

# Michigan Civil Service Commission

## Regulation 1.04

Subject:

### Reasonable Accommodations

SPDOC No.:

2324-049

Effective Date:

June 27<sup>18</sup>, 2024<sup>3</sup>

Replaces:

Reg. 1.04 (SPDOC 223-096, July June 27<sup>5</sup>, 2023<sup>2</sup>)

## 1. Purpose

This regulation establishes procedures to request and provide reasonable accommodations for employees and applicants with disabilities and limitations related to pregnancy, childbirth, and related medical conditions.

## 2. CSC Rule References

### 1-8 *Prohibited Discrimination*

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#### 1-8.2 *Accommodations*

(a) *Disability.* Civil service staff and appointing authorities shall accommodate a person with a disability, consistent with state and federal law.

(b) *Pregnancy.* Civil service staff and appointing authorities shall accommodate the known limitations related to a person's pregnancy, childbirth, or related medical conditions, consistent with state and federal law.

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### 3-1 *Examinations*

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#### 3-1.4 *Reasonable Accommodations*

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, and the known limitations related to a person's pregnancy, childbirth, or related medical conditions, consistent with state and federal law.

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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** 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.

#### **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. **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, as defined under state and federal law and regulations, including 29 CFR 1630.2(o).

### **4. Standards**

- A. Employee Accommodation Requests.** Each appointing authority shall designate an accommodation coordinator to process accommodation requests. Employees or their designees 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.
1. An employee seeking an accommodation for limitations resulting from a disability 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.
  2. An employee seeking an accommodation for a known limitation related to pregnancy, childbirth, or a related medical condition may submit a completed Pregnant Worker Accommodation Request form (CS-1667) to the accommodation coordinator to facilitate the interactive process.
- 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 for Disability.**
1. After receiving notice of an employee's accommodation request, the accommodation coordinator shall promptly:

- a. Ensure that Section I of a CS-1668 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. 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, as **required by** state and federal law **require**.
  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. Processing Employee Accommodation Requests for Known Limitations Related to Pregnancy, Childbirth, or Related Medical Conditions.**

1. After receiving notice of an employee's accommodation request, the accommodation coordinator shall promptly:
  - a. Document the request, including the employee's name, contact information, current job duties requiring an accommodation, and the accommodation requested. **An employee may, but is not required to, use a form to communicate a request for an accommodation.**
  - b. **Engage in an informal, interactive process with the employee to identify the known limitation and the adjustment or change needed due to the limitation and any reasonable accommodations if unclear from the request, as provided in federal**

- law. Verify that the employee has known limitations related to pregnancy, childbirth, or related medical conditions, as defined in federal law.
- c. Verify the relevant position's essential functions and, if necessary, whether any temporary inability by the employee to perform an essential function may be reasonably accommodated, consistent with state and federal law.
  - d. If necessary and reasonable, require request the employee to provide reasonable sufficient medical certification documentation of the known limitations related to pregnancy, childbirth, or related medical conditions.
  - e. Review the information provided and consult with the employee to determine the precise limitations, possible accommodations including whether any temporary inability by the employee to perform any essential function may be reasonably accommodated, and their potential effectiveness, as provided in federal law.
  - ef. Provide a final written decision to the employee. The decision must describe the recommended accommodation or explain the denial of the request.
  - fg. Have the employee acknowledge in writing the written decision and the employee's agreement or disagreement with the decision.
  - gh. If applicable, arrange to implement the approved accommodation.
2. Civil Service and appointing authorities shall accommodate a person with known limitations related to a person's pregnancy, childbirth, or related medical conditions, unless the request would cause an undue hardship, as state and federal law required by state and federal law.
3. An employee's supervisor informed of the accommodation request may provide an interim reasonable accommodation before the accommodation coordinator's decision if the need for an accommodation is immediate and the request is simple, temporary, and requires not more than negligible costs, consistent with federal law. A supervisor providing an interim accommodation must promptly inform the accommodation coordinator of both the request and the interim accommodation provided.
34. Requests, correspondence, 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.
- E. 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.
- F. Appeal.** If dissatisfied with the accommodation coordinator's final response or if the coordinator fails to issue a final response on a disability accommodation request within eight weeks or unreasonably delays a response to a pregnancy related request, the employee may appeal through the appropriate grievance procedure.

**G. Alternative Forms.** An appointing authority may use alternative forms approved by the state personnel director.

## 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](mailto:MCSC-OGC@mi.gov).