



## **Employment and Disabilities: A Helpful Guide**

People with disabilities who want to work can have meaningful, competitive employment. It can be helpful to know your rights and have information about the programs and resources that may be available to you. This guide is meant to give general information about employment you may find useful.

### **Michigan Rehabilitation Services (MRS)**

MRS is a state agency that assists qualified people with disabilities in preparing for, finding, and maintaining employment. You must submit an application for MRS services. Once you are approved for services, MRS will assign a vocational rehabilitation counselor to you. Your counselor will help you choose an employment goal and develop an Individualized Plan of Employment (IPE).

You can find more about MRS services and your local MRS office here:

[https://www.michigan.gov/leo/0,5863,7-336-94422\\_97702---,00.html](https://www.michigan.gov/leo/0,5863,7-336-94422_97702---,00.html)

### **Bureau of Services for Blind Persons (BSBP)**

BSBP helps people with blindness or visual impairments become employed and live independently. If you qualify for BSBP services, a counselor will help you with training and services needed to reach your goals.

[https://www.michigan.gov/leo/0,5863,7-336-94422\\_28313---,00.html](https://www.michigan.gov/leo/0,5863,7-336-94422_28313---,00.html)

### **Client Assistance Program (CAP)**

CAP is a federally funded program through Disability Rights Michigan (DRM). CAP advocates can tell you more about services, explain your rights, and help solve problems regarding MRS, BSBP or the Disability Networks. Please call DRM directly to find out if a CAP advocate can assist you.

### **Work Incentive Planning Assistance (WIPA)**

Many people with disabilities who want to work, or currently working receiving benefits from the Social Security Administration (SSA). The WIPA program helps those who are receiving Supplemental Security Insurance (SSI), or Social Security Disability Insurance (SSDI) determine what will happen to their benefits if they begin working. WIPA can also help you understand SSA's work incentives. You can also get information on how employment can affect Medicaid, Medicare, and other benefits. You must be between the ages of 14-64, receiving SSI, or SSDI, and not eligible for SSA full retirement benefits.

<https://arcmi.org/miwipa/>

## **Veterans**

There are many employment resources specific to veterans. The guide at this link may be a good starting point.

<https://yourtickettowork.ssa.gov/resources/resources-for-veterans.html>

## **Employment Accommodations**

Under the Americans with Disabilities Act (ADA) employers cannot discriminate against a qualified person who can perform a job's essential functions.

Employers with 15 or more employees, including state local governments are covered under the ADA. There are a few exceptions which are Indian tribes, private membership clubs and U.S. government agencies or fully owned U.S. government corporations.

People with disabilities may need reasonable accommodations. Reasonable accommodations are changes to a job, work environment, or policy. Reasonable accommodations can be requested to complete a job application, participate in an interview, or at any point when working. Examples of reasonable accommodations may include the use of noise canceling headphones, or a schedule change. Employers may deny an accommodation, if it is an undue hardship.

If you need an accommodation, you should request it in writing and keep a copy for your records. Your employer should respond and might ask for more information about your disability. The accommodation may not be exactly what you've asked for, but you can work with your employer to find something that works for both of you.

If you are looking for more information about employment accommodations, you may want to visit, the Job Accommodation Network (JAN) website at [www.askjan.org](http://www.askjan.org). The website includes a database of accommodations that can be helpful for many disabilities. You can also find a sample letter to request accommodations and more information at <https://www.drnich.org/resources/employment/>.

## **Family Medical Leave Act (FMLA)**

FMLA allows employees to take up to 12 weeks of unpaid leave in 12-month period, without losing their job or health insurance. FMLA is only an option for certain medical and family reasons. Your employer must be covered by FMLA and you must be FMLA eligible. Active-duty services members and their families may qualify for additional leave. To find out more about FMLA, please visit <https://www.dol.gov/agencies/whd/fmla>

## **Employment Discrimination**

The Equal Employment Opportunity Commission or the EEOC is a federal agency that handles employment discrimination complaints. The EEOC enforces federal

laws involving employment discrimination due disability, race, gender and other protected classes.

Filing a complaint with the EEOC is called filing a charge. The EEOC has an online portal that can be used to help determine if an EEOC complaint is right for you, schedule an appointment, and file a charge. Appointments can also be made at local EEOC offices. You can find more information about the complaint process, including timelines to file complaints at [www.eeoc.gov](http://www.eeoc.gov).

The EEOC may send you a letter in the mail called a right to sue letter. If you receive a right to sue letter that says the EEOC ruled in your favor, or was neutral, please contact our office, we may be able to further assist you. Please keep in mind, you generally have 90 days from the date on right to sue letter to take legal action.

The Michigan Department of Civil Rights (MDCR) also handles employment discrimination complaints under the Michigan Persons with Disabilities Civil Rights Act. The EEOC and MDRC may work together. Filing a complaint with one agency, may result in a filing with the other. It is important to contact both agencies. MDCR may investigate employers with less than 15 employees.

<https://www.michigan.gov/mdcr/>

If you are planning on visiting a local EEOC or MDCR office, it may be best to contact them directly as COVID-19 may limit in person services.

**Wage and hour disputes** are handled by the U.S Department of Labor's Wage and Hourly Division. You can get more information by calling 1-866-487-0243 or by visiting <https://www.dol.gov/agencies/whd/workers#complaint>.

Employees that have **health and safety concerns about the workplace** can file complaints with the Occupational Safety and Health Administration or OSHA. Complaints should be filed as soon as a health or safety concern is noticed.

You can find more information about OSHA and your local office here:

Federal: <https://www.osha.gov/workers/file-complaint>

Michigan: [https://www.michigan.gov/leo/0,5863,7-336-94422\\_11407\\_15333-93835--,00.html](https://www.michigan.gov/leo/0,5863,7-336-94422_11407_15333-93835--,00.html)

### **Other Helpful Hints**

It can be helpful to keep a written log of communication with your employer that includes who you spoke, with what happened, and when. If you communicate by phone or in person, follow up with a letter stating what you talked about. You should keep copies of all communication with your employer. It can also be useful to review your employer's policies and your job description. You can also make a

written request for your personal file and contact your union representative if you belong to a union.

### **Have Questions?**

Please feel free to contact DRM directly. Advocates in our Information and Referral department are available to answer your disability related questions. Advocates are generally available weekdays from 9AM-4:00PM. You can also contact DRM through email on our website at <https://www.drmich.org/contact/>. Please visit our website to find more information about the topics in this guide.

**This information is a service of Disability Rights Michigan (DRM). It provides general information, based on the law at the time we wrote it, and is not legal advice. You do not have an attorney-client relationship with DRM. If you need legal advice, you should contact an attorney. If you would like more information about this topic or would like to receive this information in an alternative format call DRM at 800.288.5923 or visit our website, [www.drmich.org](http://www.drmich.org).**

*Disability Rights Michigan (DRM) is mandated by federal and state law to protect the legal rights of individuals with disabilities in Michigan. DRM receives part of its funding from the Administration on Intellectual and Developmental Disabilities, the Center for Mental Health Services-Substance Abuse and Mental Health Services Administration (SAMHSA), the Rehabilitation Services Administration and the Social Security Administration.*

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