

# HOUSE BILL NO. 5150

October 24, 2019, Introduced by Reps. Hoadley, Marino, Elder, Pohutsky, LaGrand, Sabo, Anthony, Brixie, Cambensy, Manoogian, Sneller, Koleszar, Hood, Liberati, Cynthia Johnson, Gay-Dagnogo, Sowerby, Brenda Carter, Lasinski, Pagan, Stone, Afendoulis, Calley, Bellino and Griffin and referred to the Committee on Commerce and Tourism.

A bill to create and operate a centralized reasonable accommodations program; to prescribe the duties and powers of certain state agencies and certain state officials; and to provide for the distribution of money.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 1. This act shall be known and may be cited as the  
2 "centralized reasonable accommodations act".

3           Sec. 3. As used in this act:

4           (a) "Department" means the department of licensing and



1 regulatory affairs.

2 (b) "Employee" means an individual employed by an employer who  
3 does not receive a wage rate established under section 4c of the  
4 improved workforce opportunity wage act, 2018 PA 337, MCL 408.934c.

5 (c) "Employer" means a person that employs 1 or more  
6 employees.

7 (d) "Fund" means the second injury fund created in section 501  
8 of the worker's disability compensation act of 1969, 1969 PA 317,  
9 MCL 418.501.

10 (e) "Person" means an individual, sole proprietorship,  
11 partnership, corporation, association, or any other legal entity.  
12 Person does not include a public entity.

13 (f) "Reasonable accommodations request" means a request  
14 submitted by an employer under section 5(1).

15 Sec. 5. (1) Beginning January 1, 2021, an employer may request  
16 from the department, on a form prescribed by the department,  
17 funding to do either of the following:

18 (a) Assist the employer to achieve compliance with, with  
19 respect to an accommodation that is specific to a particular  
20 employee, the Americans with disabilities act of 1990, Public Law  
21 101-336.

22 (b) Assist the employer to achieve compliance with, with  
23 respect to an accommodation that is specific to a particular  
24 employee, the persons with disabilities civil rights act, 1976 PA  
25 220, MCL 37.1101 to 37.1607.

26 (2) An employer may submit only 1 reasonable accommodations  
27 request per employee per calendar year. An employer shall not  
28 disclose any confidential information in a reasonable  
29 accommodations request. To be eligible to receive funding under



1 this act, an employer must, under penalty of perjury, agree that  
2 any funding awarded to the employer under this act will be used  
3 only for the purposes prescribed in subsection (1).

4 (3) The department shall establish criteria for reviewing  
5 reasonable accommodations requests and shall make the criteria  
6 available on its website. The department shall determine whether a  
7 reasonable accommodations request meets its criteria within 30 days  
8 after receiving the reasonable accommodations request. If the  
9 department determines that a reasonable accommodations request  
10 meets its criteria, the department shall notify the employer of its  
11 determination and transmit its determination to the trustees of the  
12 fund. If the department determines that a reasonable accommodations  
13 request does not meet its criteria, the department shall notify the  
14 employer of its determination and explain the specific reasons why  
15 the reasonable accommodations request did not meet its criteria.

16 Sec. 7. This act does not limit or affect a right guaranteed  
17 an employee under any law.

18 Enacting section 1. This act takes effect 90 days after the  
19 date it is enacted into law.

20 Enacting section 2. This act does not take effect unless  
21 Senate Bill No. \_\_\_\_ or House Bill No. 5151 (request no. 00675'19)  
22 of the 100th Legislature is enacted into law.

