

### MIOSHA's COVID-19 Emergency Rules Extended

By: Rebecca Seguin-Skrabucha (Senior Associate) and Alexander J. Burrige (Associate),  
Workplace Law Group

Pursuant to a certification by Governor Whitmer, the Michigan Occupation Safety and Health Administration ("MIOSHA") extended the COVID-19 Emergency Rules until October 14, 2021. These Emergency Rules were previously set to expire on April 14, 2021.

Compliance with the Emergency Rules includes maintaining and following a detailed Preparedness and Response Plan. A well-drafted Plan should address the following Emergency Rule requirements:

- The risk category of each employee's job task. Employees' job tasks must be identified as low, medium, high, or very high exposure risk based upon the level of contact an employee is estimated to have with people known to be or suspected of being infected with COVID-19, including the degree of interaction with the general public.
- The employer's remote work policy. In-person attendance is prohibited where work activities can *feasibly* be completed remotely. [MIOSHA's previous guidance](#) requires employers to specifically demonstrate why remote work is infeasible for each position or employee classification working onsite by explaining why employees must be physically present in the workplace to accomplish their responsibilities.
- The daily entry self-screening protocol. For businesses that require in-person work, all employees, contractors, and visitors entering the workplace must confirm, at a minimum, that they are not experiencing symptoms of COVID-19, and that they have not endured close contact with a confirmed case of COVID-19 [in the past 14 days](#). If possible, employers should also conduct temperature checks.
- The basic infection prevention measures. Employers must provide a safe and clean working environment, requiring employers to promote frequent handwashing, institute a cleaning and disinfection procedure, and prohibit sick workers from entering or remaining in the workplace. Employers must also ensure that everyone on the worksite wears appropriate personal protective equipment and maintains social distance.

- The availability of personal protective equipment. Employers are responsible for providing the appropriate personal protective equipment consistent with the risk exposure assigned to job classifications and duties. All protective equipment should be properly fitted and consistently used.
- The employer's reporting requirements. Employers must immediately report any confirmed COVID-19 case to the local public health department. Within 24 hours, employers must also notify any individuals who may have come into contact with the confirmed case in the 48 hours preceding the onset of symptoms and/or positive test result. Individuals who came into close contact with the confirmed case should generally [quarantine for 14 days](#).
- Workplace notices and employee training. Employers must place posters around the workplace encouraging social distancing, the use of face coverings, and proper hygiene. A worksite COVID-19 safety coordinator must be designated and present at all times to oversee compliance. Employees must be trained on and informed of their employer's various safety protocols.
- The employer's recordkeeping requirements. Employers must maintain records of the training provided to employees, the daily self-screenings conducted, and any notifications issued regarding confirmed cases of COVID-19 in the workplace.

Violations of workplace safety standards or divergence from the requisite Preparedness and Response Plan may result in citations and/or penalties of up to \$7,000.

Bodman's Workplace Law Group has updated its template COVID-19 Preparedness and Response Plans. Employers should contact any member of **Bodman's Workplace Law Group** to discuss their COVID-19 procedures and their customization of the templates. Bodman cannot respond to your questions or receive information from you without first clearing potential conflicts with other clients. Thank you for your patience and understanding.

<b>WORKPLACE LAW PRACTICE GROUP</b>	<b>AARON D. GRAVES</b>   <i>Chair</i> 313.392.1075 <a href="mailto:agraves@bodmanlaw.com">agraves@bodmanlaw.com</a>	<b>JOHN T. BELOW</b> 248-743-6035 <a href="mailto:jbelow@bodmanlaw.com">jbelow@bodmanlaw.com</a>	<b>JOHN C. CASHEN</b> 248.743.6077 <a href="mailto:jcashen@bodmanlaw.com">jcashen@bodmanlaw.com</a>
	<b>GARY S. FEALK</b> 248-743-6060 <a href="mailto:gfealk@bodmanlaw.com">gfealk@bodmanlaw.com</a>	<b>JOHN DAVID GARDINER</b> 616.205.3123 <a href="mailto:jgardiner@bodmanlaw.com">jgardiner@bodmanlaw.com</a>	<b>MELISSA M. TETREAU</b> 248.743.6078 <a href="mailto:mtetreau@bodmanlaw.com">mtetreau@bodmanlaw.com</a>
	<b>REBECCA C. SEGUIN-SKRABUCHA</b> 313.393.7594 <a href="mailto:rseguin-skrabucha@bodmanlaw.com">rseguin-skrabucha@bodmanlaw.com</a>	<b>MICHELLE L. KOLKMEYER</b> 248.743.6031 <a href="mailto:mkolkmeyer@bodmanlaw.com">mkolkmeyer@bodmanlaw.com</a>	<b>ALEXANDER J. BURRIDGE</b> 313.393.7560 <a href="mailto:aburridge@bodmanlaw.com">aburridge@bodmanlaw.com</a>
	<b>DAVID B. WALTERS</b> 248.743.6052 <a href="mailto:dwalters@bodmanlaw.com">dwalters@bodmanlaw.com</a>	<b>KAREN L. PIPER</b>   <i>Of Counsel</i> 248.743.6025 <a href="mailto:kpiper@bodmanlaw.com">kpiper@bodmanlaw.com</a>	