (ADI)

Founded in 1986 and the leading authority in Service Dogs, Assistance Dogs International, Inc. (ADI) is a worldwide coalition of non-profit programs that train and place Assistance Dogs.

Objectives:

Establish and promote standards of excellence in all areas of Assistance Dog acquisition, training, and partnership

Facilitate communication and learning among member programs

Educate the public on the benefits of Assistance Dogs and ADI membership

Assistance Dogs International, Inc. (ADI)



ADI provides accreditation to non-profit programs to ensure that they adhere to the highest standards in all aspects of their operations, including:

Ethical treatment and training of Assistance Dogs

Ethical treatment of clients

Solid Assistance Dog training and follow-up care

Types of Service Animals

Guide

Mobility

Psychiatric

SSig

(Sensory or Social Alert)

Hearing or Signal

Seizure Response

Seizure Alert

Other

Service Animal In-Training

Guide

Assists individuals who are blind or low vision



Tasks include:

- Finding entrances, exits, elevators, stairways, (etc.)
- Opening and closing doors, or indicating doorknobs
- Clearing walking paths of potential tripping hazards
- Locating empty seats, lines, unoccupied areas, (etc.)

MINIATURE GUIDE HORSE!

Miniature Guide Horse Video

Mobility

Assists individuals with a physical disability with mobility issues

Tasks include:

- Retrieving dropped items
- Opening/closing door or drawers
- Turning lights on/off
- Carrying items
- Pushing accessible door button
- Pulling wheelchair
- Remove clothing (i.e., tug socks, arm sleeves, pant leg, etc.)



Psychiatric

Assist individuals with psychiatric disabilities navigate through life

Tasks include:

- Guide a disoriented handler
- Interrupt and redirect actions
- Provide deep pressure therapy
- Provide tactile stimulation for anxiety/panic attacks
- Search a room for triggers for individuals with PTSD



*Comfort or calming presence would be considered an ESA and has no legal protection under the ADA

SSiG: Sensory or Social Alert

Assists individuals with intellectual or developmental disability, including Autism Spectrum Disorder

Tasks include:

- Interrupt stimming behaviors
- Deep pressure stimulation – used to calm and soothe overstimulation
- Direct and indirect kinetic engagement
- Tactile grounding – prevents environmental overstimulation by purposeful contact with handler



Hearing or Signal

Assists individuals that are Deaf or Hard of Hearing

Tasks include:

- Alerts handler to name being called
- Alerts handler to fire/smoke alarm, emergency sirens, or intruders
- Alerts handler to specific trained environmental sounds such as: alarm clock, doorbell, knocking on door, baby crying, phone ringing, kitchen timer, (etc.)



Hearing/Signal Service Dogs!

How a Hearing Service Dog Works Video

Seizure

Assists individuals with epileptic and non-epileptic seizures

Seizure Alert

Alerts handler of oncoming seizure

- Alerting Behaviors: close eye contact, pawing, barking, licking, circling or pacing, acting restlessly, etc.
- Gives handler the opportunity to move to a safe place or seek help

Seizure

Assists individuals with epileptic and non-epileptic seizures

Seizure Response

Assists handler during and after seizure

- Holds the handler in a safe position for the duration of the seizure
- Breaks a fall to avoid head trauma
- Lick handler's mouth to prevent choking on saliva

Other Service Animals

Examples of other types of Service Animals

- Severe Allergy Alert: detects life threatening allergens
- Diabetes Alert: detects dangerously low blood sugar
- Medical Alert: detects physiological change (blood pressure changes)

SERVICE ANIMAL IN-TRAINING



Service Animals In Training are **NOT** Service Animals.

So, they **do NOT** have legal protection under the ADA.

PUBLIC ACCESS

Service Animals are allowed in areas the general public can go, unless the dog's presence would:

- Disrupt the sterile environment or constitute a fundamental alteration of goods and services available for all customers
- Cause an undue burden
- Be a direct threat to safety



PUBLIC ACCESS

Places that Service Animals **do NOT** have public access:

Kitchen of Restaurant

Burn Units

Operating Rooms

Intensive Care Units (ICU)

Certain areas of the Emergency Room (ER)

Labor and Delivery (not required but may on a case-by-case basis)

Examples of places Service Animals **may NOT** be allowed:

Churches, Federal Courtrooms, and Private Clubs

WHAT CAN BE ASKED?

Places of business CAN legally ask two questions:

Is this a Service Animal needed for a disability?

&

What task has the Service Animal been trained to perform?

WHAT CANNOT BE ASKED?

The place of business CANNOT ask:

About the person's disability or medical documentation

To see the task the Service Animal has been trained to do

To see any Service Animal certification or identification

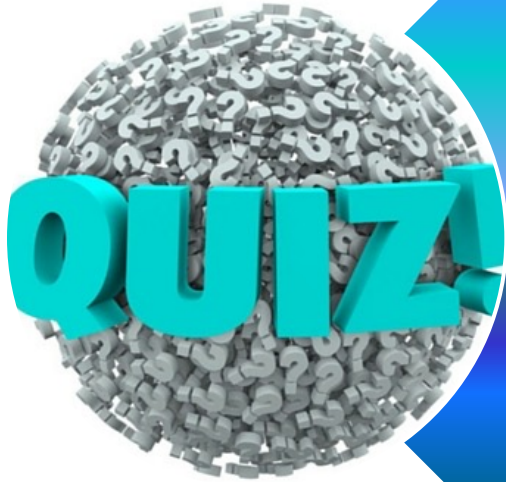
SERVICE ANIMAL ETIQUETTE

- Always remember that the Service Animal is **NOT a pet**; they are working animals.
- Petting/Touching, pointing at, talking to, making eye contact, or paying any attention to the Service Animal can be distracting and could cause them to not perform the task they are trained to do.
 - In some cases, it may be okay to pet/touch them, but **ALWAYS ask first!**
- Do **NOT** ever feed, or “treat,” the Service Animal, without the handler’s express permission!
- In general, it’s best to act as if the Service Animal is not even there.

SERVICE ANIMAL ETIQUETTE GONE WRONG!

Service Animal Etiquette Gone Wrong Video

Knowledge Check! Pop Quiz!



REAL WORLD EXAMPLES

Let's see what we know!

Question #1

A Service Animal Team goes to dinner and are seated in the back of the restaurant or outside because of the Service Animal's presence.

Is this allowed?

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A Service Animal Team goes to dinner and are seated in the back of the restaurant or outside because of the Service Animal's presence. Is this allowed?

YES

NO

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REAL WORLD EXAMPLE #1 ANSWER

NO!

The ADA states that establishments that prepare food must allow Service Animals.

A Service Animal Team cannot be isolated from other patrons because of the Service Animal's presence.

Question #2

A Service Animal Team is staying overnight in a hotel and are charged a cleaning fee.

Is this allowed?

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A Service Animal Team is staying overnight in a hotel and are charged a cleaning fee. Is this allowed?

YES

NO

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REAL WORLD EXAMPLE #2 ANSWER

NO!

Guests with Service Animals are not allowed to be charged a cleaning fee for the Service Animal.

If the Service Animal causes damage to the hotel room, the handler is responsible for the damages.

Question #3

A person with a disability is refused service by a taxicab company because they will be accompanied by a Service Animal.

Is this allowed?

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A person with a disability is refused service by a taxicab company because they will be accompanied by a Service Animal. Is this allowed?

YES

NO

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REAL WORLD EXAMPLE #3 ANSWER

NO!

Taxicab companies may not refuse services because of a Service Animal.

The company may not charge higher fees or other charges because of the Service Animal.

Michigan State Laws & Regulations

- ❑ Service Animals, including Miniature Horses, are ADA defined

- ❑ As of 2022, Service Animals In-Training shall be granted public access for the purposes of training or socialization
 - Fear or allergies are not valid for requesting removal of said animal
 - A violation of the public accommodation is guilty of a misdemeanor

- ❑ Willful & Malicious to know or reason to believe to be a Service Animal
 - Assault, beat, harass, injure, or attempts & impede or interfere with duties performed by a Service Animal or attempts
 - Violations are guilty of misdemeanor punishable by no more than 90 days in jail, not more than \$500 fine, or **both** jail time and fine

Michigan State Laws & Regulations (cont.)

- ❑ Drivers “of a vehicle shall not approach a crosswalk or any other pedestrian crossing without taking all necessary precautions to avoid accident or injury to a blind pedestrian using a dog guide or walker.”
 - If a driver fails to take precautions, they are liable in damages to the blind pedestrian and can also face investigation by a peace officer for violation and possible referral to a prosecuting attorney

- ❑ Service animals are not subject to any fee for licensing if either of the following applies:
 - Service Animal is used by a person with a disability
 - Service Animal is owned by a partnership, corporation, or other legal entity that trains service animals for use by a person with a disability

Michigan State Laws & Regulations (cont.)

- ❑ “A person shall not falsely represent that he or she is in possession of a Service Animal, or a Service Animal in training, in any public place.”

- ❑ Violation is guilty of a misdemeanor punishable by one or more:
 - Imprisonment for not more than 90 days
 - A fine of not more than \$500
 - Community Service for not more than 30 days

- ❑ Report violations by telephone to the Department of Civil Rights, who may then refer to local law enforcement for investigation
 - Call: 1-800-482-3604

Michigan State Laws & Regulations (cont.)

❑ Voluntary Service Animal Registration & Identification via the Department of Civil Rights

- “The voluntary patch and ID card are meant for **visual identification only** and **do not** provide the animal or their handler any legal privileges or protections. In addition, MDCR's Enforcement Unit and the U.S. Department of Justice **does not** recognize service animal identification, whether provided by MDCR or any other program, as proof that an animal is a service animal.”
- “Individuals who have been required to obtain Service Animal identification or register a Service Animal by a landlord, healthcare provider, etc. **should file a complaint...**”

Michigan State Laws & Regulations (cont.)

- ❑ Voluntary Service Animal Registration & Identification via the Department of Civil Rights



- “...may not be required as a barrier to entry for a trained Service Animal or their handler. Registering an animal with MDCR **does not entitle accepted applicants to any benefits other than free Service Animal identification in the form of a patch and ID card.**”

Questions & Comments



Let's Connect!



Christa Martin, MRC, CRC

Disability & Community Outreach Specialist

Direct Employers Association

Strategic Partnerships & Alliances

christa@directemployers.org

(317) 874-9127

[Christa Martin, MRC, CRC | LinkedIn](#)