An Employee's Best Friend: Handling Requests for Animals as Reasonable Accommodations in the Workplace

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Introduction

Animals in the workplace have recently garnered attention. Employers are more frequently encountering employees with mental health impairments like anxiety, depression, and post-traumatic stress disorder (PTSD) who ask to bring either a service animal (an animal that helps perform a function, like a seeing eye dog for a visually impaired employee) or an emotional support animal (sometimes referred to as a "comfort animal") to work to alleviate the manifestations of an employee's impairments. This article explores just one of the many different types of accommodation requests that employers face in a modern work environment: the adjustment or modification of workplace policies to allow a disabled employee to bring a dog or other animal to work.[1]

Overview on Reasonable Accommodations

Reasonable accommodations can take many different forms. Federal, state and local disability law, including New York law, govern an employer's duty to respond to employees' requests to be reasonably accommodated. Title I of the Americans with Disabilities Act of 1990[2] (ADA) generally prohibits discrimination in the employment context based on disability. This includes the failure to make reasonable accommodation to the known physical or mental limitations of an employee who is otherwise qualified to perform the essential functions of a job, unless making such accommodation would result in an undue hardship on the operation of the business.[3] The Equal Employment Opportunity Commission (EEOC) has promulgated regulations to implement the ADA's equal employment provisions.[4]

The EEOC defines "reasonable accommodation" as: (1) a modification or adjustment to the job application process to enable a qualified applicant to be considered; (2) a modification or adjustment to the work environment, or the manner/circumstances under which the job is performed, to enable a disabled employee to perform the essential functions of the job; or (3) a modification or adjustment that enables a disabled employee to "enjoy equal benefits and privileges of employment as are enjoyed by … other similarly situated employees without disabilities."[5] There are many different types of reasonable accommodations. The regulation uses the expansive language of "not limited to" when listing examples such as making existing facilities more accessible, job restructuring, modifying schedules, adjusting or modifying policies, "and other similar accommodations."[6] Allowing an animal in the workplace as a reasonable accommodation to a disabled employee when an employer has a general "no-pets" or "no-animals" policy constitutes a modification of workplace policies.[7]

Service Dog or Emotional Support (Comfort) Animal—Does It Matter?

Neither the ADA (Title I) nor the EEOC's implementing regulations address the use of a service animal or an emotional support animal (ESA) in the workplace as a reasonable accommodation or otherwise.[8] The EEOC does not define "service animal" or incorporate the Department of Justice's (DoJ) Title II and III accommodations provisions into Title I's employment context. Both Title II and III of the ADA—prohibiting discrimination in the context of public entities and accommodations —do discuss service animals. Due to the lack of regulations, cases and guidance in the Title I employment context regarding ESAs, DoJ's Title III's regulations will likely be relevant if not persuasive authority in an employment failure to accommodate case involving an animal.

Title III initially limited its definition of a service animal to dogs, but in 2010 the DoJ amended the definition to now allow certain miniature horses to also be classified as service animals. The DoJ's defines "service animal" as:

> any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. *Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition [with the exception now of miniature horses as provided in 28 C.F.R. 36.302(c)(9)(i)-(ii)].* The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure,

> alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and *the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition*.[9]

DoJ's regulations added a provision deeming a miniature horse to be a service animal if it "has been individually trained to do work or perform the tasks for the benefit of the individual with a disability,"[10] but a public accommodation may consider its type, size, weight, whether the facility can accommodate it, its handler's control over the horse, whether it is housebroken, and whether its presence compromises the safe operation of the facility.[11] Finally, it should be observed that ESAs are allowed to accompany air passengers in the cabins of aircraft under the Air Carrier Access Act.[12]

Unlike with service animals, there is no federal legal definition of an emotional support/comfort animal. Perhaps the best description is outlined by the Americans with Disabilities Network, a nonprofit organization whose mission is to provide information, guidance and training on the ADA.

> While Emotional Support Animals or Comfort Animals are often used as part of a medical treatment plan as therapy animals, they are not considered service animals under the ADA. These support animals provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities. Even though some states have laws defining therapy animals, these animals are not limited to working with people with disabilities and therefore are not covered by federal laws protecting the use of service animals. Therapy animals provide people with therapeutic contact, usually in a clinical setting, to improve their physical, social, emotional, and/or cognitive functioning.[13]

Courts appear split on whether to look outside of Title I for guidance on animals in the workplace. One federal court, the U.S. District Court for the Western District of Michigan, definitively rejected a plaintiff's argument that his service dog should be allowed as a reasonable accommodation in the workplace because it would be allowed as a public accommodation under Title III.[14] The Michigan federal court declared "that Title III is not applicable, and Schultz's claim fails to meet the elements under Title I because the dog was not necessary for the performance of any essential function of Shultz's job."[15]

On the other hand, the Supreme Court of Montana relied heavily on Title III's regulations in the area of service animals. In *McDonald v. Dep't of Enviro. Quality*, the court evaluated an employee's request for her employer to modify the floor of the building where she worked so that her service dog would not slip.[16] It deemed Title III regulations to be persuasive authority to the extent they do not contradict Title I.[17] The Montana court relied on Title III's requirement that a public accommodation must "modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability."[18]

Recently, in *Maubach v. City of Fairfax*, the U.S. District Court for the Eastern District of Virginia examined this issue and recognized a significant difference between a service animal under the ADA and an ESA/comfort animal.[19] The Virginia federal court noted that Title II and III of the ADA "exclude emotional support animals from coverage under the ADA."[20] It highlighted the DoJ's definition of a service animal and concluded that if *Maubach* were a Title II or III case, the dog at issue—an untrained support dog who shed and left dander which irritated co-workers—would *not* qualify as a service animal.[21] With respect to Title I, however, the court conceded that there were no specific regulations or guidance, and very little case law addressing the issue of ESAs as reasonable accommodations.[22]

Regardless of whether a court looks outside of Title I for guidance on an employee's request for an animal in the workplace, a survey of cases demonstrates that the traditional principles of reasonable accommodation law will still apply. Accordingly, each individual request for an animal as an accommodation must be evaluated on its own merits, based on the unique facts and circumstances surrounding the employee's disability, the essential functions of the job and the animal at issue.

California and New York Treat Animals in the Workplace Differently

California, unlike federal law and DoJ''s rigid definition of "service animal," has a unique definition of an "assistive animal" that would include ESAs in certain circumstances. California defines assistive animals much more liberally to include a broad category of animals that, among other things, provide "emotional, cognitive, or other similar support to a person with a disability."[23] Nevertheless, for purposes of providing a reasonable accommodation to allow an assistive animal in a California workplace, an employer must still perform "an

individualized analysis reached through the interactive process."[24] Therefore, for purposes of reasonable accommodation, employers should not be concerned about the label attached to any particular animal. Whether a service animal, comfort animal, emotional support animal or assistive animal, the same inquiry will predominantly apply under Title I of the ADA in accordance with federal cases addressing disability law.

New York has even more expansive laws concerning animals in the workplace. New York goes beyond the DoJ definition of service animal and does not make any distinction between service animals and ESAs, even in the employment context. The New York Civil Rights Law protects persons with disabilities who are accompanied by a "guide dog, hearing dog or service dog …," unless it can be shown that the otherwise qualified person's disability would prevent him or her from performing the particular job.[25] New York incorporates the meaning of the terms "guide dog," "hearing dog" and "service dog" that are provided in Title III of the ADA.[26]

New York mandates that employees be permitted to bring their dogs with them to the workplace if those dogs meet the requirements for a guide, hearing or service dog.

> Persons with a disability accompanied by guide dogs, hearing dogs or service dogs *shall be guaranteed the right* to have such dogs in their immediate custody while exercising any of the rights and privileges set forth in this article, provided that in instances of employment pursuant to section forty-seven-a of this article, such dog has been trained by a qualified person. Blind persons shall, further, have the right to carry a cane in their immediate custody while exercising any of the rights and privileges set forth in this section.[27]

It is critical to note that New York does *not* follow the DoJ"s regulations that exclude animals with certain functional limitations. For example, the DoJ regulations on service animals explicitly exclude from the list of service animals' qualifying "work tasks" the provision of support, well-being, comfort or companionship.[28] In other words, the DoJ does not recognize that support, well-being, comfort or companionship are functions that a "service animal" could perform for coverage under Title III. Conversely, New York does not make such distinction.

Would an Employer Ever Have to Automatically Allow an Animal in the Workplace?

There is no federal recognition given to either service animals or emotional support/comfort animals under Title I of the ADA pertaining to employment. Currently, therefore, there is no general requirement under the ADA for an employer to automatically allow an animal—either a true "service animal" or a mere ESA or comfort animal—into the workplace without analyzing the employee's request under the established framework for reasonable accommodations.[29] In other words, a request to bring an animal into the workplace should be treated like any other request for reasonable accommodation under the ADA.

California does not go as far as New York (addressed below) with respect to requiring animals in the workplace, unchecked by traditional reasonable accommodation principles. However, as explained above, California employers need to treat an employee's request to bring an ESA or comfort animal into the workplace as a reasonable accommodation in the same manner as it would consider one involving a service animal.[30] It is noteworthy that before modifying any "no-pets" or "no-animals" policy to allow an employee to bring an animal in the workplace, and consistent with the usual interactive process, California employers may require a letter from a health care provider that identifies the disability at issue and explains why an assistive animal is necessary as a reasonable accommodation for the employee to perform the essential job functions.[31] Moreover, California employers have the authority under regulation to confirm that an animal meets certain standards regarding healthy workplace habits (i.e., is free from offensive odors, displays appropriate urination and defecation habits, and does not engage in behaviors that endanger health or safety of either the employee with the disability or others in the workplace).[32] Employers have a two-week window in which to challenge an animal not meeting these standards based on objective evidence of offensive or disruptive animal behavior.[33]

New York is significantly different from federal law and other jurisdictions concerning employees' requests for animals as reasonable accommodations. Because of New York's broader state statutes, the New York State Bar and New York City Bar—in a jointly published 2017 guide pursuant to a Joint Task Force on Service Animals in New York State (the "Joint Task Force")—opined that employees have the "right" to use an animal as a reasonable accommodation notwithstanding that such animal may not be a dog or may not meet the requirements of DoJ's service animal's work tasks.[34] The Joint Task Force declared:

> [t]here is no 'reasonable accommodation' limitation on this requirement, *so an employer may not challenge such rights* under the State [Civil Rights Law] by an assertion of undue hardship for the employer or others (for example, even a coworker's allergy to dogs; the allergic coworker would have to be accommodated reasonably without limiting the rights of the person using a guide, hearing, or service dog).[35]

It further stated that "the [New York State Human Rights Law] recognizes a right to 'the use of an animal as a reasonable accommodation.' The statute does not limit the 'animal' to a dog, nor does it contain any other limitation."[36] The Joint Task Force instructed that the New York City Human Rights Law is construed even more liberally that the State Civil Rights Law.[37] The City's law contains a non-discrimination requirement unencumbered by an employee's need to prove that use of an ESA is "reasonable."[38] Even though the Joint Task Force dismissed as irrelevant other employees' objections to a disabled employee's use of an ESA in the workplace, it also acknowledged that New York *does* contain an undue hardship exception to granting an employee's reasonable accommodation.[39] The Human Rights Law excludes from the definition of "reasonable accommodation" actions that impose an "undue hardship on the business, program or enterprise of the entity from which action is requested."[40] Accordingly, the Joint Task Force Guide seems to be in direct conflict with the New York Human Rights Law on the issue of whether an undue hardship defense would succeed.

Finally, while stating that the employee's preference should be given primary consideration, in the case where an animal is not the only effective means of accommodation, the New York Joint Task Force appropriately defers to the EEOC's guidance that "the employer providing the accommodation has the ultimate discretion to choose between effective accommodations."[41] New York's Joint Task Force Guide served most useful in understanding how New York would treat ESAs in the workplace. To minimize litigation risk, New York employers might consider liberally accepting animals in the workplace if the animal possesses some type of acceptable training credentials. Nevertheless, given the unique contrast between New York and federal law in this area, New York employers should seek tailored legal counsel on any service or emotional support animal issue.

An Employer Receives a Request to Bring an Animal to Work—Now What?

Before deciding to change an established workplace policy or practice to allow animals to share the office space, employers should consider all options available in ascertaining what exactly constitutes a "reasonable" accommodation for any particular employee under the ADA. The selected accommodation should most effectively satisfy both the employer's and employee's needs.[42] Remember, there is ample support for the rule that an employee is not entitled to his or her preferred accommodation.[43]

The best way to arrive at a mutually/agreeable, customized accommodation for any particular employee with a specific impairment affecting his or her job functions is to engage in a robust interactive process. This dynamic dialogue between the employer and employee will not typically happen in a vacuum or as a result of one meeting alone. For a discussion to constitute a true, good faith informational exchange, it will typically require careful study of the particular employee's job functions and actual assigned duties and most importantly, close scrutiny of medical information that explains how the employee's impairment interferes with his or her ability to perform the essential job functions. Essential functions are the basic job duties that employers may require their employees to perform.[44] Employers are not required to eliminate, reallocate or redistribute the essential functions of an employee's job when making a reasonable accommodation. Where the impairment is not obvious or visible (e.g., many mental health impairments), the employer may require documentation that establishes how a condition limits job performance, and how a particular accommodation would help the employee perform his or her job's essential functions.[45]

Laws in some states, such as California, provide specific guidance regarding the type of information an employer may and may not request from employees when weighing a request for an animal as an accommodation. For example, employers may require sufficient documentation from a health provider that possesses the requisite expertise to confirm an employee's disability and functional limitations on performing the job in question.[46] However, California employers may not ask for unrelated documentation such as, in most instances, a complete medical file, because that type of overly broad request would capture information not relevant to the accommodation needed.[47]

A general rule of thumb (except in New York, which appears to be an outlier) is that before granting any employee's request to bring an animal to work—whether a trained, certified service animal or an untrained ESA or comfort animal—a specific employee's request for a specific animal must satisfy the usual prerequisites for a reasonable accommodation under the ADA. That means the employer and employee will have meaningfully engaged in the interactive process to ascertain the nature of the disability, how it impacts the employee's ability to perform the essential functions of his or her job, and how any particular reasonable accommodation might enable the employee to perform those essential functions. The ultimate accommodation chosen should most effectively satisfy both the employer's and employee's needs, and may or may not result in granting a request to bring an animal into the workplace.[48] In many cases outside of California and New York, where employees' requests do not involve a bona fide service animal, the resulting accommodation may very well be something other than bringing an animal into the workplace.

Closing Thoughts

An employer should not summarily reject or dismiss an employee request for an animal as a reasonable accom-

modation in the workplace simply because the employer has a "no-pets" or "no-animals" policy in effect.

Recently, in *EEOC v. CRST Int'l, Inc.*— a lawsuit that was filed by the EEOC against the employer —the U.S. District Court for the Northern District of Iowa showed its concern that an employer may have retaliated against a disabled job applicant when it adamantly refused to make any exceptions to its "no-pets" policy.[49] The case involved an applicant for a truck driver position who asked for a reasonable accommodation to use his prescribed ESA/service dog as an accommodation for his PTSD and mood disorder. In denying the defendant's motion for summary judgment, the court examined whether the applicant was a qualified individual with a disability and found that a genuine issue of material fact existed as to whether the applicant could perform the essential functions of his job.[50] Of particular concern to the judge was that the employer may have retaliated against the employee even though the employer's proffered reason for denying the reasonable accommodation request was its unwavering adherence to a "no-pets" policy.[51] Subsequent to losing its bid for summary judgment, CRST Int'l settled with the EEOC, agreed to pay $47,500 to the disabled applicant, consented to be enjoined from refusing to hire or provide reasonable accommodations to qualified applicants and employees in the future, and agreed to provide anti-discrimination training to its employees.[52]

Finally, it should be noted that there are several other ways to accommodate disabled employees other than the examples provided in this article. Other accommodations can include modifying leave and absence policies, restructuring non-essential job functions, altering supervisory methods and even reassigning employees.[53] Ultimately, through a well-intentioned and comprehensive interactive process, an employer should be able to arrive at the most mutually beneficial reasonable accommodation for an employee consistent with local, state and federal disability law.

Endnotes

1. The terms emotional support animal and comfort animal will be referenced collectively throughout this article as "ESAs." Where appropriate due to legal distinctions, the terms "service dog," "service animal," or "assistive animal" will be specifically used.
2. 42 U.S.C. §§ 12101, *et seq.*
3. *Id*. at § 12112(b)(5).
4. *See* 29 C.F.R. § 1630.1, *et seq.*
5. *Id*. at § 1630.2(o)(1)(i)-(iii).
6. *Id*. at § 1630.2(o)(2)(i)-(ii).
7. *See id*.
8. Linda Batiste, *Emotional Support Animals in the Workplace: A Practical Approach*, Job Accommodation Network, Vol. 12, Issue 4 ("there's nothing in the ADA or its regulations that addresses emotional support dogs as workplace accommodations. There is also nothing in written guidance from the Equal Employment Opportunity Commission (EEOC), the federal agency that enforces Title I"). *See also generally* 42 U.S.C. §§ 12101, *et seq*. and 29 C.F.R. § 1630.1, *et seq.*
9. 28 C.F.R. § 36.104 (emphasis supplied); 28 C.F.R. § 36.302(c)(9)(i)-(ii).
10. 28 C.F.R. § 36.302(c)(9)(i)-(ii).
11. *Id*. at § 36.302(c)(9)(ii)(A)-(D).
12. 42 U.S.C. § 41705 (2003); 14 C.F.R. § 382.117 (excluding, however, snakes, other reptiles, ferrets, rodents and spiders).
13. Brennan and Nguyen, *Service Animals and Emotional Support Animals: Where Are They Allowed and Under What Conditions?*, ADA National Network, available at https://adata.org/publication/service-animals-booklet. *See also Service Animals and Pets in the Workplace*, Westlaw Practical Law Practice Note (current as of 2019) ("Some animals are colloquially described as emotional support animals, comfort animals, or therapy animals. These animals may provide therapeutic or companionship benefits to individuals, but they generally are not trained to perform any specific task and … do not fall within the ADA's definition of service animal.").
14. *Schultz v. Alticor/Amway Corp.*, 177 F. Supp. 2d 674, 678-79 (W.D. Mich. 2001).
15. *Id*. at 679.
16. *McDonald v. Dep't of Enviro. Quality*, 214 P.3d 749 (Mont. 2009).
17. *Id*. at 762 (concluding that Title III's regulations supported the employer's obligation to modify a floor surface so an otherwise qualified employee with a disability could use her service animal effectively in the workplace; denying employer's motion for summary judgment).
18. *Id*.
19. *Maubach v. City of Fairfax*, 2018 WL 2018552, *6, n. 6 (E.D. Va. Apr. 30, 2018).
20. *Id*.
21. *Id*.
22. *Id*. (assuming, without deciding, that a support animal qualifies as a reasonable accommodation under Title I of the ADA; hinging inquiry on the reasonableness of the particular ESA requested and the particular employment context at issue).
23. Cal. Code Regs. Tit. 2, § 11065(a)(1)(D), (a)(3).
24. *Id*. § 11065(a)(3).
25. N.Y. Civ. Rights Law § 47-a.
26. *Id*. at § 47-b(4), (7) (stating that a guide, hearing or service dog must be under the control of the person using it or training it, and must have been trained to guide or otherwise aid a person with a disability), *citing* 28 C.F.R. § 36.302(c).
27. N.Y. Civ. Rights Law § 47-b(1) (emphasis supplied).
28. 28 C.F.R. § 36.104.
29. *EEOC v. CRST Int'l, Inc.*, 2018 U.S. Dist. LEXIS 206948 (N.D. Iowa Dec. 7, 2018) (implying, by continuing to analyze truckdriver applicant's request for a prescribed emotional support animal, that there is no automatic right to one); *Schultz v. Alticor/Amway Corp.*, 177 F. Supp. 2d 674, 678-79 (W.D. Mich. 2001) (rejecting employee's argument that his service dog should automatically be accepted in the workplace as a reasonable accommodation because it would be allowed as a public accommodation under Title III; declaring that "discrimination disputes arising out of employment are relegated to Title I claims under the ADA," and no such requirement exists); *Branson v. West*, 1999 WL 311717 (N.D. Ill. May 11, 1999) (finding a trained service dog to be a reasonable accommodation under specific facts and circumstances of the case, but rejecting plaintiff's broader argument that all federal employers must permit disabled employees to bring their service animals into the workplace).
30. Cal. Code Regs. Tit. 2, § 11065(a)(1)(D), (a)(3).
31. *Id*. at § 11069(e)(1).

32. *Id*. at §§11069(a)(2) and 11065(a)(2).

33. *Id*. at § 11069(e)(2).

34. *A Guide to the Use of Service Animals in New York State*, New York City and State Bar Associations, Joint Task Force on Service Animals in New York State (May 2017) (the "Joint Task Force Guide"), *available at* http://documents.nycbar.org/files/guide-to-the-use-of-service-animals-in-new-york-state.html#_edn37.

35. *Id*. (emphasis supplied).

36. *Id*.

37. *Id*. (citations omitted).

38. N.Y.C. Admin. Code at § 8-107(1), in addition to reasonable accommodation, § 8-107(15).

39. *Id*.

40. N.Y. Human Rights Law § 292(21-e).

41. The Joint Task Force Guide, *supra* at n. 34, *citing EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act* (2002), *available at* http://www.eeoc.gov/policy/docs/accommodation.html#N_36_.

42. *EEOC v. Agro Distrib., LLC*, 555 F.3d 462, 471 (5th Cir. 2009).

43. *Swanson v. Vill. of Flossmoor*, 794 F.3d 820, 827 (7th Cir. 2015) ("even if 'light duty' would have been Swanson's preferred accommodation, the ADA does not entitle a disabled employee to the accommodation of his choice"); *Handverger v. City of Winooski*, 605 Fed. Appx. 68, 71 (2d Cir. 2015) ("Employees are 'not entitled to hold out for the most beneficial accommodation' (citation omitted), or even their preferred accommodation (citation omitted)"); *Brudnak v. Port Auth. of Allegheny Cty.*, 2012 U.S. Dist. LEXIS 129871, *23 (W.D. Pa. Sep. 12, 2012) ("Simply because plaintiff did not receive what he requested … that does not mean that the Port Authority's accommodation was not reasonable."), *citing Agro. Distrib., LLC*, 555 F.3d at 471 ("Not all requested accommodations are appropriate, and the ADA only 'provides a right to a reasonable accommodation, not the employee's preferred accommodation.'").

44. The EEOC provides a list of factors that employers should consider in determining whether job functions are essential: (1) whether the job position exists specifically to perform that particular function; (2) "the number of other employees available to perform the function or among whom the performance of the function can be distributed"; and (3) "the degree of expertise of skill required to perform the function." 29 C.F.R. § 1630.2(n)(2). The EEOC advises that other evidence as to whether a particular job function is essential includes, but is not limited to, the following: (1) the employer's judgment as to what is essential; (2) written job descriptions prepared before advertising or interviewing job applicants; (3) the amount of time an employee spends performing the function in question; (4) the consequences of not requiring an employee to perform a function; (5) the terms of any collective bargaining agreement, if applicable; (6) the work experience of past incumbents in the job; and/or (7) the current work experience of incumbents in similar jobs. *Id*. at § 1630.2(n)(3).

45. *See* U.S. Equal Employment Opportunity Comm., *The Mental Health Provider's Role in a Client's Request for Reasonable Accommodation at Work*, *available at* https://www.eeoc.gov/eeoc/publications/ada_mental_health_provider.cfm (last visited on Jan. 17, 2019).

46. Cal. Code Regs. Tit. 2, § 11069(d)(5) (2013).

47. *Id*.

48. *Alonzo-Miranda v. Schlumberger Tech. Corp.*, 2014 WL 12489995, *4 (W.D. Tex. 2014) (denying dueling motions for summary judgment where factual disputes remained regarding both the employer's good-faith accommodation efforts and the sufficiency of the employee's medical information supporting his request to bring his dog to work to alleviate his PTSD), *citing Agro Distrib., LLC*, 555 F.3d at 471.

49. *CRST Int'l, Inc.*, 2018 U.S. Dist. LEXIS 206948 at *46.

50. *Id*. at *43.

51. *Id*. at *46.

52. EEOC, *CRST to Pay $47,500 to Settle EEOC Disability Discrimination and Retaliation Lawsuit* (Mar. 6, 2019), *available at* https://www.eeoc.gov/eeoc/newsroom/release/3-6-19.cfm.

53. For ideas on alternative reasonable accommodations, *see* Jeffrey J. Lorek, *Accommodating Mentally Impaired Employees at Work: How to Alter Supervisory Methods as a Reasonable Accommodation Under the Americans with Disabilities Act*, Fed. Cir. Bar Ass'n Bench & Bar, Vol. 21, No. 9 (Sep. 2016), *available at* https://www.wc.com/portalresource/lookup/poid/Z1tOl9NPluKPtDNIqLMRVPMQiLsSwGZCmW3!/document.name=/PUBLICATION%20-%20Federal%20Circuit%20Bar%20Association%20NewsLetter-%20September%202016.pdf; Jeffrey J. Lorek, *'Job Restructuring' as a Reasonable Accommodation in Federal Employment*, FedSmith.com (Aug. 25, 2016), *available at* https://www.fedsmith.com/2016/08/25/job-restructuring-as-a-reasonable-accommodation-in-federal-employment/; Murray and Lorek, *The Americans with Disabilities Act and Reasonable Accommodation: Does an Employer Have a Duty to Reassign Disabled Individuals Who Can No Longer Perform their Jobs?*, Corporate Counsel's. Guide to the Americans with Disabilities Act, Business Laws, Inc. (August/November 2005).

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