



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

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DEPARTMENT OF PLANNING AND NATURAL RESOURCES DIVISION OF LIBRARIES, ARCHIVES, AND MUSEUMS

4607 TUTU PARK MALL
ST. THOMAS, VIRGIN ISLANDS 00802

POLICIES AND PROCEDURES FOR SERVICE ANIMAL POLICY

Effective immediately, the Department of Planning and Natural Resources (DPNR) Division of Libraries, Archives, and Museums (DLAM) shall abide with the following written policies and procedures for service animals (hereinafter, Service Animal Policy) in all its facilities in St. Croix, St. John, and St. Thomas.

Service Animal Inquiries. When an individual with a disability seeks to use a service animal in its programs or activities pursuant to the ADA, the Library may make only two inquiries to determine whether an animal qualifies as a service animal:

- (1) is the animal required because of a disability; and
- (2) what work or task has the animal been trained to perform.

The Library will not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

Access to Facilities. Individuals with disabilities will be permitted to be accompanied by their service animals in all areas of the Library's facilities where members of the public, participants in services, programs, or activities, or invitees, as relevant, are allowed to go. The handler may be the individual with a disability or a third party who has been appropriately trained to handle the service animal. The Library may require a service animal's handler to remove the service animal from Library property if

- (1) the animal is out of control and effective action cannot be taken to control it; or
- (2) the animal is not housebroken.

Reasonable Modifications. The Library will make reasonable modifications to its policies, practices, and procedures, where necessary to avoid discrimination against a person with a disability who uses a service animal unless the Library can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. Reasonable modifications in this context include, but are not limited to, providing assistance to a patron with a disability in tethering or untethering the service animal, or escorting a patron with a disability throughout the Library as he or she is accompanied by a service animal.

Prohibition against Surcharges. The Library will not require a surcharge for the use of a service animal on Library property.

Reporting a Grievance / Concerns. If an individual feels that they have been discriminated and/or would like to report a grievance, concerns and/or questions, the individual should request to speak with a supervisor (Office Manager and/or Librarian IV) at the respective facility. If not satisfied with the response from the supervisor, contact should be made directly to the Territorial Director of DPNR-DLAM at 340-774-0630 x: 8007 or 340-773-5715 x: 24 or mail to the above mentioned address.

The Department of Planning and Natural Resources Division of Libraries, Archives and Museums will abide by the guidelines set forth in https://www.ada.gov/service_animals_2010.pdf, of which a copy is attached.



Service Animals

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

Overview

This publication provides guidance on the term “service animal” and the service animal provisions in the Department’s new regulations.

- Beginning on March 15, 2011, only dogs are recognized as service animals under titles II and III of the ADA.
- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.
- Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.

How “Service Animal” Is Defined

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such 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. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act.

Some State and local laws also define service animal more broadly than the ADA does. Information about such laws can be obtained from the State attorney general's office.

Where Service Animals Are Allowed

Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal's presence may compromise a sterile environment.

Service Animals Must Be Under Control

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals

- When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require

medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.
- If a business such as a hotel normally charges guests for damage that they cause, a customer with a disability may also be charged for damage caused by himself or his service animal.
- Staff are not required to provide care or food for a service animal.

Miniature Horses

In addition to the provisions about service dogs, the Department's revised ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) Entities covered by the ADA must modify their policies to permit miniature horses

where reasonable. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the facility can accommodate the miniature horse's type, size, and weight; and (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

For more information about the ADA, please visit our website or call our toll-free number.

ADA Website

www.ADA.gov

To receive e-mail notifications when new ADA information is available, visit the ADA Website's home page and click the **link** near the top of the middle column.

ADA Information Line

800-514-0301 (Voice) and 800-514-0383 (TTY)

24 hours a day to order publications by mail.

M-W, F 9:30 a.m. – 5:30 p.m., Th 12:30 p.m. – 5:30 p.m. (Eastern Time)

to speak with an ADA Specialist. All calls are confidential.

For persons with disabilities, this publication is available in alternate formats.

Duplication of this document is encouraged. July 2011

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