

MIOSHA

Michigan Occupational Safety and Health Administration (MIOSHA)
Department of Labor and Economic Opportunity (LEO)

AGENCY INSTRUCTION

DOCUMENT IDENTIFIER:
MIOSHA-COM-20-2

DATE:
June 17, 2020

SUBJECT: Coronavirus Disease 2019 (COVID-19) – Interim Enforcement Plan

- I. Purpose. This instruction establishes policies and procedures for handling fatalities, referrals, and complaints alleging hazards to coronavirus (SARS-CoV-2 virus) and coronavirus disease 2019 (COVID-19).
- II. Scope. This instruction applies to the General Industry Safety and Health Division (GISHD) and the Construction Safety and Health Division (CSHD).
- III. References.
 - A. Agency Instruction, MIOSHA-SHMS-20-1, [COVID-19 Preparedness and Response Plan for MIOSHA Staff](#), as amended.
 - B. General Industry Safety and Health Standard Part 33. R 408.13301 et seq., [Personal Protective Equipment](#).
 - C. General Industry Safety and Health Standard Part 474. R 325.47401 et seq., [Sanitation](#).
 - D. Governor Gretchen Whitmer, [Executive Orders \(COVID-19\)](#), Mich. Exec. Order No. 04 (2020), et seq.
 - E. MIOSHA Fatality Procedures Manual.
 - F. [MIOSHA Field Operations Manual \(FOM\)](#), as amended.
 - G. [Michigan Occupational Safety and Health \(MIOSH\) Act](#), MCL 408.1001 et seq., P.A. 154 of 1974, as amended.
 - H. Occupational Health Standards Part 451. R 325.60051 et seq., [Respiratory Protection](#).
 - I. Occupational Safety and Health Administration (OSHA), [Guidance on Preparing Workplaces for COVID-19](#).
 - J. OSHA Enforcement Memo, [Expanded Temporary Enforcement Guidance on Respiratory Protection Fit-Testing for N95 Filtering Facepieces in All Industries During the Coronavirus Disease 2019 \(COVID-19\) Pandemic](#), April 8, 2020.
 - K. OSHA Enforcement Memo, [Enforcement Guidance for Use of Respiratory Protection Equipment Certified under Standards of Other Countries or Jurisdictions During the Coronavirus Disease 2019 \(COVID-19\) Pandemic](#), April 3, 2020.
 - L. OSHA Enforcement Memo, [Enforcement Guidance on Decontamination of Filtering Facepiece Respirators in Healthcare During the Coronavirus Disease 2019 \(COVID-19\) Pandemic](#), April 24, 2020.

June 17, 2020

Coronavirus Disease 2019 (COVID-19) – Interim Enforcement Plan

- M. OSHA Enforcement Memo, Discretion in Enforcement when Considering an Employer's Good Faith Efforts During the Coronavirus Disease 2019 (COVID-19) Pandemic, April 16, 2020.
- N. OSHA Enforcement Memo, Enforcement Guidance for Respiratory Protection and the N95 Shortage Due to the Coronavirus Disease 2019 (COVID-19) Pandemic, April 3, 2020.
- O. OSHA Enforcement Memo, Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19), May 19, 2020.
- P. OSHA Enforcement Memo, Temporary Enforcement Guidance - Healthcare Respiratory Protection Annual Fit-Testing for N95 Filtering Facepieces During the COVID-19 Outbreak, March 14, 2020.
- Q. OSHA Enforcement Memo, Updated Interim Enforcement Response Plan for Coronavirus Disease 2019 (COVID-19), May 19, 2020.
- R. OSHA Enforcement Memos, [Webpage](#), as amended.
- S. US Centers for Disease Control and Prevention (CDC), Coronavirus Disease 2019 (COVID-19), as amended.
- IV. Distribution. MIOSHA Staff; Federal OSHA; S-drive Accessible; MIOSHA Messenger; and Internet Accessible.
- V. Next Review Date. This instruction will be reviewed one month from date of issuance.
- VI. History. History of previous versions includes:
MIOSHA-COM-20-1, April 15, 2020
- VII. Contact. Adrian Z. Rocskay, Director, GISHD, and Lawrence Hidalgo, Jr., Director, CSHD.
- VIII. Originator. Barton G. Pickelman, Director
- IX. Background. This instruction updates the enforcement plan as the COVID-19 pandemic evolves in Michigan. It incorporates new procedures that have been enacted for fatalities, referrals, and OSHA Information System (OIS) coding. It expands the enforcement tools to include citations for not following CDC guidance and the Governor's Executive Orders. As the number of COVID-19 cases and deaths in the state decrease and the Governor gradually lifts stay-at-home orders in phases for different industries and regions of the state, MIOSHA is likewise gradually shifting from remote inspections back to more on-site inspections. As part of this progression, COVID-19 recommendation letters are eliminated, and the option for COVID-19 on-site inspections is reinstated. The aim of this instruction is to protect the health of Michigan workers, efficiently deal with large numbers of COVID-19 complaints, and quickly address health hazards, while simultaneously protecting the health of MIOSHA employees and have them do their part in adhering to social distancing requirements.
- X. Significant Changes.
 - A. Removed Consultation, Education and Training Division from the instruction.

- B. Added a procedure for COVID-19 fatalities.
- C. Added a procedure for COVID-19 referrals.
- D. Added procedure to share applicable US Centers for Disease Control and Prevention (CDC) guidance documents and Governor’s Executive Orders with employer when sending D letter.
- E. Removed the option for a COVID-19 recommendation letter.
- F. Added instruction for compliance officers to speak with the employer representative rather than only send emails and leave voicemails when the employer response is unsatisfactory or overdue.
- G. Added requirement that employers follow the OSHA Guidance on Preparing Workplaces for COVID-19 and the Governor’s Executive Orders, in addition to the previous requirement to follow CDC guidance and MIOSHA regulations.
- H. Added hyperlink to OSHA webpage for enforcement memos.
- I. Added option for COVID-19 on-site inspections.
- J. Removed stipulation that COVID-19 inspections (telephone or on-site) be limited to those with potentially serious violations.
- K. Added option to deviate from on-site inspection procedures in MIOSHA FOM in order to protect the health of the compliance officer, in line with MIOSHA’s COVID-19 preparedness and response plan and with supervisory approval.
- L. Added requirement for general duty clause citation that the Violation Worksheet give the references for the recognized hazards (CDC, OSHA, or Governor’s Executive Order) on the Violation Worksheet.
- M. Added requirement for general duty clause citation that the case file contain dated copies of the reference documents for the recognized hazards (from CDC, OSHA, or Governor’s Executive Order) because they are regularly updated.
- N. Added requirement for general duty clause citation that the Violation Worksheet provide evidence that the reference document for the recognized hazard was in effect on the violation date.
- O. Added guidance for classification, severity, and probability of general duty clause citations.
- P. Added guidance for citing paperwork and recordkeeping deficiencies.
- Q. Added references to six new OSHA enforcement memoranda.
- R. Revised D letter template to include additional language, a hyperlink to CDC guidance, attachment of sample COVID-19 preparedness and response plan for lower and medium exposure risk employers, and attachment of the most recent Governor’s COVID-19 Executive Order for businesses.
- S. Added procedure for coding in OIS.

- T. Removed the sample COVID-19 recommendation letter.
- U. Added a sample COVID-19 preparedness and response plan as a resource for lower and medium exposure risk employers in Appendix B.
- V. Omitted direct references to CDC guidance in the sample general duty citations.
- W. Revised examples of general duty clause citations in Appendix C.
- X. Updated list of CDC guidance documents in Appendix D.
- XI. Fatalities.
 - A. Employer-Reported Fatalities.
 - 1. The manager will collect the fatality information from the employer representative or other party reporting the fatality and fill out the Fatality Intake Worksheet.
 - 2. The fatality will initially be recorded as Undetermined.
 - 3. The manager will assign the fatality for a COVID-19 inspection. The Compliance Safety and Health Officer (CSHO) will typically be an industrial hygienist (IH).
 - 4. The manager will send the email notifications in accordance with the MIOSHA Fatality Procedures Manual.
 - 5. The CSHO will open the inspection within one working day of MIOSHA receiving notification of the fatality, by phone if it is a COVID-19 telephone inspection and in person if it is a COVID-19 on-site inspection.
 - 6. The CSHO will follow the procedures for a COVID-19 inspection in section XV of this instruction.
 - 7. The CSHO will ask for and attempt to obtain the following information during the opening conference:
 - a) “Why” the employer thinks the fatality is work related if it is reporting the cause as COVID-19.
 - b) When and how the employee was exposed to coronavirus.
 - c) What control measures were in place to protect the employee and other employees at the time the employee presumably contracted coronavirus (approximately 4-14 days before the employee began experiencing symptoms).
 - B. Media Reports of COVID-19 Fatalities.
 - 1. The manager will examine the media report and determine the job exposure risk category (lower, medium, high, or very high) from the OSHA Guidance on Preparing Workplaces for COVID-19. If there are multiple media reports, the manager will read them all.

2. Lower or Medium Exposure Risk Job. If the media report indicates that the decedent worked in a lower exposure risk job or medium exposure risk job, typically no further action needs to be taken, unless there are extenuating circumstances. The presumption will be that the fatality was not work-related, due to the higher probability of community acquisition rather than workplace acquisition of the infection.
3. High or Very High Exposure Risk Job. If the media report indicates that the decedent worked or potentially worked in a high exposure risk job or very high exposure risk job, the manager will call the employer to verify the employer had an employee die of a work-related case of COVID-19 and when the employer became aware of the fatality.
 - a) Telephone Discussion – Confirms High or Very High Exposure Risk Job. If the discussion with the employer reveals that the employee worked in a high exposure risk job or very high exposure risk job, the manager will:
 - (1) Assign an IH to investigate the fatality in line with the procedures for employer-reported fatalities in section XI (A) (5-7) and for COVID-19 inspections in section XV of this instruction.
 - (2) Complete the Fatality Intake Worksheet. On the Fatality Intake Worksheet, label the fatality as Undetermined, the Receipt Type as Employer, and the Date Received and Time Received when the employer provided MIOSHA the information (confirming the fatality and that it was in a high or very high exposure risk job). Depending on the timing of the media report, the Date Received/Time Received will be beyond the 8-hour reporting deadline in Part 11.
 - (3) Send the email notifications in accordance with the MIOSHA Fatality Procedures Manual. Send the email promptly, as MIOSHA has only 48 hours to enter the fatality into OIS once the employer reports it to the agency.
 - (4) Send a follow-up email notification when it has been decided whether fatality will be Covered or Not Covered and take the other steps required in the MIOSHA Fatality Procedures Manual on page 17, C. Process When Unable to Immediately Determine Coverage.
 - b) Telephone Discussion – Confirms Lower or Medium Exposure Risk Job. If the discussion with the employer reveals that the employee worked in a lower exposure or medium exposure risk job, or the employer otherwise denies that the fatality was work-

related (and the manager concurs with that assessment), do not assign the fatality for inspection. The manager will:

- (1) Complete the Fatality Intake Worksheet indicating why there is no inspection (no presumption of work-relatedness because job was in lower or medium exposure risk category, and there were no extenuating circumstances). On the Fatality Intake Worksheet, indicate the fatality is Not Covered, the Receipt Type is Employer, and the Date Received and Time Received is when the employer provided the agency the information (confirming the fatality and that it was in a lower or medium exposure risk job). The employer's compliance with the fatality reporting deadline will not be an issue because the fatality will not be presumed to be work-related.
- (2) Send the email notifications in accordance with the MIOSHA Fatality Procedures Manual.

4. If there are multiple fatalities at the same employer at the same location, the manager can complete one Fatality Intake Worksheet or complete one for each decedent if space for documentation is need. Multiple victims can be recorded in one unprogrammed activity (UPA) and in one inspection. If the investigation reveals that there is more than one work-related fatality, but they are at different locations, a Fatality Intake Worksheet, UPA, and inspection must be created for each location.

XII. COVID-19 Referrals. These referrals are primarily inpatient hospitalizations for COVID-19 that are reported by the employer (employer-reported referrals) or referred from the Occupational and Environmental Medicine Department at Michigan State University (Dr. Rosenman).

A. Referral Processing.

1. The manager will review the referral and determine the course of action.
2. Referrals in establishments with high exposure and very high exposure risk jobs will typically be handled by a COVID-19 inspection or COVID-19 D Letter. The manager will assign the referral to a district office or directly to a CSHO. The CSHO will usually be an IH.
3. No action will typically be taken on referrals for establishments with lower or medium exposure risk jobs.
4. Support staff will give the assignment a UPA number in OIS but not an inspection number.

B. CSHO Responsibilities.

1. Prior to the initial contact with the employer, whether the referral is handled by a COVID-19 D letter or COVID-19 inspection, the CSHO

would review the MIOSHA regulations, CDC guidance, OSHA guidance, and Governor’s Executive Orders applicable to the employer’s work operations that should have in place to minimize or eliminate employee infection.

2. During the initial phone call to the employer, request in writing and gather verbally the following information:
 - a) Based on what evidence and information is the employer classifying the inpatient hospitalization for COVID-19 as work-related?
 - b) What safeguards and procedures to minimize or eliminate employee infection with coronavirus did the employer have in place on the date that the employee most likely became infected (4-14 days before the onset of symptoms)?
 - c) What is the current situation? If safeguards and procedures are not in place currently, direct the employer to institute them.
 - d) Gather and obtain documentation from the employer to ensure that it currently has appropriate safeguards and procedures in place to minimize or eliminate employee exposure to coronavirus.
3. COVID-19 Inspections. If the referral is handled by a COVID-19 inspection:
 - a) Determine whether the employer is currently following MIOSHA regulations, CDC guidance for COVID-19, OSHA Guidance on Preparing Workplaces for COVID-19, and the Governor’s Executive Orders for COVID-19 and whether it was following them at the time of the employee exposure.
 - b) Propose citations for violations of MIOSHA regulations and the general duty clause of the MIOSH Act. See section XV (G) for more information on citations.

XIII. Complaint Processing.

- A. The manager will review and process the complaint in accordance with the MIOSHA FOM, for example, regarding who is eligible to file a complaint and the timeframe for filing.
- B. If the complaint meets the requirements in the MIOSHA FOM for investigation, the complaint will be assigned as a COVID-19 D letter, COVID-19 telephone inspection, or COVID-19 on-site inspection.
- C. The complaint will be assigned to a district office or directly to a CSHO. The CSHO will typically be an IH.
- D. If the complaint volume is high, general industry complaints can be assigned to GISHD safety officers and CSHD CSHOs.

- XIV. COVID-19 D Letter (Off-Site Complaint Investigation) – by Phone and Letter.
- A. Manager will assign the complaint to a CSHO as a COVID-19 D letter.
 - B. Support staff will give the assignment a UPA number in OIS but not an inspection number.
 - C. CSHO Responsibilities during Initial Contact with Employer.
 - 1. Complete a Case File Diary Sheet.
 - 2. The CSHO will review the MIOSHA regulations, CDC guidance, OSHA guidance, and Governor’s Executive Orders to identify those that are applicable to the circumstances described in the complaint allegations and the employee’s work operations. The CSHO will tailor the conversation with the employer to these regulations, guidance, and orders.
 - 3. Open the D letter with a phone call to the employer.
 - 4. Attempt two to three contacts during one to two days at different times (and different phone numbers if available). If these attempts do not yield an employer contact, the employer telephone call can be skipped. Leave a message if the phone number has voicemail. The dates, times, and phone numbers of the attempts will be logged on the Case File Diary Sheet along with the inability to contact.
 - 5. Initial Phone Call to Employer. During the phone call with the employer:
 - a) Identify a management representative.
 - b) Confirm the name and address of the employer and obtain the name, phone number, and email address of the employer representative to whom the correspondence will be sent.
 - c) Explain the off-site complaint investigation process during the phone call.
 - d) Communicate the complaint allegations, the hazards of coronavirus, modes of transmission, applicable MIOSHA regulations, OSHA guidance, CDC guidance, Governor’s Executive Orders, web resources, the timeline for response, and documentation expected from the employer in the response.
 - e) Obtain an initial verbal response from the employer to the complaint allegations during the phone call including a description of the work environment, current conditions, and existing safeguards.
 - f) Attempt to obtain a verbal agreement from the employer on the steps that it will take to protect its employees from coronavirus. Help the employer enact best practices, rather than simply apply the regulations narrowly. In circumstances of shortages of resources (respirators, appropriate personal protective equipment

(PPE), hand sanitizer, personnel, etc.), advise the employer of the interim steps it can take to protect employee health.

- g) Communicate to the employer that it is illegal to discriminate against employees for filing a complaint with MIOSHA whether the complainant wants their name revealed or not and that the complainant will be informed of their rights under the MIOSH Act.
 - h) Provide the employer with the name of the complainant if the complainant wants their name revealed.
 - i) Give the employer two workdays to respond to the complaint allegations.
- 6. Complete and email the letter in Appendix A to the employer. If the employer does not have an email address, the letter will be sent by US mail. If it is sent by US mail, delete the line on the template indicating it was sent by email.
 - 7. The letter to the employer will include the OSHA Guidance on Preparing Workplaces for COVID-19, the sample COVID-19 preparedness and response plan in Appendix B as a resource to the employer, a hyperlink to applicable CDC guidance, and a copy of the current applicable Governor's Executive Orders.
 - 8. If the complainant wants their name revealed, provide the employer with the name of the complainant in the letter.
 - 9. If the employer was given the name of the complainant during the phone call, note that on the Case File Diary Sheet.
 - 10. Send a copy of the D letter to the complainant using the method they used to file the complaint (email or US mail).
 - 11. Complete these tasks within one day of assignment.
- D. Satisfactory/Unsatisfactory Employer Responses.
- 1. If the employer responds within the deadline, the CSHO will review the response to determine if it is satisfactory.
 - 2. If the response is satisfactory, the CSHO will close the complaint.
 - 3. If the response is unsatisfactory, the CSHO will call the employer, ask additional questions, explain the deficiencies, and establish a timeline for correction, usually two or five more workdays.
 - 4. If the employer does not respond within the deadline (original or revised), the CSHO will contact the management representative.
 - 5. If the management representative is unavailable, the CSHO will go up the chain of command within the establishment until a management official is reached. The CSHO will provide the employer with a revised response date to the D letter.

6. The CSHO will not simply leave voicemail messages and send emails to the employer; the CSHO will speak to an employer representative.
7. If the employer does not respond satisfactorily after multiple requests, the manager will decide whether to convert the COVID-19 D letter into a COVID-19 inspection.
8. Once the employer provides a satisfactory response, a closing letter will be sent to the employer via the method the D letter was sent to the employer (email or US mail) and to the complainant via the method by which they filed the complaint (email or US mail).
9. Closure of the complaint will be dependent on the employer's compliance with MIOSHA regulations and the employer's adherence to applicable CDC guidance, OSHA Guidance on Preparing Workplaces for COVID-19, and Governor's Executive Orders.

XV. COVID-19 Inspections – COVID-19 Telephone Inspection and COVID-19 On-Site Inspection.

A. Assignment Processing.

1. A COVID-19 inspection can be conducted for COVID-19 fatalities, COVID-19 referrals (usually inpatient hospitalizations), COVID-19 complaints, and for COVID-19 complaints and referrals when the employer does not provide a satisfactory response to a COVID-19 D letter after multiple requests by the agency.
2. The manager can assign the COVID-19 inspection as a COVID-19 telephone inspection or COVID-19 on-site inspection.
3. Support staff will give the COVID-19 inspection an inspection number in OIS and associate the inspection with the UPA number for the fatality, referral, or complaint upon which the inspection is based.
4. Inspections Based on D Letters. If the inspection is based on an unsatisfactory employer response to a D letter:
 - a) The manager will usually assign the CSHO who handled the D letter.
 - b) Support staff will use the UPA number of the D letter to generate the inspection in OIS.

B. Inspections Based on D Letters. During the opening conference, the CSHO will:

1. Verify the name and address of the employer and the contact information for the employer representative previously obtained during the D letter process.
2. Inform the employer that the inspection is based on its unsatisfactory response to the D letter and its potential lack of compliance with the MIOSH Act or MIOSHA regulations.

3. Inform the employer of the potential violations that are being investigated.
 4. Obtain an updated management statement regarding the status of the potential violations along with supporting documentation from the employer. If the employer states that the status has not changed from the time of the D letter, additional documentation is not necessary.
- C. Scope of Compliance Evaluation. The CSHO will evaluate the employer's compliance with:
1. MIOSHA regulations applicable to coronavirus and COVID-19 such as GI Part 33, Personal Protective Equipment; GI Part 451, Respiratory Protection; and GI Part 474, Sanitation.
 2. General duty clause of the MIOSH Act. For general duty clause compliance, assess the employer's adherence to CDC guidance for COVID-19, OSHA Guidance on Preparing Workplaces for COVID-19, and the Governor's Executive Orders for COVID-19. For the CDC guidance, select the guidance appropriate for the industry and the guidance that is in effect for the date that compliance is evaluated. Some of the CDC guidance is applicable to all businesses and employers, and some of the guidance is industry specific.
- D. OSHA Enforcement Memoranda. The CSHO will follow the latest memoranda from OSHA on the enforcement of its standards related to COVID-19. The CSHO will find the latest memoranda at OSHA webpage. At the time of the issuance of this instruction, the memoranda included:
1. Expanded Temporary Enforcement Guidance on Respiratory Protection Fit-Testing for N95 Filtering Facepieces in All Industries During the Coronavirus Disease 2019 (COVID-19) Pandemic, April 8, 2020.
 2. Enforcement Guidance for Use of Respiratory Protection Equipment Certified under Standards of Other Countries or Jurisdictions During the Coronavirus Disease 2019 (COVID-19) Pandemic, April 3, 2020.
 3. Enforcement Guidance on Decontamination of Filtering Facepiece Respirators in Healthcare During the Coronavirus Disease 2019 (COVID-19) Pandemic, April 24, 2020.
 4. Discretion in Enforcement when Considering an Employer's Good Faith Efforts During the Coronavirus Disease 2019 (COVID-19) Pandemic, April 16, 2020.
 5. Enforcement Guidance for Respiratory Protection and the N95 Shortage Due to the Coronavirus Disease 2019 (COVID-19) Pandemic, April 3, 2020.
 6. Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19), May 19, 2020.

7. Temporary Enforcement Guidance - Healthcare Respiratory Protection Annual Fit-Testing for N95 Filtering Facepieces During the COVID-19 Outbreak, March 14, 2020.
 8. Updated Interim Enforcement Response Plan for Coronavirus Disease 2019 (COVID-19), May 19, 2020.
- E. COVID-19 Telephone Inspection. The CSHO will:
1. Conduct the telephone inspection in the same manner as an onsite inspection according to the procedures set forth for onsite inspections in the MIOSHA FOM, except that the inspection will be conducted remotely by telephone and email.
 2. Conduct the opening conference by telephone.
 3. Complete a Case File Diary Sheet.
 4. Management and Employee Interviews.
 - a) Conduct the interviews by telephone.
 - b) Conduct the number of employee interviews required by the MIOSHA FOM.
 - c) Request from the employer a complete list of employees in the inspected area of the establishment and their contact numbers.
 - d) Attempt to the extent possible to ensure that employees are afforded an opportunity for an interview that is private.
 - e) Presentation of Credentials. For the interviewed individuals to validate that the contact from the CSHO is indeed from an authorized MIOSHA representative, the CSHO may elect to send the individual an email from their State of Michigan email account containing their signature block and the general phone number for the division, so that the individual can contact the division and be transferred to the CSHO. The management representatives and interviewed employees will be encouraged to crosscheck the phone number in the CSHO's email against the phone number for the enforcement division at the MIOSHA website.
 5. Walkaround and Review of Records and Programs. Omit the walkaround of the establishment. To assess the employer's compliance, obtain relevant photographs, records, and written programs from the employer by email. If the employer disputes a violation during the inspection, additional evidence may have to be obtained from the complainant or other party.
 6. Conduct the closing conference by telephone.
- F. COVID-19 On-Site Inspections. The CSHO:
1. Will conduct the inspection according to the procedures for on-site inspections in the MIOSHA FOM.

2. Can deviate from the inspection procedures in the MIOSHA FOM in order to minimize or eliminate their exposure to SARS-CoV-2 in line with Agency Instruction MIOSHA-SHMS-20-1, [COVID-19 Preparedness and Response Plan for MIOSHA Staff](#) and with the approval of their supervisor.

G. Citations.

1. Citations can be issued for a violation of the general duty clause of the MIOSH Act and applicable MIOSHA standards such as GI Part 33, Personal Protective Equipment; GI Part 451, Respiratory Protection; and GI Part 474, Sanitation.
2. When the citation is based on evidence (photographs, reports, sampling, interview statements) not from the employer (for example, from an employee, another government agency), the CSHO must verify that the other party is willing to testify as to the authenticity of the evidence.
3. The employer will not be cited if abatement is not feasible. For example, a citation for lack of respiratory protection will not be issued when the employer has made a good faith effort to obtain respirators during a respirator supply shortage and the employer has followed all the CDC guidance for respiratory protection, including conserving and optimizing respirator use, disinfecting and reusing respirators, and work practices and administrative controls to reduce the necessity of respiratory protection.
4. General Duty Clause Citations. If deficiencies not covered by MIOSHA standards and regulations are discovered in the employer's COVID-19 preparedness and response plan, a general duty clause citation may be proposed and issued. The issuance of the general duty clause citation will follow the MIOSHA FOM. These criteria must be met:
 - a) The identified hazard and violation are not covered by a MIOSHA standard.
 - b) The four elements for a general duty clause citation have been met. These are found under the MIOSHA FOM, Chapter VI. Inspection Documentation and Issuance Procedures Section (II)(B)(3)(a), Evaluation of Potential General Duty Clause Situations.
 - c) Each element is documented in the case file.
 - d) For element (4), a feasible and useful method to correct the hazard is listed in the CDC guidance, OSHA Guidance on Preparing Workplaces for COVID-19, or Governor's Executive Orders. Documentation must include specific references from the CDC, OSHA, or Executive Orders to support the premise that the hazard is recognized and that compliance with the CDC guidance, OSHA Guidance on Preparing Workplaces for COVID-19, or Governor's Executive Orders is a potentially feasible means to abate.

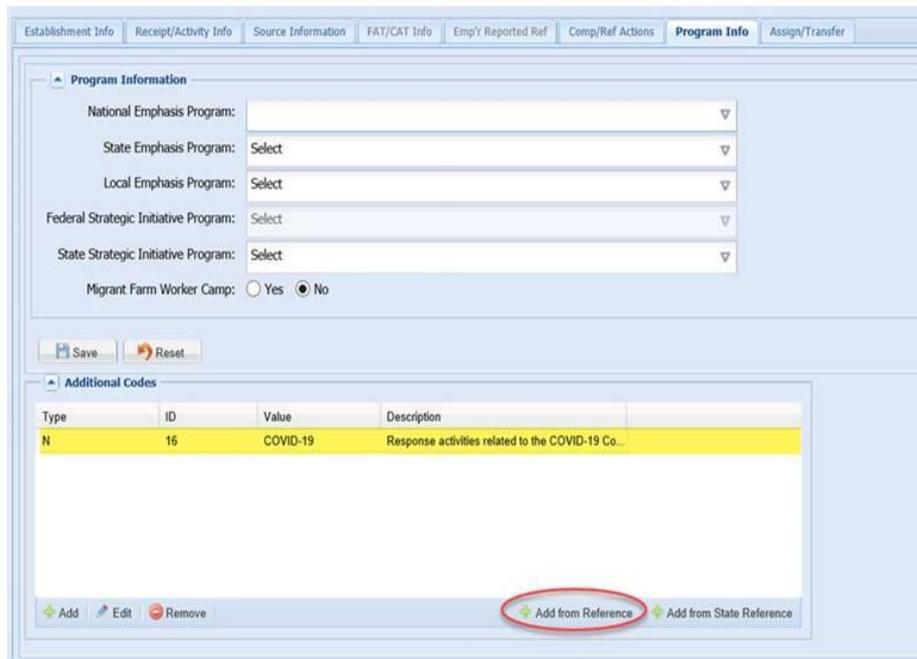
- e) The elements under the MIOSHA FOM, Chapter VI. Inspection Documentation and Issuance Procedures Section (II)(B)(3)(b), Limitations on Use of the General Duty Clause have been addressed.
- f) The CDC guidance, OSHA Guidance on Preparing Workplaces for COVID-19, and Executive Orders will not be referenced by name in the general duty citation; however, these sources will be used to establish the existence of a recognized hazard and as examples of abatement.
- g) The CDC guidance, OSHA Guidance on Preparing Workplaces for COVID-19, and Executive Orders will be referenced on the Violation Worksheet if they are used to establish the recognized hazard or to evaluate the employer's COVID-19 preparedness and response plan.
- h) Because the CDC guidance, OSHA Guidance on Preparing Workplaces for COVID-19, and Executive Orders are periodically updated, the reference documents will be placed in the case file, and the CSHO will ensure that the referenced documents were those in effect on the violation date.
- i) When determining if there is sufficient evidence for a general duty clause citation, the employer's COVID-19 preparedness and response plan in its entirety will be evaluated. If after considering all the measures the employer has implemented, there still exists a recognized hazard, then a general duty citation can be proposed.
- j) The guidance in the MIOSHA FOM is followed for citation classification, violation severity, and violation probability. General duty clause citations are classified as serious. Typically, the severity would be high (because COVID-19 can cause death) and the probability would be greater (due to widespread community infection and the ease of transmission).
- k) The deficiencies in the employer's COVID-19 preparedness and response plan will be covered in a single general duty citation rather than multiple general duty citations.
- l) De minimus deficiencies and other-than-serious deficiencies are addressed with a Safety and Health Recommendation. Examples of other-than-serious deficiencies are the lack of a written COVID-19 preparedness and response plan (when the employer has implemented all the necessary components of the plan) and the lack of records for training, self-screening, or notification of a confirmed case of COVID-19 (when the employer has conducted the training, self-screening, or notification). When the lack of a written plan or the records occurs in conjunction with lack of

implementation of the program element, the lack of the written plan or records would be included as part of the general duty citation.

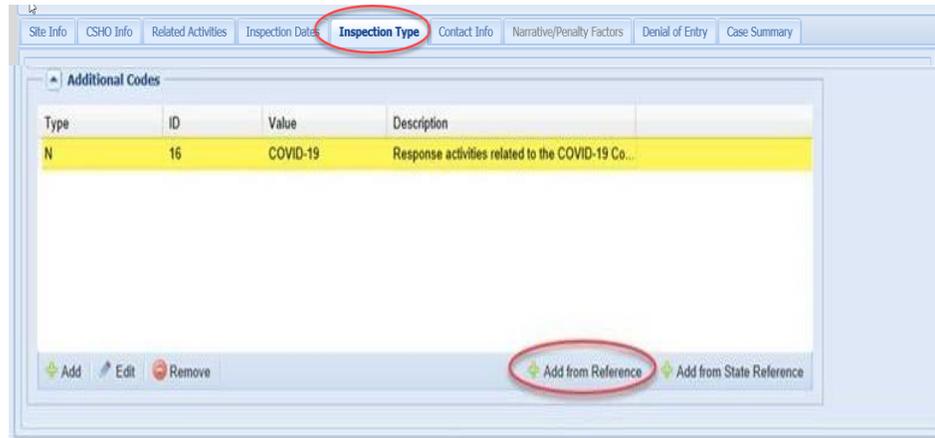
- m) The penalty for the general duty citation shall be issued at \$7,000.
 - n) The proposed general duty citation must be reviewed by the division director.
 - o) See [Appendix C](#) for examples of general duty citations.
 - p) See [Appendix D](#) for a list of CDC guidance documents for employers as of the date of issuance of this instruction. Be aware that the guidance documents are updated periodically, and new guidance documents can be added.
5. The findings letter and citations will be sent to the employer by certified US mail.

XVI. Coding in OIS.

- A. Use OIS code **N 16 COVID-19** to track all enforcement activities related to COVID-19. This includes UPAs such as fatalities, referrals, and complaints. The complaints are coded for COVID-19 whether they are handled by D letter or telephone inspection, or deemed invalid (for example, not a current employee, no jurisdiction, prisoner). The code will also be used for COVID-19 telephone inspections.
- B. Clerical Staff. To input the code on a UPA, the clerical staff will go to the “Program Info” tab, click on “Add from Reference”, and select **N 16 COVID-19 Response activities related to COVID-19 Coronavirus**, as shown below.



- C. CSHO. To input the code on an inspection, the CSHO will go to the “Inspection Type” tab, click on “Add from Reference” and select **N 16 COVID-19 Response activities related to COVID-19 Coronavirus**, as shown below.



Appendix A

COVID-19 D LETTER – INITIAL LETTER TO ESTABLISHMENT

{Date} Complaint #

{Name}
{Address}
{Address}

Letter sent by email only, to {email address}

Dear {Name}:

The Michigan Occupational Safety and Health Administration (MIOSHA), { General Industry Safety and Health Division or Construction Safety and Health Division }, has received a complaint alleging safety and/or health hazards at your worksite located at:

{Address}
{Address}

The hazards relate to **coronavirus**. A list of the alleged hazard(s) is as follows:

1.

Based on this complaint, we are conducting an off-site complaint investigation. We do not intend to initiate an on-site inspection currently. As part of the off-site complaint investigation, you are requested to perform a self-audit of the alleged hazardous conditions and make any necessary corrections or modifications to protect employee health within **two workdays** of the date of this letter.

Also, within **two workdays**, please provide me in writing the results of your self-audit and attach any supporting documentation of your findings. There is no penalty for finding deficiencies; you must however correct those deficiencies to ensure employee health and compliance with our regulations. Please include a description of any corrective action you have taken or are in the process of taking. The supporting documents can be written policies, equipment receipts, training records, photographs, and written programs. In addition, MIOSHA is aware that the current pandemic has created an increased demand for some protective equipment, limiting availability for use in protecting workers from exposure to the virus. If this situation has prevented you from furnishing protective equipment to your employees, you should provide documentation of the efforts you have made to obtain that equipment and of the alternatives utilized to protect employees while you attempt to secure such equipment.

June 17, 2020

Coronavirus Disease 2019 (COVID-19) – Interim Enforcement Plan

In particular, we will need to see:

-
-

If you provide the requested information, we will probably not need to conduct an on-site investigation. Your responses may be shared and discussed with employees for verification. If we do not receive a response from you within **two workdays** indicating that appropriate action has been taken or that no uncontrolled hazard exists and why, an on-site inspection may be conducted.

Please note: MIOSHA selects, for on-site inspection, a random sample of the off-site complaint investigations where we have received responses in which employers have indicated satisfactory corrective action. This policy has been established to ensure that employers have taken the action asserted in their responses.

You are requested to post a copy of this letter and your response to it where they will be readily accessible for review by all your employees until MIOSHA deems the case closed.

{[Only add this text if complainant wants their name revealed.] During our phone call regarding this matter on {date}, I informed you that the name of the complainant is _____.

You were told that it is illegal to fire or otherwise discriminate against an employee for filing a complaint with MIOSHA or for raising safety and health issues with their employer.} Section 65 of Act 154, the Michigan Occupational Safety and Health Act, states that an employer shall not discriminate against an employee for exercising his or her rights under Act 154. If an employee believes that he or she was discharged or otherwise discriminated against as a result of filing a complaint, the employee may file a complaint with the MIOSHA Employee Discrimination Section. The complainant will be informed of their discrimination rights under Act 154. Employers with effective safety and health programs recognize that employees who raise occupational health concerns are valuable because they can alert them to potential deficiencies in their programs and lead to improvements in the health of staff.

Information about coronavirus; coronavirus disease 2019 (COVID-19), which is the illness caused by coronavirus; and measures you can take to prevent your employees from contracting coronavirus can be found at the following locations:

- State of Michigan COVID-19 website – <https://www.michigan.gov/coronavirus/>
- Occupational Safety and Health Administration (OSHA) COVID-19 website – <https://www.osha.gov/SLTC/covid-19/>
- Centers for Disease Control (CDC) COVID-19 website – <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Attached to this email is one of those resources, the OSHA publication entitled Guidance on Preparing Workplaces for COVID-19. Please consult this publication, find the sections relevant to your work operations, and follow the guidance and requirements from OSHA. Also attached to this

MIOSHA-COM-20-2

June 17, 2020

Coronavirus Disease 2019 (COVID-19) – Interim Enforcement Plan

email is a sample COVID-19 preparedness and response plan from MIOSHA for low and medium exposure risk employers. Feel free to use this sample plan as a template for your own plan. For applicable CDC guidance for your work operations, follow this hyperlink: {insert hyperlink to CDC interim guidance for all businesses and employers and/or the applicable CDC guidance for the issues raised in the complaint or referral}.

If you have any questions concerning this matter, please contact me at (insert telephone number). Your personal support and interest in the safety and health of your employees is appreciated.

Sincerely,

{Name}

{Title}

{Signers initials in capital letters}: {person preparing letter initials – lower case}

Enclosure

MIOSHA-COM-20-2

June 17, 2020

Coronavirus Disease 2019 (COVID-19) – Interim Enforcement Plan

Appendix B

**SAMPLE COVID-19 PREPAREDNESS AND RESPONSE PLAN
FOR LOWER AND MEDIUM EXPOSURE RISK EMPLOYERS**

COVID-19 Preparedness & Response Plan For Lower and Medium Exposure Risk Employers

General

The following COVID-19 preparedness & response plan has been established for _____ (company name) _____ in accordance with the requirements in the Executive Orders (EOs) for COVID-19 signed by Governor Gretchen Whitmer, the OSHA Guidance on Preparing Workplaces for COVID-19, and the latest guidance from the US Centers for Disease Control and Prevention (CDC). The purpose of this plan is to minimize or eliminate employee exposure to SARS-CoV-2.

The EOs, OSHA guidance, and CDC guidance for COVID-19 have general safeguards applicable for all workplaces and specific safeguards for certain industries. (Name of responsible person) has read these guidance documents carefully, found the safeguards appropriate to _____ (company name) _____ based on its type of business or operation, and has incorporated those safeguards into this COVID-19 preparedness and response plan.

As the COVID-19 situation evolves, the EOs and CDC guidance are periodically updated. (Name of person) will be responsible for visiting the EO webpage and CDC guidance webpage regularly (for example, weekly) for the latest information and for revising the plan as necessary. The EOs are found at: https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705---,00.html. The CDC guidance documents are found at: <https://www.cdc.gov/coronavirus/2019-ncov/communication/guidance-list.html?Sort=Date%3A%3Adesc>. This plan reflects the EOs and CDC guidance as of (date) .

_____ (Company name) _____ has designated one or more worksites supervisors to implement, monitor, and report on the COVID-19 control strategies developed in this plan. The worksite supervisor(s) is _____ (name of supervisor or supervisors) _____. The supervisor will remain on-site at all times when employees are present on site. An on-site employee may be designated to perform the supervisory role.

The plan will be made readily available to employees and labor unions. The plan will be made available via _____ (choose: website, internal network, and/or hard copy) _____ .

Exposure Determination

_____ (Company name) _____ has evaluated routine and reasonably anticipated tasks and procedures for all employees to determine whether there is actual or reasonably anticipated employee exposure to SARS-CoV-2. (Name of person) was responsible for the exposure determination.

June 17, 2020

Coronavirus Disease 2019 (COVID-19) – Interim Enforcement Plan

____ (Company name) ____ has determined that its employees' jobs fall into only the lower exposure and medium exposure risk categories as defined by the OSHA Guidance on Preparing Workplaces for COVID-19:

- **Lower Exposure Risk Jobs.** These jobs do not require contact with known or suspected cases of COVID-19 nor frequent close contact (for example, within six feet) with the general public. Workers in this category have minimal occupational contact with the public and other coworkers. Examples are small offices, small manufacturing plants (less than 10 employees), small construction operations (less than 10 employees), and low-volume retail establishments, provided employees have infrequent close contact with coworkers and the public.
- **Medium Exposure Risk Jobs.** These jobs are those that require frequent or close contact (for example, within six feet) with people who may be infected with SARS-CoV-2, but who are not known or suspected COVID-19 patients. Examples are most jobs at manufacturing plants, construction sites, schools, high-volume retail settings, and other high-population-density work environments.

____ (Name of person) verifies that ____ (company name) ____ has no high risk exposure jobs. High exposure risk jobs have high potential for exposure to known and suspected cases of COVID-19. Examples are most jobs in healthcare, medical transport, nursing homes and residential care facilities, mortuaries, law enforcement, and correctional facilities. This sample plan is not intended for employers who have high exposure risk jobs.

____ (Company name) ____ has categorized its jobs as follows:

(NOTE: Some jobs may have more than one type of exposure risk depending on the task or qualifying factors.)

Job/Task	Exposure Risk Determination (Lower or Medium)	Qualifying Factors (For Example, No Public Contact, Public Contact)

Engineering Controls

____ (Company name) ____ has implemented feasible engineering controls to minimize or eliminate employee exposure to SARS-CoV-2. Engineering controls involve isolating employees from work-related hazards using ventilation and other engineered solutions. In workplaces where they are appropriate, these types of controls reduce exposure to hazards without relying on worker behavior and can be the most cost-effective solution to implement.

For lower exposure risk jobs, new engineering controls are not required. For medium exposure risk jobs, engineering controls can include:

- Installing physical barriers (such as clear plastic sneeze guards) between coworkers or between workers and customers.
- Installing a drive-through window for customer service.
- Increasing the amount of ventilation in the building.
- Increasing the amount of fresh outdoor air that is introduced into the building.

____ (Name or job title) ____ will be responsible for seeing that the correct engineering controls are chosen, installed, maintained for effectiveness, and serviced when necessary.

The following engineering controls have been implemented:

Job/Task	Engineering Control

Administrative Controls

Administrative controls are workplace policies, procedures, and practices that minimize or eliminate employee exposure to the hazard. ____ (Name or job title of responsible person) ____ will be responsible for seeing that the correct administrative controls are chosen, implemented, and maintained for effectiveness.

The following administrative controls have been established for ____ (company name) ____:

(Choose the controls below that are feasible for your workplace. Delete the controls that are not feasible or applicable. Add additional rows for other feasible administrative controls that will be implemented. In the first column, indicate which jobs or tasks will use each administrative control.)

Job/Task	Administrative Control (For Example, Workplace Distancing, Remote Work, Notifying Customers)
All employees	Maintain at least six feet from everyone on the worksite.
	Use ground markings, signs, and physical barriers to prompt employees to remain six feet from others.

	Promote remote work (telecommuting) to the fullest extent possible.
	Promote flexible work hours (staggered shifts) to minimize the number of employees in the facility at one time.
	Establish alternating days or extra shifts to reduce the total number of employees in the facility at a given time.
	Restrict business-related travel for employees to essential travel only.
	Restrict face-to-face meetings. Communicate with others through phone, email, teleconferencing, and web conferencing.
	Restrict the number of customers in the establishment at any given time.
	Minimize the sharing of tools, equipment, and items.
	Provide employees with non-medical grade face coverings (cloth face coverings).
	Require employees to wear cloth face coverings when they cannot consistently maintain six feet of separation from other individuals in the workplace.
	Require customers and the public to wear cloth face coverings.
	Keep customers informed about symptoms of COVID-19 and ask sick customers to stay at home until healthy again. Encourage sick customers to use drive-through services, curbside pickup, or home delivery.
	Provide customers and the public with tissues and trash receptacles.
	Encourage customers to place orders for merchandise or services through the phone or web.
	Promote curbside and home delivery to minimize contact with customers.
	Encourage proper cough and sneeze etiquette by employees, including covering coughs and sneezes and coughing and sneezing in one’s elbows rather than hands.
	Ensure that sick leave policies are flexible and consistent with public health guidance, so employees do not go to work sick.
	Do not require a healthcare provider’s note for employees who are sick with acute respiratory illness to validate their illness.
	Maintain flexible policies that permit employees to stay home to care for a sick family member.

Hand Hygiene

(Name or job title of responsible person) will be responsible for seeing that adequate handwashing facilities are available in the workplace and that regular handwashing is required. Frequency of such handwashing will be determined in part by factors such as when and how often the employees’ hands are potentially exposed to SARS-CoV-2. When handwashing facilities are not available, (company name) shall provide employees with antiseptic hand sanitizers or towelettes. (Company name) will provide time for employees to wash hands frequently and to use hand sanitizer.

Disinfection of Environmental Surfaces

(Company name) will increase facility cleaning and disinfection to limit exposure to COVID-19, especially on high-touch surfaces (for example, door handles), paying special attention to parts, products, and shared equipment (for example tools, machinery, vehicles). (Company name) will make cleaning supplies available to employees upon entry and at the worksite.

(Name or job title of responsible person) will be responsible for seeing that environmental surface in the workplace are cleaned and disinfected. Frequency of such disinfection will be determined in part by factors such as when and how often the environmental surfaces are potentially exposed to SARS-CoV-2. When choosing cleaning chemicals, (company name) will consult information on Environmental Protection Agency (EPA)-approved disinfectant labels with claims against emerging viral pathogens. Products with EPA-approved emerging viral pathogens claims are expected to be effective against SARS-CoV-2 based on data for harder to kill viruses. The manufacturer’s instructions for use of all cleaning and disinfection products will be strictly adhered to.

The following is a list of environmental surfaces, methods used to disinfect, and the frequency of such disinfection:

Surface	Method/Disinfectant Used	Schedule/Frequency

(Company name) will perform enhanced cleaning and disinfection after persons confirmed to have COVID-19 have been in a work area. In the interim, that work area will be temporarily closed, and employees will be sent home or relocated. (Name and job title) will be responsible for seeing that this protocol is followed.

The following methods will be used for enhanced cleaning and disinfection:

(LIST ENHANCED METHODS)

Personal Protective Equipment (PPE)

 (Company name) will provide employees with personal protective equipment for protection from SARS-CoV-2 appropriate to the exposure risk associated with the job. The PPE policy will follow the CDC and OSHA guidance applicable to the industry and types of jobs at the workplace, and it will be in accordance with latest EOs.

All types of PPE are to be:

- Selected based upon the hazard to the worker.
- Properly fitted and periodically refitted as applicable.
- Consistently and properly worn.
- Regularly inspected, maintained, and replaced, as necessary.
- Properly removed, cleaned, and stored or disposed of, as applicable, to avoid contamination of self, others, or the environment.

 (Company name) will provide non-medical grade face coverings (cloth face coverings) to employees. (Cloth face coverings are technically not considered PPE.) (Company name) will require employees to wear face coverings when they cannot consistently maintain six feet of separation from other individuals in the workplace. (Company name) will consider face shields when employees cannot consistently maintain three feet of separation from other individuals in the workplace.

The following type(s) of PPE have been selected for use:

Job/Task	PPE

Health Surveillance

 (Company name) has implemented a screening protocol to identify known or suspected cases of COVID-19 among employees and isolate them from the remainder of the workforce. (Name and job title of person) will be responsible for ensuring that all required health surveillance provisions are performed.

June 17, 2020

Coronavirus Disease 2019 (COVID-19) – Interim Enforcement Plan

As workers enter the place of employment at the start of each work shift, _____ (company name) _____ will have employees self-screen for COVID-19. _____ (Company name) _____ will have employees complete a questionnaire covering the signs and symptoms of COVID-19 and their exposure to people with suspected or confirmed COVID-19. When obtainable, a no-touch thermometer will be used for temperature screening of employees. _____ (Company name) _____ will similarly screen contractors, suppliers, and any other individuals entering the worksite.

Employees have been directed to promptly report any signs and symptoms of COVID-19 to _____ (name or job title) _____ before and during the work shift. _____ (Company name) _____ has provided employees with instructions for how to make such a report to the employer.

The specific instructions for employee reporting signs and symptoms of COVID-19 are as follows:

(LIST REPORTING INSTRUCTIONS PROVIDED TO EMPLOYEES)

_____ (Company name) _____ will physically isolate any employees with known or suspected COVID-19 from the remainder of the workforce, using measures such as, but are not limited to:

- Not allowing known or suspected cases to report to or remain at their work location.
- Sending known or suspected cases to a location (for example, home) where they are self-isolating during their illness.
- Assigning known or suspected cases to work alone at the location where they are self-isolating during their illness.

_____ (Company name) _____ will not discharge, discipline, or otherwise retaliate against employees who stay at home or who leave work when they are at particular risk of infecting others with COVID-19.

When an employee is identified with a confirmed case of COVID-19, within 24 hours, _____ (name or job title of responsible person) _____ will notify both the local public health department, and any co-workers, contractors, or suppliers who may have come into contact with the person who is the confirmed case of COVID-19. When notifying coworkers, contractors, and suppliers, _____ (company name) _____ will not reveal the name or identity of the confirmed case.

_____ (Company name) _____ will allow employees with a confirmed or suspected case of COVID-19 to return to the workplace only after they are no longer infectious according to the latest guidelines from the CDC.

Training

_____ (Name or job title of responsible person) _____ shall coordinate SARS-CoV-2 training and ensure compliance with all training requirements.

_____ (Company name) _____ will train workers on, at a minimum:

1. Routes by which the virus causing COVID-19 is transmitted from person to person.
2. Distance that the virus can travel in the air, as well as the time it remains viable in the air and on environmental surfaces.
3. Symptoms of COVID-19.
4. Workplace infection-control practices.
5. The proper use of PPE, including the steps for putting it on and taking it off.
6. Steps the worker must take to notify the business or operation of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19.
7. How to report unsafe working conditions.

(Name or job title of responsible person) shall create a record of the training. The record will list the names of the employees trained, the training date, name of trainer, and content of training.

Recordkeeping

(Company name) will maintain the following records as they relate to the COVID-19 preparedness and response plan:

1. Training records.
2. A record of daily entry self-screening results for all employees or contractors entering the workplace, including a questionnaire covering signs and symptoms of COVID-19 and exposure to people with suspected or confirmed COVID-19.
3. When an employee is identified with a confirmed case of COVID-19, a record that within 24 hours the local public health department was notified as well as any co-workers, contractors, or suppliers who may have come into contact with the person who was the confirmed case of COVID-19.

(Name or job title of responsible person) will ensure that the records are kept.

Appendix C

EXAMPLES OF GENERAL DUTY CLAUSE CITATIONS FOR COVID-19

Citation for Not Using Airborne Isolation Room for Very High Exposure Risk Procedure in Hospital – Basis of Recognized Hazard Is OSHA Guidance on Preparing Workplaces for COVID-19

408.1011(a): ACT 154, MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT

An employer shall furnish to each employee, employment and a place of employment that is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to the employee.

The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, in that employees were not protected from the hazard of contracting the virus, SARS-CoV-2 (severe acute respiratory syndrome coronavirus 2), the cause of coronavirus disease 2019 (COVID-19):

State the task(s) employees were performing, e.g. (location) (date). (In the emergency room staffed with 35 employees, on April 3, 2020, three employees, who were a physician, nurse, and nursing assistant, were providing direct patient care – performing a routine endotracheal intubation procedure – on a patient who was confirmed to be infected with SARS-CoV-2. The employer did not ensure that appropriate and available engineering controls were used to protect against infective respiratory droplets and aerosols in that an available isolation room was not used for the procedure, thereby exposing adjacent unprotected workers to SARS-CoV-2.)

Among other methods, a feasible abatement method to correct this hazard is to:

Ensure that appropriate and available engineering controls are used to protect against infective respiratory droplets and aerosols, such as airborne infection isolation rooms.

Citation for Not Maintaining Social Distancing and Requiring Face Coverings – Basis of Recognized Hazard Is Governor’s Executive Order 2020-114 (COVID-19) Sections 1(a), 1(c), 1(e), and 1(g)

408.1011(a): ACT 154, MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT

An employer shall furnish to each employee, employment and a place of employment that is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to the employee.

The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, in that employees were not protected from the hazard of contracting the virus, SARS-CoV-2 (severe acute respiratory syndrome coronavirus 2), the cause of coronavirus disease 2019 (COVID-19):

- a. State the task(s) employees were performing, e.g. (location) (date). (On June 15, 2020, the employer allowed five store clerks to work within six feet of one another when it was feasible to have them work more than six feet apart, thus potentially exposing employees to SARS-CoV-2 virus.)
- b. State the task(s) employees were performing, e.g. (location) (date). (On June 15, 2020, the employer did not require five store clerks to wear non-medical grade face coverings when they did not maintain six feet of separation from other individuals in the workplace, thus potentially exposing employees to SARS-CoV-2 virus.)
- c. On June 15, 2020, the employer had not developed a COVID-19 preparedness and response plan, which would have included requirements for social distancing and use of face coverings.
- d. On June 15, 2020, the employer had not conducted employee training on COVID-19 that covered social distancing and the use of face coverings.

Among other methods, a feasible abatement method to correct this hazard is to:

- a. Keep everyone on the worksite premises at least six feet from one another to the maximum extent possible, including through the use of ground markings, signs, and physical barriers, as appropriate to the worksite.
- b. Require face coverings to be worn when employees cannot consistently maintain six feet of separation from other individuals in the workplace.
- c. Develop a COVID-19 preparedness and response plan, consistent with the recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Safety and Health Administration. Make the plan readily available to employees, whether via website, internal network, or by hard copy.
- d. Provide COVID-19 training to employees the covers, at a minimum: workplace infection-control practices; and the proper use of personal protective equipment.

Citation for Not Implementing Protocol to Protect Employees from Coworkers with COVID-19 – Basis of Recognized Hazard Is Governor’s Executive Order 2020-114 (COVID-19) Sections 1(d), 1(k)(2), 1(l), 1(n), and 4(a)

408.1011(a): ACT 154, MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT

An employer shall furnish to each employee, employment and a place of employment that is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to the employee.

The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, in that employees were not protected from the hazard of contracting the virus, SARS-CoV-2 (severe acute respiratory syndrome coronavirus 2), the cause of coronavirus disease 2019 (COVID-19):

- a. State the task(s) employees were performing, e.g. (location) (date). (On June 12, 2020, the employer allowed three employees on the trim line to be exposed to a coworker who appeared to have symptoms (i.e., fever, cough, or shortness of breath) of COVID-19 upon arrival at work and who became sicker during the day; the employer did not separate that employee from other employees; and the employer did not send that employee home, thus potentially exposing other employees to SARS-CoV-2 virus.)
- b. State the task(s) employees were performing, e.g. (location) (date). (On June 12, 2020, the employer allowed three employees on the trim line to be exposed to a coworker who was confirmed on June 18, 2020, to have COVID-19 infection, and employer did not inform those employees on June 18, 2020, or thereafter of their possible exposure to SARS-CoV-2 virus increasing their risk of spreading the infection to coworkers.)
- c. On June 12, 2020, the employer did not conduct a daily entry screening protocol for employees entering the facility, including a questionnaire that covered symptoms and temperature screening when no-touch thermometers could be obtained.

Among other methods, a feasible abatement method to correct this hazard is to:

- a. Conduct a daily entry screening protocol for employees entering the facility, including a questionnaire covering symptoms and temperature screening with a no-touch thermometer.
- b. Establish a response plan for dealing with a confirmed infection in the workplace, including protocols for sending employees home.
- c. Allow employees with a confirmed or suspected case of COVID-19 to return to the workplace only after they are no longer infectious according to the latest guidelines from the Centers for Disease Control and Prevention.
- d. When an employee is identified with a confirmed case of COVID-19, within 24 hours, notify any co-workers who may have come into contact with the person with a confirmed case of COVID-19.

Appendix D

CDC GUIDANCE DOCUMENTS FOR COVID-19 FOR EMPLOYERS

<https://www.cdc.gov/coronavirus/2019-ncov/communication/guidance-list.html?Sort=Date%3A%3Adesc>

Businesses (General)

Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) (4/9/20)

Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19 (4/20/20)

Cleaning and Disinfection for Non-emergency Transport Vehicles (4/14/20)

Personal Protective Equipment

Decontamination and Reuse of Filtering Facepiece Respirators (4/9/20)

Healthcare Supply of Personal Protective Equipment (3/14/20)

Personal Protective Equipment When Caring for COVID-19 Patients (4/3/20)

Release of Stockpiled N95 Filtering Facepiece Respirators Beyond the Manufacturer-Designated Shelf Life: Considerations for the COVID-19 Response (3/19/20)

Strategies for Optimizing the Supply of Eye Protection (3/17/20)

Strategies for Optimizing the Supply of Facemasks (3/17/20)

Strategies for Optimizing the Supply of Isolation Gowns (3/17/20)

Strategies for Optimizing the Supply of N95 Respirators (4/22/20)

Use Personal Protective Equipment When Caring for Patients with Confirmed or Suspected COVID-19 (4/8/20)

Using Personal Protective Equipment (PPE) (4/3/20)

MIOSHA-COM-20-2

June 17, 2020

Coronavirus Disease 2019 (COVID-19) – Interim Enforcement Plan

Healthcare Facilities, Healthcare Professionals

Interim Infection Prevention and Control Recommendations for Patients with Suspected or Confirmed Coronavirus Disease 2019 (COVID-19) in Healthcare Settings (4/2/20)

Operational Considerations for the Identification of Healthcare Workers and Inpatients with Suspected COVID-19 in non-US Healthcare Settings (4/6/20)

Collection and Submission of Postmortem Specimens from Deceased Persons with Known or Suspected COVID-19, March 2020 (Interim Guidance) (3/25/20)

What Healthcare Personnel Should Know about Caring for Patients with Confirmed or Possible COVID-19 Infection (4/2/20)

Healthcare Infection Prevention and Control FAQs (4/2/20)

Triage of Suspected COVID-19 Patients in non-US Healthcare Settings (3/27/20)

Standard Operating Procedure (SOP) for Triage of Suspected COVID-19 Patients in non-US Healthcare Settings: Early Identification and Prevention of Transmission during Triage (4/15/20)

Blood and Plasma Collection (3/21/20)

Interim U.S. Guidance for Risk Assessment and Public Health Management of Healthcare Personnel with Potential Exposure in a Healthcare Setting to Patients with Coronavirus Disease (COVID-19) (4/15/20)

Use Personal Protective Equipment when caring for Patients with Confirmed or Suspected COVID Factsheet (4/22/20)

Public Health Activity Guidance-Interim CDC Guidance on Handling Non-COVID-19 Public Health Activities that Require Face-to-Face Interaction with Clients in the Clinic and Field in the Current COVID-19 Pandemic (4/9/20)

Childcare and K-12 Schools

Guidance for Childcare Programs that Remain Open (4/12/20)

Interim Guidance for Administrators of US K-12 Schools and Child Care Programs (3/19/20)

Community and Faith-Based Organizations

Interim Guidance for Administrators and Leaders of Community- and Faith-Based Organizations to Plan, Prepare, and Respond to Coronavirus Disease 2019 (COVID-19) (3/23/20)

MIOSHA-COM-20-2

June 17, 2020

Coronavirus Disease 2019 (COVID-19) – Interim Enforcement Plan

Correctional Facilities

Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities (4/18/20)

Dentistry

Dental Settings (4/8/20)

First Responders

What Law Enforcement Personnel Need to Know about Coronavirus Disease 2019 (COVID-19) (4/2/20)

Interim Guidance for Emergency Medical Services (EMS) Systems and 911 Public Safety Answering Points (PSAPs) for COVID-19 in the United States (3/10/20)

Homeless Shelters and Unsheltered Homelessness

Interim Guidance for Homeless Service Providers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) (3/24/20)

Responding to Coronavirus Disease 2019 (COVID-19) among People Experiencing Unsheltered Homelessness (3/22/20)

Screening Clients at Entry to Homeless Shelters (3/30/20)

Laboratories

Interim Laboratory Biosafety Guidelines for Handling and Processing Specimens Associated with Coronavirus Disease 2019 (COVID-19) (3/31/20)

Mail and Parcel Delivery Drivers

What Mail and Parcel Delivery Drivers Need to Know about COVID-19 (4/17/20)

Manufacturing Workers

Manufacturing Workers and Employers – Interim Guidance from CDC and the Occupational Safety and Health Administration (OSHA) (5/12/20)

Meat and Poultry Processing Workers and Employers

Meat and Poultry Processing Workers and Employers – Interim Guidance from CDC and the Occupational Safety and Health Administration (OSHA) (4/26/20)

MIOSHA-COM-20-2

June 17, 2020

Coronavirus Disease 2019 (COVID-19) – Interim Enforcement Plan

Nursing Homes and Residential Care Facilities

Preventing the Spread of COVID-19 in Retirement Communities and Independent Living Facilities (Interim Guidance) (3/20/20)

Preparing for COVID-19: Long-term Care Facilities, Nursing Homes (4/15/20)

Pharmacies

Guidance for Pharmacies (4/14/20)

Public Health Professionals

Interim U.S. Guidance for Risk Assessment and Public Health Management of Healthcare Personnel with Potential Exposure in a Healthcare Setting to Patients with Coronavirus Disease (COVID-19) (3/7/20)

Interim Guidance: Public Health Communicators Get Your Community Ready for Coronavirus Disease 2019 (COVID-19) (3/1/20)

Interim Guidance for Public Health Personnel Evaluating Persons Under Investigation (PUIs) and Asymptomatic Close Contacts of Confirmed Cases at Their Home or Non-Home Residential Settings (3/14/20)

Rideshare, Taxi, Limo, and other Passenger Drivers

What Rideshare, Taxi, Limo, and other Passenger Drivers-for-Hire Need to Know about COVID-19 (4/17/20)

Veterinary Clinics

Interim Infection Prevention and Control Guidance for Veterinary Clinics During the COVID-19 Response (4/22/20)