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ADA Accommodations – Animals in the Workplace

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Introduction

This paper reviews requests for service animals and emotional support animals as accommodations in the workplace, with an emphasis on requests based in employee mental health related disabilities.

Title I of the Americans with Disabilities Act ("ADA") applies to the workplace and requires employers to provide reasonable accommodations to qualified individuals and applicants to perform the essential functions of their job and access equal benefits and privileges of employment.[1] While other Titles define service animals, Title I does not define service animals or specify whether service animals or emotional support animals can be reasonable accommodations. However, it is generally accepted that both service animals and emotional support animals can be reasonable accommodations.[2] Employers must provide reasonable accommodations unless the request will cause an undue burden.[3]

Interactive Process

The ADA states that individuals and employers should use an "informal, interactive process" to determine the "appropriate reasonable accommodation."[4]. This is often a multi-step process that will vary determining on the specific circumstances. Courts have held that requests to bring animals into the workplace as an accommodation for a mental health related disability can create novel issues, necessitating the need for a longer interactive process.[5] The Job Accommodation Networks provides a helpful overview of the interactive process.[6] While this paper does not detail every aspect of the interactive process, it is imperative that employers train supervisors and Human Resources staff to recognize an accommodation request, which triggers the obligation to engage in the interactive process.

Undue Hardship

Undue hardship is when the requested accommodation is significantly expense or difficult.[7] Factors considered include:

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[1] *See* 29 C.F.R. § 1630.2.

[2] *See Maubach v. City of Fairfax*, 2018 U.S.Dist. LEXIS 73815 at footnote 7 (E.D. Va. 2018); *See also* EEOC's press release for settlement of *EEOC v. CRST Int'l*, et al., 351 F. Supp. 3d 1163 (N.D. Iowa 2018).

[3] 29 C.F.R. § 1630.9.

[4] 29 C.F.R. § 1630.2(o)(3)

[5] *See Arndt v. Ford Motor Co.*, 716 F. App'x 519 at 528 (6th Cir. 2017).

[6] U.S. Department of Labor, Office of Disability Employment Policy, Job Accommodation Network, February 6, 2025. "A to Z: Interactive Process" Retrieved from https://askjan.org/topics/interactive.cfm.

[7] 29 C.F.R. § 1630.2(p)

- nature and net cost of the accommodation;
- overall financial resources of the facility and employer;
- type of operation or operations of the employer; and
- impact of the accommodation upon the operation of the facility.[8]

When reviewing a request for a service animal or emotional support animal the last factor will generally be weighed heavily because of the minimal cost. In two settled cases, the EEOC sued employers who rejected requests to bring service animals into the workplace based on conclusory assertions.[9] In *Hobby Lobby*, the employer's justification to deny the request because it posed a safety risk was particularly suspect because the store allowed customers to bring service animals and pets into the store.[10]

Clark v. Sch. Dist. Five of Lexington & Richland Counties, 2017 U.S. Dist. LEXIS 46814 (D.S.C. Jan. 6, 2017)

Background

Deborah Clark, a teacher with PTSD and panic disorder, sued School District Five of Lexington and Richland Counties for failing to accommodate her disability by allowing her service dog Pearl to accompany her to work. Clark had previously been allowed to bring Pearl to school as part of a therapy dog program, but when the school moved to a new location, the principal announced no dogs would be allowed. Clark then requested Pearl be allowed as an ADA accommodation for her disability.

ADA Claim

The court found genuine issues of material fact existed regarding Clark's ADA failure to accommodate claim, including: 1) whether Clark could perform essential job functions without accommodation; 2) whether she could enjoy equal employment benefits/privileges without accommodation; 3) whether Clark obstructed the interactive process; 4) whether the District failed to engage in good faith in the interactive process; and 5) whether Clark's requested accommodation was the only reasonable one. The court denied summary judgment on this claim.

Reasonable Accommodation

There were factual disputes about whether allowing Pearl was a reasonable accommodation. Clark provided her psychiatrist's recommendation that Pearl be allowed

[8] *Id*.
[9] *See EEOC v. Hobby Lobby Stores, Inc*., No. 22-cv-2258-JWB-TJJ, 2023 U.S. Dist. LEXIS 232852 (D. Kan. May 8, 2023) and *EEOC v. Papa John's Inc.*, Civil Action No. 3:23-cv-00030 (M.D. Ga. March 14, 2023).
[10] See *Hobby Lobby Stores, Inc*., No. 22-cv-2258-JWB-TJJ.

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