



REASONABLE ACCOMMODATION – SERVICE ANIMALS IN PUBLIC FACILITIES AND PROGRAMS

1.0 PURPOSE:

To establish the City's policy and procedure to provide equal access for the public regarding accommodation and for the use of service animals in City facilities and programs.

2.0 ORGANIZATIONS AFFECTED:

This policy applies to all individuals with a qualifying disability, or who use service animals, as recognized by federal and Washington State law.

3.0 REFERENCES:

Americans with Disabilities Act (ADA) PL 101-325
Washington Law Against Discrimination (WLAD) RCW 49.60
Washington Administrative Code (WAC) 162-26

4.0 POLICY:

The City complies fully with its duty to ensure that members of the public do not suffer unlawful discrimination due to a disability. The City also complies fully with the law allowing members of the public to use service animals while using City facilities. This policy applies to access to public facilities and also in the provision of City programs and services.

5.0 DEFINITIONS:

Under the ADA, a “disability” is a physical or mental impairment that substantially limits one or more major life activities. Major life activities include such things as breathing, eating, sleeping, learning, reading, concentrating, lifting, communicating and walking.

Under the WDLAD, a “disability” means the presence of a sensory, mental, or physical impairment that:

- (i) Is medically cognizable or diagnosable; or
- (ii) Exists as a record or history; or
- (iii) Is perceived to exist whether or not it exists in fact.

(iv) A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability or activity within the scope of the definition.

A “reasonable accommodation” is an accommodation that the City can reasonably provide, given its resources and obligations, that does not create an undue burden, significantly impair City’s services, or result in legitimate safety concerns.

"Service animal" means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the service animal must be directly related to the individual's disability.

Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks.

6.0 PROCEDURES:

Individuals requesting reasonable accommodation should complete a “Request for Accommodation” form.

6.1 Provision of Auxiliary Aids and Services:

The City shall provide the following services or aids to achieve effective communication with persons with disabilities:

A. *For individuals who are hearing impaired or require an interpreter*

- (i) For individuals who are hearing impaired and who use sign language as their primary means of communication, the Title VI Liaison or designee for the event is responsible for providing effective interpretation or arranging for a qualified interpreter when needed.
- (ii) In the event that an interpreter is needed, the Title VI Liaison or designee is responsible for communicating by telephone with persons who are hearing impaired.

- (iii) The City utilizes relay services for external telephone with TTY users. We accept and make calls through a relay service. The state relay service number for Text Telephone is 711 or 1-800-833-6388. The state relay service number for Voice Telephone is 711 or 1-800-833-6384.
- (iv) Some individuals who are hearing impaired may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the hearing impaired individual will not be used as interpreters unless specifically requested by that individual and after an offer of an interpreter at no charge to the person has been made by the facility.

B. *For individuals who are vision impaired*

- (i) Staff will communicate information contained in written materials concerning programs, activities, benefits, services, and waivers of rights forms by reading out loud and explaining these forms to persons who are vision impaired.
- (ii) Certain materials may be obtained in large print or Braille by contacting the City Clerk. Written materials may be translated however; the translation process may take up to two weeks.

C. *For individuals with speech impairments*

To ensure effective communication with individuals with speech impairments, staff will provide writing materials or an electronic device, if available, to the individual.

D. *For individuals with manual impairments*

Staff will assist those who have difficulty in manipulating print materials by holding the materials and turning pages as needed.

6.2 Service Animals:

Service animals are allowed in all public areas of all City facilities. A service animal must be under the control of a harness, leash or other tether, unless the handler is unable to use a tether/leash because of a disability or the use of a tether/leash would interfere with the service animal's ability to safely perform its work or tasks. In these cases, the service animal must be under the handler's control through voice commands, hand signals, or other effective means.

Under most circumstances, service animals will be limited to one per person. The City will allow more than one service animal if the handler shows that more than one service animal is required because the different animals have been trained to provide different types of assistance.

Employees may ask individuals with a dog or miniature horse two questions:

(i) Is the animal a pet?

- a. If the answer is yes, the handler may be asked to remove the animal.
- b. If the answer is “no” and that it is a service animal, proceed to question (ii).
- c. If the answer is that the animal is a comfort animal, a therapy animal, or an emotional support animal, see section (v) below.

(ii) What is this animal trained to do for you?

The answer to this will determine if the animal is to be allowed or if it can be excluded.

- a. If the handler describes what service/task the animal performs that appears related to a disability, it must be allowed in the public areas.
- b. If the handler refuses to answer, the animal can be excluded.
- c. If the handler discloses their disability, but refuses to disclose what the animal is trained to do for them, the animal can be excluded.
- d. If the handler provides documentation that the animal is a service animal, but neither the documentation nor the handler can explain what the animal is trained to do, the animal may be excluded.

(iii) Employees cannot do or ask the following:

- a. You cannot ask for a demonstration of the animal’s service.
- b. You cannot ask for documentation confirming the individual has a disability.
- c. You cannot ask for documentation confirming that the animal is a service animal or has been trained to provide a particular service. Note that there is currently no state or federal service animal registry or certification process.

(iv) Employees should contact their supervisor prior to having an animal excluded unless the animal creates a risk of harm, is disruptive, or it exhibits unsanitary behavior, which allows for the exclusion of the animal immediately.

(v) An emotional support, therapy, or comfort animal, on a case-by-case basis at the discretion of the City, may be allowed if the handler or animal does not create a risk

of harm, is not disruptive, or does not exhibit unsanitary behavior, which allows for the exclusion of the animal immediately. Employees should contact their supervisor with any questions regarding or determining if these animals should be allowed.

7.0 APPEAL PROCEDURE:

The following grievance procedure is established to provide prompt and equitable resolution of complaints alleging any action prohibited by federal or state law:

- A. Any individual who feels that he/she has suffered disability discrimination, or who believes their service animal was unlawfully excluded, should report this concern to the Risk Management Department. The complaint should be in writing and addressed to:

Risk Management Department
City of Battle Ground
109 SW 1st Street, Suite 221
Battle Ground, Washington 98604

- B. The City will look into the merits of any allegation reported to it. This may include an investigation by a qualified investigator who is either an employee or a professional employed outside of the City.
- C. If the allegation is found to have merit, the City will take prompt action to correct the unlawful conduct and remedy any violations that have occurred.
- D. The complainant or accused may request reconsideration of the decision when dissatisfied with investigation result. The request for reconsideration must be made within ten (10) calendar days of the receipt of the written determination to the City Manager, whose decision in the matter will be final.
- E. The right of a person to a prompt and equitable resolution of the complaint filed pursuant to this grievance procedure shall not limit the applicant's pursuit of other remedies such as the filing of an ADA/WLAD complaint with the applicable state or federal department or agency.