



# **Clinton County**

## **Clinton County Service Animals, Emotional Support Animals and Pets Policy**

### **PURPOSE**

The purpose of this policy is to:

- Address compliance with the Americans with Disabilities Act (ADA) and Section 504 of the 1973 Rehabilitation Act.
- Ensure that persons with disabilities who use service animals can participate in and benefit from the use of any Clinton County facility.
- Ensure that Clinton County does not discriminate on the basis of a disability as identified in titles I and II of the ADA.

### **Scope**

This policy applies to any person in or at Clinton 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.

### **GOALS**

The goals of this policy are to provide direction on the handling of service animals, emotional support Animals and pet requests and to promote consistent compliance with the applicable laws in Clinton County facilities.

### **Definitions**

*“Emotional Support Animal”* means a companion animal or pet that a medical professional has determined provides therapy or benefit for a person with a disability. These animals have not been trained to do work or perform tasks for the benefit of a person with a disability. An emotional support animal is not a service animal.

*“Facilities”* means all or any portion of a building, structure, is own and run by Clinton County.

*“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 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 any 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 difficulties 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).

“*Trainee*” means a dog being trained to become a service animal. A trainee has the same rights as a fully trained service animal when it is accompanied by a partner/handler and is identified as a trainee.

## Administrative Provisions

### A. Service Animal Identification

1. A service animal is not required to wear a cape, vest, patch or other identifying symbol.
2. Clinton County employees may not ask a person about the nature or extent of his or her disability. Only two questions may be asked to determine if an animal qualifies as a service animal.

- a. Is the animal required because of a disability?
- b. What work or task has the animal been trained to perform?

These questions should not be asked if the animal's service tasks are obvious. For example, if the animal is observed guiding a person who is blind, pulling a person's wheelchair, or providing balance to a person with an observable mobility disability.

3. Clinton County employees shall not require, or ask for documentation or proof, that the animal has been certified, trained, or licensed as a service animal.
4. A service animal will not be allowed to have an audio/visual recording device attached to it if the facility does not allow such devices.

## B. Clinton County Responsibilities

1. Clinton County will make reasonable modifications to its policies, practices, and procedures to permit the use of a service animal by an individual with a disability.
2. Users of Clinton County facilities, programs, services or activities may have a service animal accompany them in Clinton County facilities as a reasonable modification to Clinton County policies, practices and procedures.
3. 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 services animals with the County's Human Resources Director.
4. Clinton County employees shall allow service animals to accompany the partner/handler at all times and anywhere in a Clinton County facility except where animals are specifically prohibited including, but not limited to sterile rooms, and food preparation rooms/kitchen areas.
5. Clinton County shall not charge a fee or deposit for the presence of a service animal.
6. Clinton County employees shall not distract a service animal in any way. Clinton County employees shall not pet, feed, or interact with a person's service animal without the partner/handler's invitation to do so.
7. Clinton County employees shall not separate a partner/handler from a service animal.
8. Clinton County employees are not required to provide care or food for a service animal.

9. In determining whether reasonable accommodations to policies, practices, and procedures can be made to allow a miniature horse into a specific facility, Clinton County may consider the factors listed below.

- a. The type, size and weight of the miniature horse and whether the facility can accommodate these features.
- b. Whether the handler is in sufficient control of the miniature horse.
- c. Whether the miniature horse is housebroken.
- d. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

A miniature horse generally ranges in size from 24 inches to 34 inches measured at the shoulders and weighs between 70 and 100 pounds.

#### C. Clinton County Contact Information

The Clinton County ADA Coordinator (Director of Human Resources) can be contacted at (563)244-3450 or at [daldridge@clintoncounty-ia.gov](mailto:daldridge@clintoncounty-ia.gov)

#### D. 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.
2. The partner/handler must be in control of the service animal by means of a harness, leash or other tether. In cases where the partner/handler is unable to hold a tether, or the use of a harness, leash or other tether would interfere with the service animal's safe, effective performance of work or tasks, the partner/handler must maintain control of the service animal by voice, signal, or other effective control.
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, Clinton 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 housebroken and is responsible to clean up after and properly dispose of the service animal's feces and/or urine in a safe and sanitary manner. Persons with disabilities who cannot clean up after their service animal are not required to pick up and dispose of feces/urine; however, Clinton County reserves the right to have the service animal removed from the premises.
5. The partner/handler must ensure the service animal is licensed and vaccinated in accordance with applicable state and local laws.

6. The partner/handler must respond truthfully to the allowable questions:
  - a. Is the animal required because of a disability?
  - b. What work or task has the animal been trained to perform?
7. The partner/handler will be responsible for damage or injury caused by the service animal.
8. If a person intentionally misrepresents an animal as a service animal they may be criminally prosecuted pursuant to state law.

#### E. Restrictions/Exclusions

1. Emotional support animals and pets are not allowed in Clinton County facilities. Requests for a reasonable accommodation or reasonable modification to this specific policy provision may be made to the Clinton County ADA Coordinator.
2. Clinton County may impose restrictions on service animals, refuse a service animal access to any part or all parts of Clinton County facilities, or require the removal of a service animal from a Clinton County facility, on a case-by case basis, for reasons including, but not limited to:
  - a. The service animal is out of control and the partner/handler does not take effective action to bring it under control.
  - b. The service animal is not housebroken.
  - c. The service animal's behavior results in a hygiene problem.
  - d. The service animal becomes ill.
  - e. The service animal poses a threat to the health or safety of others or if it has a history of such behavior, or could be in danger itself.
  - f. Providing a service animal access to a service, program or activity would fundamentally alter the nature of the service, program or activity.

In most cases, allergies and fear of animals are not valid reasons for denying access or refusing service to people with service animals.

3. When a person with disability's service animal is refused access, or is required to be removed from a Clinton County facility, Clinton County must allow the person with a disability the opportunity to participate in a service, program or activity without the service animal's presence.
4. A working Animal is generally not considered a service animal, however, any dog accompanied by the certified law enforcement officer, CERT volunteer, or firefighter, assigned as its handler are considered exempt from the provisions of this policy.

5. 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.

6. A person using any Clinton County facility who does not agree with the decision regarding refusing access to a service animal or the removal of a service animal from a Clinton County facility may submit a complaint using the process outlined in the Clinton County ADA Grievance Procedure which can be accessed at <https://www.clintoncounty-ia.gov/SiteContent/Documents//File/Human%20Resources/ADA//ADA%20Grievance%20Procedure%20Update.pdf> or by contacting the Clinton County ADA Coordinator/ Clinton County Human Resources Director.

#### F. Conflicting Disabilities

Individuals with medical issues, such as a respiratory disease, who are affected by animals should contact the ADA Coordinator/Human Resources Department if they have a concern about exposure to a service animal. The individual will be asked to provide medical documentation that identifies a disability and the need for a modification or accommodation. The appropriate Clinton County staff will facilitate a process to resolve the conflict that considers the needs and conditions of all persons involved.

#### G. Emergencies

1. Emergency responders will not consider a service animal to be harmful if said animal is, or may be, confused, disoriented, or attempting to protect its partner/handler due to an emergency.

2. Emergency responders should make every effort to keep a service animal with its partner/handler in an emergency. However, the emergency responder's first effort should be to ensure the partner/handler's safety.

#### H. Enforcement

Elected officials, department heads and managers have the responsibility to enforce this policy and to enlist the cooperation of employees in following its provisions.

Disciplinary actions taken for violation of this policy shall be reviewed by the Human Resources Director and approved by the Board of Supervisors.

If, in the opinion of the Board of Supervisors, the strict application of this policy in a specific case would not serve the best interests of the County, the Board of Supervisors may waive or modify provisions of this policy.

Adopted: Dec. 2019