

MIOSHA Updates to COVID-19 Rules for In-Person Work

May 24, 2021

On May 10, Gov. Gretchen Whitmer announced Michiganders could begin returning to the workplace as of today, May 24.

Employers are instructed to continue following the Michigan Occupational Health & Safety Administration (MIOSHA) Emergency Rules, including the mask mandate. The Centers for Disease Control and Prevention (CDC) announced shortly thereafter that fully-vaccinated persons are no longer required to wear masks under most circumstances, including at work. According to our clients and media reports, this left many Michigan employers wondering how to resume in-person work safely and compliantly.

Employers received detailed guidance today. As part of a bipartisan agreement announced by Gov. Whitmer, MIOSHA filed updated COVID-19 emergency rules. The rules incorporate the *MI Vacc to Normal* plan along with recent health guidelines announced by the CDC.

These new rules should give workers and businesses the clarity and confidence they need to bring our economy back to its full strength. The updated emergency rules include:

- Maintenance of six-feet social distancing is only required for persons who are not fully vaccinated.
- Requiring masks only for persons who are not fully vaccinated, although employers may choose to require masks for all persons, regardless of vaccination status.
- Employers must continue to provide masks to persons who are not fully vaccinated.
- Fully-vaccinated employees must still wear face coverings in a health care setting where patients may be present and when using airplane or public transportation.
- Employers can comply with the new masking and social distancing rules for vaccinated individuals in a manner deemed effective for their workplace, which may include:
 1. Keeping records of vaccinated individuals,
 2. Posting signs in the work area reminding employees who are not fully vaccinated to wear face coverings and maintain appropriate distancing,
 3. Allowing or requiring remote work, or
 4. Requiring face coverings and social distancing for all employees regardless of vaccination status.

MIOSHA UPDATES TO COVID-19 RULES FOR IN-PERSON WORK Cont.

- Industry-specific requirements have been eliminated.
- Cleaning requirements have been updated to reflect changes with the CDC recommendations, including using an Environmental Protection Agency approved disinfectant that is expected to be effective against COVID-19.
- Employers shall provide COVID-19 training for all employees that covers infection control practices, including information on the availability of vaccines, proper use of personal protective equipment, steps the employee must take to notify the business of any symptoms or confirmed cases of COVID-19 and how to report unsafe working conditions.

In addition, employers still must:

- Develop and implement a written COVID-19 preparedness and response plan, updating as necessary.
- Conduct daily entry self-screening protocol for all employees, and when an employer learns of an employee or visitor with a known case of COVID-19, the employer must notify all who could have come into contact with that individual within 24 hours.
- Promote frequent and thorough hand washing, including providing employees and customers a place to wash their hands.
- Require all workers experiencing COVID-19 symptoms to stay out of the workplace, but allowing them to work from an isolated location.
- Notify employees and anyone else exposed in the workplace, if they have been exposed to a known case of COVID-19.
- Designate one or more safety coordinators to implement, monitor and report on COVID-19 control strategies.

For a six-month duration from the time it is generated, employers must maintain records of:

- All COVID-19 trainings it conducts,
- Health-screening protocols for non-vaccinated employees and visitors,
- Vaccination information sufficient to implement no mask/no social distancing requirement, and
- All notifications required regarding exposure to COVID-19.

The updated rules give Michigan employers clear directives as they begin to bring employees back into the workplace.