

EXECUTIVE ORDER 2004 - 31

STATE AMERICANS WITH DISABILITIES ACT COORDINATOR

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the Governor unless otherwise provided in the Constitution;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor is responsible to take care that the laws be faithfully executed;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor shall transact all necessary business with the officers of state government and may require information in writing from all executive administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices;

WHEREAS, under Section 10 of Article V of the Michigan Constitution of 1963, the Governor shall have the power and it shall be the duty of the Governor to inquire into the condition and administration of any public office;

WHEREAS, in Michigan there are approximately 1.9 million persons with disabilities;

WHEREAS, it has long been the policy of the State of Michigan and this Governor to ensure that all persons, including those persons with disabilities, are given equal participation opportunities in all aspects of public life;

WHEREAS, the federal Americans with Disabilities Act of 1990, 42 USC 12101 to 12213 ("ADA") prohibits discrimination against a qualified individual with a disability on the basis of the disability;

WHEREAS, under the ADA, a qualified individual may not be excluded from participating in, or be denied the benefits of any program, service, or activity offered by the State of Michigan;

WHEREAS, the polices embodied in the ADA are also reflected in Michigan law, including the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607;

WHEREAS, the State of Michigan's compliance with state and federal laws protecting the rights of persons with disabilities can be enhanced through better coordination of the development and implementation of public policy and the design and delivery of services and assistance for persons with disabilities;

WHEREAS, it is in the interest of efficient administration to designate one state official with the responsibility of facilitating executive branch compliance with the ADA and other laws protecting the rights of persons with disabilities;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor under the Michigan Constitution of 1963 and Michigan law, order the following:

I. ESTABLISHMENT OF STATE ADA COORDINATOR

- A. The Governor shall designate a state employee or officer within the executive branch of state government as the State ADA Coordinator.
- B. The State ADA Coordinator shall be responsible for coordinating, on behalf of the Governor, programs, activities, and services of all state departments and agencies within the executive branch related to compliance with state and federal disability rights laws, including, but not limited to, each of the following:

1. The federal Americans with Disabilities Act of 1990, 42 USC 12101 to 12213.
2. Section 504 of the federal Rehabilitation Act of 1973, 29 USC 794.
3. The Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607.

C. Except as provided in Section I.D, the State ADA Coordinator shall:

1. Serve as the State of Michigan's primary liaison with state departments and agencies on compliance issues with state and federal disability rights laws.
2. Provide information and technical assistance to departments and agencies related to compliance with state and federal disability rights laws.
3. Identify resources and best practices for compliance.
4. Provide guidance to departments and agencies to assist in assuring that public activities sponsored by the executive branch of state government, including but not limited to, meetings, training sessions, workshops, conferences, departmental functions, and public hearings, are accessible.
5. Facilitate the education and training of state employees and officers on issues relating to compliance with the ADA and other disability issues.
6. Coordinate and collaborate with Departmental ADA Coordinators designated under Section II on disability rights and accessibility issues.
7. Communicate to interested individuals information regarding compliance with state and federal disability rights laws, including contact information for the Departmental ADA Coordinators designated under Section II.
8. Advise the Governor, the Director of the Department of Civil Rights, and the Office of the State Employer on issues relating to compliance with state and federal disability laws.
9. Represent the Governor at hearings, conferences, and proceedings involving disability issues.
10. Provide other assistance and advice on disability issues, as requested by the Governor.

D. The Office of the State Employer shall retain primary responsibility for compliance with state and federal disability rights laws on matters relating to state employment. The Office of the State Employer and the State ADA Coordinator shall coordinate their implementation of this Order.

E. Nothing in this Order shall be construed to modify the responsibilities of the Civil Service Commission under Section 5 of Article XI of the Michigan Constitution of 1963, the Civil Rights Commission under Section 29 of Article V of the Michigan Constitution of 1963, or the Civil Rights Commission or Department of Civil Rights under the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607.

II. DESIGNATION OF DEPARTMENTAL ADA COORDINATORS

A. The director of each department of state government shall designate a Departmental ADA Coordinator as the primary coordinator of departmental compliance with state and federal disability rights laws, including, but not limited to each of the following:

1. The federal Americans with Disabilities Act of 1990, 42 USC 12101 to 12213.

2. Section 504 of the federal Rehabilitation Act of 1973, 29 USC 794.
3. The Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607.

B. Each Departmental ADA Coordinator shall cooperate and coordinate efforts with the State ADA Coordinator.

III. ASSISTANCE OF DEPARTMENTS AND AGENCIES

- A. Departments and agencies shall assist the State ADA Coordinator in implementing the requirements of this Order.
- B. The Department of Civil Rights, Office of the State Employer, the Office of Rehabilitation Services within the Department of Labor and Economic Growth, the Commission for the Blind, the Commission on Disability Concerns and its Division on Deaf and Hard of Hearing shall provide support and technical assistance to the State ADA Coordinator in meeting the requirements of this Order.
- C. The Department of Civil Rights shall provide the State ADA Coordinator and Departmental ADA Coordinators with information on state and federal disability rights laws, including updates on changes in the law and court decisions.
- D. The Office of the State Employer shall provide Departmental ADA Coordinators with guidance, training, education, and technical assistance on workplace accommodations for employees with disabilities. These activities will be conducted in cooperation with the State ADA Coordinator.

IV. RESCISSIONS

- A. Executive Directive 1987-1 is rescinded in its entirety.
- B. Executive Order 1988-11 is rescinded in its entirety, the requirements under that order having been satisfied.

V. MISCELLANEOUS

- A. Nothing in this Order shall be construed to change the organization of the executive branch of state government or the assignment of functions among its units in a manner requiring the force of law.
- B. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 3rd day of June in the year of our Lord, two thousand and four.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE