

LEGAL BASIS

Title VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title I and II of the Americans with Disabilities Act of 1990; Michigan Department of Civil Service, Regulation 1.04, Reasonable Accommodation March 18, 2001.

GENERAL INFORMATION

The Department of Human Services (DHS) shall accommodate an employee with a disability as provided in the Civil Service rules and regulations, state and federal laws.

The provision of reasonable accommodation to qualified persons with disabilities in the State workforce is in the spirit and intent of federal and state law and Civil Service rules and regulations. These laws and regulations prohibit discrimination on the basis of a disability and in addition, require that employees with disabilities be assured the right of requesting reasonable accommodations, which will permit him or her to perform the essential functions of the job. The Department of Human Services is not required to make an accommodation that would cause undue hardship.

DEFINITIONS

Accommodation Coordinator - The (1) person designated by an appointing authority to administer the processing of reasonable accommodation requests, or (2) accommodation coordinator's designee. This responsibility rests with staff from the Office of Equal Opportunity and Diversity Programs (OEODP).

Applicant - A person who requests to participate in an appraisal process.

Appraisal Method - A technique used to evaluate job-related knowledge, skills, abilities, competencies, and other qualifications to determine eligibility for a position in the classified service.

Disability means any of the following:

- A. 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:
 - Substantially limits one or more of the major life activities of the person, and
 - 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 and promotion.
- B. A history of determinable physical or mental characteristics described in subsection A. above.

- C. Being regarded as having a determinable physical or mental characteristic described in subsection A. above.

Disability does not include either of the following:

- A determinable physical or mental characteristic caused by the current illegal use of a controlled substance.
- 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 job.

Qualified Employee or Applicant - An employee or applicant with a disability who can perform the essential functions of a position with or without reasonable accommodation.

Reasonable Accommodation - A modification or adjustment of (1) the work environment for a qualified employee, or (2) the job application process that enables a qualified applicant to be considered. An accommodation that would cause undue hardship to an appointing authority is not a reasonable accommodation.

Undue Hardship - Significant difficulty or expense. Undue hardship includes, but is not limited to, the following:

- The person poses a direct threat to the health or safety of self or others in the workplace and the threat cannot be removed by accommodating the person.
- The accommodation would require the alteration of a program or position.

Unrelated to the person's ability - With or without an accommodation a person's ability does not prevent the person from performing the duties of a particular job or position.

REASONABLE ACCOMMODATION

Submitting Requests

To facilitate the interactive process of accommodating persons with disabilities and to ensure understanding of the relevant facts, an employee or applicant seeking an accommodation must submit a completed [Reasonable Accommodation Request \(DHS-4428\)](#) to the immediate supervisor. The form may be requested from the immediate supervisor or downloaded from the DHS-Net.

- Applicants are to request the form from the hiring manager as soon as they are notified of an interview.

- An employee must file a completed Reasonable Accommodation Request within 182 calendar days after the employee knew or should have known that an accommodation was needed.
- Applicants must file a completed Reasonable Accommodation Request no later than (3) working days prior to the interview date.
- The employee or applicant has the burden of demonstrating that he or she (1) is a person with a disability, and (2) can perform the essential functions of the job with or without accommodations.

Processing Requests

Supervisor

1. Within a total of 20 working days of receiving the Reasonable Accommodation request, the supervisor/county director/deputy director for the administration shall take the following steps:
 - a. Verify the employee or applicant has a disability, as defined in this policy. Review the information provided and consult with the employee or applicant to ascertain the precise limitations, possible accommodation, and its potential effectiveness. If necessary, consult with external resources and request additional medical documentation of limitations requiring accommodations. If assistance is needed, please contact OEODP at 517-373-8520.
 - b. Verify the essential functions of the relevant position.
 - c. Provide a written decision on the [Reasonable Accommodation Request \(DHS-4428\)](#). The response must be either an Approval or a Forward. If the document is forwarded to the next level of supervision, a written explanation of why the request could not be approved shall be attached and what was offered as an alternative accommodation to the employee.
 - d. Send a copy of the approved or forwarded request to OEODP.
 - e. The two levels of supervision have a total of 20 working days to respond to the employee from the date the request was received, following steps a. thru d. above. The final step in the process is the OEODP.

Note: Only the OEODP may deny a Reasonable Accommodation Request.

Supervisor/
OEODP

2. After a final decision is issued, either the approving supervisor or OEODP shall take the following steps:

- a. Provide a signed copy of the Reasonable Accommodation Request to the employee or applicant, supervisor, and director if completed by the OEODP within 10 working days.
- b. If applicable, arrange for the implementation of the approved accommodation.

Accommodation Coordinator

- 3. Evaluate the Reasonable Accommodation.
 - a. Complete a [Reasonable Accommodation Evaluation Form \(CS-1670\)](#) within 6 weeks after the implementation of an accommodation, and as needed thereafter.
 - b. Maintain records for at least 3 years after the date of the final decision for reporting purposes.
 - c. Requests where the employee’s condition is predicted not to improve over time will be evaluated yearly to ensure that the accommodation is still effective.

Applicant/ Employee

- 4. Appeal the Final Decision.

If the employee or applicant is dissatisfied with the response of the Accommodation Coordinator or the Accommodation Coordinator fails to issue a final response within 8 weeks, the applicant or the employee may appeal the final decision through the appropriate grievance procedure.

When An Employee Moves

If an employee moves to another position within DHS, the equipment, furniture and supplies bought specifically for that reasonable accommodation stay with the employee. At any time the employee leaves DHS, OEODP will negotiate with the receiving agency/department to see if they want to purchase or pay a part of the costs to have the items follow the employee. This will be done on a case by case basis.