



## ADMINISTRATIVE PRACTICES MANUAL

**SUBJECT: SERVICE ANIMALS**

### **POLICY & PROCEDURE**

**Service Animals (and Service-Animals-in-training) are welcome.**

With few exceptions allowed under state and federal law, Dane County welcomes Service Animals and Service-Animals-in-training (defined below) on land and facilities owned by Dane County everywhere that members of the public, participants in services, programs or activities, and/or invitees are allowed to go.

Each individual Dane County Department may develop its own internal Service Animal Policy to supplement this policy. For example, a Department Head (or his/her designee) may, after an assessments of Departmental programs, services and/or facilities, decide to exclude Service Animals from a program, service or facility under the certain circumstances, including, but not limited to, the following:

- Allowing Service Animals (or Service-Animals-in-training) would fundamentally alter the nature of the entity's goods, services, facilities, privileges, advantages, or accommodations,
- Allowing Service Animals (or Service-Animals-in-training) would jeopardize the safe operation of the entity (safety concerns must be based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities); and/or
- Allowing Service Animals (or Service-Animals-in-training) would result in an undue financial or administrative burden.

If a Department Head (or his/her designee) does decide to exclude Service Animals from a program, service or facility, then the Department Head (or his/her designee) should, when possible:

- Investigate whether reasonable accommodations could be implemented, and if so, develop policies to make these accommodations available; and
- Provide advance notice to staff and the general public of the decision.

***Dane County staff may take steps to exclude a particular animal*** (even a Service Animal or a Service-Animal-in-training) from Dane County land and/or facilities ***under the certain circumstances***, including, but not limited to, the following:



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- When a Department Head (or his/her designee) has decided to exclude Service Animals (and Service Animals-in-training) from the program, service or facility;
- When Dane County staff reasonably determines that a particular animal (even a Service Animal or Service-Animal-in-training) poses a direct threat to the health or safety of others; this includes, but is not limited to when the animal is out of control and the animal's handler does not take effective action to control it;
- When Dane County staff reasonably determines that it is necessary to remove a particular animal to prevent any dangerous situation from developing;
- When the animal is not housebroken.
- When Dane County staff reasonably believes that a particular animal is not a Service Animal (or a Service-Animal-in-training). Under these circumstances, Dane County Staff may ask questions such as, not limited to, whether the animal is required because of a disability, if the animal is a Service Animal-in-training, and/or what work the animal is trained or is being trained to perform. Dane County staff should not ask about the nature or extent of a person's disability to determine if a particular animal is a Service Animal (or Service-Animal-in-training). Dane County does not require documentation as proof that a particular animal is a Service Animal, but if the person accompanying the animal claims that it is a Service-Animal-in-training, then Dane County staff can request documentation/certification that the animal is, in fact, being trained, and if there is no documentation/certification, then said animal may be excluded from the Dane County premises.

When a person is asked to remove an animal from the premises, the person will be given the opportunity to participate in the service, program, or activity without having the animal on the premises.

### **POLICY: Owner/Handlers' Responsibilities**

All Service Animals and Service-Animals-in-training are the complete responsibility of the owner or handler. Dane County is not responsible for the care or supervision of a Service Animal or a Service-Animal-in-training.

At all times present in facilities and on grounds owned by Dane County, a Service Animal (or a Service-Animal-in-training) shall, be under the control of its handler.

**An individual with a Service Animal, (or Service-Animal-in-training), is responsible for the following:**

- Responding truthfully to the limited and appropriate inquiries that may be made by Dane County Staff regarding the Service Animal.



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- Ensuring that the animal meets any local licensing requirements, including maintenance of required immunizations for that type of animal.
- Service animals (or Service-Animal-in-training) must wear their required license tags at all times.
- Service Animals should:
  - a) Wear a harness, leash, or other tether,
  - b) Unless either the handler is unable, because of a disability, to use a harness, leash, or other tether, or
  - c) 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 still must be otherwise under the handler's control through, for example, the use of vocal commands, signals, or other effective means.

### **POLICY: Complaints:**

All complaints regarding this Service Animal policy will be handled by the ADA complaint process found in the Dane County Administrative Practice Manual's document: "ADA Title II- Public Complaint- Policy and Procedure."

## DEFINITIONS

### **1. Definition of Service Animal**

"Service Animal" means a dog (including but not limited to a guide dog or a signal dog), a miniature horse, or other animal that is individually trained or is being 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.

Examples of the work or task(s) that a Service Animal can do includes but is not limited to:

- Guiding a person with impaired vision;
- Pulling a wheelchair;
- Alerting a person who is deaf or hard of hearing to the presence of people or sounds, with impaired hearing to intruders or sound;
- Retrieving items such as medicine or the telephone;
- Fetching dropped items;
- Providing minimal protection or rescue work (but not deterring crime);
- Alerting an individual of an impending seizure;
- Alerting individuals to the presence of allergens;



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- Providing physical support and assistance with balance and stability to individuals with mobility disabilities; and
- Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

An animal that *only* provides emotional support or companionship *is not a Service Animal* under this policy because providing emotional support, well being, comfort, or companionship is not the type of “work or tasks” considered in the ADA. Of course, if an animal was trained to perform work or tasks *and also* provided comfort or support, then the animal would be considered a Service Animal.

Dane County will not ask about the nature or extent of a person’s disability to determine if a particular animal is a Service Animal.

### 2. Definition of a Service-Animal-in-training

Service animals “in training” have the same rights and responsibilities as trained Service Animals, and they can be excluded for the same reasons as Service Animals.

Service-Animals-in-training generally wear a leash or harness and a special cape signaling that this is a Service-Animal-in-training. When a leash or harness and a special cape are not present, then Dane County staff may ask the alleged trainer to produce a certification (or other credential) issued by a School for Training Service Animals documenting that the animal is being trained. Without a special leash, harness, cape or documentation, Dane County staff may take steps to exclude the animal from Dane County land and/or facilities.

### 3. Definition of a Readily Apparent Service Animal (or a Service-Animal-in-training)

An animal is a Readily Apparent Service Animal (or a Service-Animal-in-training) if it meets these two criteria:

- Wearing a harness or leash and special cape and/or
- Apparently doing work or performing tasks for an individual with an apparent disability.

Examples of a Readily Apparent Service Animal include, but are not limited, to a guide dog for person using a white cane, a dog pulling a wheelchair, and an animal providing assistance with stability (or balance) to an individual with an observable disability.