



Oak Brook Park District
Administrative Policies and Procedures

3.5 SERVICE ANIMAL POLICY

Purpose:

- A. The Oak Brook Park District (the "District") is a public entity which is subject to the terms and conditions of Title 2 of the Americans with Disabilities Act of 1990, as amended (the "ADA") and Section 504 of the Rehabilitation Act ("Section 504").
- B. The District is required by the ADA and Section 504 to establish and/or modify policies and procedures to avoid unreasonable discrimination in the provision of public services and benefits against persons with disabilities.
- C. The District desires to establish this policy with regard to the use of service animals by persons with disabilities who are registered participants in District programs or authorized users of the District's parks or facilities, by District employees with disabilities, and by visitors with disabilities in the District's parks and facilities.
- D. The corporate authorities desire for this policy to be read liberally to ensure that participants and authorized users, employees, and visitors with disabilities who have service animals can participate in and benefit from the District's services, programs, and activities, and to ensure that the District does not discriminate on the basis of disability as defined in Titles 1 and 2 of the ADA.

Primary District Contacts:

- A. Participants and authorized users may request to have a service animal accompany them in parks and facilities where they are authorized users as a reasonable accommodation. Persons with disabilities are invited to contact the District's ADA Coordinator, Mike Contreras at 630-645-9527 or e-mail mcontreras@obparks.org.
- B. Employees may request to have a service animal as a workplace accommodation. Please contact the Human Resource Manager for information regarding this process.
- C. Visitors may be accompanied by a service animal when observing programs and activities, or enjoying the District's parks and facilities, without making a request for a reasonable modification. Persons with disabilities are invited to contact the ADA Coordinator, Mike Contreras at 630-645-9527 or e-mail mcontreras@obparks.org with any questions about this policy.



Oak Brook Park District
Administrative Policies and Procedures

Definitions:

- A. **Service Animal:** A *dog* or a *miniature horse* that has been individually trained to perform tasks for the benefit of a person with a disability. Exceptions may be made by the District on a case-by-case basis in accordance with the law. Tasks may include, but are not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to sounds, pulling a wheelchair, or retrieving dropped items. Dogs or miniature horses that are not trained to perform tasks that mitigate the effects of a disability, including dogs or miniature horses that are used purely for emotional support, are not considered service animals and are not allowed at the District's facilities and premises, unless otherwise specifically permitted.
- B. **Partner/Handler:** A person with a disability who uses a service animal as a reasonable accommodation, or a trainer.
- C. **Team:** A partner/handler and a service animal. The two work as a cohesive team in accomplishing the tasks of daily living.
- D. **Trainee:** A dog or a miniature horse being trained to become a service animal has the same rights as a fully trained service animal when accompanied by a partner/handler and identified as such.

General Rules Regarding Service Animals:

As a general rule, the District will modify policies, practices, and procedures, as needed, to accommodate the use of a service animal by an individual with a disability.

Restrictions/Areas of Safety:

The District may impose such restrictions on service animals as it deems necessary for safety reasons. Restrictions will be considered on a case-by-case basis to determine if the animal poses a danger to others at the District's sites or could be in danger itself, and to determine if other reasonable accommodations can be provided to assure that the individual enjoys access to the District's premises, facilities, services or programs. Questions about restrictions on service animals should be directed to the contacts identified in this Policy.

Responsibilities of Partner/Handler:

A Partner/Handler is responsible for the following:

- A. Responding truthfully to the limited and appropriate inquiries that may be made by employees regarding the service animal.



Oak Brook Park District
Administrative Policies and Procedures

- B. Ensuring that the animal meets any local licensing requirements, including maintenance of required immunizations for that type of animal.
- C. Ensuring that the animal is wearing a license and/or tag at all times.
- D. Ensuring that the animal is in a harness or on a leash or tether at all times. Exceptions may be considered individually.
- E. Ensuring that the animal is under control and behaves properly at all times. The supervision of the animal is solely the responsibility of its partner/handler. If the animal's behavior becomes a hygiene problem, or the animal acts in a threatening manner, the District may require the partner/handler to remove the service animal from the site.
- F. Ensuring that all local ordinances or other laws regarding cleaning up after the animal urinates and/or defecates are strictly adhered to. Individuals with disabilities who physically cannot clean up after their own animals are not required to clean or pick up and dispose of urine and/or feces; however, these individuals should use marked service animal toileting areas where provided.
- G. Ensuring that the animal is kept in good health. If the service animal becomes ill, the partner/handler must remove it from the area. If such action does not occur, the District's staff may require it to leave.

District's Remedies if Partner/Handler Does Not Meet Responsibilities:

- A. The District may exclude a service animal from all parts of its property if a partner/handler fails to comply with these restrictions, and in failing to do so, fundamentally alters the nature of programs, services, or activity offered by the District.
- B. The District may exclude a service animal from all parts of its property if a partner/handler fails to control the behavior of a service animal and it poses a threat to the health or safety of others.

Requirements for the District's Employees, Participants and Authorized Users, and Visitors

Members of the District's staff, participants and authorized users, and visitors at the District's sites, are responsible for the following, and the District may take disciplinary action against any individual who fails to abide by these guidelines:

- A. To allow service animals to accompany the partner/handler at all times and anywhere at a site.
- B. To refrain from distracting a service animal in any way, including, but not limited to, petting, feeding, or interacting with the animal without the partner/handler's invitation to do so.



Oak Brook Park District
Administrative Policies and Procedures

- C. To refrain from separating a partner/handler from a service animal.

Temporary Exclusion of Service Animals:

A participant or authorized user, employee, or visitor may report a concern regarding a service animal to the District's ADA Coordinator or other supervisory staff, and the District may take appropriate action as follows:

A. Temporary Exclusion of a Service Animal Used by a Participant or Visitor:

1. In response to an immediate concern, authorized District staff may determine that a service animal must be temporarily removed from parks, sites, or facilities. The employee authorized to make such decisions at that site, park, or facility shall notify the participant or visitor of this decision and that the incident will be reported immediately to the District's ADA Coordinator. The employee shall then report the incident to the ADA Coordinator.
2. The ADA Coordinator (or designee) will investigate all reported concerns and incidents where service animals have been temporarily removed from sites, parks, and facilities. The ADA Coordinator (or designee) will consult with appropriate Department personnel and determine whether or not the animal should be excluded from sites, parks, and facilities for an extended period of time, permanently or for particular services, programs or activities due to the increased risk of harm or injury to the partner/handler, the service animal or other participants. The ADA Coordinator (or designee) will notify the participant, authorized user, or visitor of his or her decision. All decisions will be made on a case-by-case basis given the particular prevailing circumstances.
3. If it is appropriate for the service animal to be excluded from sites, parks, or facilities permanently, the ADA Coordinator (or designee) will work with other Department staff to attempt to provide an alternative reasonable accommodation in place of the service animal, to allow the participant, authorized user, or visitor to use the site, park or facility.
4. A participant, authorized user, or visitor who does not agree with the decision regarding removal from the premises may file an accessibility complaint. The District's ADA Complaint process is at www.obparks.org.

B. Temporary Exclusion of an Employee's Service Animal:

1. In response to an immediate concern, the District may determine that a service animal must be temporarily removed from sites, parks, or facilities. The Director (or designee) shall notify the employee of this decision and that the incident will be reported immediately to the



Oak Brook Park District
Administrative Policies and Procedures

District's ADA Coordinator. The Director (or designee) shall then report the incident to the District's ADA Coordinator.

2. The ADA Coordinator will investigate all reported concerns and cases where service animals have been temporarily removed from sites, parks, and facilities. The ADA Coordinator will consult with appropriate staff and determine whether or not the animal should be excluded for an extended period of time, permanently or for particular services, programs or activities due to the increased risk of harm or injury to the partner/handler, the service animal or other participants. The ADA Coordinator shall notify the employee of his or her decision. All decisions will be made on a case-by-case basis given the particular prevailing circumstances.
3. If it is appropriate for the animal to be excluded from sites, parks, and facilities permanently, the ADA Coordinator will attempt to ensure that the employee receives an appropriate accommodation in place of the use of a service animal.
4. An employee who does not agree with the resolution may file an appeal or formal complaint following the District's ADA Process.

Conflicting Disabilities:

Individuals with medical issues (such as respiratory diseases) who are affected by animals should contact the ADA Coordinator if they have a concern about exposure to a service animal. The individual will be asked to provide medical documentation that identifies a disability and the need for an accommodation. The appropriate District staff will facilitate a process to resolve the conflict that considers the needs and conditions of all persons involved.

Clarifying an Animal's Status:

It may not be easy to discern whether or not an animal is a service animal by observing the animal's harness, cape, or backpack, or to discern the nature of the partner/handler's disability. Therefore, it may be appropriate for designated District staff to ask (1) whether the animal is required because of a disability, and (2) what work or task the animal has been trained to perform.

No Liability to District:

- A. The District accepts no responsibility for care of service animals.
- B. The District accepts no liability for injury to any service animal, or injury to the partner/handler, whether caused by the animal, its partner/handler, another visitor to a District facility or site, the physical conditions of the District facility or site, or any other circumstance.



Oak Brook Park District
Administrative Policies and Procedures

- C. The District accepts no liability for damage or injury to others caused by a service animal.
- D. The District accepts no liability for any injuries or property damage, to the service animal, its partner/handler, or others, resulting from the District's failure to enforce this policy or to supervise a service animal.

Amendments to this Policy:

The District reserves the right to change, modify, or amend this policy at any time, but only by approval of such a change, modification or amendment by the Board of Park Commissioners.

Approved by Board of Commissioners March 17, 2014

Approved by Board of Commissioners: June 15, 2015

Revised: April 19, 2021

Revised: December 27, 2022