

Michigan Civil Service Commission

Regulation 1.04

Subject: Reasonable Accommodations		
SPDOC No.: 21-04 <u>22-04</u>	Effective Date: September 5, 2021 <u>July 25, 2022</u>	Replaces: Reg. 1.04 (SPDOC 21-04 <u>16-04</u> , January 1, 2017 <u>September 5, 2021</u>)

1. Purpose

This regulation establishes procedures to request and provide reasonable accommodations for ~~qualified~~ employees and applicants with disabilities.

2. CSC Rule References

1-8 *Prohibited Discrimination*

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1-8.2 *Accommodation of Disabilities*

Civil service staff and appointing authorities shall accommodate a person with a disability, consistent with state and federal law ~~as provided in the civil service rules and regulations.~~

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3-1 *Examinations*

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3-1.4 *Reasonable Accommodations*

~~**Error! Bookmark not defined.** Appointing authorities shall make reasonable accommodations for the known physical or mental limitations in their application and appraisal methods for a person with a disability, consistent with state and federal law ~~who makes a request for reasonable accommodation in advance. Appointing authorities may offer an alternative evaluation method for a person with a disability if the person cannot participate in the regular appraisal method. Appointing authorities are not required to make an accommodation that would cause undue hardship.~~~~

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3. Definitions

A. CSC Rule Definitions.

1. *Applicant* means a person who applies for consideration for appointment to a classified position.

2. Disability

~~(a) **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 in state or federal law, any of the following:~~

~~(1) A determinable physical or mental characteristic of a person, which may result from disease, injury, congenital condition of birth, or functional disorder, if the characteristic:~~

~~(A) substantially limits one or more of the major life activities of the person, and~~

~~(B) is unrelated to (1) the person's ability to perform the duties of a particular job or position or (2) the person's qualifications for employment or promotion.~~

~~(2) A history of a determinable physical or mental characteristic described in subsection (a)(1).~~

~~(3) Being regarded as having a determinable physical or mental characteristic described in subsection (a)(1).~~

~~(b) Disability does not include either of the following:~~

~~(1) A determinable physical or mental characteristic caused by the current illegal use of a controlled substance by the person.~~

~~(2) A determinable physical or mental characteristic caused by the use of alcohol by the person if that physical or mental characteristic prevents the person from performing the duties of the person's job.~~

~~3. **Unrelated to the person's ability** means, with or without accommodation, a person's disability does not prevent the person from performing the duties of a particular job or position.~~

B. Definitions in This Regulation.

1. **Accommodation coordinator** means the (1) appointing authority, (2) person designated by an appointing authority to administer the processing of reasonable accommodation requests, or (3) accommodation coordinator's designee.

~~2. **Qualified** means an applicant or employee with a disability who can perform the essential functions of a position, with or without reasonable accommodation.~~

~~23. **Reasonable accommodation** means a modification or adjustment to a job, of the work environment, or a selection process for a qualified to provide an employee or applicant an equal employment opportunity, as defined under state and federal law and regulations, including 29 CFR 1630.2(o). An accommodation that would cause an appointing authority undue hardship is not a reasonable accommodation.~~

~~4. **Undue hardship** means significant difficulty or expense, as defined in federal law.~~

4. Standards

- A. **Employee Accommodation Requests.** Each appointing authority shall designate an accommodation coordinator to process accommodation requests. Employees or their designees ~~should~~ may submit accommodation requests directly to the coordinator. No specific form or phrasing is required to request a reasonable accommodation. If a request is made to someone else, such as a supervisor or manager, the recipient must promptly notify the coordinator of the request. An employee seeking an accommodation ~~should, but is not required to,~~ may submit a completed Disability Accommodation Request and Medical Statement (CS-1668) to the accommodation coordinator to facilitate the interactive process and ensure the understanding of relevant facts.
- B. **Applicant Accommodation Requests.** An applicant needing an accommodation to submit an application may contact the hiring agency's Title I Officer or HR office. An applicant needing an accommodation to participate in an interview may request an accommodation when contacted to schedule the interview. A hiring agency shall engage in an interactive process for an applicant consistent with the requirements of federal law.
- C. **Processing Employee Accommodation Requests.**
1. After receiving notice of an employee's accommodation request, the accommodation coordinator shall promptly:
 - a. Ensure that Section I of a CS-16868 describing the request is (1) provided by the employee or a designee or (2) completed by the coordinator as part of the interactive process with the employee if the employee is unable or unwilling to complete the form.
 - b. Verify that the employee has a disability, as defined in federal law.
 - c. Verify the relevant position's essential functions.
 - d. Review the information provided and consult with the employee to ascertain the precise limitations, possible accommodations, and their potential effectiveness.
 - e. If necessary, require the employee to provide (1) a completed Section II of a CS-1668 or (2) other sufficient medical certification of the disability and functional limitations.
 - ~~f. If necessary, consult with external resources and request additional medical documentation of limitations requiring accommodations.~~
 - g. Provide a final written decision on the Response to Disability Accommodation Request (CS-1669). The response must describe the recommended accommodation or explain the denial of the request.

2. Civil Service and appointing authorities shall accommodate a person with a disability, ~~unless the accommodation would cause an undue hardship~~ as required by state and federal law.
3. After a final decision is issued, the accommodation coordinator shall:
 - a. Provide the employee a copy of the CS-1669.
 - b. Have the employee complete and sign the relevant portions of the CS-1669.
 - c. If applicable, arrange to implement the approved accommodation.
4. Completed forms and medical documentation related to the request must be maintained consistent with state retention schedules and as confidential medical records as provided by state and federal law.

D. Evaluating Accommodations. The accommodation coordinator or designee may use the Evaluation of Disability Accommodation (CS-1670) or another effective process to later evaluate implemented accommodations' effectiveness.

E. Appeal. If dissatisfied with the accommodation coordinator's final response or if the coordinator fails to issue a final response within eight weeks, the employee may appeal through the appropriate grievance procedure.

F. Alternative Forms. An appointing authority may use alternative forms approved by the ~~S~~state ~~P~~ersonnel ~~D~~irector.

CONTACT

Questions on this regulation may be directed to the Office of the General Counsel, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; by telephone at 517-284-0093, or to MCSC-OGC@mi.gov.