

44. SERVICE ANIMALS POLICY

POLICY

It is the policy of Scott County to comply with provisions of state and federal law as it relates to persons with disabilities bringing service animals into county facilities. Animals not considered service animals or specifically exempted from this policy are not permitted in county facilities.

SCOPE

This policy applies to all employees of county departments or offices, city and state offices located in county facilities or any other organization occupying work space in or at county facilities. This policy applies to visitors to all Scott County facilities.

Whenever the provisions of this policy are in conflict with the code of Iowa or federal law, the provisions of the state or federal law will prevail.

DEFINITIONS

“Facility” means all or any portion of buildings, structures, sites, complexes, equipment, vehicle, or other real property as defined by state or federal law.

“Partner/Handler” means a person with a disability, or a trainer, who uses a service animal.

“Reasonable Accommodation” means any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the employment application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without a disability.

“Reasonable Modification” means any alteration to policies, practices, and procedures to avoid discrimination and ensure that services, programs and activities are accessible to persons with disabilities.

“Disability” means the physical or mental condition of a person which constitutes a substantial disability, and the condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome-related complex or any other condition related to acquired immune deficiency syndrome. Other conditions resulting from contagious or infectious diseases may qualify pursuant to state law.

“Service animal” means a dog or miniature horse as set forth in state and federal law. A service animal in training as defined by state law is considered a “service animal” and

covered by the terms of this policy. Types of service animals are often referred to by the specific training received to assist an individual. The following terminology are common examples of service animals; Service Dogs (provide service to the partner/handler), Guide Dog (aids individuals with vision impairments), Mobility Aid Dog (aid individuals who use a wheelchair or have difficulty standing or walking), Hearing Dog (trained in specific tasks to aid individuals with hearing impairments), Autism Service Dog (provide physical safety and emotional support to individuals along the autism spectrum), Psychiatric Service Animals (work to relieve stress levels with mental or emotional disabilities) or Medical Alert Animals (trained to respond to specific medical conditions). These following types of animals are not considered service animals; Emotional Support Animals (comfort animals without having trained tasks of a Psychiatric Service Animals), Therapy Animals (provide comfort and support in community settings), or Companion Animal (a personal pet).

ADMINISTRATIVE PROCEDURES

A. Partner/Handler Responsibilities

1. The partner/handler is solely responsible for care and supervision of a service animal, including toileting, feeding, grooming and veterinary care. The partner/handler must ensure the service animal is housebroken and is responsible to clean up after and properly dispose of the service animal's excrement in a safe and sanitary manner.
2. The partner/handler must be in effective control of the service animal at all times. Effective control includes but is not limited to a leash, harness, voice or signal. The service animal should not wander away from the partner/handler at any time.
3. The partner/handler must ensure the service animal behaves in an acceptable way at all times. If the service animal behaves in an unacceptable way and the partner/handler does not control the service animal, the County may refuse access to the service animal or require the partner/handler to remove the service animal from the facility. Uncontrolled barking, aggressive behavior, jumping on other people, or running away from the partner/handler are examples of unacceptable behavior for a service animal.
4. The partner/handler must ensure the service animal is licensed and vaccinated in accordance with applicable state and local laws.
5. The partner/handler is liable for injury or damage done to an individual, or the premises or facility by the service animal.
6. The Human Resources Director will consider requests from qualified applicants or employees with a disability to use a service animal as a reasonable accommodation. Managers of state, city or other offices housed in county facilities should coordinate any reasonable accommodations concerning service animals

with the County's Human Resources Director.

7. If a person intentionally misrepresents an animal as a service animal they will be criminally prosecuted pursuant to state law.

B. County staff responsibilities:

1. Users of County facilities, programs, services or activities may have a service animal accompany them in County facilities as a reasonable modification to County policies, practices and procedures.

2. The Human Resources Director will consider requests from qualified applicants or employees with a disability to use a service animal as a reasonable accommodation.

3. Employees shall allow service animals to accompany the partner/handler at all times and anywhere in a County facility, except where animals are specifically prohibited, including but not limited to, sterile rooms and food preparation rooms/kitchen areas. In most cases, allergies and fear of animals are not valid reasons for denying access or refusing service to people with service animals.

4. Employees shall not distract a service animal in any way. Employees are reminded that service animals are working and not pets, thus shall not pet, feed, or interact with a person's service animal without the partner/handler's invitation to do so. Employees shall not separate a partner/handler from a service animal.

5. Employees may not ask a person about the nature or extent of his or her disability or request documentation that the animal is trained or certified. If an employee suspects a person intentionally misrepresents an animal as a service animal they should report it to the bailiff or law enforcement, or if the partner/handler is an employee to the Human Resources Director. The only two questions that may be asked by a bailiff or law enforcement to determine if an animal qualifies as a service animal; is the animal required because of a disability, and what work or task has the animal been trained to perform?

C. Policy Exclusions

1. A Working Animal is generally not considered a service animal, however, any dog accompanied by the certified law enforcement officer or firefighter assigned as its handler are considered exempt from the provisions of this policy.

2. Animals housed by Conservation as part of their programs are exempt from this policy. The Conservation Board may enact rules and regulations consistent with state law regarding property under their jurisdiction.