

# Take Your Dog to Work...Every Day

by Carole Lynn Nowicki and Naomi Franco

**P**ets are important family members in many American households, and there is a growing trend to allow employees to bring pets to work. Companies such as Amazon, Etsy, and Ben & Jerry's have publicized pet-friendly policies.<sup>1</sup> While adorable Fido can bring joy wherever he goes, a pet-friendly workplace can pose some additional challenges for employers and employees in addition to the benefits. Therefore, careful consideration of all pluses and minuses should be given. For many, the challenges can be overcome by appropriate evaluation and preparation, robust employment policies, and proper communication.

## The Benefits of Allowing Pets at Work

The health benefits of pet ownership have been recognized by the CDC and include:

- “Decreased blood pressure, cholesterol levels, triglyceride levels, feelings of loneliness, anxiety, and symptoms of PTSD.
- “Increased opportunities for exercise and outdoor activities; better cognitive function in older adults; and more opportunities to socialize.”<sup>2</sup>

Those benefits can extend to the workplace. Studies have shown that pets in the workplace enable employees to experience reduced stress levels, improved performance, increased communications, and positive social interactions as well as social cohesion, among other benefits.<sup>3</sup> Employers can also reap those benefits through reduced absenteeism, increased productivity, an increase in employee morale, a positive perception of the company in general, fostering healthier employees through walking breaks with dogs, and a better work-life balance. A pet-friendly workplace can further serve as a recruiting tool to make the employer stand out in a field with a limited talent pool.<sup>4</sup>

Additionally, establishing a pet-friendly workplace might reduce requests for reasonable accommodations by disabled employees under the federal Americans with Disabilities Act<sup>5</sup> or the New Jersey Law Against Discrimination<sup>6</sup> if the intended accommodation would otherwise be to bring a service animal or emotional support

animal to work and the desired animal comports with the pet-friendly policy. Of course, the employer may still need to evaluate a reasonable accommodation request in certain situations, such as if an employee seeks to bring a service or emotional support animal that does not fit within the type and size permitted by the policy or if it is necessary for the employee to access areas of the workplace that are otherwise restricted to animals.

## Possible Issues that Might Arise

As much as many of us adore our furry friends, employers have many things to consider before converting to a pet-friendly environment. The decision to accept pets in the workplace should involve an evaluation of the health, safety, and well-being of employees, the welfare of the animals, and consideration of legal issues and cultural sensitivities.<sup>7</sup>

### Is the workplace appropriate for animals?

Not every workplace is appropriate for animals, whether that is due to the current state of the workplace, the type of workspace, the industry, or other considerations. In an office environment, making the space safe for animals might only require small pet-proofing measures (such as concealing wires), adding pet gates around cubicles, and designating areas for pet beds, pet food and water bowls, litter boxes for cats, and outdoor sanitation areas for dogs. However, other building modifications may be necessary, such as establishing pet-friendly zones and pet-free zones and creating pet sanitation areas.

Employers also need to check their leases and landlord restrictions on animals and local ordinances. Additionally, it is necessary to assess whether there are sufficient areas to accommodate the animals' needs (including grassy areas for dogs to relieve themselves and areas for cat litter boxes, etc.), determine the number and type of pets the workplace can reasonably accommodate and where the animals will spend their work days (i.e., at their owners' workstations or in a doggie play area), and establish ways to avoid distract-

tions and confrontations between animals.

Employers also need to consider whether the workplace is safe for pets and whether the presence of pets will cause additional hazards.<sup>8</sup> For example, medical, industrial, chemical, manufacturing, and food service environments may not be well-suited for pets on a regular basis. Also, employers should determine whether any provisions in collective bargaining agreements will be impacted.

#### **What if some employees are animal-phobic or allergic?**

As unimaginable as it might be to animal lovers, not all people welcome pets at work. Employees might be afraid of certain types of animals or have animal allergies. A fear of certain animals has been documented and is the subject of at least one study recognized by the National Institute of Health.<sup>9</sup> Individualized fear or cultural sensitivities can exist. Furthermore, some employees are simply extra-sensitive to certain types of smells or noises.

Although no cases were found that yet recognized a fear of animals or pet allergies as a disability under the ADA or LAD, a disability has been recognized under the ADA when a plaintiff was unable to selectively avoid allergens in the work environment.<sup>10</sup> However, in at least one instance, a plaintiff's allergies to dogs and cats in the workplace did not rise to the level of a disability because the allergy did not cause a long-term impact on a life event.<sup>11</sup> Contrarily, service animals are considered a reasonable accommodation for a person with a disability under Title I of the ADA.<sup>12</sup> Because service animals are not defined under Title I, accommodating an emotional support animal might also be a reasonable accommodation.<sup>13</sup>

Whether or not legally recognized, addressing employees' fears, allergies, and sensitivities may be appropriate for a harmonious work environment. Simple measures can include designating certain areas and entrances as pet-free zones and increasing the frequency and thoroughness of daily cleaning and filtration systems to alleviate the impact of residual pet hair and smells.

#### **Can the employer afford it?**

Aside from simple pet-proofing endeavors, employers will need to consider the cost of more extensive alterations that may be necessary as well as increases in operating expenses that might result. For example, building

alterations may be required if the employer wishes to create pet play areas, pet sanitation areas, and pet-free zones. Depending on the budget, employers might even create pet-washing stations and grooming facilities to encourage a clean workplace and install drinking fountains for pets.

Additionally, the presence of pets might result in a certain level of building or landscaping damage or require additional insurance or cleaning measures. Employers should check their general liability and workers compensation policies regarding coverage for pet-related incidents. Other costs can include upgrades to, or additional cleanings of, the HVAC system or filtration process. The employer might also want to make pets feel welcome and comfortable by offering pet beds, litter boxes, food, water bowls, treats, toys, and pet waste supplies, which can add up depending on the number and variety of pets present.

### **Steps to Take in Advance of Converting to a Pet-Friendly Workplace**

#### **An Employee Survey or Focus Group**

One way to assess whether a pet-friendly workplace is desirable and/or feasible is to conduct a survey, circulate a questionnaire, or create a focus group of employees. Aside from learning whether the employees generally want the opportunity to bring pets to work, the employer can determine the number, type, and size of pets owned by its current employees. Surveys and questionnaires can also evaluate animal phobias, allergies, and sensitivities that might be present among the current employees.

It is also a good idea to circulate follow-up questionnaires periodically. This will also enable the employer to assess employee satisfaction with the pet-friendly workplace and address concerns.

#### **Create Policies**

Policies to address pet issues are crucial for any employer considering a pet-friendly workplace. The policies should address topics such as the permitted animals' type and size. Employers might want to avoid excluding specific breeds because that could garner ill-will in the employees whose pets are those breeds. Rather, expressing limitations as to species and size that are based on a business reason (such as space limitations) might be a better approach.

The policies should enumerate the procedures for requesting to bring a pet to work and the screening process to be used by the employer. Minimum requirements should be established for maintaining the animals' health and vaccinations and whether veterinary records, pet insurance, and proof of obedience training or an obedience demonstration. For example, the American Kennel Club offers proof of obedience in its Canine Good Citizen certification (a "10-skill test that teaches good manners to dogs and responsible dog ownership to their owners").<sup>14</sup>

Furthermore, the policies should establish standards for workplace safety (such as maintaining a pet-proof workspace and requirements for neat workspaces to avoid tripping hazards), identify designated pet sanitation areas, and explain who is responsible for the cleanup of pet waste and how it should be disposed. The policies should also identify pet-free zones and pet-friendly zones and procedures for employees to request placement of their workstations in either zone.

Additionally, it is important for an employer to prohibit animal abuse and identify ways in which the employer may address abusive situations if they occur. Simply banning the abused animal in the workplace is not sufficient because that might result in more abuse at home. Notifying employees that abuse will not be tolerated and the abuser (whether the pet owner or another employee) can be subject to discipline is also imperative. When appropriate, the employer might consider mandating additional obedience training and/or notifying law enforcement of the abuse.

The policies should also include procedures for addressing conflicts when pets do not get along with each other. Options include altering the location of workstations, mandating additional obedience training, and designating different times for exits and entrances from the building, pet play areas, and pet sanitation areas.

Complaint procedures are also necessary to enable employees to report their coworkers for violations of the pet policies, cause damage, and other issues that arise. A multitiered process might be appropriate that suggests the employee first try to resolve the issue directly with the coworker before involving a supervisor, HR, or filing a written complaint. The policy should also discuss the procedure for issuing warnings and/or restricting pets who are not housebroken or are poorly behaved, and the procedures when pet owners fail to satisfy their

clean-up obligations or exercise proper control of the animal. At least one study suggested that flexible hours and autonomy for employees to address their pets' needs while at work are crucial components for a successful pet-friendly work environment.<sup>15</sup> It is important to remember that pets, like employees, are imperfect creatures. A pet-friendly workplace needs to provide pets and their owners a fair opportunity to make mistakes and room to find solutions and make policy adjustments as the environment evolves.

Employers will also want to articulate how pet-related damage to property – both personal and real property – will be handled. Will the pet owner be held responsible and, if so, how will the damage be assessed and reimbursement facilitated? Note that these types of costs are not permissible payroll deductions under the New Jersey Wage Payment Law.<sup>16</sup> Other issues to address are how to handle injuries incurred by pets while in the workplace and, conversely, human injuries that result from pets at work.

#### **Signed Acknowledgements, Representations, and Liability Waivers**

Once the policies have been established, employers should obtain written acknowledgements from all employees. Additionally, employees who have been approved to bring their pets to work should be required to sign representations that they and their pets have met all the requirements established in the policies, liability waivers in case anything happens to their pets in the workplace, and acknowledgements that they are responsible for damage (personal and property) that their pets cause.

#### **Enforcing Policies in a Non-Discriminatory Manner**

As with any policy, it is imperative that employers enforce pet policies in a non-discriminatory manner. Consistent application and enforcement of the policy and any exceptions made can help to prevent feelings of favoritism and ill-will, which would undermine the objective of a pet-friendly workplace. Although pets and pet ownership are not protected categories under the LAD, derogatory comments and conduct related to a protected category, such as a disability, will likely violate the LAD.<sup>17</sup>

#### **Alternatives to Converting to a Pet-Friendly**

## Workplace Full Time

Employers that cannot overcome the obstacles or just do not want to allow pets at work full time can still provide amenities to pet-loving employees. Employers can offer periodic designated pet days at work or hold a company outing at a dog park. They can also offer pet-sitting or dog walking services as a benefit to employees. Other benefits can include bereavement leave for the loss of a pet and stipends for pet insurance, annual veterinary checkups, and pet adoption fees.

Additionally, employers might approve paid or unpaid leave or work from home options after employees adopt a new pet to help the pet acclimate and train the animal, which can help reduce an employee's new pet-related stress and distraction while at work. These benefits can also be offered in conjunction with allowing pets at work, particularly if the employer only allows certain pets at work. Employers can also expressly offer paid time off, work from home options, and flexible hours for employees to attend pet obedience classes, transition the pet to a trainer or pet sitter at home, or care for sick pets. Because pet-related issues are not generally covered under leave laws in New Jersey, such as the Earned Sick Leave Law<sup>18</sup> and the Family

Leave Act,<sup>19</sup> or under the federal Family and Medical Leave Act,<sup>20</sup> recognizing paid time off (scheduled and unscheduled) for pet-related issues is subject to the discretion of the employer.

However, offering these benefits could help reduce absenteeism and lack of focus and productivity in the workplace. Because all of these measures demonstrate concern for the well-being of employees and their beloved pets, these benefits can also enhance employee loyalty and boost morale and productivity.

## Conclusion

Employers that find the benefits of allowing pets at work outweigh the challenges will enjoy a happier work environment. However, as with any change, it is important to do a thorough analysis and weigh the costs and benefits to both the employer, the employees, and the impacted pets. ■

*Carole Lynn Nowicki is a partner at KSBranigan Law P.C. in Montclair and an arbitrator with the American Arbitration Association. Naomi Franco is a student at Rutgers Law School, Class of 2024, and part-time employee of KSBranigan Law P.C.*

---

## Endnotes

1. See Ashley Moor, 30 Most Pet-Friendly Companies in the U.S., Bestlifeonline.com (June 19, 2018), available at [bestlifeonline.com/30-most-pet-friendly-companies-in-the-united-states/](https://www.bestlifeonline.com/30-most-pet-friendly-companies-in-the-united-states/).
2. Centers for Disease Control and Prevention, How to Stay Healthy Around Pets (April 29, 2022), available at [cdc.gov/healthypets/keeping-pets-and-people-healthy/how.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fhealthypets%2Fhealth-benefits%2Findex.html](https://www.cdc.gov/healthypets/keeping-pets-and-people-healthy/how.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fhealthypets%2Fhealth-benefits%2Findex.html).
3. See, e.g., Dr. Randolph T. Barker, et al., Preliminary Investigation of Employee's Dog Presence on Stress and Organizational Perceptions, Int'l Journal of Workplace Health Management (March 2012), available at [researchgate.net/publication/243973613\\_Preliminary\\_investigation\\_of\\_employee%27s\\_dog\\_presence\\_on\\_stress\\_and\\_organizational\\_perceptions](https://researchgate.net/publication/243973613_Preliminary_investigation_of_employee%27s_dog_presence_on_stress_and_organizational_perceptions); Anne M. Foreman, et al., Dogs in the Workplace: A Review of the Benefits and Potential Challenges, Int'l Journal of Env'tl. Research & Pub. Health (May 2017), available at [mdpi.com/1660-4601/14/5/498/htm](https://mdpi.com/1660-4601/14/5/498/htm); Elisa Wagner and Miguel Pina e Cunha, Dogs at the Workplace: A Multiple Case Study, Animals (Basel) (Jan. 2021), v. 11(1), available at [ncbi.nlm.nih.gov/pmc/articles/PMC7824880/](https://ncbi.nlm.nih.gov/pmc/articles/PMC7824880/).
4. Lisa Foderaro, In More Office Cubicles, the Dog Has Its Day, N.Y. Times (July 6, 1999), available at [nytimes.com/1999/07/06/nyregion/in-more-office-cubicles-the-dog-has-its-day.html](https://www.nytimes.com/1999/07/06/nyregion/in-more-office-cubicles-the-dog-has-its-day.html).
5. 42 U.S.C. § 12112.
6. N.J.S.A. 10:5-4.1.
7. Foreman, *supra* n.3.

8. Michael Hermansen, *Pets in the Workplace*, The Safeguard Group, Inc. (Nov. 9, 2016), *available at* [safeguardgroup.com/blog/2016/11/09/workplace-pets/](https://safeguardgroup.com/blog/2016/11/09/workplace-pets/).
9. *See, e.g.*, James M. Armfield, *Understanding Animal Fears: A Comparison of The Cognitive Vulnerability and Harm-Looming Models*, 7 *BMC Psychiatry* 68 (Dec. 1, 2007), *available at* [ncbi.nlm.nih.gov/pmc/articles/PMC2217538/](https://ncbi.nlm.nih.gov/pmc/articles/PMC2217538/).
10. *See, e.g.*, *Clark v. Sarpy County*, 453 F. Supp. 3d 1273, 1281 (D. Neb. 2020) (allergy to mold at work).
11. *See, e.g.*, *Gallagher v. Sunrise Assisted Living*, 268 F. Supp. 2d 436, 440 (E.D. Pa. 2003) (employee of an assisted living facility with resident dogs and cats).
12. ADA National Network, *Taking a Service Animal to Work* (Sept. 2022), *available at* [adata.org/service-animal-resource-hub/work](https://adata.org/service-animal-resource-hub/work).
13. *Id.*
14. American Kennel Club, *What is Canine Good Citizen (CGC)?*, (Sept. 2022), *available at* [akc.org/products-services/training-programs/canine-good-citizen/](https://akc.org/products-services/training-programs/canine-good-citizen/).
15. Wagner, *supra* n.3.
16. N.J.S.A. 34:11-4.4.
17. N.J.S.A. 10:5-12.
18. N.J.S.A. 34:11D-1 and -3.
19. N.J.S.A. 34:11B-4.
20. 29 U.S.C. § 2612.