

1650.02 Accessibility and Reasonable Modifications, ADA Title II

Issued: September 19, 2007
Revised: October 23, 2019

PURPOSE

To provide procedures for compliance with Administrative Guide Policy 1650.00 Accessibility and Reasonable Accommodations & Modifications; the Americans with Disabilities Act (ADA) of 1990, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Michigan Deaf Persons' Interpreters Act, 1982 PA 204, MCL 393.501 et seq.; and the Michigan Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 et seq. (collectively, the "Acts"). This procedure defines the Departments' requirements for printed materials and documents, meetings and events, videos and other media productions, social media, electronic documents, websites and applications (collectively, "Covered Items") regarding the accessibility of their programs, services and activities to qualifying persons with disabilities. This procedure covers members of the public who are served by the Departments and does not apply to individuals serving a sentence of imprisonment in a state correctional facility.

This procedure is not intended to enlarge liability of Departments under the Acts in any way. It should not be construed as the creation of a higher legal standard of care than that already imposed by law.

Note: Department employees shall reference Ad Guide Procedure 1650.01 Reasonable Accommodations, ADA Title I.

APPLICATION

Executive Branch Departments, Agencies, and Sub-units (collectively, "Departments").

CONTACT AGENCY

Department of Civil Rights
State ADA Compliance Division
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SUMMARY

Departments must ensure that their programs, services and activities are accessible to qualified members of the public with disabilities, unless actions would result in a fundamental alteration in the nature of the program, service or activity, or an undue financial or administrative burden would occur consistent with ADA requirements.

If the Departments' Covered Items are not accessible and do not allow a qualifying member of the public with a disability to access a Department program, service or activity, Departments are required to provide access through auxiliary aids and services, alternative formats and/or reasonable modifications upon request unless these actions would result in a fundamental alteration in the nature of the program, service or activity, or an undue financial or administrative burden would occur consistent with ADA requirements, pursuant to 28 CFR §§ [35.150\(a\)\(3\)](https://www.govregs.com/regulations/expand/title28_chapterI_part35_subpartD_section35.150#title28_chapterI_part35_subpartD_section35.150) (https://www.govregs.com/regulations/expand/title28_chapterI_part35_subpartD_section35.150#title28_chapterI_part35_subpartD_section35.150) and [35.164](https://www.govregs.com/regulations/title28_chapterI_part35_subpartE_section35.164) (https://www.govregs.com/regulations/title28_chapterI_part35_subpartE_section35.164).

In addition, Departments must provide information to the general public about the availability of auxiliary aids and services, alternative formats and reasonable modifications. Departments may not place a surcharge on qualifying members of the public with disabilities to cover the cost of providing auxiliary aids and services, alternative formats or reasonable modifications.

Departments are also responsible for remediating inaccessible Covered Items.

APPLICABLE FORMS

DTMB-3533 State of Michigan Digital Standards Review

PROCEDURES

Electronic Documents

Electronic documents, including email and PDF's, developed or purchased (with or without cost) for public distribution by Departments will be created in or made available in an accessible format.

New electronic documents developed or purchased (with or without cost) for public distribution by Departments will include a notice that the material can be made available to people with disabilities upon request in alternative formats useable to the requestor in a reasonable amount of time.

A notice about alternative formats must also be included with existing, legacy and previously procured electronic documents when they are remediated by the Department.

Internal guidance for accessible electronic documents is available on the [ADA Electronic Resource Guide](https://stateofmichigan.sharepoint.com/teams/insidemi/digital/ada) (<https://stateofmichigan.sharepoint.com/teams/insidemi/digital/ada>).

Printed Materials and Documents

New printed materials and documents developed and/or purchased (with or without cost) for public distribution by Departments will include a notice that the material can be made available to people with disabilities upon request in alternative formats useable to the requestor in a reasonable amount of time.

A notice about alternative formats must also be included with existing, legacy and previously procured printed materials and documents when they are remediated by the Department.

Internal guidance for state employees on accessible printed materials and documents is available on the [ADA Electronic Resource Guide](https://stateofmichigan.sharepoint.com/teams/insidemi/digital/ada) (<https://stateofmichigan.sharepoint.com/teams/insidemi/digital/ada>).

Meetings and Events

Public meetings and events organized by Departments will be made accessible to qualified attendees with disabilities.

For the purposes of this section, “accessible” means that all who are qualified to attend can attend, participate in activities and access information in the needed accessible formats. At a minimum, the location will be accessible to the attendees and the requested auxiliary aids and services, alternative formats and reasonable modifications required for equally effective participation will be provided prior to or at the time of the event with reasonable advance notice. This includes, but is not limited to, meetings open to the public, conferences, educational events, press conferences and trainings.

Departments shall include a statement on event and meeting notices regarding accessibility and list contact information for requesting auxiliary aids and services, alternative formats and reasonable modifications, as well as a reasonable timeframe for requests, in advance of the event or meeting.

Internal guidance for accessible meetings and events is available on the [ADA Electronic Resource Guide](https://stateofmichigan.sharepoint.com/teams/insidemi/digital/ada) (<https://stateofmichigan.sharepoint.com/teams/insidemi/digital/ada>).

Videos and Other Media Productions

Videos and other media productions developed or purchased (with or without cost) for distribution to the public by Departments will be made accessible through the use of open and closed captioning, sign language interpretation, audio description, transcripts and/or other effective methods.

Video recordings intended for internal investigation processes or documentation such as depositions, video recorded inspections, etc. are not covered by this procedure; if such recordings are legally requested by qualified members of the public with disabilities or are later used for public distribution by Departments, they must be made accessible or made available in an accessible format useable to the requestor.

Internal guidance for accessible videos and other media productions is available on the [ADA Electronic Resource Guide](https://stateofmichigan.sharepoint.com/teams/insidemi/digital/ada) (<https://stateofmichigan.sharepoint.com/teams/insidemi/digital/ada>).

Social Media

Social media content created by Departments and posted on public State of Michigan social media and social networking accounts will be created in an accessible format or made available in an accessible format useable to the requestor.

Departments are directed to utilize the State of Michigan Social Media Standards, located at www.Michigan.gov/SocialMedia.

Internal guidance for accessible social media is also available on the [ADA Electronic Resource Guide](https://stateofmichigan.sharepoint.com/teams/insidemi/digital/ada) (<https://stateofmichigan.sharepoint.com/teams/insidemi/digital/ada>).

Websites and Applications

Websites and applications developed or purchased (with or without cost) by Departments for members of the public to access Department programs, activities or services will be created in an accessible format, or an effective alternative will be made available to provide access to the program, activity or service offered by the website or application upon request.

For new websites and applications developed or purchased (with or without cost) by Departments for members of the public to access Department programs, activities or services, Departments are directed to utilize the State of Michigan Digital Standards, located at: www.Michigan.gov/Standards.

Prior to launching a website or application in production, Departments are directed to initiate a standards review using the DTMB-3533 State of Michigan Digital Standards Review.

Departments shall include a notice on their website regarding accessibility and list contact information for requesting auxiliary aids and services, alternative formats and reasonable modifications.

Departments with existing, legacy and previously procured websites and applications are directed to utilize the State of Michigan Digital Standards and initiate a standards review using the DTMB-3533 State of Michigan Digital Standards Review when these websites and applications are remediated by the Department.

Internal guidance for accessible websites and applications is available on the [ADA Electronic Resource Guide](https://stateofmichigan.sharepoint.com/teams/insidemi/digital/ada) (<https://stateofmichigan.sharepoint.com/teams/insidemi/digital/ada>).

REFERENCES

Administrative Guide Policy 1650.00 Accessibility and Reasonable Accommodations & Modifications

Administrative Guide Procedure 1650.01 Reasonable Accommodations, ADA Title I Americans with Disabilities Act (ADA) of 1990, as amended, (Pub. L. 101-336) (42 U.S.C. §§ 12101 *et. seq.*)

Rehabilitation Act of 1973, as amended, Section 504 (29 U.S.C. § 794)

Michigan Deaf Persons' Interpreters Act (PA 204 of 1982, amended 2007) (MCL 339.501. *et. seq.*)

Michigan Persons with Disabilities Civil Rights Act (PA 220 of 1976) (MCL 37.1101, *et. seq.*)

State of Michigan Digital Standards, eMichigan

State of Michigan Digital Guidelines, eMichigan

1345.00.12 Internet Domain Management Standard, eMichigan

1345.00.10 Michigan.gov Domain Standard, eMichigan
