



## SERVICE & EMOTIONAL SUPPORT ANIMALS IN THE WORKPLACE

Randy Turner  
2417 Park Hill Dr., Suite B  
Ft. Worth, Texas 76110  
Tel. 817-420-9690  
[www.randyturner.com](http://www.randyturner.com)

May 5, 2022



1



**After listening to his owner drone on for hours, Ralph suddenly realized he was NOT cut out to be an emotional support dog after all.**

2

## Disabled people and the animals that assist them are entitled to have access to:

- The workplace
- All places open to the public
- Public transportation
- Housing
- Schools and universities





© Randall E. Turner

## Workplace statutes:

 **ADA Title I:** applies to private employers (42 U.S.C § 12112)

 **ADA Title II:** applies to state and local governments (42 USC §12131)

 **Rehabilitation Act of 1973:** applies to federal government, its contractors, and entities that receive federal funds (29 U.S.C. §701 *et seq*)

 **Texas Labor Code:** applies to all employers in Texas (Texas Labor Code §21.128)

## Employee or job applicant must be disabled



**“Disability”** means “a physical or mental impairment that substantially limits one or more major life activities..., a record of such an impairment, or being regarded as having such an impairment.”

**“Major life activities”** include, but are not limited to, caring for oneself, concentrating, performing manual tasks, seeing, hearing, eating, sleeping, thinking, walking, standing, lifting, bending, speaking, breathing, learning, reading, communicating, and working. Major life activities also include “the operation of a major bodily function...”

5

## Two Categories of Animals:

### Service Animal



Animal that is trained to perform a specific task for a person with a physical or mental disability. Training may be done by owner.

### Emotional Support Animal



Animal’s presence provides emotional support, comfort or companionship but is not trained to perform a task related to a disability.

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Service and Emotional Support Animals in the Workplace

Also available as part of the eCourse

[2022 Labor and Employment Law eConference](#)

First appeared as part of the conference materials for the  
29<sup>th</sup> Annual Labor and Employment Law Conference session  
"Service and Emotional Support Animals in the Workplace"