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| **Accommodation of Service Animals Policy - ADA** | **Revision Date**: 12-2019 |
| **Purpose**: The Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. § 12101) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation. Tribes are required to comply with Title III of the ADA of 1990, places of public accommodation to be accessible to people with disabilities. Under 42 U.S.C. §12181-12189, Title III, service animals are explicitly protected by the Americans with Disabilities Act. | **Topics Covered**   * Compliance with ADA * Definitions * Prohibiting Discrimination * Requirements for Service Animal |

**Accommodation of Service Animals**

**Compliance with American with Disabilities Act of 1990 (ADA)**

It is the policy of the **{INSERT COMPANY NAME}** to comply with the American with Disabilities Act of 1990, as amended, where applicable to allow accommodations for access to individuals with disabilities using service dogs in all our facilities and establishments, and not to discriminate against anyone protected by this Act, by prohibiting the access of the individual or their service animal.

**Prohibiting and Discriminating against Handler or Service Animal Policy**

Handlers and their service dogs have specific rights and protection against prohibiting or discriminating against a handler and their service dog while visiting our businesses or other tribal facilities. It is our policy that at no time shall we:

1. Prohibit the access or entry of a handler and their service dog in any of our facilities or establishments; or,
2. Single out or isolate a handler and their service dog anywhere in our facilities or food establishments.

**Animals Excluded from Access in our Facilities**

Under the Americans with Disabilities Act of 1990, household, emotional support, therapy, comfort or companion animals, or any animal other than specifically trained dogs, do not qualify as service animals allowed under ADA of 1990. A dog not trained to perform a specific job or task to directly assist the handler’s disability does not qualify as a service animal under the ADA, the ADA does not recognize any other animals other than a dog as a service animal. Animals not meeting this definition are prohibited from entering the premises. (See <https://www.ada.gov/regs2010/service_animal_qa.html>)

**Definition of a Service Animal**

**Service Animal means**, Per the Americans with Disabilities Act of 1990, a service animal is defined as a dog that has been individually trained to do work or perform a task for an individual with a disability. The task(s) performed by the dog must be directly related to the person’s disability.

As defined by ADA of 1990, service animals are dogs that have been specifically trained to perform a task for an individual with a disability in which they can’t do themselves or without assistance of the animal. This includes, but is not limited to, guiding the blind, alerting individuals that are hearing impaired, pulling a wheel chair or alerting and protecting and/or alerting an individual prone to having seizures or anxiety attacks, or to take medications at specific times, these examples are not all inclusive.

**Requirements for a Service Animal**

Under the act and this policy, it is required that the service animal must be harnessed, leashed or tethered unless such devices interfere with the service animal’s work or the individual’s disability prevents using these devices. In such cases, the service animal must be controlled by voice, sound, or other controls.

Service animals are not required to wear special collars, vests, or harnesses and there are no requirements for licensing, certification or other identification.

Requiring proof of a disability or identification of a service animal is a clear violation of the ADA, and the property and/or its employees shall never request such proof.

The property is not required to provide a designated area for the service animal to relieve itself.

Individuals with service animals may not be charged extra fees due to their service animal such as a pet cleaning fee. If charges would normally by charged for damages caused by any person to the property, then an individual with a service animal can be charged for any damages caused by the service animal to the property.

**Questions Allowed to be Asked of a Handler with a Service Animal**

By ADA requirements and this policy, only two questions shall be asked of a Handler with a service animal to enter our facilities:

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

It is against this policy, and ADA of 1990, to ask any further questions related to allowing a service animal’s entry into the facility. If the answers to these two question align, the handler and their service animal shall be allowed access to the facility.

**Requesting a Handler and Service Animal to Vacate the Premises**

No employee shall request a person with a service animal as defined, to the leave the premises based solely on the service animal presence unless either occurs:

1. The animal is out of control and its owner cannot get it under control; and/or,
2. The animal is a direct threat to people’s health and safety.

Allergies of others and fear of animals are not considered a threat to people’s health and safety, and may not be used to deny access to individuals with service dogs.

**Access to All Establishments**

Handlers and their Service dogs are permitted to access all establishments including food court areas and restaurants, food establishments are not required to provide care or food for the service animal.

**Violation of Policy**

Employees found to have violated this Policy may be disciplined, up to and including, discharge from employment.

*The information provided does not, and is not intended to constitute legal advice; all information and content are for general informational purposes only.  Users of this document should first seek their attorney’s advice with respect to any particular legal matter and relevant jurisdiction.*