

Michigan's Persons With Disabilities Civil Rights Act

The Persons With Disabilities Civil Rights Act (PWDCRA) is Michigan's version of the federal ADA, but it has some key differences:

1. While the ADA covers only employers with 15 or more employees, the PWDCRA applies to *all* Michigan employers.
2. The law defines disability slightly differently than the ADA. For employment purposes, people are disabled if they have "a determinable physical or mental characteristic ... 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 that individual and is unrelated to the individual's ability to perform the duties of a particular job or position, or is unrelated to the individual's qualifications for employment or promotion."
3. Unlike the ADA, the PWDCRA specifically prohibits genetic testing for hiring purposes or discrimination based on genetic information.
4. When employers attempt to reasonably accommodate disabled employees under the ADA, reasonableness is decided on a case-by-case basis. But the PWDCRA provides specific cost levels to determine whether an accommodation is reasonable. (See table below.)

Number of Employees	Maximum Accommodation Cost
0-3	State average weekly wage (\$792 in 2006)
4-14	1.5 × state average weekly wage
15-24	2.5 × state average weekly wage*
25 or more	On a case-by-case basis

*ADA reasonableness will be determined on a case-by-case basis regardless of state guidelines.

The Michigan Department of Civil Rights enforces the PWDCRA. For more information, go to www.michigan.gov/mdcr/.

Excerpted from Michigan's 10 Most Critical Employment Laws, a special bonus report available to subscribers of HR Specialist: **Michigan Employment Law**.