



## Service and Emotional Support Animals in the Workplace: What Federal Employers Should Know

The Employer Assistance and Resource Network on Disability Inclusion (EARN) is a resource for employers seeking to recruit, hire, retain and advance qualified employees with disabilities. It is funded by the U.S. Department of Labor's Office of Disability Employment Policy under a cooperative agreement with The Viscardi Center. For more information, visit [AskEARN.org](https://www.askaearn.org).

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## INTRODUCTION

Traditionally, the term “service animal” referred to dog guides for people with vision impairments. However, today there are many other types of “service animals.” For example, there are hearing dogs for people who are deaf, seizure dogs for people who have seizure disorders, assist animals for people with motor impairments, and psychiatric service dogs to help people with psychiatric impairments manage their symptoms. In addition to these types of service animals, there is another group, emotional support animals, which are animals that provide comfort just by being with a person but have not been trained to perform any specific disability-related job or task. Because service animals and emotional support animals can help people with disabilities be included in the workplace, more employees with disabilities are requesting to bring their service and emotional support animals to work, which has important implications for the workplace. This factsheet provides federal employers with the key information they need to know about how to include and support employees with disabilities who use service and emotional support animals in the workplace.

## BACKGROUND

The Americans with Disabilities Act (ADA) provides important protections for people with disabilities in the workplace. Specifically, Title I of the ADA prohibits disability discrimination in the employment context and affirmatively requires employers to provide reasonable accommodations to applicants and employees. Neither Title I of the ADA nor its implementing regulations specifically address the use of animals as accommodations for people with disabilities. By contrast, Title II (State and Local Governments) and Title III (Public Access) of the ADA define a service animal as a dog that has been individually trained to do work or perform tasks for an individual with a disability and impose specific requirements on covered entities with respect to their use in State and local government programs and in places of public accommodation.

While the public has become accustomed to seeing service dogs assist people with visual impairments, there remains much ignorance when it comes to service dogs that assist people with other disabilities, especially those with “invisible” disabilities — including post-traumatic stress disorder (PTSD). It is not uncommon for employers to mislabel service animals that have been specifically trained to perform disability-mitigating tasks for individuals with hidden disabilities as emotional support animals (which are not covered under Titles II and III of the ADA), especially in the case of psychiatric disabilities. While the Equal Employment Opportunity Commission (EEOC), which enforces the employment provisions of the ADA (Title I) and section 501 of the Rehabilitation Act of 1973, does not have a specific regulation on service animals, it has, however, maintained a position that allowing an individual with a disability to have a service animal or an emotional support animal accompany them to work may be considered an accommodation (EEOC Technical Assistance Manual, 1991).

## IMPLICATIONS FOR FEDERAL WORKPLACE POLICY

Many people with disabilities use a service animal in order to fully participate in everyday life. Dogs can be trained to perform many important tasks to assist people with disabilities, such as providing stability for a person who has difficulty walking, picking up items for a person who uses a wheelchair, alerting a person who has hearing loss when someone is approaching from behind, or calming a person with PTSD during an anxiety attack. While the Department of Justice (DOJ) has very specific regulations regarding service animals for both Title II and III of the ADA, the EEOC has not provided any regulations on service animals. Neither Section 501 of the Rehabilitation Act nor Title I of the ADA (both of which address employment) say anything about service animals.

A 1991 Title I technical assistance manual by the EEOC states that modifying a no animal policy to allow a guide dog for a blind employee is a form of reasonable accommodation. By implication, any animal (not just a dog), trained to perform disability-related work or tasks, or an emotional support animal, can be an accommodation in the workplace under Title I and the Rehabilitation Act. The Federal Government is required under Section 501 to go above and beyond what Title I of the ADA requires. Section 501 not only requires nondiscrimination on the basis of disability, which includes provision of reasonable accommodations as part of the nondiscrimination obligations, but also requires affirmative action for individuals with disabilities. Section 501 requires agencies to adopt policies and procedures to enhance the recruitment, hiring, career advancement and retention of people with disabilities. As such, federal agencies should think of service animals and/or emotional support animals in the workplace as reasonable accommodations and apply all of the regular reasonable accommodation processes when an employee requests to use a service or emotional support animal.

### KEY CONSIDERATIONS

- ✓ If an employee asks to use a service or emotional support animal as a reasonable accommodation, the federal employer must grant the request unless allowing the use of the animal would be an undue hardship or pose a significant risk of substantial harm to the employee or others in the workplace.
- ✓ When an employee's disability is not obvious and/or the reason the animal is needed is not clear, a federal employer may request documentation to establish the existence of a disability and how the animal helps the individual perform his or her job. Such documentation might include a description of how the animal would help the employee in performing job tasks and how the animal is trained to behave in the workplace. The accommodation may also be permitted on a trial basis to determine if it is effective and reasonable.
- ✓ Both service and emotional support animals may be excluded from the workplace if they pose either an undue hardship or a direct threat in the workplace. However, allergies and fear of dogs by coworkers are not valid reasons for denying access or refusing to allow the use of service animals or emotional support animals.
- ✓ If an employee is afraid of a certain animal or type of animal, a solution may be to allow enough space for or relocate that person to avoid getting close to the animal. Since most allergies to animals are caused by direct contact with the animal, a separated space or a telework arrangement might be adequate to avoid allergic reactions. Where an employee's allergy constitutes a disability under the ADA and the Rehabilitation Act, it is the responsibility of the federal employer to find a way to accommodate both the individual using the service animal and the individual with the allergy.

### EFFECTIVE PRACTICES

- **Collaborate with the employee** in advance to send a message to the other personnel informing them that the employee will be bringing the animal into the workplace.
- **Communicate to personnel** that the care and supervision of the animal is the responsibility of the employee.
- **Periodically remind personnel** that the animal is providing support to the employee and should not be distracted.

- **Work with the employee** to designate a relief area for the animal.
- If needed, **permit the employee** to take breaks during the day to care for the animal while the employee accomplishes their work responsibilities.
- **Engage with the employee** to identify and practice the emergency procedures that will work best for the employee and the animal in the event of a shelter in place or evacuation incident.

## FINAL THOUGHTS

- Service animals and emotional support animals can help people with disabilities be included and successful in the workplace.
- Ensure that those responsible for assessing accommodation requests understand that service and emotional support animals may be a reasonable accommodation.
- Assess requests by employees to use a service animal or emotional support animal the same way as any other accommodation.
- Consider whether adjustments need to be made for other employees in the workplace and whether such adjustments are reasonable or feasible.
- Federal employers who have a “no-animal” policies should modify those policies on a case-by-case basis to allow an employee with a disability to use a service animal at work, unless doing so would result in an undue hardship.

## RESOURCES

### EEOC Publications

[ADA Technical Assistance Manual Addendum 2002](#)

[Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act](#)

### DOJ Publication

[ADA Revised Requirements: Service Animals](#)

### Job Accommodation Network (JAN) Publications

[Accommodation and Compliance: Service Animals as Workplace Accommodations](#)

[Emotional Support Animals in the Workplace: A Practical Approach, Volume 12, Issue 04](#)

[Service Animals and Allergies in the Workplace: Consultants’ Corner: Volume 2, Issue 1](#)

[Service Dog Breed Exclusions and the ADA](#)

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