
Federal Court Provides Guidance on Service Dogs as a Reasonable Accommodation Under the ADA

By Stephen R. Gee / May 22, 2017

On March 29, 2017, the United States District Court for the Eastern District of Michigan identified factors employers should consider if presented with the novel, but increasingly popular, employee disability accommodation request for having a service dog in the workplace. In *Amdt v. Ford Motor Co.*, Case No. 15-11108, a former manufacturing supervisor, suffering from Post-Traumatic Stress Disorder ("PTSD"), claimed Ford violated the ADA by failing and refusing to accommodate his PTSD, resulting in his constructive discharge. The district court granted Ford summary judgment on the former supervisor's claims for a myriad of reasons, but mainly because the former supervisor failed to sufficiently answer what specific job functions his PTSD prevented him from performing. The district court did *not* rule a reasonable accommodation could never include a service dog.

The district court used the case's facts to identify factors that an employer should consider when determining whether or not a reasonable accommodation could include a service dog:

1. **Is the Employee's Medical Professional Knowledgeable About Service Dogs and the Employee's Work Environment?** The district court held the supervisor's psychiatrist could not provide an opinion on whether a service dog would reasonably accommodate the supervisor within the manufacturing environment because she lacked both any professional knowledge of how service dogs were trained, as well as familiarity with the plant working environment.
2. **Is the Service Dog's Trainer Familiar with the Employee's Work Environment and Role?** The district court found the supervisor's service dog trainer had no idea the dog was meant to go to work with the supervisor nor did the trainer have any familiarity with the manufacturing environment (even in general) or the supervisor's job duties. As a result, the district court held the trainer could not provide an opinion on how the supervisor's service dog would react in the manufacturing environment. The district court found such knowledge could have been obtained by an on-site visit by the dog trainer with the specific service dog.
3. **Was the Service Dog Trained for the Employee's Workplace Environment and Role?** The district court held that because the service dog trainer "had no notion of what conditions he needed to simulate" for the service dog, the supervisor could not establish the service dog would enable him to perform his job duties (especially on the factory floor) when his PTSD flared up.
4. **How Much Information Did the Employee Provide the Employer?** The first three factors here are ones the employee predominantly controls. Although the burden is on the employee to provide the above information (and/or request any on-site visits), the employer should still ask the employee questions related to the above three factors.
5. **What Safety and Health Considerations Can the Employer Identify?** The supervisor worked in a factory, which is obviously one of the more hazardous work environments. However, the district court noted the fact Ford asked its regional head of health and safety to tour the plant to identify whether potential safety issues from the presence of a dog was a smart way for Ford to identify legitimate safety issues to raise with the supervisor.

The *Amdt* decision provides helpful guidance on service dog accommodations. When faced with an employee's request for an accommodation which includes the use of a service dog, the answers to the five questions above will help employers determine if the requested accommodation is reasonable. Use of the questions will also help the employer demonstrate that it engaged in an interactive process and support the reasons for denying or granting the requested accommodation. There are questions still left unanswered. For example, is the employee's burden lower when his or her disability is physical as opposed to mental? Further developments are possible as the former supervisor filed a notice of appeal to the Sixth Circuit Court of Appeals on April 12, 2017.

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