



ADMINISTRATIVE POLICIES

SECTION:	General Administration		POLICY:	525
TITLE:	Animals in Marion County Owned or Leased Facilities		PROCEDURE:	525-A
			ORDER:	17-035
DEPT:	Business Services		DIVISION:	Facilities
ADOPTED:	03/16	REVIEWED:	03/17	REVISED:

PURPOSE: This policy establishes definitions and rules pertaining to animals in County owned, operated or leased facilities.

AUTHORITY: The Marion County Board of Commissioners may establish rules and regulations in reference to managing the interest and business of the county under ORS 203.010, 203.035, 203.111, and 203.230.

APPLICABILITY: All county departments, employees, and volunteers

GENERAL POLICY: Marion County’s policy is to provide a safe and healthy work environment for all employees and visitors. In addition to providing a professional and conducive work environment, this policy responds to concerns for the health and safety of employees and animals. In accordance with this, animals are prohibited from all Marion County facilities and premises with the exception of service animals as defined by the Americans with Disabilities Act (ADA) and working animals as defined in exceptions below. This policy does not apply to county owned or leased residential facilities where the county is a housing provider under the Fair Housing Act (FHA). The county will comply with the ADA and the FHA in those circumstances.

POLICY GUIDELINES:

1. DEFINITIONS

Facility Any Marion County owned or leased facility, including the associated parking lots, grounds and common areas, except designated Marion County parks and the Marion County Dog Shelter.

Service Animal: ORS 659A.143, OAR 839-006-0345, 28 CFR § 35.104, 28 CFR § 36.104

(1) Service animal as defined by the Americans with Disabilities Act (ADA), or assistance animal under state law, means:

(a) Any dog that is individually trained to work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability; or,

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(b) A miniature horse that is individually trained to do work or perform tasks for the benefit of the individual with a disability, as long as the facility can accommodate the miniature horse's type, size, and weight.

- (2) The definition of service animal does not include other species of animals, whether wild or domestic, trained or untrained.
- (3) The work or tasks performed by a service animal must be directly related to the individual's disability.
- (4) Examples of work or tasks include, but are not limited to: assisting an individual who is blind or who has low vision with navigation; alerting an individual who is deaf or hard of hearing to the presence of people or sounds; providing non-violent protection or rescue work; pulling a wheelchair; assisting an individual during a seizure; alerting individuals to the presence of allergens; retrieving items such as medicine or the telephone; providing physical support and assistance with balance and stability to individuals with mobility impairments; and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
- (5) The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks of a service animal for purposes of the definition of a service animal.

Working Animals: Animals engaged in authorized service to/for Marion County (e.g., police dogs). For purposes of this policy, working animals includes dogs within the care and custody of Marion County Dog Services.

1. SCOPE

The presence of animals in the workplace or other spaces occupied by employees can trigger allergies, cause insect infestation and accidents. Except as provided under the EXCEPTIONS section below, animals are not allowed in Marion County owned, operated, or leased facilities at any time. This policy does not apply to designated Marion County parks or the Marion County Dog Shelter.

This Policy applies to all employees, contractors and visitors of Marion County and covers all areas and businesses of Marion County's daily operations.

3. PROHIBITIONS

This policy provides for the health and safety of employees, clients and members of the public in Marion County facilities by restricting animals in or on county facilities as follows:

- (1) Unauthorized animals are not permitted in county facilities or in any area within the workplace, including the parking lots and grounds.
- (2) Bringing a pet to work and leaving it in a vehicle is prohibited. Any animal left in a vehicle or otherwise unattended may be reported to the appropriate local authorities. If the vehicle can be identified as belonging to a specific employee, all attempts will be made to reach that person prior to contacting authorities.

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4. EXCEPTIONS

Animals may be allowed in facilities as follows:

(1) **Service Animals:** In order to accommodate individuals with disabilities, service animals are permitted in all areas in the workplace and county facilities.

(a) A service animal can be excluded from a facility if its presence interferes with legitimate safety requirements of the facility.

(b) In all cases, only clean, trained, well-behaved, non-aggressive animals are allowed. 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 these cases, the service animal must be under the handler's control through voice commands, hand signals, or other effective means.

(c) Service animals must be kept under control at all times. An individual with a disability may be asked to remove a service animal if the animal is not housebroken or is out of control and the individual is not able to control it.

(d) It is the service animal owner's or handler's responsibility to ensure that animals relieve themselves in appropriate locations and the individual is responsible for cleaning up after the animal. Individuals with service animals should not call upon others to assist in this task. Service animals must be clean, free of fleas, ticks and odors.

(e) Service animals must be licensed, if required, and up to date on required vaccines.

(2) **Working Animals:** Working animals are permitted under the authorization and direction of the Marion County Sheriff's Office or Marion County Dog Services, or as authorized by the Business Services Director.

(3) Requests for exceptions to this policy for employees', volunteers' or vendors' service animals must be submitted to the Business Services Department, using the Request for Exception form (attached to Procedure 525-A), and must include approval of a request for an ADA accommodation and details of the work or task the animal has been trained to perform. The Business Services Director shall approve, approve with conditions, or disapprove the request for exception and shall inform the requestor and requestor's supervisor of the decision.

(4) Exceptions for clients, customers, or members of the public with service dogs may be determined by the manager of the facility. If a service animal is excluded, the individual with a disability must still be offered the opportunity to obtain goods, services, and accommodations without having the service animal on the premises. All requests for exceptions for service miniature horses must be referred to the Business Services Director. To determine if an animal is a service animal, the manager may ask two questions:

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- (a) Is this animal required because of a disability?
- (b) What work or task has this animal been trained to perform?

(5) If the county constitutes a "housing provider" under the FHA, the county will comply with the ADA and FHA when considering tenant requests.

5. RESPONSIBILITIES

(1) All elected officials, department heads, managers and supervisors are responsible for enforcement of this policy including but not limited to, prohibiting unauthorized animals in the workplace by employees.

(2) All employees are responsible for complying with this policy and not bringing unauthorized animals into any area in the workplace or county facilities.

6. DISCIPLINARY ACTION

(1) Employees who violate this policy shall be subject to discipline in accordance with the appropriate collective bargaining agreement or personnel rules. Employees who bring an unauthorized animal into the workplace will be required to immediately remove the animal.

(2) Trial service employees, temporary employees or volunteers who violate this policy may be subject to immediate termination.

7. POLICY REVIEW

This policy will be reviewed by Marion county Risk Management every 3 years and updated as needed.

Adopted: 02/16

Reviewed: 03/17