



## 5.6 Service Animals Policy

In compliance with the provisions of the Americans with Disabilities Act (ADA), individuals with disabilities shall be permitted to be accompanied by their service animals in all unrestricted areas of SSA and SSA client's facilities. Exceptions may apply in certain areas.

Employees who have a disability and are requesting accommodation for a service animal must contact the human resources (HR) department and complete the proper documentation (See Policy 5.2 Reasonable Accommodation – Disabilities). All service animals must be registered with the HR department.

### 5.6.1 Members of the Public

Members of the general public and their service animals may generally go wherever access to the public is granted, although there may be exceptions based on the use of the space (such as biologically sensitive location). For more information, please contact Human Resources.

### 5.6.2 Definitions

For purposes of this policy, "service animal" has been defined by the ADA as "any animal individually trained to work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals to an impending seizure or protecting individuals during one, and alerting individuals who are hearing impaired to intruders, or pulling a wheelchair and fetching dropped items." Absent prior authorization, SSA prohibits individuals from bringing onto the premises a pet that does not meet the ADA's definition of service animal.

### 5.6.3 Service Animal Owners' Responsibilities

All service animals must be licensed in compliance with local laws. Service animals must also be vaccinated against rabies and other diseases typically found in that animal, and must wear a tag displaying its vaccinated status. Service animals must be harnessed, leashed or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents them from using these devices, in which case the individual must maintain control of the animal through voice, signal or other effective controls.

The service animal's handler must be in complete control of the service animal at all times. The care and supervision of a service animal is solely the responsibility of its handler. An individual who brings a service animal onto SSA and SSA client's premises is completely and solely liable for any injuries or damage to personal property caused by the animal. Any repair or cleaning costs incurred by a service animal will be charged to the handler.

SSA also expects all service animals and their respective handlers to exhibit reasonable behavior while on SSA and SSA Client's grounds. The service animal must be properly groomed and maintained so as to avoid disruption of others in the workplace. In addition to the aforementioned requirements, a service animal may be removed from SSA and SSA client's premises for one of the following reasons:

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- The service animal acts out of control or behaves poorly so as to cause a disruption, and the handler fails or is unable to take effective action to control the service animal.
- The service animal is unclean, and/or not housebroken.

If the service animal consistently behaves improperly, the handler may be directed not to bring the service animal onto SSA and SSA client's premises until the handler corrects the service animal's behavior. When there is a legitimate reason to ask that a service animal be removed from the premises, staff must offer the disabled individual the opportunity to obtain goods or services without the service animal's presence.

#### **5.6.4 Service Animals: Frequently Asked Questions**

##### **What is a service animal according to the Americans with Disabilities Act (ADA)?**

Service animals are animals that have been individually trained to do work or perform tasks for the benefit of a person with a disability, also known as the animal's handler. Only dogs and miniature horses are considered service animals under the ADA. However, some state and local laws may define service animals more broadly.

##### **Are there limitations to where a service animal can go?**

Generally, service animals must be allowed to accompany their handlers in all areas that members of the public may go. A handler is entitled to bring their service animal into these areas even if it won't perform its service during the visit. Some exceptions follow.

Service animals may be excluded from certain areas of an otherwise public-serving facility. For example:

- Service animals are typically allowed into restaurants, but not into restaurant kitchens; and
- Service animals may be allowed into hospital waiting rooms, cafeterias, ER's and exam rooms, but not into operating rooms.

##### **What is the difference between a service animal and an emotional support animal (also known as a comfort or therapy animal)?**

Service animals are specially trained to do work or perform tasks for their handlers. The service animal's work must be directly related to its handler's disability. If asked, the handler must be able to describe the specific tasks or work performed by the animal.

An emotional support animal provides aid to a person with a disability, but does not perform a specific task or duty, as it is not trained to do so. Therefore, an emotional support animal does not meet the definition of a service animal. Obedience training alone is not enough to make it a service animal.

##### **Does an animal need to have any certification or documentation, or wear a vest or tag, to identify it as a service animal?**

No. There is no ADA requirement for certification or identification showing that the animal is a service animal. **If the service animal doesn't have special identification, how can people tell that it's a legitimate service animal?**

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There are two questions one may ask of the handler:

1. Is this animal required because of a disability?
2. What task or service has this animal been trained to do?

One may not ask: What is your disability? This is confidential.

### **When can someone be asked to remove their service animal from the premises?**

A service animal's good behavior is necessary for it to be protected under the ADA.

A handler may be asked to remove their service animal if it causes an actual disruption to business, or if its behavior poses a direct threat to the health or safety of others. For example, if a service animal displays aggressive behavior towards other guests or customers it may be excluded. If it is not housebroken, bites or jumps on another patron, wanders away from its handler, or is clearly out of the owner's control, it may be removed.

However, it is important not to make assumptions about how an animal will behave. Every situation, handler and service animal must be considered individually, based on actual events. So before taking action, it's important to establish that the animal's behavior is not part of its job. (For example, barking may be one of its tasks.)

If a public accommodation excludes a service animal, it should give the animal's handler the option of continuing to partake of its goods and services without having the service animal on the premises.

### **Do service animals have to obey leash laws?**

Yes, service animals must obey local leash laws, with exceptions if a service animal cannot perform its task while on a leash, or if the handler cannot use a leash, harness, or tether due to their disability. However, the handler must have the animal under control, if not by leash, then by voice control, signals, or other effective means.

### **Do service animals have to be registered, licensed, and vaccinated like pet dogs?**

Yes, if the local law requires pet dogs to be licensed and registered, then service dogs must be as well. Local law requiring vaccinations for pets also applies to service animals.

### **Are service animal rules the same in housing?**

The rules are slightly different in housing because they are usually guided by the Fair Housing Act (FHA) rather than the ADA. Under the FHA, housing managers and landlords must allow an individual to have a service animal in their home regardless of the facility's pet policy. Additionally, the FHA extends this right more broadly, to include emotional support animals and other assistance animals.

### **Are service animal rules the same in air transportation?**

The rules for air transit are different. Air transit is covered by the Air Carriers Act rather than the ADA. So the Department of Transportation (DOT) regulates service animals on U.S. airlines. Airlines must permit a service animal to accompany a passenger with a disability.

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However, airline rules and DOT enforcement policies for emotional support animals continue to develop. Airlines may require current medical documentation, and may have restrictions. Before flying, always check with the airline regarding the latest rules.

### **Are service animal rules the same in the workplace?**

The rules are a little different in the workplace. Under the ADA, employees with disabilities can request that their employers allow them to have service animals, emotional support animals, and other types of assistance animals in the workplace as a reasonable accommodation. This expands possibilities to different species of animals, whether specifically trained to perform a task related to the disability, or not.

The ADA leaves it up to the employer to determine if allowing the animal into the workplace is reasonable. However, state and local laws may have broader protections for employees with service animals.

### **What's the proper etiquette for interacting with handlers and their service animals?**

- Do not touch or engage with a service animal without permission from its handler
- Do not offer food to a service animal
- Do not ask questions about the handler's disability
- Speak to the handler about any issues with their animal, for example if the animal is blocking a walkway and you need to pass

### **If a public place violates the ADA by refusing a service animal from entering, where does the handler file the complaint?**

The handler can file the complaint with the federal enforcement agency, the US Department of Justice at [www.ada.gov](http://www.ada.gov)

I, \_\_\_\_\_, acknowledge that I have read and understood State Security Agency's (SSA) Service Animals Policy.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



# 5 Things You Should Know About Service and Guide Dogs in Public Facilities

- 1 The New Jersey Law Against Discrimination (LAD) entitles any person with a disability who uses a service or guide dog to the full and equal enjoyment of all public facilities.** Public facilities include not only places of public accommodation like restaurants, schools, hotels, and hospitals, but also spaces open to the general public like beaches, parks, streets, sidewalks, and public buildings.
- 2 A service dog is any dog individually trained to meet the needs of a person with a disability,** including but not limited to protection or rescue work, pulling a wheelchair, and assisting persons with epilepsy or other seizure disorders. A guide dog is trained to assist persons who are deaf or blind.
- 3 Under the LAD, a person with a disability is entitled to bring their service or guide dog to all public facilities as long as the dog has been trained by a recognized training agency.** The public facility may not require the individual to produce certification of training to gain admittance. If the dog has been trained but not by a recognized training agency (for example, if the dog has been trained by the owner), the federal Americans with Disabilities Act (ADA) rather than the LAD will apply, and the public facility may ask the individual whether the dog is needed for a disability, as well as what task the dog is trained to perform.
- 4 The public facility may not charge a person with a disability an extra fee for their service or guide dog,** although the person may be required to pay for any damage done to the premises by the dog. Additionally, the individual must keep the service or guide dog in their immediate custody at all times.
- 5 A public facility may not retaliate against you** for reporting a violation of the LAD or attempting to exercise these or any other rights under the LAD.

To find out more or to file a complaint, go to [NJCivilRights.gov](https://www.njcivilrights.gov) or call **973-648-2700**



NJ Office of the Attorney General

[NJCivilRights.gov](https://www.njcivilrights.gov)

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# Service Animals

## Public Places and Facilities



A service animal is an animal that performs a specific task or set of tasks to assist a person with a disability. Federal, state, and local laws require that facilities open to the public allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.

### Facts

#### You may only ask two questions:

- Is the service animal required because of a disability?
- What work or task does the service animal perform?

#### You may not ask:

- About the person's disability
- For medical documentation
- For training documentation or a special card for the dog
- For a demonstration of the tasks the dog performs

#### Tips to Remember:

- Service animals are not pets. Do not play with or pet a service animal.
- Service animals are not required to wear jackets or vests identifying them as such.
- Service animals are not required to have an identification card or other documentation.

#### You may ask the handler to remove the service animal only when:

- The service animal is out of control and the handler does not or cannot take effective action to control it.
- The service animal is not housebroken.

In all circumstances, staff must offer the person with the disability the opportunity to obtain goods or services without the animal present.

#### Denied Access?

You have the right to file a complaint by calling 311 and asking to be connected to the NYC Commission on Human Rights.