



Employment Rights Helpline at Equip for Equality

SELF-ADVOCACY ASSISTANCE ★ LEGAL ADVICE ABOUT EMPLOYMENT RIGHTS ★ SAMPLE LETTERS & FORMS ★ REFERRALS

FACT SHEET: Service Animals in the Workplace

I have a service animal. Does the ADA protect me?

Yes. The Americans with Disabilities Act (ADA) makes it illegal to discriminate against people with disabilities, including people who have service animals. However, the ADA has different rules for service animals depending on what part of the law applies.

- **Title I** = Service animals in the workplace
- **Title II** = Service animals in state/local government programs, like a library or public hospital
- **Title III** = Places of public accommodation, which are private businesses open to the public like a restaurant or private hospital

How does my right to bring my service animal to work (Title I) differ from my right to bring my service animal to a government program (Title II) or private business (Title III)?

- **Titles II and III:** The rules for service animals under Title II and III are straightforward. You may bring your service animal anywhere the general public is able to go, with very few exceptions. You do not need to ask the government program or business in advance. You are not required to provide any documentation about your disability or need for your service animal.
- **Title I:** The rules for service animals at work are more complex. Your employer does not have to *automatically* allow you to bring your service animal to work. Instead, you will need to ask your employer if you can bring your service animal to work as a **reasonable accommodation**. Your employer will then consider your request as it would any other request for reasonable accommodation. And, like any other reasonable accommodation, you may need to provide reasonable documentation about your disability and need for your service animal as a reasonable accommodation.

What is a reasonable accommodation?

A reasonable accommodation is any change to your job or your workplace so that you can:

- Participate in the job application process
- Perform the essential functions of your job
- Enjoy equal benefits and privileges of employment

How do I know if it would be reasonable to have my service animal at work?

Whether your employer has to allow you to bring your service animal depends on a number of factors, including:

- Why do you need to bring your service animal to work?
- Are there any unique aspects of your job that would make it difficult to have an animal in the workplace?
- Would your service animal completely change the nature of your work?
- Would your service animal cause a significant difficulty or expense to your employer?

I want to bring my service animal to work. How do I ask for a reasonable accommodation?

While not legally required, you should make your request in writing and use the phrase: “I am requesting a reasonable accommodation under the ADA.” Use Template Letter #1 in this Fact Sheet and keep a copy of your written request. Review our Fact Sheet about [Requesting a Reasonable Accommodation](#) for additional strategies.

What happens *after* I ask to bring my service animal to work as a reasonable accommodation?

After you request a reasonable accommodation, your employer should initiate the **interactive process** to discuss your limitations and your request. You should be prepared to:

- Answer your employer’s questions about why you need your service animal at work, and explain that your service animal is individually trained to perform a particular task.
- Provide **reasonable documentation** about your disability and need to bring your service animal to work.
- Provide reasonable documentation about your service animal, including standard vaccination information.

Do I have any right to bring an emotional support animal to work? What about an animal that is not a dog?

This is another area where the rules differ depending on where you want to bring your animal.

- **Titles II and III:** The definition of service animal in this context is clear. It is a **dog** that has been **individually trained** to do **work** or perform a **task** for a person with a disability. Animals that provide emotional support are not considered service animals.
- **Title I:** The definition of service animal in this context is unsettled. Because there is no clear definition, it *may* be a reasonable accommodation to bring an animal that provides emotional support. It also *may* be a reasonable accommodation to bring an animal other than a dog. Before making any decisions, you and your employer must engage in the interactive process.

What should I do if my employer says that I can't bring my service animal to work but offers a different accommodation?

Generally, under the ADA, your employer does not need to give you your *preferred* accommodation. Your employer only must give you an *effective* accommodation.

- *Example:* You ask to work from home because your medication makes you tired in the morning and you cannot get to work on time. Your employer has the right, under the ADA, to deny your request to work from home and offer, instead, a flexible schedule.

This principle doesn't always make sense when your requested accommodation is permission to bring your service animal to work, as there may not be another accommodation that is appropriate as an alternative. If your employer offers you a different accommodation, consider explaining:

- Exactly why the alternative would not be effective for you
- The medical or personal assistance that your service animal provides (if true)
- The negative consequences to your service animal's training if you are separated during the day

My employer says that I can't bring my service animal to work because one of my colleagues is allergic to dogs. What should I do?

Your colleague's allergies may or may not be a disability covered by the ADA, depending on the severity. However, the best way to respond is to try to think creatively to reach a resolution that will accommodate both you and your colleague. Tell your employer, in writing if possible, that you would like to discuss solutions to make sure that both you and your colleague's needs are met.

Possible solutions:

- Designate certain areas of your workspace as "dog free" and certain routes for you and your service animal
- If you and your colleague need to attend meetings together, alternate participating via webinar or telephone
- Buy an air purifier for your colleague

My employer is asking me to enter into a "Service Animal Agreement." What should I do?

Review the agreement to see if the terms are reasonable. It can be frustrating when our employers make us jump through hoops that feel unnecessary. However, before rejecting the agreement without good reason, take the time to review it. Just like with any other issue about an accommodation, go through the interactive process and try to work with your employer to negotiate terms of the agreement that you wish to amend.

My employer asked me to identify the specific essential functions that I cannot perform without my service animal. I don't know how to respond. What should I do?

Many people who have service animals don't need their service animal to help them complete any specific job task.

- *Example:* An employee with epilepsy can do her job without her service animal, but her animal may keep her calm or alert her to the onset of a seizure.

Under the ADA, reasonable accommodations are required to provide employees with equal access to the **benefits and privileges** of their employment. Despite this, many employers (and employers' forms) focus *only* on how the accommodation helps employees do the essential functions of their jobs.

In this situation, you should respond by clearly explaining that you are asking for an accommodation so you can have equal access to the benefits and privileges of your employment. Template Letter #2 in this Fact Sheet has sample language.

Where can I learn more?

- For more information about your rights under **Title I**, see the Job Accommodation Network's document, [Service Animals as Workplace Accommodations](#)
- For more information about your rights under **Titles II and III**, see the U.S. Department of Justice's document, [Frequently Asked Questions about Service Animals and the ADA](#)



DO YOU HAVE A QUESTION?

Contact Equip for Equality's Employment Rights Helpline
1-844-RIGHTS-9 (toll free) or (844) 744-4879
800-610-2779 (tty)
employment@equipforequality.org
www.equipforequality.org

This resource material is intended as a guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, an attorney should be consulted.

Equip for Equality, an independent nonprofit organization, is the Illinois state Protection & Advocacy System whose mission is to advance the human and civil rights of children and adults with disabilities. The Employment Rights Helpline seeks to empower individuals with disabilities to advocate effectively. This publication is made possible by funding support from The Chicago Community Trust, the U.S. Department of Health and Human Services, the Administration on Intellectual and Developmental Disabilities and the Center for Mental Health Services of the Substance Abuse and Mental Health Services Administration; the U.S. Department of Education, Rehabilitation Services Administration; and the Social Security Administration. The contents of this publication are solely the responsibility of Equip for Equality and do not necessarily represent the official views of any of these agencies.

TEMPLATE LETTER #1

Requesting a Service Animal as a Reasonable Accommodation

DATE (January 1, 2019)

METHOD OF DELIVERY (Email/U.S. Mail/Hand Delivered, etc.)

Human Resources Department
Employer's Address

**Re: Request to bring my service animal to work as a reasonable accommodation
(YOUR NAME)**

Dear Mr./Ms. (Human Resources):

I work at _____ (Company Name) as a _____ (Your Job Title) and have been in this position since ____ (Date).

I am writing to ask to bring my service animal to work as a reasonable accommodation under the ADA. As you may know, I have a disability (you may list your disability here or wait for your employer to request documentation of your disability) and this accommodation would help me be successful at my job.

(Add short explanation about why you need to bring your service animal to work)

I am confident that I can bring (service animal) to work without any sort of disruption to the workplace. (Add any details about any obvious concerns.)

If you have any questions about accommodations under the ADA, you can feel free to contact the Job Accommodation Network at 1-800-526-7234 or the Great Lakes ADA Center at 1-800-949-4232 for more information, free of charge.

Please contact me if you have any questions about my request. I would appreciate a written response to this letter. Thank you very much.

Very truly yours,

(Your Name)

your phone number/email

TEMPLATE LETTER #2
Responding to Employer's Request for Specific Essential Functions

DATE (January 1, 2019)

METHOD OF DELIVERY (Email/U.S. Mail/Hand Delivered, etc.)

Human Resources Department

Employer's Address

Re: (Your Name): Reasonable Accommodation Documentation

Dear Mr./Ms. (*Contact at Human Resources Department*):

I am writing to respond to your request that I identify the essential job functions I am unable to perform without my service animal. My disability does not make me unable to perform a specific job duty or function, so I cannot provide a direct response to that question.

However, it is my understanding that under the ADA, employees are also able to seek reasonable accommodations if the accommodation is needed to enjoy the benefits and privileges of their employment.

I am writing to clarify that I am requesting to bring my service animal to work so that I can enjoy the benefits and privileges of my employment. (Explain how. Examples: My service animal keeps me calm; my service animal enables me to work without having anxiety attacks; etc.)

I hope this helps clarify my request, but I would be very happy to discuss this further.

(If applicable): I have already provided medical documentation of my disability and the support that my service animal provides. Please let me know if you would like me to provide an additional copy of this documentation.

Thank you for your attention to this matter.

Very truly yours,

(Your Name)

Your phone number/email