

Cohen, Wolf buy
UI building for
new law offices



An Invitation
Cohen and Wolf, P.C.
 cordially invites you to celebrate
the opening of its new office
in the former United Illuminating Building
115 Broad Street, Bridgeport, Connecticut
Thursday, November 17, 1983 4:30 to 7:30 PM

Who Let the Dogs In?

06.16.2021

Is an employer required to allow an assistance animal into the workplace? Well, the short answer is, it depends. There are two primary types of assistive animals: “service animals” and “emotional support animals.” While Connecticut law does provide wide protection for service animals, that is not the case for emotional support animals.

A service animal is defined, under the American’s with Disabilities Act (“ADA”), as “any dog 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a 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 non- violent 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 for the purposes of this definition.”

In addition to guide dogs and hearing dogs, psychiatric service animals must be allowed into public accommodations and the workplace under the ADA. Psychiatric service animals help their handlers manage mental and emotional disabilities by, for example, interrupting self-harming behaviors, reminding handlers to take medication, checking spaces for intruders, or providing calming pressure during anxiety or panic attacks.

It should be noted that Connecticut law is even more limited than federal law, when it comes to public accommodations, in that it only covers dogs that assist those who are blind, deaf, or mobility-impaired;

it does not cover psychiatric service animals and service animals that assist those with other types of disabilities, as the ADA does. However, even though Connecticut law is more limited when it comes to public accommodations, employers subject to the ADA would still be required to allow a psychiatric service animal into the workplace.

On the other hand, an emotional support animal, while still prescribed by a mental health professional, differs from a service animal in that they are typically not trained to provide any specific services for its owner. emotional support animals provide support through companionship and can help ease anxiety, depression, and certain phobias. However, they are not service dogs, and they do not receive the same accommodations as service dog users. While service dogs are generally allowed anywhere the public is allowed, emotional service animals are not. However, it should be noted that the Fair Housing Act does include emotional support animals in its definition of assistance animals and under the Act, people cannot be discriminated against due to a disability when obtaining housing.

If an employee presents an employer with a request to bring an assistive animal to work as an accommodation, it is important that the employer determine whether this animal is a service animal or merely an emotional support animal. The employer may ask what the service animal does, if it is trained, and what tasks it performs for the employee and whether the employee can perform the essential functions of the job with the requested accommodation. The employer may request medical documentation to support that a dog provides specific services that alleviate symptoms for the owner. However, the employer may not specifically ask the employee about his or her disability.

For additional information, please contact Cohen and Wolf.

PRACTICE AREAS

Employment Counseling & Litigation