

Service Animals in the Workplace

A service animal is considered an extension of a person with a disability and is allowed in any place that is open to the public, even if a person's disability may not be outwardly visible. Accordingly, service animals, as defined by the Americans with Disabilities Act (ADA), are either trained canines or miniature horses only.

ABOUT SERVICE ANIMALS

Service animals are individually trained to perform a task for the benefit of an individual with a disability. Professional training is common, but it's not required.

There is no required state or federal certification process for hearing dogs, guide dogs, companion animals, or any other type of service animal. The only requirement to be classified as a service animal is that the animal be individually trained to work or carry out tasks for the benefit of a disabled individual.

Service animals must always be under the handler's control. This includes a harness, leash, or other tether unless the handler's disability prohibits otherwise. A business may ask a handler to remove their service animal if the animal is disruptive, aggressive, or not housebroken.

IN THE WORKPLACE

Colorado law Section § 24-34-803, C.R.S., clearly states that a qualified individual with a disability has the right to always be accompanied by a service animal in the individual's place of employment.

Specifically, "An employer shall allow an employee with a disability who is accompanied by a service animal to keep the employee's service animal with the employee at all times in the place of employment."

The specific statute makes clear that an employer must make reasonable accommodations to allow the presence of the service animal unless to do so would cause an undue hardship. As a result, in Colorado at least, there is no question that service dogs are required to be allowed in the workplace according to the law firm of Frascona, Joiner, Goodman and Greenstein, P.C.

WHAT THIS MEANS FOR COUNTIES

Colorado law states that it is discriminatory employment practice for employers, such as counties, to refuse to hire, to discharge, to promote or demote, to harass during employment, or to discriminate against any person otherwise qualified because of disability.

Since a service animal is considered an extension of a person with a disability, employers shall allow an employee with a disability who is accompanied by a service animal to always keep the employee's service animal with the employee in the place of employment. Please reach out to county legal resources for more assistance, or call CTSI at (303) 861-0507.