



# OFFICIAL ORDER

## MICHIGAN STATE POLICE

**Chapter:** Personnel  
**Subject:** 03-01 – Reasonable Accommodations  
**Effective:** October 12, 2022  
**Supersedes:** Official Order 03-01, dated April 19, 2022  
**Distribution:** Department Members

### 03-01-1 REASONABLE ACCOMMODATIONS FOR PROTECTED INDIVIDUALS UNDER THE AMERICANS WITH DISABILITIES ACT (ADA) TO PERFORM ESSENTIAL JOB FUNCTIONS

This Order provides guidance in applying and providing reasonable accommodations for qualified protected individuals to perform essential job functions and applies to the selection, placement, recruitment, training, promotion, transfer, assignment, and reassignment of individuals presently on the job, those returning from disability or medical leave, and applicants for employment. This Order establishes the department's compliance with [Section 504 of the Rehabilitation Act of 1973 \(Section 504\)](#), [29 U.S.C. 701 et seq.](#), the [Persons with Disabilities Civil Rights Act, MCL 37.1101 et seq.](#), the [Americans with Disabilities Act of 1990, as amended \(ADA\)](#), [42 U.S.C. 12101 et seq.](#), and [ADA Accessibility Guidelines](#).

### 03-01-2 DEFINITIONS

- A. Disability: A physical or mental impairment incurred on or off duty, which substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment. Major life activities include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- B. Essential Job Duties or Functions: Essential job duties are contained in the standard Civil Service position description on file for all positions.
- C. Qualified Protected Individual: An individual whose background meets the education and experience qualifications, as defined by Civil Service, and who, with reasonable accommodation, can perform the essential job functions of the position in question.
- D. Reasonable Accommodation: An adjustment made to a job or the work environment that enables a qualified protected individual to perform the essential job functions of that position without causing an undue hardship on the employer.
- E. Undue Hardship:
  - (1) A hardship caused by an expense that would be cost prohibitive under the budget or a requirement that would change a program's operation. Undue hardship shall be determined on a case-by-case basis by

evaluating the impact of the required adjustments on the appointing authority's operation of its program.

- (2) In determining whether an accommodation would impose an undue hardship on the operation of the program in question, the department shall consider the following factors:
  - a. The overall size of the department's program with respect to the number of members, number and type of facilities, and size of budget.
  - b. The type of the department's operation, including the composition and structure of the department's work force.
  - c. The nature and cost of the accommodation needed. In estimating a financial hardship, the department shall consider the resources of the agency as a whole and not simply the particular program in question.

#### **03-01-3 REQUEST FOR DISABILITY ACCOMMODATION**

An individual may request a disability accommodation by completing Form CS-1668 and providing it to the Michigan State Police Reasonable Accommodations Coordinator. Information obtained concerning a disability is confidential and is not shared with department representatives.

#### **03-01-4 RETURN FROM DISABILITY LEAVE**

An individual returning from disability leave shall comply with the contract agreement of the appropriate bargaining unit and/or with rules of the Civil Service Commission, whichever is applicable. If the individual requires an accommodation for a disability to facilitate the return to work, information regarding the disability may be required to determine the appropriate reasonable accommodation for the situation.

#### **03-01-5 SELF-IDENTIFICATION**

- A. A member or applicant may self-identify as a protected individual to the department. The disability manager may request medical verification of the disability. Information obtained shall be confidential, except as noted below.
- B. Exceptions to the policy of confidentiality:
  - (1) Supervisors and managers may be informed of work/duty restrictions and necessary accommodations.
  - (2) First aid and safety personnel may be informed, when and to the extent appropriate, that the individual might require emergency treatment or special consideration for emergency evacuation or other safety-related concerns.
  - (3) Government officials may be informed when investigating compliance with [Section 504](#) or the ADA.

#### **03-01-6 DUTIES OF THE ADA REASONABLE ACCOMMODATION COORDINATOR**

The disability manager shall serve as the agency's ADA Reasonable Accommodation Coordinator (coordinator). Duties of the coordinator shall include monitoring and facilitating the agency's compliance with the ADA. This may include dissemination of information to

management and member's ensuring positions are surveyed to determine actual job requirements, identifying ways to modify positions, implementing sensitivity training, and tracking member progress.

### **03-01-7 REASONABLE ACCOMMODATION PROCEDURE**

#### **A. ADA**

- (1) The ADA requires reasonable accommodations be made based on available medical information and the individual's work assignment.
- (2) These procedures do not expand or diminish the employer's obligations or the individual's rights as currently provided in state and federal law.

#### **B. Accommodation Process**

The accommodation process is designed to make adaptations or adjustments in an individual's worksite or work schedule whenever possible.

- (1) Employee accommodation services may be provided without using the formal request process if all parties agree. However, the following steps are required when using an informal process:
  - a. Supervisor or employer discussion with the employee or applicant about the request.
  - b. Adherence to time frames in the formal process.
  - c. Meeting of all coding, bidding, and document requirements for purchasing accommodation services and equipment.
  - d. Completion of a memo to the coordinator with the name of the person, date of the informal request, date accommodations were completed, and description of accommodations.
  - e. Consultation with the coordinator if the informal request may be denied.
- (2) The formal process to follow (or if the informal request is denied).
  - a. Request an accommodation form, CS-1668, Reasonable Accommodation Request, from the Human Resources Division or from the Human Resources website, under Disability Management. Complete the form as instructed.
  - b. Once completed, the form shall be forwarded to the Human Resources Division with the necessary medical documentation attached. A response shall be given within eight weeks from the date the completed form is received by the Human Resources Division.
  - c. The individual making the request should retain a copy of the completed form.

- C. If the coordinator and the supervisor determine that the accommodation requested by the individual cannot be provided under the limits of their authority, is not an appropriate accommodation, or that it requires more specific information to make an appropriate decision, the request shall be referred to the Reasonable Accommodation Committee consisting of the coordinator, the Equal Employment Opportunity Officer, and the affected district/division commander.

- (1) The committee shall review the request and, within 21 working days, make a recommendation to the deputy director of the bureau in which the request originated.
  - (2) The individual requesting the accommodation and the individual's immediate supervisor shall have the right and the opportunity to attend the meeting to address the committee.
  - (3) Within 15 working days from receipt of the committee's recommendation, the deputy director of the bureau where the request originated shall advise the individual, the supervisor, and the coordinator of their decision.
- D. If there is question about a reasonable accommodation violating a labor contract, the request shall be forwarded to the Labor Relations Manager, Human Resources Division, for review and the section shall provide advice to the unit representative.

**03-01-8 DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET  
APPROVAL PROCEDURE**

When equipment is ordered to comply with a reasonable accommodation request, the following sentence shall be inserted on the purchase requisition: "This equipment is required for an individual with a disability to perform work duties and responsibilities."

**03-01-9 IMPLEMENTATION AND EVALUATION OF A REASONABLE  
ACCOMMODATION**

- A. An approved reasonable accommodation shall be provided as soon as administratively possible.
- B. Sixty days after the reasonable accommodation has been provided, the individual and the immediate supervisor shall complete a CS-1670, Reasonable Accommodation Evaluation, a written evaluation of the accommodation and submit it to the coordinator. This evaluation shall be in memorandum form, on a UD-040, and shall identify whether the accommodation has shown the intended results.
- C. Thereafter, the supervisor or the individual shall discuss issues/problems regarding the accommodation if they should later develop.

**03-01-10 CRITERIA FOR PROVISION OF A REASONABLE ACCOMMODATION**

- A. In providing a reasonable accommodation, two primary factors should be used to determine which of several proposed recommendations are used: the suitability of the accommodation and its cost effectiveness. Other secondary factors such as the impact on other members and the availability of equipment may also be used in making this determination.
- (1) Use existing resources first:
    - a. Reorganize office space
    - b. Reorganize current equipment
    - c. Reassign job duties
    - d. Reassign individuals

- e. Modify job functions, without changing essential job functions
- (2) Purchase new equipment
- (3) Reasonable accommodation applies to all aspects of the work situation, not just recruitment and placement. Individuals with a disability shall be offered opportunities to request reasonable accommodations in all aspects of the work environment, such as opportunities for promotion, training programs, and assignments. Reasonable accommodation is a process that begins with recruitment and stops only when the protected individual leaves employment with the department.
- (4) Reasonable accommodation does not encompass responsibility for personal care or personal devices not directly related to the performance of essential job skills. The employer is not responsible for providing transportation to and from the worksite or the provision of devices used outside of work hours or for non-work purposes (e.g., the employer is not responsible for provision of such items as eyeglasses or hearing aids).

### **03-01-11 BASIC EXAMPLES OF REASONABLE ACCOMMODATION**

- A. Job restructuring is a reasonable accommodation that can be made for protected individuals who can perform the essential job responsibilities with reasonable accommodation but who may have difficulty performing auxiliary job functions.
  - (1) Examples of possible job restructuring accommodations may include:
    - a. For a hearing-impaired secretary, transfer telephone duties to another member in exchange for filing duties.
    - b. For a mobility-impaired individual, assign field responsibility in the immediate area of the individual's home or office location.
    - c. For insulin-dependent diabetics, reschedule lunch hour duties so the individual may have a permanent lunch hour schedule.
  - (2) Examples of possible accessibility accommodations may include:
    - a. For a mobility impaired individual, locate their desk or office close to accessible entrances, restrooms, etc.
    - b. For a visually impaired individual or a wheelchair user, rearrange furniture and equipment to provide clear access.
    - c. To adjust for an individual's height differences, raise or lower office furniture.
- B. Use of equipment and devices:
  - (1) Protected individuals will generally not require extensive or expensive equipment or devices in order to perform essential job duties.
  - (2) Examples of some of the more commonly used devices are the following:
    - a. For hearing impaired individuals, provide an amplifier on their telephone.

- b. For the visually impaired individual, provide a large, numbered dial on their telephone.
- c. For individuals with one arm, provide clipboards.
- d. For individuals who may have difficulty reaching or seeing material in regular hanging files, provide horizontal desk trays for easy access to files.

**03-01-12 QUESTIONS ON REASONABLE ACCOMMODATIONS**

Questions regarding reasonable accommodations shall be directed to the Human Resources Division.

DIRECTOR

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**Annual Review Responsibility:** Human Resources Division

**Accreditation Standards:** CALEA 22.2.2