

# SERVICE ANIMAL POLICY

**Section Name:** Compliance Policies

**Section Number:** XII

**Policy Number:** 7.8

**Board Approved:** June 23, 2021

## Statement of Purpose

The purpose of this policy is to comply with terms and conditions of Title 2 of the Americans with Disabilities Act of 1990 and avoid unreasonable discrimination in the provision of public services and benefits against persons with disabilities who have service animals.

## Administration of the Policy

### 7.8.1 Primary Agency Contacts

**Participants and authorized users** may request to have a service animal accompany them in parks and facilities where they are authorized users as a reasonable accommodation. Persons with disabilities are invited to contact the Agency ADA Coordinator, Parks and Facilities Director at 847-669-8934 or [info@huntleyparks.org](mailto:info@huntleyparks.org).

**Employees** may request to have a service animal as a workplace accommodation. Please contact HR/Risk Manager, for information regarding this process.

**Visitors** may be accompanied by a service animal when observing programs and activities, or enjoying Agency parks and facilities, without making a request for a reasonable modification. Persons with disabilities are invited to contact the ADA Coordinator at (847) 669-8934 or with any questions about this policy.

### 7.8.2 Definitions

- A. **Service Animal:** A *dog* or a *miniature horse* that has been individually trained to perform tasks for the benefit of a person with a disability. Exceptions may be made by the Agency on a case-by-case basis in accordance with the law. Tasks may include, but are not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to sounds, pulling a wheelchair, or retrieving dropped items. Dogs or miniature horses that are not trained to perform tasks that mitigate the effects of a disability, including dogs or miniature horses that are used purely for emotional support, are not considered service animals and are not allowed at Agency facilities and premises, unless otherwise specifically permitted, such as at a dog park or equestrian facility.
- B. **Partner/Handler:** A person with a disability who uses a service animal as a reasonable accommodation, or a trainer.
- C. **Team:** A partner/handler and a service animal. The two work as a cohesive team in accomplishing the tasks of daily living.
- D. **Trainee:** A dog or a miniature horse being trained to become a service animal has the same rights as a fully trained service animal when accompanied by a partner/handler and identified as such.

### 7.8.3 General Rules Regarding Service Animals

As a general rule, the Agency will modify policies, practices, and procedures to permit the use of a service animal by an individual with a disability.

### 7.8.4 Restrictions/Areas of Safety

The Agency may impose some restrictions on service animals for safety reasons. Restrictions are considered individually to determine if the animal poses a danger to others at the Agency sites, or could be in danger to itself, and to determine if other reasonable modifications can be provided to assure that the individual enjoys access to the premises, facility, services or programs. Questions about restrictions on service animals should be directed to the contacts listed in Section 7.8.1.

### 7.8.5 Responsibilities of Partner/Handler

A Partner/Handler is responsible for the following:

- A. Responding truthfully to the limited and appropriate inquiries that may be made by employees regarding the service animal.
- B. Ensuring that the animal meets any local licensing requirements, including maintenance of required immunizations for that type of animal.
- C. Service animals are required to wear a license and/or tag at all times.
- D. Partners/handlers must ensure that the animal is in a harness or on a leash or tether at all times. Exceptions may be considered individually.
- E. Partners/handlers must ensure that the animal is under control and behaves properly at all times. The supervision of the animal is solely the responsibility of its partner/handler. If the animal's behavior becomes a hygiene problem, or the animal acts in a threatening manner, the Agency may require the partner/handler to remove the service animal from the site.
- F. Partners/handlers must ensure that all local ordinances or other laws regarding cleaning up after the animal urinates and/or defecates are strictly adhered to. Individuals with disabilities who physically cannot clean up after their own animals are not required to clean or pick up and dispose of urine and/or feces; however, these individuals should use marked service animal toileting areas where provided.
- G. Partners/handlers must keep the service animal in good health. If the service animal becomes ill, the partner/handler must remove it from the area. If such action does not occur, Agency staff may require it to leave.
- H. The Agency may exclude a service animal from all parts of its property if a partner/handler fails to comply with these restrictions, and in failing to do so, fundamentally alters the nature of programs, services, or activity offered by the Agency.
- I. The Agency may exclude a service animal from all parts of its property if a partner/handler fails to control the behavior of a service animal and it poses a threat to the health or safety of others.

### 7.8.6 Requirements for Agency Employees, Participants, and Authorized Users, and Visitors

Members of the Agency staff, participants and authorized users, and visitors in Agency sites, are responsible for the following:

- A. Allow service animals to accompany the partner/handler at all times and anywhere at a site except where animals are specifically prohibited, such as at a zoo.

- B. Refrain from distracting a service animal in any way. Do not pet, feed, or interact with the animal without the partner/handler's invitation to do so.
- C. Shall not separate a partner/handler from a service animal.
- D. The Agency may take disciplinary action against any individual who fails to abide by these guidelines.

#### 7.8.7 Temporary Exclusion of Service Animals

A participant or authorized user, employee, or visitor may report a concern regarding a service animal to the Agency ADA Coordinator or other supervisory staff.

- A. Temporary Exclusion of a Service Animal Used by a Participant or Visitor:
  - 1) In response to an immediate concern, authorized Agency staff may determine that a service animal must be temporarily removed from parks, sites, or facilities. The employee authorized to make such decisions at that site, park, or facility shall notify the participant or visitor of this decision and that the incident will be reported immediately to the Agency ADA Coordinator. The employee shall then report the incident to the ADA Coordinator.
  - 2) The ADA Coordinator (or designee) will investigate all reported concerns and incidents where service animals have been temporarily removed from sites, parks, and facilities. The ADA Coordinator (or designee) will consult with appropriate Department personnel and determine whether or not the animal should be excluded from sites, parks, and facilities for an extended period of time, permanently or for particular services, programs or activities due to the increased risk of harm or injury to the Partner/Trainer, the service animal or other participants. The ADA Coordinator (or designee) will notify the participant, authorized user, or visitor of his or her decision. All decisions will be made on a case-by-case manner based on the particular prevailing circumstances.
  - 3) If it is appropriate for the service animal to be excluded from sites, parks, or facilities permanently, the ADA Coordinator (or designee) will work with other Department staff to attempt to ensure the participant, authorized user, or visitor receives appropriate reasonable modifications in place of the use of a service animal.
  - 4) A participant, authorized user, or visitor who does not agree with the decision regarding removal from the premises may file an accessibility complaint.

#### 7.8.9 Temporary Exclusion of an Employee's Service Animal:

- A. In response to an immediate concern, the Agency may determine that a service animal must be temporarily removed from sites, parks, or facilities. The Director (or designee) shall notify the employee of this decision and that the incident will be reported immediately to the Agency's ADA Coordinator. The Director (or designee) shall then report the incident to the Agency's ADA Coordinator.
- B. The ADA Coordinator will investigate all reported concerns and cases where service animals have been temporarily removed from sites, parks, and facilities. The ADA Coordinator will consult with appropriate staff and determine whether or not the animal should be excluded for an extended period of time, permanently or for particular services, programs or activities due to the increased risk of harm or injury to the Partner/Trainer, the service animal or other participants. The ADA Coordinator shall notify the employee of his or her decision. All decisions will be made on a case-by-case manner based on the particular prevailing circumstances.

- C. If it is appropriate for the animal to be excluded from sites, parks, and facilities permanently, the ADA Coordinator will attempt to ensure the employee receives appropriate accommodations in place of the use of a service animal.
- D. An employee who does not agree with the resolution may file an appeal or formal complaint following the Agency's ADA Process.

#### 7.8.10 Conflicting Disabilities

Individuals with medical issues (such as respiratory diseases) who are affected by animals should contact the ADA Coordinator if they have a concern about exposure to a service animal. The individual will be asked to provide medical documentation that identifies a disability and the need for an accommodation. The appropriate Agency staff will facilitate a process to resolve the conflict that considers the needs and conditions of all persons involved.

#### 7.8.11 Clarifying an Animal's Status

It may not be easy to discern whether or not an animal is a service animal by observing the animal's harness, cape, or backpack, or the partner/handler's disability. However, in other cases, an animal may only have a leash, and in still other situations, the partner/handler's disability is not apparent. Therefore, it may be appropriate for designated Agency staff such as managers, supervisors, or administrative staff to ask (1) whether the animal is required because of a disability, and (2) what work or task the animal has been trained to perform.

#### 7.8.11 Emergency Situations

Emergency Responders (ERs) are trained to recognize service animals and to be aware that animals may try to communicate the need for help. Also, an animal may become disoriented from the smell of smoke in a fire or facility emergency, or from sirens, wind noise, or shaking and moving ground. A partner/handler, service animal, and team may be confused in any stressful situation. ERs will remember that animals may be trying to be protective and, in its confusion, should not be considered harmful. ERs should make every effort to keep a service animal with its partner/handler; however, the ER's first effort should be toward the partner/handler, which may result in the animal being left behind in some emergency evacuation situations.

#### 7.8.12 Miscellaneous

- A. The Agency accepts no responsibility for care of service animals.
- B. The Agency accepts no liability for injury to any service animal, or injury to the handler/partner, whether caused by the animal, its handler/partner, another visitor to an Agency facility or site, the physical conditions of the Agency facility or site, or any other circumstance.
- C. The Agency accepts no liability for damage or injury to others caused by a service animal.
- D. The Agency accepts no liability for any injuries or property damage, to the service animal, its handler/partner, or others, resulting from the Agency's failure to enforce this policy or to supervise a service animal.
- E. The Agency reserves the right to change, modify, or amend this policy at any time.