Critical Update for Employers: MIOSHA Emergency Rules

On October 14, 2020, the Michigan Occupational Safety and Health Administration ("MIOSHA") issued new **Emergency Rules for the workplace**, which are currently in effect. These workplace rules are nearly identical to the workplace guidelines Governor Whitmer previously issued in the now void Executive Orders. These rules, which were issued pursuant to the Administrative Procedures Act, will be in effect for the next **six months**.

Each employer must categorize its job tasks and procedures to be in one of the following risk categories: low, medium, high and very high. Depending upon which risk category an employer categorizes itself as, specific guidelines should be followed.

Note that under the MIOSHA rules, like the old Executive Orders, employers are required to develop and maintain a COVID-19 preparedness and response plan. In addition, the same industry-specific requirements apply, including: construction, manufacturing, retail, restaurants and bars, health care, in-home services, personal care services, public accommodations (sports and entertainment facilities), exercise facilities, meat and poultry processing, and casinos. Employers must also establish (or maintain, if already in place) workplace procedures, including for screening employees, cleaning, sick employees, and recordkeeping.

Importantly, employers must "create a policy **prohibiting in-person work for employees to the extent that their work activities can feasibly be completed remotely**". (emphasis added)

Review the complete MIOSHA Emergency Rules here, and an Emergency Rules Infographic here.

This memo is intended only as a summary and general overview. If you have any questions or would like legal advice regarding the above or any other employment issue, please contact David Lawrence or Stacey DiDomenico.