

Animals in the Workplace—No, This is Not Another Blog About Sex Harassment

Tuesday, February 6, 2018

You have just received an e-mail alerting you to a FIDO issue and you are wracking your brain to recall the statute for which FIDO is an acronym. Then you read on and learn the email is from your new HR specialist who seems to put everything in “caps” and the question is about dogs in the workplace. You tell yourself it could be worse. [Miniature horses](#) are included within the definition of service animals that must be permitted in places of public accommodation.

You read on and learn that one of your customer service reps has started to bring his golden doodle into the workplace because he says Sparky helps keep him focused, keeps his anxiety symptoms in check and stops him from spouting off at dissatisfied customers. You are worried that if you permit this other workers are going to want to do the same thing and the workplace is enough of a zoo already. To make things more difficult, there are other workers who (perish the thought) don't like animals, are scared of them or may have allergies.

Although it presents a challenge, it requires you to use the same tools you bring to other disability-related accommodation requests—that is, you need to engage in the interactive process to determine how this request can be accommodated without causing your business an undue hardship. You may have to set certain boundaries and make sure that other workers' contact is limited. You may have to allow additional breaks for the dog to walk and do what dogs do.

The things to keep in mind—as with all accommodation requests—are the job requirements so that you can analyze the situation on a case by case basis. You will need to take into account what services the animal is trained to provide. It is not a one-way street. As in all cases, employee's need to recognize that the ADA's interactive accommodation process requires a willingness for both sides to work together. You should also be aware employers can ask for documentation and information to support a request to use an animal in the workplace. This is not the case for businesses under the ADA's public accommodation provisions.

Animals that are trained to provide specific services such as helping visually impaired workers complete their tasks or who can sense the onset of diabetic comas present one set of issues but the growing use of emotional support animals to help alleviate anxiety often pose more subtle analysis. There really are no rules as to what is acceptable or not and employers need to tread carefully when evaluating these requests.

You can require the animal to be well-behaved, house-broken and quiet. You may need to move the worker but you don't want to isolate her because of her need to be accommodated. All of this should not be news. It is the same analysis you need to engage in with other requests for a disability-related accommodation.

This will test your HR Superpowers but by keeping the interactive process open and using the same tools to resolve any conflicts that arise you should be alright. Not all dogs need be allowed in the workplace, but separating the Wheaton from the Mastiff is going to require a subtle analysis that should have you consulting with your employment counsel lest you end up in the doghouse yourself.

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Source URL: <https://www.natlawreview.com/article/animals-workplace-no-not-another-blog-about-sex-harassment>

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