



A Guide to the Vocationally Handicapped Provisions of the Workers' Disability Compensation Act

About Michigan's Vocationally Handicapped Law

Public Act 183 of 1971 amended the Workers' Disability Compensation Act by adding Chapter 9, entitled Vocationally Handicapped. This amendment is often referred to as Michigan's "vocationally handicapped law." It significantly limits an employer's liability in case of work-related injuries when properly certified individuals with back, heart, epileptic, or diabetic conditions are hired.

How Does the Law Work?

The law limits an employer's liability for workers' compensation benefits to 52 weeks of benefits for any work-related injury. All benefits paid after 52 weeks for which the employer is liable will be reimbursed by the state's Second Injury Fund.

This Fund will also assume liability, from the date of injury, for vocational rehabilitation benefits provided under Chapter 3, Section 319, of the Workers' Disability Compensation Act.

What Are the Benefits of Being Certified?

Individuals with a certified back, heart, epileptic, or diabetic condition may have a competitive edge when applying for employment. They bring to an employer their talents and skills as well as potential cost savings through reduced liability. Another important point is that certification through the vocationally handicapped law does not affect the workers' compensation rights of injured employees or their dependents.

How Does a Worker Become Certified?

To be covered by the law, employees must be certified prior to hire. Michigan Rehabilitation Services (MRS) offices located throughout the state issue Vocationally Handicapped Worker's Certificates. To be eligible, a worker must:

- have a back, heart, epileptic, or diabetic condition,
- be unemployed at the time of certification,
- not have a current offer of employment, and
- meet one of the following three criteria:
 - was turned down for a job for disability-related reasons,
 - is unable to return to work for a previous employer for disability-related reasons, or
 - is a current client of either MRS or the Michigan Commission for the Blind.

To become certified, an applicant must complete an application form, have it signed by the employer who did not hire or could not rehire the worker for disability-related reasons, and provide medical information documenting the existence of the disability.

Applicants with a qualifying condition who are current clients of MRS or the Michigan Commission for the Blind may be certified without obtaining an employer's signature. Eligibility for these programs is accepted in lieu of being refused employment for disability-related reasons. All other certification requirements still apply.

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The worker's certificate is a wallet-sized card that informs prospective employers that a worker has met the requirements of the vocationally handicapped law. It enables the worker to begin work immediately, pending employer certification. The card can be renewed every two years if the individual continues to meet certification requirements. Employers should check to see if a job applicant's card is still valid at the time of hire.

What Is the Responsibility of the Employer?

Employers must complete the certification process by filling in and returning to MRS Form RA-4476 for each new certified worker they hire in order to receive the benefits of the vocationally handicapped law. The certification process cannot be completed if an employment relationship existed between the person and the same employer in the 52 weeks prior to the date the employee certificate was issued. Certification is permanent for each certified worker who works continuously for the same employer. However, if a certified worker leaves the place of employment for any reason for 52 weeks or longer and is then rehired by the same employer, a new RA-4476 form must be completed by the employer. Employers should request Form RA-4476 from the MRS field office that issued the worker's certificate. Employers are required to file the form with MRS within 60 days of the first date of employment. However, employers will be protected under Chapter 9 even if they file after the 60-day period as long as filing takes place before an injury occurs for which benefits are payable under the Workers' Disability Compensation Act. Failure to follow correct certification procedures may jeopardize an employer's right to Chapter 9 benefits.

Will Hiring Certified Workers Raise Workers' Compensation Rates?

No — hiring someone with a back, heart, epileptic, or diabetic condition will not raise an employer's workers' compensation rates. Further, the vocationally handicapped law covers any job-related injury that may be incurred by a certified worker — even an aggravation of the pre-existing disability which extends 52 weeks or longer from the date of injury. The claims history of the vocationally handicapped law has demonstrated that hiring certified workers is an extremely low risk to employers.

Does MRS Help Employers Rehabilitate Disabled Workers?

MRS counselors and disability management specialists can help injured workers return to their former jobs or, when this is not possible, to other work with the same employer. Sometimes medical restoration services or job accommodations may be needed.

If a person cannot go back to work with the same employer, jobs with other employers will then be sought. Retraining is considered only for those injured workers who cannot use current work skills because of their disability.

Additional Information

For further information about eligibility for certification or the certification process, call Michigan Rehabilitation Services toll free at (800) 605-6722 (voice) or (888) 605-6722 (TTY). For more information about the Second Injury Fund, call the Assistant Funds Administrator at (517) 241-8999.

