

## 9.02 Service Animals

Procedure Number: 9.02

Procedure Title: Service Animal

Original Issue Date: 05/01/2016

Revision Date:

Appendices: None

Forms: None

Statutory References: ADA 1990 (P.L. 101.336), ADA Amendments Act (P.L. 110-325); 28 C.F.R. Part 35.

Ordinance References: None

Department Responsible for Updates: DAS

Date for scheduled procedure review: 01/01/2017

### 1. OBJECTIVE

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), Milwaukee County will not discriminate against qualified individuals with disabilities who utilize service animals who seek to participate in or benefit from the services, programs or activities of the County, when the service animal is used according to this Procedure.

### 2. DEFINITIONS

#### A. Service Animal.

- i. A "service animal" is a dog that is individually trained to do work or perform tasks for a person with a disability. This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act.
- ii. A miniature horse will be considered a "service animal" if it has been individually trained to do work or perform tasks for the benefit of the individual with a disability; if it is of a type, size, and weight that can be accommodated in the facility; if the handler has sufficient control of the miniature horse; if the miniature horse is housebroken; and if the miniature horse's presence in a specific facility does not compromise legitimate safety requirements that are necessary for safe operation of that facility.

B. Task. Tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a service animal has been trained to provide must be directly related to the person's disability. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

C. ADA Coordinator. The ADA Coordinator's role is to coordinate the government entity's efforts to comply with the ADA and investigate any complaints that the entity has violated the ADA. Milwaukee County has designated the Director of the Office for Persons with Disabilities as the

ADA Coordinator. Director, Office for Persons with Disabilities, 901 N. 9<sup>th</sup> Street, Room 307-B, Milwaukee WI 53233, 414-278-3932, 711 (TRS), 414-278-3939 (Fax).

### 3. PROCEDURE

- A. Allowance / Accompany.
  - i. Milwaukee County will allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.
- B. Restraint.
  - i. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.
- C. Questions Allowed / Not Allowed.
  - i. When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the animal a service animal required because of a disability, and (2) what work or task has the animal been trained to perform.
  - ii. Staff will not ask about the person's disability, require medical documentation, require a special identification card or training documentation for the animal, or ask that the animal demonstrate its ability to perform the work or task.
- D. Allergies / Fear.
  - i. Allergies and fear of animals are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to animal dander and a person who uses a service animal must spend time in the same room or facility they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- E. Removal of Service Animal.
  - i. A person with a disability will not be asked to remove his service animal from the premises unless: (1) the animal is out of control and the handler does not take effective action to control it or (2) the animal is not housebroken.
  - ii. When there is a legitimate reason to ask that a service animal be removed, staff will offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- F. Food Areas.
  - i. Establishments that sell or prepare food will allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- G. Isolation / Treatment / Fees.
  - i. People with disabilities who use service animals will not be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if Milwaukee County requires a deposit or fee to be paid by patrons with pets, it will waive the charge for service animals.
- H. Damages.
  - i. If Milwaukee County normally charges persons for damage that they cause, a person with a disability may also be charged for damage caused by him/herself or their service animal.

- I. Care / Food.
  - i. Milwaukee County staff are not required to provide care or food for a service animal.
- J. Grievance.
  - i. A person with a disability who feels that he or she has been discriminated against with regards to service animals within Milwaukee County government building, grounds, etc. may file a grievance with the Milwaukee County ADA Coordinator.  
<http://county.milwaukee.gov/ImageLibrary/Groups/cntyDAS/AdminManual/FinalProce/OPD/9.04-ADAGrievanceProcedure.pdf>