



**PRINCE GEORGE'S COUNTY, MARYLAND  
FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT GENERAL ORDER**

<b>General Order Number:</b> 08-24	<b>Effective Date:</b> January 14, 2021
<b>Division:</b> Health and Safety	
<b>Chapter:</b> Reasonable Accommodation Requests by Employees and Volunteers	
<b>By Order of the Fire Chief:</b> Tiffany D. Green <i>TJ</i>	<b>Issue Date:</b> January 14, 2021

**POLICY**

This General Order is intended to establish guidelines for the Prince George's County Fire/ Emergency Medical Services (EMS) Department with regard to reasonable accommodation requests for employees and volunteers. This General Order is also intended to ensure that the Fire/ EMS Department remains in compliance with the Americans with Disabilities Act (ADA) while providing high quality service to the public and citizens of Prince George's County.

**DEFINITIONS**

**American with Disabilities Act (ADA)** – A federal civil rights law which prohibits discrimination on the basis of disability in the areas of employment, access to public and commercial facilities, transportation, telecommunications and the use of public services.

**Emotional (“Companion,” “Support,” or “Therapy”) Animals** – An animal (typically a dog), generally used to provide emotional support to an individual. An emotional support animal does not have the same legal considerations as ADA Service Animals.

**Individual with a Disability** – (For purposes of accommodation under the ADA); A person with a physical or mental impairment that substantially limits one or more major life activities, or a person who has a history or record of impairment.

**Pet** – An animal, generally used for companionship, motivation, personal enjoyment and support. A pet does not have the same legal considerations as a Service Animal, and they are not permitted in Fire/EMS Department work areas.

**Public Building** – Any building and its associated grounds and parking area located on land owned, leased, or operated by the County and authorities created by the County, excluding public housing sites. Prince George's County Code §14-139.04.

**Reasonable Accommodation** – A modification or adjustment to a job or work environment that will enable a qualified individual with a disability to perform the essential functions of the job or enjoy equal benefits and privileges of employment as other similarly situated employees, provided the accommodation does not impose an undue hardship on the employer.

**Service Animal** – A dog that is individually and specially trained to do work or perform tasks for the benefit of an individual with a disability including physical, sensory, psychiatric, intellectual, or other mental disabilities.



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**Tasks** – Actions performed by a Service Animal for their disabled owners which include, but are not limited to, picking up items for individuals confined to a wheelchair, guiding those who are visually impaired and alerting individuals with disabilities to oncoming dangers or medical events.

**Threatening Behaviors** – Uncontrolled actions exhibited by a Service Animal which include, but are not limited to, off-task barking, growling, jumping up and down, and jumping on or attacking other persons or animals.

**Undue Burden** – Where an accommodation would require a significant difficulty or expense or would fundamentally alter the nature of the services provided by the agency.

**Undue Hardship** – Anything that is significantly difficult, or an expense is incurred by the County. Undue hardship factors to be considered include, but are not limited to, the following:

- The nature and net cost of the accommodation;
- The nature and structure of the County's operations and the impact on those operations;
- Whether the accommodation would require the removal of an essential function;
- Whether the requested accommodation would require the lowering of a performance or production standard;
- Whether the request for an auxiliary aid or documents transferred into alternative formats would be an undue financial or administrative burden.

**Workplace(s)/Area** – Fire/EMS Department work environments that are typically non-emergency in nature. These areas include, but are not limited to, Fire/EMS Department administrative offices, maintenance facilities, and any buildings, structures or land operated or owned by Prince George's County in which employees and volunteers work.

### **PROCEDURES/RESPONSIBILITIES**

#### **I. General Provisions**

- A. Prince George's County Fire/EMS Department has established guidelines with regards to the process for employees and volunteers to request a reasonable accommodation in the Fire/EMS Department work areas, including requests for Service Animals.
- B. The Americans with Disabilities Act (ADA) defines a person with a disability as someone who has a physical or mental disability which substantially limits one or more major life activities; or someone who has a record of such impairment; or someone who is regarded as having such impairment.
- C. County law prohibits bringing or maintaining an animal in a public building, grounds, or parking area that is on land which is owned, leased or operated by the County and authorities created by the County. This includes all fire stations where emergency services are dispatched to calls for service under the authority of the Prince George's County Fire/EMS Department. Service Animals and animals trained and certified to perform public



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safety or emergency rescue operations are exempt from this rule. Prince George's County Code §14-139.04.

- D. A Service Animal may be permitted in a Fire/EMS Department workplace as a reasonable accommodation, to be determined on a case by case basis. The use, health and behavior of the animal must meet the Service Animal requirements as defined by the ADA, as well as County and State law. To be considered for approval, any employee or volunteer who requires the use of a Service Animal in Fire/EMS Department work areas shall submit a request for accommodation to Health & Wellness. Upon initial approval, a trial period will be granted to evaluate the effectiveness of the animal and to ensure it does not pose an undue hardship.

### **II. Requesting a Reasonable Accommodation**

- A. The Fire/EMS Department shall make reasonable accommodation(s) to the known physical and mental limitations of employees and volunteers with a disability, unless to do so would cause undue hardship on the operation of the Department. Reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified employee or volunteer with a disability to perform essential job functions.
- B. Requests for Reasonable Accommodation: Employees and volunteers with disabilities shall submit a request for a reasonable accommodation to Health & Wellness. If a verbal request is made to a supervisor, the request should not be ignored; the supervisor shall immediately memorialize the conversation in writing and forward it to the employee to confirm, and send to Health & Wellness. Final approval of all reasonable accommodations are subject to the discretion of the Fire Chief.
- C. Documentation: Upon request from the Department, the employee/volunteer shall provide medical documentation of the disability and need for accommodation as permitted under the ADA.
- D. Interactive Process: Upon receipt of the accommodation request, Health & Wellness will notify the employee/volunteer. Health & Wellness will coordinate a meeting with the employee/volunteer in person or via phone communication to further discuss the request. This meeting may require the employee/volunteer to provide medical documentation or clarify what request is being made, and the duration.
- E. Notification and Communication: Once an employee or volunteer has been granted or denied a reasonable accommodation, the employee/volunteer will receive official notice from Health & Wellness.



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### III. Requests for Use of Service Animals in the Workplace

- A. In an effort to facilitate a reasonable accommodation for an employee or volunteer to use a Service Animal in Fire/EMS Department work areas, the Department may request that *any* employee or volunteer take certain actions to assist with meeting this requirement. This particularly relates to instances when another employee or volunteer has an allergy to animals. These actions could include but are not limited to:
1. Working in an alternate area or location; using different paths of travel; using alternative forms of communication (i.e. email, video/teleconference etc.); working a flexible schedule or new shift.
  2. Working in an enclosed workspace.
  3. Changes in the use of common areas (i.e. restrooms, break rooms, etc.).
  4. Use of dander care products on the animal.
  5. Use of other facilities to hold meetings to avoid contact with the animal.
  6. Use of allergen masks.
  7. Regular cleaning and dusting of work areas.
- B. Requests for Service Animal Use: Employees and volunteers with disabilities shall submit a request to use a Service Animal in the workplace to Health & Wellness. If a verbal request is made to a supervisor, the request should not be ignored; the supervisor shall immediately memorialize the conversation in writing and forward it to the employee to confirm and send to Health & Wellness. Final approval of Service Animal use is subject to the discretion of the Fire Chief.
- C. Documentation: Upon request from the Department, the employee/volunteer shall provide medical documentation of the disability and need for accommodation as permitted under the ADA, documentation and/or demonstration of the animal's training by a professional, information as to how the training and tasks performed are directly related to the disability, a signed waiver of County liability, proof of insurance (if any), vaccination records, licensing records, animal health records or other information.
- D. Interactive Process: Upon receipt of the accommodation request, Health & Wellness will notify the employee/volunteer. Health & Wellness will coordinate a meeting with the employee/volunteer in person or via phone communication to further discuss the request. This meeting may require the employee/volunteer to provide medical documentation or clarify what request is being made, and the duration.
- E. Notification and Communication: Once an employee or volunteer has been granted permission to bring a Service Animal into a Fire/EMS Department workplace, the employee or volunteer's immediate supervisor, in consultation with the employee/member, shall notify all persons in the specific work division being affected of the upcoming presence of the animal in advance. This will be an opportunity to address any concerns that are raised and make any necessary changes.



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- F. Employees and volunteers shall maintain open communication with their supervisor or manager concerning the use of the Service Animal in the workplace. They shall also discuss any grievances when they occur. If the employee or volunteer needs any additional accommodations with regard to the animal's presence or his/her work conditions, these concerns shall be directed to Health & Wellness and/or the immediate supervisor or manager.
- G. Considerations for other Employees and Volunteers: Owners with Service Animals shall also be considerate of other employees and volunteers. Owners shall be aware that there are individuals who either dislike or are uncomfortable with animals. Some individuals, including visitors, may not desire any personal encounter with the Service Animal and are not required to do so.
- H. Other employees/volunteers shall maintain awareness that the presence of the Service Animal is required by law strictly to assist an individual with a disability and should be counseled that they should not make medical inquiries. It is not required for other employees and volunteers to demonstrate friendliness toward the animal.

### **IV. Liability for Service Animals**

- A. Any employee or volunteer who brings a Service Animal into Fire/EMS Department work areas assumes complete responsibility for the animal's safety and is solely liable for any injuries or damage to personal and Fire/EMS Department property caused by the animal. This includes any costs for repairs, cleaning and maintenance.
- B. The Prince George's County Fire/EMS Department is not liable for the loss or injury to any Service Animal brought into a fire station or any of its workplaces, and Department employees or volunteers are not responsible for the care and/or supervision of another employee/volunteer's Service Animal.
- C. Once a request has received initial approval, the employee/volunteer must ensure that the animal meets the following requirements:
  - 1. Be licensed or registered as required for all animals under State and County law (wherever the animal resides with the owner) and remain in compliance.
  - 2. Condition and appearance of good health, with up-to-date vaccinations.
  - 3. Remain clean and free from abhorrent odors, fleas, parasites and excessive shedding.
  - 4. Must be spayed or neutered.
  - 5. Able to demonstrate tasks related to the employee or volunteer's disability.
  - 6. Not require care that will delay or impact the quality of work. The animal shall be trained on an intake and relief schedule to minimize work disruptions.



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- D. The Service Animal shall remain consistently under the control of the owner and have a quiet disposition that does not distract or interrupt the work of the owner, other employees or volunteers. Service Animals must be leashed, caged or restrained at all times in a manner that does not interfere with the person’s disability. Additionally, the Service Animal shall:
  - 1. Have no tendencies to exhibit “off-task” aggressive behaviors such as barking, growling, jumping on, and attacking other persons or animals.
  - 2. Be housebroken and not soil any work areas or property owned by the Fire/EMS Department, using pre-designated areas for relief.
  - 3. Remain in the presence of their owners, preferably in a space in or near the owner’s desk or work area.
  - 4. Be cared for in a manner that does not delay or impact the quality of work provided by the employee, volunteer or other staff.

**V. Pets in Fire/EMS Department Workplaces**

- A. Pets, by definition in this General Order, do not meet the ADA requirements for trained Service Animals and are not permitted in Fire/EMS Department workplaces. Without prior written authorization, animals are not permitted in the workplace.

**REFERENCES**

Administrative Procedure 142- Americans with Disabilities Act- Prince George’s County Government.

Americans with Disabilities Act, Title I – Employment and Title II – Public Services, 42 U.S.C. §12101 et seq.

Americans with Disabilities Act, Title II Regulations, 28 C.F.R. 35.136 Service Animals

Maryland Annotated Code, Human Services Article, Title 7 - Individuals with Disabilities, §7-701 et seq.

Maryland Annotated Code, Local Government Article, §13-104 Service Animals.

Prince George’s County, Maryland Code of Ordinances, Subtitle 14 – Morals and Conduct, §14-139.04 Animals in Public Buildings.

U.S. Department of Justice, Civil Rights Division Guidance: Frequently Asked Questions about Service Animals and the ADA, July 20, 2015. Retrieved June 4, 2018 from [https://www.ada.gov/regs2010/service\\_animal\\_qa.html](https://www.ada.gov/regs2010/service_animal_qa.html)

**FORMS / ATTACHMENTS**

N/A