



**NEMO WDB Issuance 09-2017**

**ISSUED:**

**EFFECTIVE:**

**To: All Program Operators**  
**From: Diane Simbro, Executive Director**  
**Subject: Facility Damages**

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1. Purpose: This Issuance is written as guidance in damages incurred to the Missouri Job Centers and other WDB worksites in Northeast Missouri.
  2. Action: Effective immediately, this information should be distributed to appropriate staff

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Diane Simbro, Executive Director  
Northeast Missouri Workforce Development Board

**GENERAL OVERVIEW:**

Customers may be held liable for any damages to Workforce Sites property due to misuse, neglect, malicious intent, or negligence during their use of said property. If a customer willfully causes or attempts to cause physical damage to facility or equipment, or enters into unauthorized areas, and refuses to comply with the directives of the site supervisor, they will be asked to leave. This could include, but is not limited to, bringing food and beverages into the worksite, unattended children or service animal, Staff will make arrangements with the customer to deliver the services in another manner or at another time.

***Workplace safety and comfort for all staff and customers should be considered in all cases.***

All WIOA Title I-financially assisted programs and activities must be programmatically accessible, which includes providing reasonable accommodations for individuals with disabilities, making reasonable modifications to policies, practices, and procedures, administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity.

## DAMAGES CAUSED BY A SERVICE ANIMAL

The Northeast Missouri Workforce Development Board, the Missouri Job Centers, and Affiliate Offices in the Northeast Region permits the use of a service animal by an individual with a disability.

A Service Animal must be under the control of the handler at all times. A Service Animal must not show aggression toward people or other animals. A Service Animal does not bark, growl or whine unless trained to do so as a warning sign to the handler. A Service Animal does not solicit food or other items from the general public. A Service Animal's work does not disrupt the normal course of business. If any of these instances occur, you are allowed to ask the handler and animal to leave the business or refuse entry to the business. ***You are still expected to provide the handler access to the product or service that he or she has visited your business to receive.***

*Exceptions.* A recipient or sub-recipient may ask an individual with a disability to remove a service animal from the premises if:

- (1) The animal is out of control and the animal's handler does not take effective action to control it; or
- (2) The animal is not housebroken.

(a) *If an animal is properly excluded.* If a recipient properly excludes a service animal under paragraph (b) of this section, the recipient or sub-recipient must give the individual with a disability the opportunity to participate in the WIOA Title I-financially assisted service, program, or activity without having the service animal on the premises.

(b) *Animal under handler's control.* A service animal must be under the control of its handler. A service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

(c) *Care or supervision.* A recipient or sub-recipient is not responsible for the care or supervision of a service animal.

(d) *Inquiries.* A recipient or sub-recipient must not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. A recipient or sub-recipient may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. A recipient or sub-recipient

must not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, a recipient or sub-recipient may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

*(e) Access to areas of a recipient's or sub-recipient facilities.*

(1) *In general.* Individuals with disabilities must be permitted to be accompanied by their service animals in all areas of a recipient's or sub-recipient facilities where members of the public, participants in services, programs or activities, beneficiaries, registrants, applicants, eligible applicants/registrants, applicants for employment and employees, or invitees, as relevant, are allowed to go.

(2) *Miniature Horses – Reasonable modifications.* A public entity shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

a. *Assessment factors –* In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public entity shall consider:

- i. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- ii. Whether the handler has sufficient control of the miniature horse;
- iii. Whether the miniature horse is housebroken; and
- iv. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

(2) *Use of service animals in food preparation areas.* An employee, applicant or beneficiary with a disability who needs to use a service animal in a food preparation area must be allowed to do so unless the employer recipient, after an individualized assessment, can demonstrate, that the presence of the service animal presents a direct threat to health or safety that cannot be eliminated or reduced by a reasonable accommodation to the employee, applicant or beneficiary.

*(f) Surcharges.* A recipient or sub-recipient must not ask or require an individual with a disability to pay a surcharge because of the individual's service animal, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If a recipient normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by the individual's service animal.

NEMO Workforce Board, the Missouri Job Centers and Affiliate Offices do not permit animals in their facilities, with the exception of service animals. It will be at the discretion of the NEMO WDB to charge a reasonable cost for any damages incurred by the service animal. If damages occur, staff will assess the damage, then contact the NEMO Workforce Development Board with all of the details of the damage along with pictures and include the client contact information. The Director will work with the customer and the worksite to resolve the issue and report the results back to the Worksite.

#### **DAMAGES CAUSED BY OTHERS:**

Worksites in NEMO Region should abide by their individual policies regarding food and drink, unattended children, and any other incidence that could lead to physical damage to facility or equipment, or harm to staff or other occupants. If the customer is asked to leave, staff must give the individual the opportunity to participate in the WIOA Title I-financially assisted service, program, or activity in another manner or another time.

It will be at the discretion of the NEMO WDB to charge a reasonable cost for any damages incurred by the service animal. If damages occur, staff will assess the damage, then contact the NEMO Workforce Development Board with all of the details of the damage along with pictures and include the client contact information. The Director will work with the customer and the worksite to resolve the issue and report the results back to the Worksite.