
OVERVIEW

The Michigan Department of Health and Human Services (MDHHS) accommodates qualified employees, or qualified applicants, with a disability as provided in the Civil Service Rules and Regulations, bargaining unit contract language, and state and federal laws.

MDHHS provides reasonable accommodations for qualified individuals with disabilities to allow them equal opportunity to participate in the job application process, perform the essential functions of the job, and enjoy the benefits and privileges of employment. Federal and state law and regulations prohibit discrimination based on 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. MDHHS is not required to make an accommodation that would cause an undue hardship.

Requests for reasonable accommodations must be considered on a case-by-case basis because the nature and extent of a disability and the requirements of a job vary; an accommodation provided to one individual with a disability does not necessarily set precedent for determining accommodations to be provided to other individuals. The accommodation provided does not have to be the accommodation that the individual requests or prefers.

Individuals may be required to annually re-submit requests for reasonable accommodations with appropriate medical documentation to ensure that the previously provided accommodation is still needed; and to demonstrate that the accommodation provided does not need to be modified due to a change in the individual's ability to perform the essential functions of the individual's position. The requirement to annually resubmit requests for reasonable accommodations will be determined on a case-by-case basis.

DEFINITIONS

Applicant

An individual who requests to participate in an appraisal process.

Direct Safety or a Direct Health Threat

MDHHS may require, as a qualification standard, that an individual not pose a direct threat to the health or safety of himself/herself or others. Like any other qualification standard, such a standard must

apply to all individuals and not just to individuals with disabilities. If, however, an individual poses a direct threat as a result of a disability, MDHHS must determine whether a reasonable accommodation would either eliminate the risk or reduce it to an acceptable level. If no accommodation exists that would either eliminate or reduce the risk, MDHHS may refuse to hire the individual or may discharge the individual who poses a direct threat. MDHHS, however, is not permitted to deny an employment opportunity to an individual with a disability merely because of a slightly increased risk. The risk can only be considered when it poses a significant risk, such as, high probability, or substantial harm; a speculative or remote risk is insufficient. Determining whether an individual poses a significant risk of substantial harm to others must be made on a case-by-case basis.

Disability

A disability is any of the following:

- A physical or mental impairment that substantially limits one or more major life activities of such individual.
- A record of such an impairment.
- Being regarded as having such an impairment.

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 individual if that physical or mental characteristic prevents the individual from performing the duties of the job.

Major Life Activities

- IN GENERAL

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

- MAJOR BODILY FUNCTIONS

Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

- **REGARDED AS HAVING SUCH AN IMPAIRMENT**

An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under the ADA of 1990, as amended, because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

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 reasonable accommodation may include:

- Making existing facilities used by individuals readily accessible to and usable by individuals with disabilities; and
- Job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations; training materials or policies; the provision of readers or interpreters, and other similar accommodations for individuals with disabilities.

Reasonable Accommodation Coordinator (RAC)

The individual designated by an appointing authority to administer the processing of reasonable accommodation requests, or reasonable accommodation coordinator's designee. This responsibility rests with staff from the Office of Human Resources (OHR).

Substantially Limits

An impairment is a disability if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population.

Undue Hardship

An undue hardship is any accommodation that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.

REASONABLE ACCOMMODATION PROCESS

Submitting Requests

1. To facilitate the interactive process of accommodating individuals with disabilities and to ensure the understanding of the relevant facts, an individual seeking an accommodation submits a completed [CS 1668, Disability Accommodation Request and Medical Statement](#) to the Office of Human Resources.

Email: [MDHHS-Reasonable-Accommodations](#)

Fax: 517-335-0020

Michigan Department of Health and Human Services
Grand Tower Building, Suite 708
P. O. Box 30037 Lansing, MI 48909

2. The RAC will review the information provided and determine if the individual has a disability recognized under the ADA. The RAC will instruct the local office management to engage in an interactive conversation with the individual to ascertain the precise limitations and the effect on the performance of essential job functions, possible accommodations, and their potential effectiveness.
3. The local office management will inform the RAC of the outcome of the interactive discussion.

4. An employee must file a Reasonable Accommodation Request as soon as the employee is aware of the need for an accommodation.
5. Applicants are to request the [CS 1668, Disability Accommodation Request and Medical Statement](#), no later than three calendar days prior to the interview date.
6. The employee or applicant has the burden of demonstrating that he or she has a disability and can perform the essential functions of the job with or without accommodations.

Supervisor

1. As appropriate, the supervisor will comply within the timelines in the applicable bargaining unit contract language.
2. Otherwise, within a total of 28 calendar days of receiving the email instructions from the RAC, the supervisor and county director/division administrator/hospital director, or designee for the administration shall take the following steps:
 - The immediate supervisor will engage in an interactive conversation with the individual. In order to engage in the conversation, the immediate supervisor should verify the essential functions of the position. Review the information provided by the RAC and consult with the individual to ascertain the precise limitations, possible accommodation(s) and potential effectiveness. For assistance, contact MDHHS-Reasonable-Accommodations@michigan.gov.
 - The facsimile number is 517-335-0020.
 - The immediate supervisor will email the Step One Official detailing the outcome of the interactive conversation.

Step One Official

District Manager, County Director, Division Administrator, Hospital Director or Designee

Email the outcome of the interactive conversation including your recommendation for approval or a written explanation of why the request could not be recommended for approval, with a description of what was offered as an alternative accommodation to the individual.

RAC

1. If the Step One decision was not recommended approval, the RAC shall consult with the referring Step One Official or designee to discuss the accommodation request and decision.
2. On a case-by-case basis, the appropriate bureau director will be consulted to resolve issues.
3. After a final decision is issued, the RAC shall take the following steps:
 - As appropriate, within the receipt of required documentation by the RAC, the RAC will comply with the timelines in the applicable bargaining union contract language and provide a signed copy of the [CS 1669 Response to Disability Accommodation Request](#), to the individual, the immediate supervisor, and referring Step One Official or designee..
 - Otherwise, within 28 calendar days of receipt of all required documentation by the RAC, the RAC, provide a signed copy of the [CS 1669 Response to Disability Accommodation Request](#) to the individual, the immediate supervisor, and referring Step One Official or designee.
 - If applicable, the RAC will assist in the arrangement for the implementation of the approved accommodation.

**APPLICANT/
EMPLOYEE****Appeal the Final Decision**

If the applicant or employee is dissatisfied with the response of the RAC or the RAC fails to issue a response within the applicable time lines associated with the initial submission of the [CS 1668, Disability Accommodation Request and Medical Statement](#), the individual may appeal the action of the RAC through the appropriate grievance process, or take other action as authorized by law.

**WHEN AN
EMPLOYEE MOVES**

If an employee moves to another position within MDHHS the equipment, furniture and supplies bought specifically for that reasonable accommodation stay with the employee. At any time,

the employee leaves MDHHS, OHR 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.

LEGAL BASIS

Title VII of the Civil Rights Act of 1964 as amended; Section 504 of the Rehabilitation Act of 1973; Title I of the Americans with Disabilities Act of 1990, as amended (ADA); Civil Service Commission Rule 1-8.1, "Prohibited Discrimination"; Civil Service Regulation 1.04, "Reasonable Accommodation"; and applicable bargaining unit contract language.

CONTACT

For more information, contact MDHHS-Reasonable-Accommodations@michigan.gov.

The facsimile number is 517-335-0020.