FIRST WEST | **Service and Comfort Animals Policy**

ADA Religious Exemption

The Americans with Disabilities Act (ADA) provides guidelines for what is necessary for organizations to provide accommodation to individuals with disabilities. While churches must comply with portions of the ADA, churches are exempt from the ADA as it relates to public accommodation.

"It's Title lll, Section 36.102 (e) that provides that the provisions of this title shall not apply to religious organizations," Attorney John Anthony explains. "The statute basically has a blanket exemption for public accommodation for religious organizations or entities controlled by religious organizations."

A ministry is not required to comply with ADA standards in its treatment of service animals unless it receives public funding or hosts a publicly-funded event.

Even a ministry that is under no legal obligation to admit service animals may choose to use a set of guidelines, such as the ADA, as a guideline for its own service animal policy. First West is a welcoming place and will voluntarily comply with the ADA in most respects. Compliance includes items listed in the policy section below.

For more information:

- Churches Are Not Places of Public Accommodation
  http://harvardjol.com/2016/11/28/churches-are-not-places-of-public-accommodation/
- ADA - Limited to Commercial Facilities
  https://www.ada.gov/ada_title_III.htm

A Welcoming Place

The Mission of First West is to #seetoit that no one misses the grace of God. Our Vision is to see people changed by the gospel and living out their Christ-centered purpose.

Because we want to see every person changed by the gospel, we believe that the inclusion of individuals with disabilities has a positive impact upon the church. First West is committed to being welcoming and respectful of all people.

We recognize that one out of every five Americans has a disability. It's our sincere desire to provide accommodation to individuals with disabilities and to serve the families of those individuals.

Service Animal Policy

First West will comply with the ADA in most respects. Compliance includes, but is not limited to, the following items:

- **Definition.** The ADA says that a service animal is any dog that is trained to perform tasks for people with disabilities, including any physical, sensory, psychiatric, intellectual or other mental disability. A service animal may be trained to recognize and de-escalate agitation (e.g., PTSD), detect early warning signs of a neurological or metabolic episode (e.g., epilepsy, diabetes), assure safe guidance for the visually impaired, or perform simple tasks for people with impaired mobility, such as opening doors or retrieving objects. The task(s) performed by the dog must be directly related to the person's disability.
- **Public Accommodation Events.** Whenever the church allows an outside entity to utilize (use or rent) the church's facility, the church will abide fully by requirements of the ADA. In these instances, no restrictions on seating areas will be enforced. Other policies regarding property damage, threatening behavior and incident reports will be consistently applied.
- **Approaching a Guest with a Service Animal.** Recognize that you can't see most disabilities, and so don't be concerned if a service animal accompanies someone without a readily apparent disability. Other considerations include:
    - Approach guests with a view towards equality, inclusion and respect.
    - A service animal is not a pet; it has a job to do. Making noises at a service animal, approaching it, petting it, and offering it food are all unacceptable, as these behaviors can distract the animal from its duties.
    - Ask the animal's owner before approaching or interacting with it.
    - If you have questions about interacting with a guest and her service animal, consult with a Pastor or a member of the Safety Team.
- **Questions That May Be Asked.** The ADA permits only two questions which can be asked of individuals who have animals which they claim to be service animals:
    - Is the service animal required because of a disability?
    - What work or task has the animal been trained to perform?

  Members of the Safety Team, Pastoral Staff, Ministerial Staff and other church employees are directed to ask ONLY these questions about service animals on church property.
- **Allergy Concerns.** The ADA prohibits an organization from barring a service animal because members have allergies or fear the animal.
- **Service Animal Food and Water.** The church is not responsible for providing a service animal with food or water.
- **Designated Outdoor Latrine Area.** The church provides a designated outdoor latrine area for service animals by the 3rd Street Worship Center Chiller Unit Gates. This grassy area is designated for service animals. Owners are encouraged, but not required, to dispose of animal waste after use.
- **Restrooms**. Guests with service animals are free to use all handicap accessible restrooms. Service animals are prohibited from using interior facility restrooms.

- **Property Damage.** If a service animal damages church property, including, but not limited to, defecating or urinating inside a church facility, the animal's owner will be asked to correct the problem. The animal may also be escorted from the building.
- **Threatening Behavior.** If a service animal appears to pose a threat to people, including, but not limited to, excessive barking or other disruptive behavior inside the building, the animal's owner will be asked to correct the problem. The animal may also be escorted from the building.

First West requires guests with service animals to comply with the following:

- **Harness and Leash.** Service animals must be harnessed, leashed and/or tethered while on church property. In rare instances, a harness and leash may interfere with the service animal's work or the person's disability may prevent the use of these devices. In these situations, the church will do everything possible to mitigate this requirement.
- **Worship Center Seating.** While the church takes care not to unduly isolate an assistance animal owner, or restrict their movement within public spaces, we may ask guests with service animals to sit in designated areas to minimize distractions for others.
- **Volunteer Positions.** Some volunteer positions on church ministry teams may preclude, limit or alter participation by individuals with service animals. Adjusted team service may include, but not be limited to, the following:
    - Worship Ministry Teams and On-Stage Positions
    - Worship Choir and Orchestra
    - Camera Operator
    - Door Greeter
    - Decision Encourager
    - Preschool/Children's Leader
    - Food Service
    - Safety Team
    - International Mission Trips
- **Incident Reports**. Members of the Safety Team, Pastoral Staff, Ministerial Staff and other church employees are required to complete an incident report whenever a policy violation or actionable moment occurs on church property.
- **Refusal to Comply.** Church employees will work to defuse any conflict or disagreement that may arise. In the rare instance that an individual refuses to comply with a Pastor or a member of the Safety Team, local law enforcement will be called to take charge of the situation.

For more information:

- Churches and the Americans with Disabilities Act https://www.churchlawandtax.com/blog/2016/july/churches-and-americans-with-disabilities-act.html
- Service Animals: Help Your Ministry Respond Appropriately https://www.brotherhoodmutual.com/resources/safety-library/risk-management-articles/administrative-staff-and-finance/service-animals-help-your-ministry-respond-appropriately/

Comfort Animal Policy

- **Definition.** Some individuals use a range of animals for emotional support. The church does not recognize the right of individuals to bring comfort or "emotional support" animals on church property. The ADA does not require business owners to allow comfort animals on their premises.
- **Comfort Animal Designation.** Members of the Safety Team, Pastoral Staff, Ministerial Staff and other church employees are asked to take no action if there is reason to doubt an individual's claim that their service animal is legitimate.
    - Observe the animal.
    - If it damages church property, becomes disruptive or appears to pose a threat to others, you can ask the animal's owner to escort the animal from church facilities.
    - Consult with a Pastor or a member of the Safety Team.
- **Animals Other Than Dogs.** Any animals other than legitimate service animal (dogs) brought into church facilities will be designated non-service animals and will be escorted from the building.
- **Incident Reports**. Members of the Safety Team, Pastoral Staff, Ministerial Staff and other church employees are required to complete an incident report whenever a policy violation or actionable moment occurs on church property.
- **Refusal to Comply.** Church employees will work to defuse any conflict or disagreement that may arise. In the rare instance that an individual refuses to comply with a Pastor or a member of the Safety Team, local law enforcement will be called to take charge of the situation.

For additional information about the ADA:

- Frequently Asked Questions about Service Animals and the ADA https://www.ada.gov/regs2010/service_animal_qa.pdf
- ADA: Questions and Answers https://www.eeoc.gov/facts/adaqa2.html

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