

# Who Let the Dogs In... the Workplace?

## Why Dogs or Other Animals May Soon be in Your Workplace and What You Should Do About It

If an employer has not yet received an employee request to bring an animal to work as a reasonable accommodation, it may only be a matter of time.

More employers are reporting requests to bring an animal to work due to a claimed disability. The United States Equal Employment Opportunity Commission has not yet issued guidance on animals serving as a reasonable accommodation, but it has filed at least one lawsuit against an employer that refused to recognize an animal as an accommodation for a claimed disability.

A request to bring an animal to work can generate any number of issues, such as co-workers' allergies, safety of employees, noise levels, and the animal's caretaking.

### Below are five things an employer should keep in mind after receiving a request to bring an animal to work as an accommodation.

1. **Don't say "no" right away.** An employer must treat a request to bring an animal to work the same as any other request for a reasonable accommodation—engage in the interactive process and carefully consider the request, rather than denying the request out of hand.
2. **Dogs are not the only animals that may be a reasonable accommodation.** An employer must consider requests to have animals other than dogs as an accommodation for a disability. An employee request might involve a monkey, cat, bird, or other animal. Because the law does not provide any guidance on this issue, the employer will have to determine whether such animals are a reasonable accommodation.
3. **An employer may have to allow "emotional support" animals.** Emotional support animals are those which providing nothing more than emotional support—that is, they perform no "tasks" for the employee. Nevertheless, a request for an emotional support animal should be handled the same as any other request for a *reasonable* accommodation.

#### POSTED:

Dec 28, 2017

#### RELATED PRACTICES:

##### [Health Care](#)

<https://www.reinhartlaw.com/practices/health-care>

##### [Corporate Law](#)

<https://www.reinhartlaw.com/practices/corporate-law>

##### [Labor and Employment](#)

<https://www.reinhartlaw.com/practices/labor-and-employment>

#### RELATED SERVICES:

##### [Employment Counseling, Advice and Compliance](#)

<https://www.reinhartlaw.com/services/employment-counseling-advice-and-compliance>

##### [Employment Litigation](#)

<https://www.reinhartlaw.com/services/employment-litigation>

##### [Labor Relations](#)

<https://www.reinhartlaw.com/services/labor-relations>

##### [Food and Beverage](#)

<https://www.reinhartlaw.com/services/food-and-beverage>

##### [FMLA Leave and Disability Management](#)

<https://www.reinhartlaw.com/services/fmla-leave-and-disability-management>

#### RELATED PEOPLE:

##### [Robert S. Driscoll](#)

<https://www.reinhartlaw.com/people/robert-driscoll>

4. **Accommodating an employee's request to bring an animal to work requires the employer to also accommodate the animal's caretaking.**

An employer may have to allow, for example, the employee to adjust his or her break times so as to permit the animal to relieve itself outdoors, or provide a workspace large enough to permit the animal to stay at the employee's side without unduly interfering with other employees' movements.

5. **An employer need not tolerate animals that pose a direct threat.** An employer can prohibit animals that pose a direct threat to the health or safety of the workplace. Therefore, an employer should document any occasion of the employee losing control of the animal or failing to adequately take care of the animal, and all incidents of the animal behaving aggressively. An employer should also document any safety concerns regarding having an animal accompany the employee in the workplace. For example, an animal accompanying an employee who unloads trucks or works in an emergency room may be dangerous to the employee, co-workers, or customers/patients.

[Katie D. Triska](#)

<https://www.reinhartlaw.com/people/katie-triska>

If you have any questions regarding animals serving as a reasonable accommodation, or need assistance in processing an employee's request for such, please contact [Rob Driscoll](#), [Katie Triska](#), or your Reinhart attorney.

*These materials provide general information which does not constitute legal or tax advice and should not be relied upon as such. Particular facts or future developments in the law may affect the topic(s) addressed within these materials. Always consult with a lawyer about your particular circumstances before acting on any information presented in these materials because it may not be applicable to you or your situation. Providing these materials to you does not create an attorney/client relationship. You should not provide confidential information to us until Reinhart agrees to represent you.*