

MIOSHA Suspends May 24 Rule, Makes COVID-19 Mitigation Measures Discretionary

June 22, 2021

Michigan Gov. Gretchen Whitmer lifted all pandemic gathering restrictions and face mask orders effective today, June 22.

In conjunction with her actions, the Michigan Occupational Health & Safety Administration (MIOSHA) has suspended its May 24 rules and issued new rules that align with the OSHA rules. The new MIOSHA rules are effective today and will expire on Dec. 22 unless action is taken prior to then.

The new MIOSHA rules apply to all Michigan health care employers that are subject to MIOSHA, because employees are more likely to have an increased risk of exposure to COVID-19. The new rule adopts the Occupational Health & Safety Administration (OSHA) Emergency Temporary Standards (ETS) and several regulations that are also aimed at protecting employees in health care settings where suspected or confirmed COVID-19 patients are treated. The ETS is effective June 21.

OSHA's ETS still requires COVID-19 plans, screening of patients and employees, PPE, social distancing, cleaning and disinfection, following aerosol-generating procedures, ventilation requirements, notification of exposure to employees, providing reasonable time and paid leave for vaccinations and vaccine side effects, training, anti-retaliation and recordkeeping among other things.

During the period of the emergency standard, covered health care employers must develop and implement a COVID-19 plan to identify and control COVID-19 hazards in the health care workplace.

The Centers for Disease Control and Prevention (CDC) Guidance, updated on June 10, continues to advise:

- staying home if suffering from symptoms, or testing positive;
- notifying your employer if you have close contact with someone with COVID-19;
- wearing a mask in public where social distancing is not possible;
- social distancing especially indoors and during commutes;
- washing your hands often;
- covering your coughs and sneezes;
- avoiding sharing phones, desks, offices, or other work tools and equipment when possible - disinfecting before and after if you have to share; and

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- cleaning and disinfecting frequently touched surfaces and objects.

For non-health care settings, MIOSHA urges employers to continue follow the available CDC and OSHA recommendations to keep employees safe. MIOSHA reminds employers that they have a general duty to provide a safe workplace.

However, non-health care employers may now use their best judgment as to whether daily health screenings, face covering requirements, social distancing, and disinfecting should continue in their workplaces.