



RIVERSIDE COUNTY
WORKFORCE DEVELOPMENT BOARD

SERVICE ANIMALS
POLICY and PROCEDURES

Date: October 31, 2017

Number: 19-25

- PURPOSE:** To provide guidance regarding “service animals” on-site at an America’s Job Center of CaliforniaSM (AJCC).
- EFFECTIVE DATE:** Immediately
- REFERENCES:**
- WIOA Section 188
 - Title 29 CFR Part 38.16
 - U.S. Department of Justice, *Americans with Disability Act (ADA)*, Title II and Title III (September 15, 2010 Revision)
 - Title 28 CFR Part 35.104, 36.104, 35.136 (f), 35.136(i) (2010)
 - Title 28 CFR Part 36.501-.505 (2010)
 - Title 28 CFR Part 36, app. a (2011)
 - Title 28 CFR Part 35.136 (b) (2011)
 - California State Law (CSL), Food and Agriculture Code §30850, 30850(b) (2004)
 - CSL, Civil Code §54.3 (1996)
 - California Penal Code §365.7 (1994)
 - California Penal Code §365.5(c) (1996)
 - Unruh Civil Rights Act. Cal. Civ. Code §51(f) (2011)
 - Employment Development Department (EDD) Workforce Services Directive WSD17-01

LOCALLY IMPOSED REQUIREMENTS: None

BACKGROUND: WIOA is designed to strengthen and improve the public workforce system by helping all individuals, including those with significant barriers to employment, into high-quality jobs and careers and help employers hire and retain skilled workers. The ADA requires State and local government agencies, businesses, and non-profit organizations that provide goods or services to the public to make “reasonable modifications” in their policies, practices, or procedures when necessary to accommodate people with disabilities. The service animal falls under this general principle.

Specifically, WIOA requires individuals with disabilities “be permitted to be accompanied by their service animals in all areas of the facilities where members of the public, participants in services, programs or activities, beneficiaries, registrants, applicants, eligible applicant’s/registrants, applicants for employment and employees, or invitees, as relevant, are allowed to go.”

POLICY: The Local Area’s AJCC system, including partners, are committed to ensuring all customers have universal access to WIOA or *Wagner-Peyser Act (W-P)* programs and services. Therefore, implementation of WIOA and ADA legislation ensures customers’ rights to utilize service animals on AJCC premises and not be excluded from obtaining services due to a disability.

PROCEDURES: The Local Area’s AJCC staff and partners will refer to the sections outlined below when disabled customers are being assisted by their service animals in order to comply with WIOA and ADA requirements.

Service Animal Definition

On March 15, 2011, only dogs are recognized as service animals under Titles II and III of the ADA. Therefore, any dog that is individually trained to do work or perform tasks for individuals with disabilities, including a physical, sensory, psychiatric, intellectual, or other mental disability is considered a service animal.

Identification of Service Animals

Service animals do not always have a harness, a sign, or a symbol indicating that they are a service animal, but it is there to provide a service; it is working. A service animal **is not a pet**. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

Work Tasks Provided by Service Animals

Service Animals assist disabled individuals in many ways. Their work includes, but is not limited to, the following:

- Guiding people who are blind or have low vision;
- Retrieving dropped objects;
- Alerting the deaf or hard of hearing to sounds and the presence of others;
- Assisting those with limited use of their hands, arms, legs, or limited ability to bend or stoop by carrying and picking up items, opening doors, or flipping switches;
- Pulling wheelchairs;
- Alerting people of the onset of a medical condition, including protecting them and cushioning them if they fall, or reviving them;
- Performing tasks for persons with traumatic brain injury, intellectual disabilities, etc.
- Providing physical support, including stability and balance,
- Calming a person with Post Traumatic Stress Disorder (PTSD).

Where Service Animals Are Allowed

AJCC staff and partners must permit service animals to accompany individuals with disabilities to all areas normally used by customers, or other members of the public, and treat them with the same

courtesy and respect that is afforded to all customers.

Service Animals Must Be Under Control

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.

- A. A person with a disability cannot be asked to remove his service animal from the premises unless:
 - 1) The dog is out of control and the handler does not take effective action to control it; or
 - 2) The dog is not housebroken.

- B. When there is a legitimate reason to ask that a service animal be removed, staff must:
 - 1) Inform the Manager on Duty. Each situation must be considered individually without making assumptions based on past experience. Only the Manager can decide to exclude a service animal; **AND**
 - 2) The person with the disability must be offered the opportunity to obtain services without the service animal present.

Inquiries, Exclusions, and Other Specific Rules Related to Service Animals

- A. When it is not obvious what service an animal provides for a customer, Staff **can** only ask two questions:
 - 1) Is the service animal required because of a disability; and
 - 2) What work or task is the animal trained to perform?

- B. Staff **cannot** ask the customer for the following information:
 - 1) The person's disability;
 - 2) Medical documentation;
 - 3) Special identification;
 - 4) Training documentation for the dog; or
 - 5) Have the dog demonstrate its ability to perform the work or task.

- C. People who use service animals cannot be isolated from other customers.

- D. Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. For example, when a person who is allergic to dog 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 same room or different rooms in the facility.

- E. AJCC staff and partners are not required to provide for the care or supervision of a service animal. It is the sole responsibility of the service animal's owner/handler.

- F. Customers with service animals who feel they have been discriminated against have the right to file a grievance/complaint. See Program Grievances and Complaint Resolution Policy No. 14-02

- G. Violators of the ADA can be required to pay money damages and penalties.

REVISION HISTORY:

Revision Dates: None
Original Policy Date: None


Loren Sims, Administration Manager