



Veronica Morris, PhD

Elaine Malkin

BOARD OF DIRECTORS

Chanda Hagen

Bradley W. Morris, MA

1651 SANDPIPER DR  
ROCK HILL SC 29732  
USA  
(510) 367-4267  
psdinfo@gmail.com  
www.psychdogpartners.org

Naomi Barry-Perez, Director  
Civil Rights Center  
U.S. Department of Labor  
200 Constitution Avenue NW.  
Room N-4123  
Washington, DC 20210  
CRC-WIOA@dol.gov  
(202) 693-6500

March 8, 2016

RE: Regulatory Information Number (RIN) 1291-AA36, Department of Labor Notice of Proposed Rulemaking regarding the Workforce Innovation and Opportunity Act (WIOA)

Ms. Barry-Perez:

I'm writing to express our organization's position on the portions of the proposed Workforce Innovation and Opportunity Act (WIOA) regulations that pertain to service animals.

Psychiatric Service Dog Partners (PSDP) is a 501(c)(3) nonprofit that advocates for fair and just policies and practices for all stakeholders when it comes to service animals. Members of our advocacy team have been assisting federal agencies for years in shaping regulations to squeeze within the constraints of both disability rights theory and real world practice. This includes the updates to the Americans with Disabilities Act (ADA) regulations promulgated by the Department of Justice (DOJ).

We heartily appreciate other agencies piggybacking on DOJ's ADA regulations and guidance, since these are unusually wisely crafted and incorporate years of a breadth of quality input. PSDP thus supports the Department of Labor's (DOL's) efforts in updating its nondiscrimination regulations implementing §188 of the WIOA by DOL following DOJ's lead when it comes to service animals.

Individuals accessing the programs and services funded through the WIOA are in particular need of the nondiscrimination protections proposed in order to be integrated in society. As President Obama has repeatedly recognized and studies have confirmed, a diverse workforce creates high tides that raise all ships, driving not only newsworthy but everyday innovations by avoiding homogenized approaches to problems.

We have two recommendations for this proposed rulemaking when it comes to service animals. (1) The proposed regulations differ slightly from DOJ's regarding the language around emotional support and the exclusion of miniature horses.<sup>1</sup> Please justify or eliminate the differences; DOL has not explained them, so we lack the ability to advise further. (2) If DOL intends to follow DOJ's lead more closely where the WIOA context does not require differences (as it does not seem to with the service animal definition), DOL can incorporate and defer to the ADA regulations by specific reference. This move saves DOL in perpetuity from having to modify its own regulations through another rulemaking proposal if DOJ's definitions are updated. In one of our 2015 advocacy actions, Michigan's legislature decided to do just that in several bills regarding service animals.<sup>2</sup>

Warm and sincere regards,

Bradley W. Morris, MA, CPhil  
Director of Government Relations  
*on behalf of the Board of Directors,  
Psychiatric Service Dog Partners*

**Psychiatric Service Dogs Partners' purpose is to promote the mental health of people using service dogs for psychiatric disabilities by educating, advocating, providing expertise, facilitating peer support, and promoting responsible service dog training and handling.**

<sup>1</sup> Attorney John Ensminger perspicuously notes these differences in a side-by-side comparison in his respected animal law blog: <http://doglawreporter.blogspot.com/2016/01/labor-department-proposes-service.html>  
<sup>2</sup> See <http://www.psychdogpartners.org/board-of-directors/board-activities/advocacy/michigan-joint-committee-meeting-comment>