

LIMITED WAIVER

Pursuant to Deaf Persons' Interpreters Act (DPIA), MCL 393.501-393.509
and Michigan Rules of Administrative Procedure, MRAP 393.5001-393.5095

(Name of d/db/hh person) _____ has requested and is entitled to an American Sign Language (ASL) interpreter as an accommodation required by applicable state and/or federal disability laws. Michigan law, at MCL 393.503a, provides that "the interpreter shall be a qualified interpreter" as defined by the administrative rules.

(Appointing Authority – accommodation provider) _____ acknowledges having a legal duty to provide this accommodation, and therefore being an appointing authority, but asserts that it is unable to provide a qualified interpreter because:

(Examples: no available qualified interpreter can be located/it would cause undue hardship)

When it is not possible for an appointing authority to provide a qualified interpreter, the law requires it to provide the accommodation that will achieve the most effective communication possible -- a process the Michigan Rules of Administrative Procedure refer to as a "variance." (MRAP 393.5003(nn)). "A "Limited Waiver" means to agree to accept an underqualified interpreter for a particular proceeding (393.5003(qq)).

What accommodation will be most effective in a particular instance should be determined through an interactive process involving the d/db/hh person requiring the accommodation. When an appointing authority offers to provide any of several alternate accommodations, the d/db/hh person's agreement to proceed with one of the choices **may** be documented in a Limited Waiver. Signing this limited waiver indicates that the person requiring the accommodation agrees on which of the available accommodations will be most effective, and he or she agrees to proceed using it. The waiver is "limited" in that it only waives a d/db/hh person's ability to later claim a right to an accommodation that was actually offered.

A limited waiver "does not obviate or mitigate any responsibility for a failure to provide a qualified interpreter when required to do so." (393.5058(2)). Thus, a limited waiver essentially states that a person entitled to a qualified interpreter instead was given several options for proceeding without one and chose one of those options. The limited waiver indicates the choice and prevents that person from later claiming a right to any of the other options offered. A limited waiver does not waive a d/db/hh person's right to later claim that the appointing authority failed to meet its legal duty to provide a qualified interpreter or their right to any accommodation that was never made available.

In this instance, after indicating that it would not be possible to provide a fully qualified interpreter, the appointing authority offered the following option(s) for proceeding:

(Examples: continued with an appointment using an underqualified interpreter/changed the date of the appointment.)

The parties have agreed to proceed by _____ (option selected). Any right to claim that another of the offered options should have been used instead is hereby waived. This agreement is void if a person was coerced, threatened, or intimidated into signing it. (MCL 5058(2)).

Date Signature of person receiving accommodation

Date Signature of Appointing Authority

Use note: An original copy should be retained by Appointing Authority, d/db/hh person and other interested parties should be provided copies.

Form approved by:



12/23/2017