

1650.01 Reasonable Accommodations, ADA Title I

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PURPOSE

State and federal law prohibit employers, state and local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

To comply with state and federal law, this procedure describes the processes and procedures that all State of Michigan departments and agencies (the Employer) should follow to provide reasonable accommodations in the workplace for qualified individuals with disabilities, who are currently employed or seeking employment.

APPLICATION

Executive Branch Departments, Agencies, and Sub-units.

CONTACT AGENCY

Office of the State Employer
Capitol Commons Center, 4th Floor
P.O. Box 30026
Lansing, MI 48909-7526

Telephone: 517-335-7400

Fax: 517-335-7087

SUMMARY

State and federal law require employers to provide reasonable accommodations to existing and prospective employees with a disability who are otherwise able to perform the essential functions of a particular job (collectively, a “covered individual”).

Unless an accommodation would impose an undue hardship, the Employer needs to provide a reasonable accommodation, so long as the covered individual can perform his or her essential job duties, with or without a job accommodation. Even without a written accommodation request, the Employer is generally required to provide such accommodations if the covered individual’s need for an accommodation is known to the Employer.

A. Key Terms from the ADA and the Federal Regulations Implementing the ADA

“Disability” means a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment, as defined under state or federal law. See [29 CFR 1630.2\(g\)](#).

“Reasonable accommodation” means a modification or adjustment to a job, the work environment, or a selection process to provide an employee or applicant an equal employment opportunity. See [29 CFR 1630.2\(o\)\(1\)](#). This can include things like making facilities accessible or making modifications to workplace settings and equipment. See [29 CFR 1630.2\(o\)\(2\)](#).

“Essential job functions” include those functions contained in the standard Michigan Civil Service job specification; those job duties identified in the position description; and the actual work experience of individuals performing the role in question, which may not be outlined in the job specification or position description. See [29 CFR 1630.2\(n\)](#).

“Major life activities” include an everyday activity, including, but not limited to, walking, seeing, speaking, hearing, breathing, learning, performing manual tasks, caring of oneself, working, sitting, standing, lifting, reaching, thinking, concentrating, interacting with others, and sleeping. Major life activities also include the operation of a major bodily function, such as a bodily system or individual organ. See [29 CFR 1630.2\(i\)](#).

An individual with a disability is “qualified” when the individual has the requisite skill, experience, education, and other job-related requirements of a particular position that the individual currently holds or desires to hold, and the individual can perform the essential functions of the position with or without reasonable accommodation. See [42 USC 12111\(8\)](#) and [29 CFR 1630.2\(m\)](#).

“Undue hardship” is a significant difficulty or expense incurred by the Employer, when considered in light of nature and net cost of the accommodation needed as well as the Employer’s overall financial resources, size, and operations. See [42 USC 12111\(10\)](#); [29 CFR 1630.2\(p\)](#).

B. Accommodation Request Basics

No specific form or phrasing is required to request a reasonable accommodation. An individual may request an accommodation verbally or in writing, to either the HR Reasonable Accommodation Coordinator (RAC) or to the individual’s supervisor. To request a job accommodation, individual’s may, but are not required to, submit a completed Section I of the Disability Accommodation Request and Medical Statement (CS-1668) to the RAC. Each request for accommodation will be handled on a case-by-case basis and is not considered to be precedent setting.

- The Employer, through the RAC, may request medical information from an individual when an individual’s disability or disability-related needs are not obvious. Medical information may, but is not always required to, be documented on Section II of the Disability Accommodation Request and Medical Statement (CS-1668).
- A current Position Description (CS-214) will be provided by the Employer to the individual, and, if medical information is needed, the individual provides the CS-1668 and the CS-214 to their healthcare provider.

C. The Interactive Dialogue Basics

The RAC will review and analyze the request—and may request substantiating medical documentation if the disability is not obvious—to verify whether the

individual has a disability as defined under state or federal law. The RAC and the individual need to engage in an interactive process including, but not limited to, consulting with the individual to ascertain precise limitations, possible accommodations, and their potential effectiveness. The RAC may also consult with the individual's supervisor to (a) discern the impact of the requested accommodation(s) and (b) explore potential accommodation options. If necessary, the RAC may consult external resources and request additional, substantiating medical documentation from the individual. Consistent with state and federal law, an individual's medical information must be treated as confidential health information.

Discerning an appropriate job accommodation depends on the circumstances of each request and the essential functions of the individual's job. Thus, the interactive process will seek to identify the limitations imposed by the disability and the nature and feasibility of a job accommodation, so that the individual can perform the essential functions of the position.

D. Basics of Accommodation Implementation

Covered individuals are entitled to job accommodations for physical or mental limitations related to a disability, so long as the individual can perform the job's essential job functions, with or without the accommodation. Thus, as part of the interactive process, the individual, RAC, and the individual's supervisor will work together to implement the job accommodation that meets the individual's disability-related needs, or the limitations related to their disability.

Covered individuals are not entitled to the job accommodation of their choice. Covered individuals are entitled to job accommodation(s) that are reasonable and meet the limitations posed by their disability or disability-related symptoms.

E. No Retaliation

The Employer may not intimidate, threaten, or retaliate against a covered individual for exercising their rights in seeking or utilizing a reasonable accommodation. See 42 USC 12203 and 29 CFR 1630.12, and Civil Service Rule 1-8.1.

Additional guidance on reasonable accommodations can be found in Civil Service Rule 1-8.1, 1-8.2, and 3-1.4, and in Civil Service Regulation 1.04, which are linked below.

Should there be a conflict between the Civil Service rules and regulations and any collective bargaining agreement, exclusively represented employees shall be governed by their collective bargaining agreement. However, Civil Service rules and regulations, department or agency policy, or the terms of a collective bargaining agreement cannot override the Americans with Disabilities Act of 1990 (as amended) and its implementing regulations.

APPLICABLE CIVIL SERVICE FORMS

[CS-1668 Disability Accommodation Request and Medical Statement](https://www.michigan.gov/-/media/Project/Websites/mdcs/FORMS/CS1668.pdf?)

(<https://www.michigan.gov/-/media/Project/Websites/mdcs/FORMS/CS1668.pdf?>)

[CS-1669 Response to Disability Accommodation Request](https://www.michigan.gov/-/media/Project/Websites/mdcs/FORMS/MANAGERS/CS1669.pdf?)

(<https://www.michigan.gov/-/media/Project/Websites/mdcs/FORMS/MANAGERS/CS1669.pdf?>)

[CS-1670 Evaluation of Disability Accommodation](https://www.michigan.gov/-/media/Project/Websites/mdcs/FORMS/MANAGERS/EvalDisabilityAccommodationCS1670.pdf?)

(<https://www.michigan.gov/-/media/Project/Websites/mdcs/FORMS/MANAGERS/EvalDisabilityAccommodationCS1670.pdf?>)

PROCEDURES

As noted above, applicable law provides for reasonable accommodations for current and prospective employees. The procedure described below covers accommodation requests by current employees. For procedural information about accommodation requests by prospective employees/applicants, please see Civil Service Regulation 1.04(4)(B), through the link below under “Additional References.”

Step 1 – Individual:

1. Employer becomes aware of a need for a disability-related accommodation. The covered individual or the RAC may document the job accommodation request using Section I of the Disability Accommodation Request form ([CS-1668](#)).
2. Substantiating medical documentation may be requested if the disability is not obvious or otherwise known. In this case, the Employer may request the substantiating medical documentation through Section II of CS-1668 (Disability Accommodation Request and Medical Statement form). The RAC will provide a current Position Description ([CS-214](#)) to the individual, which will be sent to their healthcare provider for review.
 - Note: All applicable forms and documents, including the position description, need to be made available through the individual’s Human Resources office.
 - Note: While the form CS-1668 is the preferred manner for making a reasonable-accommodation request, no specific form or phrasing is required for a valid job accommodation request. As noted above, a covered individual may request an accommodation verbally and, the Employer has an obligation to provide a reasonable accommodation for known disability-related limitations without a request.

Step 2 – Supervisor and RAC:

1. If the supervisor receives an accommodation request (verbally or in writing), the supervisor will promptly forward the request to the RAC to engage in the interactive process with the individual.
2. To assist the RAC in determining if the individual has a disability within the meaning of the ADA, the RAC will review any necessary medical documentation provided by the individual's healthcare provider to verify the individual's qualifications for a reasonable accommodation under state and federal law. Medical documentation may not need to be reviewed in all instances.
3. The RAC verifies the individual’s essential job functions by reviewing the CS-214, the Civil Service job specification, and only if necessary, by consulting with the individual’s supervisor.
4. The RAC will engage in an interactive process to ascertain the limitations imposed by the disability (or its symptoms)—and discuss possible job

accommodations. Consultation with the individual's supervisor and review of medical certifications and documentation to determine the scope of the disability and the impacts of the requested accommodation(s) may be necessary.

5. The RAC evaluates and prepares a final written decision on the Response to Disability Accommodation Request form ([CS-1669](#)). The response should include a description of the approved accommodation or, an explanation for any accommodation modification or denial.

A final decision should follow within eight weeks of either (a) when the individual requests a job accommodation, or (b) when the Employer reasonably became aware of the need for an accommodation. In some circumstances, the Employer may need to temporarily adjust the individual's position while reviewing the need for a reasonable accommodation.

6. The RAC retains documentation for the life of the accommodation, for auditing purposes.

- Note: Completed forms and medical documentation related to the request must be treated as confidential medical records as provided by state and federal law (see 42 USC 12112(d)(4)(A)–(C) and 29 CFR 1630.14(c)), and maintained consistent with state retention schedules.
- Note: Accommodation requests—and any associated medical documentation—do not become a part of the individual's personnel file maintained by the Employer or the Civil Service Commission. Accommodation requests—and any associated medical documentation—need to be maintained separately, in their own separate file, with access available to the individual and confidential HR custodians whose job it is to maintain such files.

7. The RAC provides a copy of the form CS-1669 to employee.

Step 3 – Individual:

1. Completes and signs the relevant portions of the form CS-1669, reflecting the accommodation grant, modification, or denial.
2. Returns the signed form CS-1669 to the RAC.
3. If the individual is dissatisfied with the final decision of the RAC, or the RAC fails to issue a final response within eight weeks, the individual may file a grievance through the Civil Service or collective bargaining agreement grievance procedure, whichever is applicable. The individual may also take other action as authorized by law.

Step 4 – RAC:

1. Makes all necessary arrangements for the implementation of the approved accommodation, which could include assistance from the supervisor.
2. Evaluates the effectiveness of the implemented accommodation at least once per year.

ADDITIONAL REFERENCES

[Americans with Disabilities Act of 1990 \(ADA\), as amended](https://www.eeoc.gov/laws/statutes/adaaa.cfm)

(<https://www.eeoc.gov/laws/statutes/adaaa.cfm>).

[Civil Service Rule 1-8.1 Prohibited Discrimination](https://www.michigan.gov/mdcs/-/media/Project/Websites/mdcs/RULES/Rules-Book.pdf?rev=a73f0d978f674bada4e7fe0d818eeb7b&hash=72D77994600FA248174A1BDB805F3EA0#page=13)

(<https://www.michigan.gov/mdcs/-/media/Project/Websites/mdcs/RULES/Rules-Book.pdf?rev=a73f0d978f674bada4e7fe0d818eeb7b&hash=72D77994600FA248174A1BDB805F3EA0#page=13>).

[Civil Service Rule 1-8.2 Accommodations](https://www.michigan.gov/mdcs/-/media/Project/Websites/mdcs/RULES/Rules-Book.pdf?rev=a73f0d978f674bada4e7fe0d818eeb7b&hash=72D77994600FA248174A1BDB805F3EA0#page=13)

(<https://www.michigan.gov/mdcs/-/media/Project/Websites/mdcs/RULES/Rules-Book.pdf?rev=a73f0d978f674bada4e7fe0d818eeb7b&hash=72D77994600FA248174A1BDB805F3EA0#page=13>).

[Civil Service Regulation 1.04 Reasonable Accommodation](https://www.michigan.gov/-/media/Project/Websites/mdcs/REGS/Reg104.pdf)

(<https://www.michigan.gov/-/media/Project/Websites/mdcs/REGS/Reg104.pdf>).

[Collective Bargaining Agreements](https://www.michigan.gov/ose/current-collective-bargaining-agreements)

(<https://www.michigan.gov/ose/current-collective-bargaining-agreements>).

[EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship](https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada)

[under the ADA](https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada) (<https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada>)

[Michigan Persons with Disabilities Civil Rights Act 220 of 1976, as amended](https://www.michigan.gov/documents/PWDCRA10-05_115444_7.pdf)

[\(MCLA37.1101 et. Seq.\)](https://www.michigan.gov/documents/PWDCRA10-05_115444_7.pdf) (https://www.michigan.gov/documents/PWDCRA10-05_115444_7.pdf).
