

POLICY TITLE: Service Animals

POLICY NO.: PR-33

I. PURPOSE

This Policy provides guidance regarding the use of Service Animals, as defined in the Americans with Disabilities Act, as amended (“ADA”), by visitors and employees with disabilities on the property and in the buildings and facilities of Washington County, Maryland (“County Premises”).

II. POLICY STATEMENT

The Board of County Commissioners of Washington County, Maryland (“County”), seeks to meet the needs of its employees and visitors with disabilities in accord with pertinent federal and State laws, including, without limitation, the ADA and the Rehabilitation Act of 1973, as amended. To that end, the County recognizes the important contribution that Service Animals provide to individuals with disabilities.

III. SERVICE ANIMALS DISTINGUISHED FROM PETS

- A. Service Animal Defined – The ADA defines a Service Animal as “any dog that is 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.”¹ With the exception of miniature horses under specific circumstances, the ADA states that “[o]ther species of animals, whether wild or domestic, trained or untrained, are not Service Animals for the purposes of this definition.”²
- B. Service Animal Work and Tasks – The ADA requires that the work or tasks performed by a Service Animal be directly related to the individual’s disability.³ Examples of work or tasks include, but are not limited to, assisting a vision-impaired individual with navigation and other tasks, alerting a hearing-impaired person to the presence of people or sounds, pulling a wheelchair and retrieving dropped items, alerting an individual to an impending seizure and protecting an individual during a seizure, alerting an individual to the presence of allergens, reminding a person with mental illness to take prescribed medications, calming an individual with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, providing physical support and assistance with balance and stability to an individual with mobility disability, and helping an individual with psychiatric and

¹ See 28 CFR 36.104.

² See 28 CFR 36.104.

³ See 28 CFR 36.104.

neurological disabilities by preventing or interrupting impulsive or destructive behavior. Animals whose sole function is to provide comfort or emotional support do not qualify as Service Animals under the ADA.

- C. Pets – Pets are generally understood to be animals, typically domesticated, which are kept for pleasure and companionship rather than for working or utility purposes. Service Animals are working animals, not pets. Therefore, pets do not qualify as Service Animals under the ADA.

IV. GENERAL PUBLIC

- A. Service Animals – It is the general policy of the County to allow Service Animals on all County Premises to which the general public has access or is invited. This general policy includes a Service Animal trainer accompanied by an animal being trained as a Service Animal in a place where an individual with a disability has the right to be accompanied by a Service Animal, unless admitting the animal would create a clear danger of a disturbance or physical harm to an individual in the place.
- B. Related Disability and Entry – If an individual’s disability is obvious, e.g., a guide dog assisting a blind person, the Service Animal is allowed entry without question. If an individual’s disability is not obvious, then, to gain entry with the Service Animal, the individual may be asked two questions: (1) whether the Service Animal is required because of a disability and (2) what work or tasks the Service Animal has been individually trained to perform on behalf of the individual.
- C. Pets – Dogs which are pets are permitted only on County Premises designated by posting as pet-accessible areas, for example, parks and recreation facilities, subject to pet owners’ compliance with the following: all physically posted rules and regulations on or at the County Premises; the Washington County Animal Control Ordinance; and all other applicable rules and regulations, including municipal ordinances and State and local laws. Pets are not typically permitted inside County buildings.
- D. Point of Contact – Inquiries related to the general public’s use of Service Animals on County Premises should be directed to the Director of the Division of Health and Human Services or designee by phone at 240-313-2350.

V. REASONABLE ACCOMMODATION OF COUNTY EMPLOYEES

- A. Reasonable Accommodation – The County acknowledges the need for Reasonable Accommodation of employees requiring Service Animals in the

workplace due to disability. Reasonable Accommodation as used in this Policy is defined in the ADA.⁴

- B. Resolution of Reasonable Accommodation Requests – The Division of Health and Human Services is responsible for resolution of Reasonable Accommodation requests made pursuant to this Policy. Decisions regarding requests for Service Animals will be made in accordance with all applicable laws, rules, and regulations.

- C. Service Animal Request Procedure – An employee who wishes to request Reasonable Accommodation for a disability which includes a Service Animal should follow the procedure set forth below:
 - 1. Contact the Director of Health and Human Services or designee at 240-313-2350 to obtain a Confirmation of Request for Reasonable Accommodation form and, if needed, a Documentation of Disability Form (see specific instructions in Paragraph V.D. regarding the need for a Documentation of Disability Form).
 - 2. Complete the Confirmation of Request for Reasonable Accommodation form in its entirety, making certain to provide information as to how the Service Animal accommodates for the employee’s disability.
 - 3. Submit the completed Confirmation of Request for Reasonable Accommodation form to the Division of Health and Human Services, together with copies of the Service Animal’s current vaccination records and State dog registration.

- D. Need for Documentation of Disability Form – If the employee’s disability is not obvious, the employee may need to provide written documentation from a doctor or other treating professional with knowledge of the employee’s disability and functional limitations. The need for the Documentation of Disability Form can be determined upon the employee’s initial contact with the Director of Health and Human Services or designee. If the form is needed, the employee should obtain the Documentation of Disability Form from the Director of Health and Human Services or designee (referenced in Paragraph V.C.1.), complete the Release of Information portion of the form, and submit the form to the doctor or other treating professional who possesses sufficient knowledge of the employee’s disability and functional limitations and is able to complete the form accurately and thoroughly.

⁴ See Policy No. PR-31 Americans with Disabilities Act (ADA) and Americans with Disabilities Amendments Act (ADAAA) for a more detailed definition of Reasonable Accommodation under the ADA.

- E. Response to Request for Reasonable Accommodation – Within five (5) working days of receipt of all documentation set forth in Paragraphs V.C. and V.D., the Division of Health and Human Services will review and respond in writing to the employee’s request for Reasonable Accommodation for a disability which includes a Service Animal.
- F. Disagreement with Resolution – If the employee disagrees with the resolution of a request for Reasonable Accommodation, the employee may ask the Director of Health and Human Resources or designee to reconsider the decision within ten (10) working days of the employee’s receipt of the written resolution. An employee’s request for reconsideration under this Paragraph V.F. does not extend the time limits during which the employee must pursue administrative, statutory, or collective bargaining claims, if desired. An employee’s request for reconsideration under this Paragraph V.F. is not a prerequisite to or precondition for the employee’s pursuit of administrative, statutory, or collective bargaining rights.

VI. REQUIREMENTS OF SERVICE ANIMALS AND THEIR OWNERS

Except where specified otherwise, the following requirements apply to all Service Animals accommodating the general public, as well as County employees, on County Premises:

- A. A Service Animal must be immunized against rabies and other diseases common to that type of animal, and all vaccinations must be current. County employees must provide copies of updated vaccination records to the Division of Health and Human Services on an annual basis.
- B. A Service Animal must wear a current rabies vaccination tag.
- C. A Service Animal must be licensed per State law. County employees must provide copies of updated license records to the Division of Health and Human Services based on the renewal requirements of the Service Animal’s individual license.
- D. A Service Animal must wear an owner identification tag which includes, at a minimum, the owner’s name and phone number.
- E. A Service Animal must be in good health.
- F. Pursuant to the ADA, a Service Animal must be harnessed, leashed, or tethered, unless these devices interfere with the Service Animal’s work or the owner’s disability prevents the use of these devices, in which case the owner must maintain control of the Service Animal through voice, signal, or other effective controls.

- G. The owner must be in full control, and bears the sole responsibility for the care and supervision, of the Service Animal at all times.
- H. The Service Animal must be clean, and the owner must take into account consideration of others when providing maintenance and hygiene of the Service Animal.
- I. The owner must clean and dispose of all animal waste.
- J. The owner must ensure that a Service Animal demonstrates reasonable behavior while on County Premises. An owner of a disruptive or aggressive Service Animal may be asked to remove the Service Animal from County Premises. If a Service Animal repeatedly demonstrates unreasonable behavior, the owner may be instructed not to bring the Service Animal on County Premises until the owner takes steps to mitigate the Service Animal's unreasonable behavior. Under any circumstance in which a Service Animal has been removed from County Premises, the owner has the option of returning to County Premises without the Service Animal.

