



# RISK SIMPLIFIED

## RESOURCES

[California Civil Rights Department - Reasonable Accommodation](#)

[Fair Employment and Housing Act Section § 12005. Definitions](#)

[American with Disabilities Act 28 C.F.R. §35.104 Definitions & §35.136 Service Animals](#)

[“California Code of Regulations” Title 2, § 11065 “Definitions” & § 11068 “Reasonable Accommodation”](#)

[PRISM Labor Law/Employment Practices Services](#)

## QUESTIONS

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or call 916.850.7300

# Assistive and Support Animals: Workplace Accommodations

by Scarlett Sadler

The presence of assistive animals and support animals has become a recurrent theme in the workplace, and employers play a critical role in promoting inclusivity and equal opportunities for all employees, including those with disabilities who may require the assistance of animals. However, differentiating between support animals and assistive animals is essential to provide appropriate reasonable accommodations in compliance with the Fair Employment and Housing Act (FEHA) and the Americans with Disabilities Act (ADA).

Assistive animals refer to any animal that is necessary as a reasonable accommodation for a person with a disability. Specific examples include guide dogs, signal dogs, assistive dogs, and in some circumstances, miniature horses, all of which are highly trained to perform specific tasks that mitigate the impacts of disabilities. In contrast, support animals offer therapeutic comfort to individuals with a disability, including mental disabilities. The presence of assistive and support animals in public agencies has become increasingly prevalent, raising questions about the distinctions between these two categories and their respective roles in supporting individuals with disabilities.

According to the FEHA and the ADA, both assistive animals and support animals serve as aids to individuals with disabilities. However, they are defined differently:

- **Assistive animals** are specifically trained to perform tasks that mitigate the impacts of a person's disability. These tasks could include guiding individuals with visual impairments, alerting individuals with hearing impairments, providing signals to individuals of an impending medical incident, or providing assistance in other ways directly related to the disability. Under the ADA, assistive animals are considered animals individually trained to work or perform a task for the benefit of an individual with a disability. Assistive animals are not pets.

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- **Support animals** are animals that provide emotional, cognitive, or other similar support to individuals with disabilities, including but not limited to traumatic brain injuries or mental disabilities, such as major depression. Support animals are also known as comfort animals, companion animals, or emotional support animals. They do not require specialized training but offer therapeutic benefits to alleviate symptoms related to anxiety, depression, or other mental disabilities. Under the ADA, the effects of a support animal's presence and the provision of support, well-being, comfort, or companionship do not constitute work or tasks. Contrary to the ADA's definition, the FEHA recognizes support animals as a form of assistive animal and are considered working animals, not pets.



According to the FEHA, public agencies are required to make reasonable accommodations for employees with disabilities, including allowing assistive animals or support animals to accompany an employee at work, as long as they do not pose an undue hardship such as causing significant difficulty or expense or pose an imminent and significant risk to health and safety. In some instances, a request to bring an assistive or support animal to work may be denied if there are objective risks to the health or safety of the individual with a disability or others. In addition, the FEHA prohibits workplace discrimination based on disability, which extends to individuals who require the assistance of assistive animals or support animals. Public agencies must reasonably accommodate these employees.

The ADA ensures protection and accommodation for individuals with disabilities in the workplace. The ADA recognizes assistive animals as those trained to perform specific tasks, aiding individuals with disabilities. Assistive animals can include not only dogs but also miniature horses in certain circumstances. The ADA also mandates that assistive animals must be allowed in all areas of a facility where employees are typically allowed to go, with some exceptions for certain restricted areas.

To ensure compliance with both the FEHA and the ADA regarding animals in the workplace, public agencies should consider the following:

1. **Policies:** Develop policies outlining the circumstances under which employees' animals are allowed in the workplace, focusing on assistive and support animals. Communicate these policies to employees to avoid misunderstandings.
2. **Reasonable Accommodations:** Assess requests for assistive animals or support animals on a case-by-case basis. Engage in the interactive process with the employee to determine whether the presence of the animal is a reasonable accommodation and does not impose an undue hardship.
  - **Employers may require that an assistive animal in the workplace meet the following standards:**
    1. Is free from offensive odors and displays habits appropriate to the work environment, for example, the elimination of urine and feces;
    2. Does not engage in behavior that endangers the health or safety of the individual with a disability or others in the workplace; and
    3. Is trained to provide assistance for the employee's disability.
  - Under the FEHA regulations, the employer has a two week period to object to the presence of the animal if it does not meet the standards above.
3. **Documentation:** Request appropriate documentation from employees.
  - If an employee requests permission to bring an assistive animal into the workplace as a reasonable accommodation, prior to allowing the animal to be present in the workplace, the employer may require that the employee supply:

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1. A letter from the employee's health care provider stating that the employee has a disability and explaining why the employee requires the presence of the assistive animal in the workplace (e.g., why the animal is necessary as an accommodation to allow the employee to perform the essential functions of the job); and
2. Confirmation that the animal meets the standards mentioned in section 2 above. Such confirmation may include information provided by the individual with a disability.
3. The employer may challenge that the animal meets the standards mentioned in section 2 above **within the first two weeks the assistive animal is in the workplace** based on objective evidence of offensive or disruptive behavior. An employer may require annual recertification from the employee of the continued need for the animal.
4. **Safety Considerations:** Employers have a responsibility to ensure the safety of all employees. If the presence of an animal poses a direct threat to the health and safety of others, an employer may be exempt from accommodating that specific animal.

Handling a request for an assistive animal or a support animal should be done with sensitivity and an understanding of the employee's rights as well as the agency's legal obligations. By following these steps, public agencies can navigate such requests effectively while fostering an inclusive and supportive environment for all employees. To learn about public accommodations for assistive animals and support animals, please refer to [this Risk Simplified](#). For questions regarding assistive and support animals in the workplace, contact [Risk Control](#).

