

Good morning,

I am following up on our previous e-mails and phone calls regarding my application for reasonable accommodations. I received a call from your office saying that originally the application was denied and a day later that the decision had been changed to a "no/maybe". That was two weeks ago as of this email and I have not received a follow up to the status. The original date of my application was May, 10th of this year.

Speaking with my director, [REDACTED], as of the 24th of June has yet to be contacted by your office about this possible accommodation. Your office stated that you needed to start a conversation with him about this accommodation after speaking to me on or about the 13th or 14th of June. I personally started that conversation with [REDACTED] right after that conversation. This has included research material and educational materials on service dogs as reasonable accommodations as well as a suggested "testing period" here at work.

I understand the gears of state bureaucracy can move slowly and I can accept that, however I feel, due to the lack of communication, that my application has been placed into the "on-hold" or "we do not know what to do" box.

Under Title I, the law is clear that an employer must engage in an interactive process with the employee to determine what, if any, reasonable accommodations are available. According to the court, Title II also requires this interactive process.

According to Title 28 of the Code of Federal Regulations, Section 35, the use of service animals is reasonable as an accommodation under the ADA unless one of four exceptions apply:

1. Granting access would fundamentally alter the nature of the program;

A "fundamental alteration" is a change that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered. ~ADA

2. The animal poses a direct threat to the health and safety of others;

A service animal may not be excluded based on assumptions or stereotypes about the animal's breed or how the animal might behave. However, if a particular service animal behaves in a way that poses a direct threat to the health or safety of others, has a history of such behavior, or is not under the control of the handler, that animal may be excluded. ~ADA

3. The animal is out of control; or

Preset requirement for all service dogs.

4. The animal is not housebroken.

Preset requirement for all service dogs.