

**Dogs4Diabetics**

**Guidance for Requesting a Workplace Accommodation**

**Introduction:** This document is intended to assist Dogs4Diabetics (040) clients in preparing a request to their employers that they be allowed the use of their trained diabetic-alert dogs as a workplace accommodation. This document also provides suggestions for how clients can support their request for accommodation and what steps they can take in the event that their request is denied. The objective of this guidance is to ensure that the client properly presents his or her request and includes all of the appropriate information needed for the employer to approve the accommodation.

D4D is providing this information as a courtesy to its clients and for general information only. This information should not be construed to be formal legal advice. Clients

should seek advice from a lawyer for any specific questions or assistance in requesting a workplace accommodation or in appealing a denial of such a request.

**Step 1: Prepare Your Written Request for a Workplace Accommodation**

1. **Your Request Should Be In Writing.** Prepare your request for a workplace accommodation in writing.

2. **Keep Records of Everything.** You should keep records of all

information and documents that you provide to your employer, and of all information and documents that your employer provides to you. You should also keep a record of the dates on which the information and documents were provided, if the dates are not apparent on the documents hemselves. In addition to keeping copies of documents, you should also keep a record of any relevant oral communications.

3. **Follow Your Employer's Policies And Procedures.** In making your request, you should use the appropriate forms and follow the appropriate procedures that your employer may have in place. Find out what your employer's policies and procedures are for employees who want to request a reasonable accommodation for a disability and obtain copies of any relevant employer policies. Make sure that your requests are



addressed to the appropriate parties, as you determine from your employer's representative.

4. **Key Components of Your Written Request.** It is important that your written request address the following issues:

 **It should indicate your disability:** The condition can be stated

as Type I, insulin-dependent diabetes, with the disabling condition of Hypoglycemia, exacerbated by severe Hypoglycemic Unawareness. You should describe your disability, in your own words, and explain how it interferes with your ability to perform life functions.

 **It should request access in the workplace for your diabetic alert dog:** Ifyour work area needs special accommodation for the

dog to enable you to work, you should address those needed accommodations. Be aware that some accommodations may need to be negotiated, and some requests may be denied if they impose an undue hardship on the employer.

 **It should indicate the reason that you need the dog:** If you

suffer from frequent episodes of Hypoglycemia, your work may be impacted during the day by becoming symptomatic, requiring frequent testing and treatment. The dog provides a

pre-symptomatic warning of the onset of Hypoglycemia, allowing treatment prior to the onset of disabling symptoms. If you have

suffered severe episodes at or around your work hours, you may

want to discuss those situations.

 **It should indicate that you and the dog are fully trained to work together:** Explain the training that you and your

diabetic-alert dog have gone through, and that the dog is trained

as a service dog. Additionally, upon your request, D4D will provide a letter to your employer that fully explains the dog's skill and our accreditation to train dogs for this work.

 **It should acknowledge your responsibilities to maintain control and care for your dog in the workplace:** You should



explain to your employer that you understand that the handling and care of your diabetic-alert dog is your responsibility. You should also ask your employer for approval of any work-related accommodations needed to facilitate the use and care of your dog in the workplace. This could include allowing you to have water available for the dog, food or treats available, breaks and a designated area to periodically relieve the dog, etc.

 **It should request that your employer engage in an "interactive process" with you to discuss your request:** Request your employer's accommodation ideas. Indicate your

willingness to discuss your requested accommodation and to work with your employer to reach an agreement regarding the

accommodation of your disability.

 **It should thank them in advance for their consideration of your request:** This process may become somewhat drawn out based on your employer's experience and knowledge of workplace accommodations, generally, and medical-alert dogs and Type I diabetes, specifically. Keeping the request on a positive note is appropriate. If further information is needed, it is best to keep it

on an educational or informational basis.

**5. Determine Who Will Be Making The Decision For Your Request.** Many times your direct supervisor will need to send the request to a different department such as Human Resources, or in some large organizations, a special committee set up for this process. Obtain the names, addresses, and contact information of the individuals and/or committees that will be considering your request, as this information may be needed if future requests or communications become necessary. 1 In the event that your request is denied, this will also enable you to appeal directly to the parties responsible for the decision.

1 For example, if future accommodations are needed, you will know whom you should contact to discuss the additional issues. This could occur if, for instance, your work environment is changed and the logistics of your work area make having your diabetic-alert dog a hardship for the dog, you, or your coworkers.

In this circumstance, you might wish to request a change in your work area plan.



**Step 2: Get a Letter from Your Doctor Supporting Your Requested**

**Accommodation**

**1. Ask Your Doctor For A Letter Supporting Your Workplace Accommodation Request.** Do not have your employer initiate contact with your doctor. You should request a letter from your doctor, indicating your condition as a Type 1insulin-dependent diabetic AND supporting your requested accommodation of being allowed to use a diabetic-alert dog in the workplace.

2. **Key Components of Your Doctor's Letter.** It is important that your

Doctor's letter include the following:

o It should identify and describe your disability: In addition to indicating your condition as a Type I, insulin-dependent diabetic, your doctor's letter should also explain that as a result of your insulin treatment, you suffer from episodes of Hypoglycemia. If these episodes are frequent, your doctor's letter should describe the frequency. The letter should also explain the condition of Hypoglycemic Unawareness, and indicate how it affects you (degree may be important, i.e., "profound or severe hypoglycemic unawareness'').

o It should describe how your disability interferes with your ability to perform life functions: Your doctor's letter should specifically describe how your Type I diabetes interferes with your ability to perform life functions. In particular, the letter should, to the extent possible, describe how your Type I diabetes impacts your ability to perform the functions of your job.

o It should explain the specific accommodation sought: Your doctor's letter should define and support your requested accommodation of being able to use your diabetic-alert dog in the workplace. This should include an explanation of why the diabetic alert dog is an important and necessary accommodation, and why there is no adequate alternative to this accommodation.

3. **Keep A Copy Of Your Doctor's Letter**. Make sure that you receive a copy of your doctor's letter for your records.

**Step 3: Request A Letter from D4D Supporting Your Requested Accommodation**

D4D has prepared a standardized letter that we can address and mail to the appropriate parties upon your request.

You will need to provide us with the names and addresses of the individuals to whom we should send our letter.

We can modify the letter to address any unique conditions that may be appropriate in your specific situation. Please let us know of any of those issues.

**Step 4: Participate In Your Employer's Decision Regarding Your Requested**

**Accommodation**

The law requires your employer to engage in an "interactive process" with you to determine how to reasonably accommodate your disability.

Consider and discuss your employer's accommodation ideas and provide your employer with your own ideas regarding how best to accommodate your diabetic-alert dog in the workplace.

Follow up with your employer regarding the status of your request, as appropriate, and work with your employer to reach an agreement regarding the accommodation of your disability.

**Step 5: Options If Your Request Is Denied**

1. **A Denial is Not the End of the Process.** Some employers may deny

the requested accommodation based on their lack of understanding of the law and regulations; their perceptions of their power to direct your decisions on how you will or will not need your dog to assist in your health care; or their lack of understanding regarding the severity of your

condition and/or the importance of your dog to the effective management of your condition.

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2. **Request That Any Denial Be Explained In Writing.** If your employer denies your request orally, you should request that your employer provide you with a written explanation for the denial. Any denial letter should be carefully studied to determine its reasoning and to identify any potential elements for appeal.

3. **Request Reconsideration of Any Denial.** Unless there are significant

and substantial hardships disclosed by the denial letter, you should make a second effort and request that your employer reconsider any denial as a matter of normal process. If your request was denied on the grounds that your employer believes that your dog's presence in the workplace would be an undue hardship, consider asking for a brief trial period (e.g., 2 weeks) so you can demonstrate to your employer that the dog will not interfere with the workplace.

4. **Submit Your Request for Reconsideration In Writing.** You should

submit any request for reconsideration in writing. Your written request for reconsideration should layout the reasons that your employer should reconsider the denial of your requested accommodation. It is also important for your written request to address and rebut the specific concerns raised by your employer in its denial letter. D4D has a sample letter to which you can refer for guidance if you should need to write your own letter requesting reconsideration of a denial.

**5. Legal Option - Retain a Lawyer to Negotiate with Your Employer.**

If you are having difficulty reaching an agreement with your employer regarding your requested accommodation, you may wish to hire an attorney to negotiate with your employer on your behalf. This option may help you to obtain your needed accommodation without having to resort to filing a charge of discrimination or a lawsuit, as described below.

6. **Legal Option - Complaint to Administrative Agency.** If your

workplace accommodation request is denied and you decide that a formal complaint is necessary, you can file a charge of discrimination with the

Equal Employment Opportunity Commission (EEOC) or the state equivalent (e.g., the Department of Fair Employment and Housing in California). The EEOC has a fairly simple process for filing a complaint of

discrimination based on a disability. You do not need an attorney to file a

charge of discrimination, but you nevertheless may wish to consult one before filing any charge.

**NOTE** that there are very strict time limitations for filing a charge of



discrimination with an administrative agency, and that you risk waiving your claims of discrimination against your employer if you do not timely file your charge.

D4D will not be a party to any complaint you elect to make to an administrative agency. However, D4D is willing to provide input as to the purpose and capabilities of our dogs.

7. **Legal Option - Lawsuit.** The law allows for an employee to bring a lawsuit against his ·or her employer for disability discrimination. If you determine that you would like to bring a lawsuit against your employer, you should seek the advice and counsel of an attorney.

**NOTE** that filing a charge of discrimination with the appropriate administrative agency is a prerequisite to bringing a lawsuit.

**ALSO NOTE** that in addition to the strict time limitations for bringing a charge of discrimination, there are time limitations associated with bringing a lawsuit, for disability discrimination.

D4D will not be a party to any lawsuit you elect to bring against your employer. However, D4D is willing to provide input as to the purpose and capabilities of our dogs.

**Helpful Resources:**

**Job Accommodation Network** (www.jan.wvu.edu)

**Pacific ADA Center** (www.adapacific.org)

**EEOC** (www.eeoc.gov)

**DFEH** (www.dfeh.ca.gov)