



POLICY

Subject: Service animals

Section: Diversity, Equity and Inclusion

Approved by: Marissa Madrigal, Chief Operating Officer

Approved on: Feb. 14, 2025

Replaces: None

PURPOSE

This policy provides guidance for compliance of requirements under the Americans with Disabilities Act (ADA) for service animals: people with disabilities are allowed to bring their service animals into facilities that are open to the public. Metro is committed to complying with the ADA, ensuring non-discrimination on the basis of disability and providing the public an inclusive environment that welcomes them and their service animals onto its properties.

APPLICABLE TO

This policy is applicable to all employees including regular status, limited duration, variable hour, volunteers and interns.

GUIDANCE

Applicable roles and responsibilities

1. Guidance and procedures under this policy apply to employees whose roles and responsibilities require interaction, transaction and/or engagement with the public and all Metro facilities, properties, venues, and other areas that are open to the public.

Definition of service animal

2. Service animals are defined as dogs or miniature horses that are individually trained to do work or perform tasks for people with disabilities. Examples of work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take

prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. Service animals that are dogs can be of any breed. The work or task a dog or miniature horse has been trained to provide must be directly related to the person's disability. Dogs or miniature horse whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

3. Oregon administrative rules (OAR 839-006-0345) include animals that are being trained to perform tasks for a person with a disability within the definition of service animal.

Interactions with handlers

4. When interacting with people who have service animals, employees may ask only two questions if needed:
 - a. Is the service animal required because of a disability; and
 - b. What work or task the service animal has been trained to perform.
5. Employees cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the service animal, or ask that the service animal demonstrate its ability to perform the work or task.
6. Employees should allow the service animal to always accompany the handler and allow for multiple service animals if required by the handler.
7. Employees should NOT:
 - a. Ask questions regarding the handler's disability.
 - b. Ask for proof or documentation of the service animal's training.
 - c. Require the animal to wear a vest, ID tag, or specific harness.
 - d. Pet the service animal.
 - e. Feed the service animal.
 - f. Make assumptions about the service animal based on breed, size, or other visible indicators.
 - g. Require the handler to pay a fee or admission charge for an assistance animal.
 - h. Ask the handler to have the service animal perform its trained task.
 - i. Deliberately startle the service animal.
 - j. Call the service animal or try to get the service animal's attention.
 - k. Attempt to separate a service animal from its handler.

Handler control

8. Employees are not required to provide care for or supervision of the service animal.

9. A service animal must be under the control of its handler. Service animals must be harnessed, leashed, or tethered, unless the individual's disability prevents using these devices or these devices interfere with the service animal's safe, effective performance of tasks. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Removal from property

10. Employees should follow procedures for removal from property outlined in their worksite specific SOP for service animals.
11. A person with a disability cannot be asked to remove their service animal from the premises unless:
 - a. the animal is out of control and the handler does not take effective action to control it;
 - b. the animal is not housebroken, destroys property, or leaves biological waste; or
 - c. the service animal is visibly ill, injured, or in need of medical attention.
12. When there is a legitimate reason to ask that a service animal be removed, employees must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

Miniature horse assessment

13. Some Metro facilities may not be able accommodate a miniature horse on the premise. Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds. Employees will use the following assessment factors:
 - a. Is the miniature horse housebroken;
 - b. Is the miniature horse under the owner's control;
 - c. Can the facility accommodate the miniature horse's type, size, and weight; and
 - d. Does the miniature horse's presence compromise legitimate safety requirements necessary for safe operation of the facility.

Therapy, emotional support, comfort, or companion animals

14. Many individuals with disabilities are comforted and emotionally supported by the presence of a therapy animal or a companion animal. Such animals are not service animals. Since these animals have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA. Therapy animals and companion animals are not required to be allowed on the premises.

Department-based Standard operating procedures (SOP)

15. Each Metro department or venue will maintain and keep updated a SOP to operationalize the requirements of this policy for any facility, property or worksite open to the public. In no instances should the SOP or other guidance alter the text of the two questions under sections 4 of this policy that employees may ask. See Appendices for the standard template for Service Animal SOP.

RESPONSIBILITIES

Department Directors

- Develop SOPs for applicable venues, worksites and facilities that are specific to the operational needs of that area.
- Ensure that job classifications within the department that engage with the public are identified for training and maintained with Human Resources.

Supervisors

- Ensure employees who engage with the public participate in the required training on service animals.
- Train employees on department or venue-specific standard operating procedures.
- Ensure their direct reports are aware of this policy and their worksite's SOP and can follow them.

Employees

- Participate in the required service animal policy training.
- Adhere to this policy and their worksite's SOPs.

Human Resources

- Track the training of employees on this policy.
- Maintain the availability of training on the Metro Learning System.

Office of the Metro Attorney and ADA Coordinator

- Monitor updates to the code of federal regulations and Oregon administrative rules.
- Review SOPs for adherence to the applicable regulations.

REFERENCE

Code of Federal Regulations for service animals: 28 CFR 35.136 Service animals.

Oregon Administrative Rules for assistance animals: ORS 659A.143 Assistance animals

APPENDICES

Appendix A: Department template for Service animal standard operating procedure (SOP)

Appendix B: Service animal engagement decision flow

APPENDIX A

Department template

Service animal standard operating procedure (SOP)

Delete these instructions on use: This template supports development of department or venue-specific procedures for Metro's Service Animal policy. Items in <<blue brackets>> indicate an area to provide department, facility or worksite specific information.

Additional procedures can be included in this document to support implementation and compliance of the policy. Are there additional procedures, training or safety considerations needed to ensure safety and accessibility for both visitors, handlers and employees responsible for activities and operations?

A final draft of your procedures must be approved by Metro's ADA Coordinator to confirm adherence to the Metro Service animal policy and ADA requirements.

Department or venue: <<Department name>>

Approved by: <<Director name>>

Approval date: <<Month, 00, 2025>>

Prior procedures: None

Refer to referenced policies at oregonmetro.gov/employee-policies

PURPOSE

To establish procedures for ensuring employees at <<Department or venue name>> understand and implement Metro's Service Animal Policy in compliance with the Americans with Disabilities Act (ADA). This procedure outlines employee responsibilities, training, and escalation protocols.

PROCEDURE

Employee awareness and training

1. Employees that engage directly with the public at Metro facilities will be informed of Metro's *Service animal policy* and this procedure during onboarding and complete the required policy training within <<##>> months of beginning employment.
2. Supervisors will ensure all employees, existing and new, with job classifications requiring this knowledge complete the required service animal training (see Responsibilities section of this SOP).

3. The <<Division name>> will be responsible for providing periodical reminders, no less than once each year to employees with the qualifying job codes and roles on the policy (see Responsibilities section of this SOP).
4. Updated policies and procedures will be provided using <<department name>> communication methods including: <<list methods here. Examples included MetroNet, email and Teams messages>>.

Public interactions

5. Employees who interact with the public are responsible for engaging with visitors regarding service animals, including <<list positions, roles and/or classifications>>.
6. Employees will adhere to the Service animal policy guidelines for interactions with handlers by asking only the two allowed questions outlined in the policy:
 - e. Is the service animal required because of a disability?
 - f. What work or task has the service animal been trained to perform?

Accessibility inquiries

7. Accessibility inquiries from the public, including those related to service animals, should be directed to the <<position title in Department or Division name>>. <<Identified position>> will address the inquiry or seek guidance from the Accessibility and Disability Inclusion Program team as needed (email accessibility@oregonmetro.gov).

Escalation and removal

8. Following guidance in the Service animal policy, if a service animal poses a safety concern, employees must notify their immediate supervisor or the <<MOD or other position or title>>. See example engagement decision flow in the Appendices section of this procedure.
9. Supervisors <<or other designated position or title>> are responsible for evaluating any situations where removal is being considered and determine whether removal is necessary.
10. If removal is determined, <<designated title for item 8>> must follow policy guidelines and offer the handler the opportunity to remain on property without the animal's presence or obtain any goods or services, following policy guidelines.
11. In the event of a removal, <<describe incident reporting procedures>>.

RESPONSIBILITIES

Employees

- Engage with visitors professionally and respectfully following guidance outlined in the Service Animal Policy.
- Complete required service animal training.
- Immediately escalate concerns or complaints to their supervisor or other designated personnel. <<Include additional details on communication procedures as required (i.e. position title for designated personnel)>>

<< Name and position or title referenced under “Accessibility inquiries”>>

- Handle or escalate any issues involving service animals, including safety concerns and potential removals.

Supervisors

- Ensure employees attend required training and understand and follow Metro’s Service Animal Policy and this SOP.
- Provide assistance with difficult conversations with visitors about the policy.
- Handle or escalate any issues involving service animals, including safety concerns and potential removals.

<< Name and position of the department’s ADA representative or designee>>

- Serve as the primary point of contact for service animal-related inquiries and complaints for your assigned area of supervision.
- Escalate unresolved issues to senior leadership and ADA Coordinator as needed.

<<Department or Division leadership>>

- Ensure that job classifications within the <<department/division>> that engage with the public are identified for training and maintained with Human Resources (HR). Service animal training is tracked by HR by job code and unique role(s) within the <<department/division>>. When an employee identified in a unique role for their job code vacates their position, their supervisor is responsible for ensuring their replacement receives the required training.

Job code listing for Service animal policy responsibilities for <<department, facility or worksite name>>

The following job codes and unique roles within the job codes are identified for the <<department/division/location>>:

Job codes for policy and SOP training

<<##### Classification>>

<<##### Classification>>

<<##### Classification>>

Accessibility inquiries

<<##### Classification: Name of person(s)>>

<<##### Classification: Name of person(s)>>

<<Other key roles>>

<<##### Classification: Name of person(s)>>

<<##### Classification: Name of person(s)>>

APPENDIX B

Service animal engagement decision flow

The following is the text representation of a traditional decision flow chart. <<Modify as applicable to the facility>>

Is the animal a dog or miniature horse?

NO

Action: Notify supervisor or building/facility manager before engaging. Ask the visitor to remove the animal from the building. Tell them if they want to be in the building, they are welcome, but we only allow service animals. If they refuse to comply, ask <<supervisor/building/facility>> manager to step in to assist with the situation.

YES

Is animal under control and not creating a mess or disturbance?

YES. Action: Let them enter without question. Alert other facilities staff there is animal in the building.

UNSURE. Action: Monitor the situation and discuss with supervisor/building manager to develop a plan of action to fit the particular situation.

NO. Action: If you observe a service animal that is not under the handler's control, is destroying property, creating a biohazard, or is visibly ill or injured, or you receive a complaint, notify your supervisor/manager. Then approach the handler. ask the two approved questions:

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

- **Handler control issue:** Give them a warning that they must get control of the service animal, and they will be asked to remove the animal from the site if they cannot. If the handler regains control with no more issue, do not disturb the visitor. If they cannot maintain control, ask them to remove the animal. Inform them they can return without the animal and discuss accommodation options.
- **Biohazard or property destruction:** If the animal creates a biohazard or destroys property, notify supervisor/manager and custodial. Ask the visitor to remove the animal. Inform them they can return without the animal and discuss accommodation options.
- **Visibly ill or injured:** If the animal is visibly ill and/or injured to the degree it creates a disturbance, notify supervisor/manager. Ask the visitor to remove the animal. Inform them they can return without the animal and discuss accommodation options.