

# IT'S A ZOO HERE!



KÖLNER ZOO



HOUSTON  
ZOO



*ADA AND SERVICE  
ANIMALS*

# ADA AND SERVICE ANIMALS

- Emerging area of the law
- Emerging concerns for employers – is this new?
- How does this fall under the Americans with Disabilities Act?
- Are these service animals?



# ADA AND SERVICE ANIMALS

## Americans with Disabilities Act and its Amendments

- Let's review the requirements of an employer
- Let's review the requirements of an employee
- How do we reconcile all of that?

# ADA AND SERVICE ANIMALS



- What is the legal definition of a Service Animal?
- But that only says “dog”... I love my parrot.
- 2011 Amendment of ADA

# ADA AND SERVICE ANIMALS

- What is the purpose of a Service Animal?
- What are examples of acceptable work or tasks?
- What if the ADA doesn't include certain tasks?



# ADA AND SERVICE ANIMALS

## Public Places

- Establishing a connection between the disability and the Service Animal
- When can you remove a Service Animal from a public facility?

# ADA AND SERVICE ANIMALS

## Public Places

- Criminal sanctions for interference
- Criminal sanctions for misrepresenting an animal as a Service Animal
- Only...not in SC



# ADA AND SERVICE ANIMALS

## Workplace

- It is not 'bring your dog to work' day
- Employees do not have an automatic right to show up with an animal



# ADA AND SERVICE ANIMALS Workplace

- Employee must show a *prima facie case*:
  - *Disabled*
  - *Qualified*
  - *Denied a reasonable accommodation*
  - *Subjected to an adverse employment action*

# ADA AND SERVICE ANIMALS Workplace

- Burden of proof for employer.
- Document your due diligence in determining if accommodation is reasonable
- Both parties must engage in interactive process

# ADA AND SERVICE ANIMALS Workplace

- To determine a ‘reasonable’ accommodation, an employer must consider:
  - The job held and essential functions
  - Limitations of the employee
  - Effectiveness of the accommodation
  - The employee’s preference

# ADA AND SERVICE ANIMALS Workplace

- Employers can claim undue hardship
  - What is that?
  - ‘No’ isn’t enough
  - Here’s where your due diligence is important!



# ADA AND SERVICE ANIMALS

## Workplace

- What makes a Service Animal a bona fide need?
- What type of certifications can I require?
- What about other employees?

# ADA AND SERVICE ANIMALS

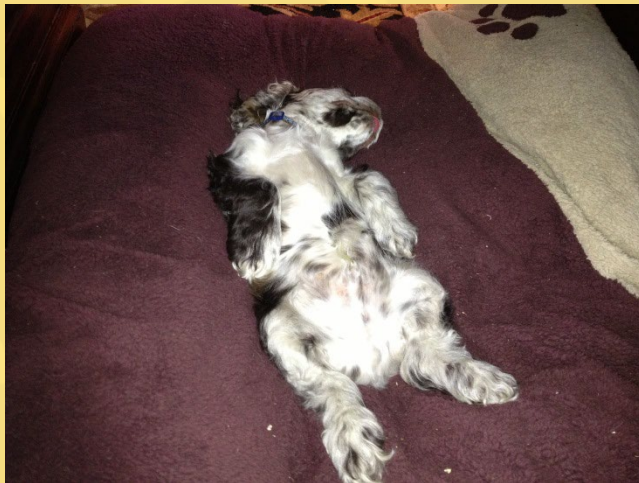
## Workplace

- Be sure to consider:
  - Other employees
  - Job duties
  - Certification
  - Immunizations
  - Public/Customer needs

# ADA AND SERVICE ANIMALS Workplace

AND...

**BATHROOM BREAKS!**



# ADA AND SERVICE ANIMALS

QUESTIONS?

