



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
BARTON G. PICKELMAN, DIRECTOR

SUSAN CORBIN
ACTING DIRECTOR

September 23, 2021

Complaint#: 1811454

Lauren London, General Counsel
Eastern Michigan University
11 Welch Hall
Ypsilanti, MI 48197

Letter sent by email only: llondon2@emich.edu

Dear Ms. London:

The Michigan Occupational Safety and Health Administration (MIOSHA), General Industry Safety and Health Division (GISHD), has received a complaint alleging occupational safety and/or health hazards at your worksite located at 11 Welch Hall in Ypsilanti, Michigan. The hazards relate to **coronavirus**. The alleged hazard(s) is as follows:

Eastern Michigan University management has created an unsafe working environment by failing to notify faculty of possible exposure to COVID-19. Eastern Michigan University is not following State Health Department Orders relating to the Reporting of Confirmed and Probable Cases of COVID-19 at Schools, which requires, among other things, for Eastern Michigan University to post notice of probable or confirmed cases which specify the affected room or location.

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 take appropriate steps to protect employee health. All employers are required to provide a safe and healthy workplace as mandated in the Michigan Occupational Safety and Health Act 154 of 1974 as amended, this includes protecting employees from exposure to coronavirus. Employers in the healthcare setting must also comply with the June 22, 2021, revision of the MIOSHA Emergency Rules for Coronavirus Disease 2019 (COVID-19), which is an adoption of the OSHA COVID-19 Emergency Temporary Standard for Healthcare.

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 in a self-audit; you must however correct those deficiencies to ensure employee health and compliance with our regulations. In your response, include a description of any corrective action you have taken or are in the process of taking. Examples of supporting documents are your written COVID-19 plans, photographs of implemented control measures, equipment receipts, and records of screening, training, and positive cases, and employee notification of COVID-19 cases. In your response,

please provide us with a person's name and their contact information in the event we have any further questions. Your response to our letter can be by any of the following methods: **email: wallingb@michigan.gov, Fax: (616) 447-2649, or USPS: MIOSHA GISHD – District #1 2942 Fuller NE, Grand Rapids, MI 49505.** If you elect to communicate via email, please be aware that the state server will not accept emails (including attachments) that are 25 megabytes or larger in size. Therefore, it may be necessary for you to divide your response into several emails to assure that your information is received.

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.

We request that you post a copy of this letter, including any subsequent response on your part, in an area readily accessible for review by all employees until MIOSHA deems the letter investigation closed.

During our phone call regarding this matter on September 23, 2021, you were informed 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.

Hyperlinks to COVID-19 resources can be found below.

- MIOSHA Emergency Rules for Coronavirus Disease 2019 (COVID-19) – https://www.michigan.gov/documents/leo/leo_miosha_COVID-19_Emergency_Rules_705296_7.pdf
- OSHA COVID-19 Emergency Temporary Standard for Healthcare – <https://www.ecfr.gov/cgi-bin/text-idx?SID=fb927c07abb6877b6b08dceae328ca97&mc=true&node=sp29.5.1910.u&rgn=div6>
- CDC guidance documents for COVID-19 – www.cdc.gov/coronavirus

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- OSHA guidance documents for COVID-19 – www.osha.gov/coronavirus
- State of Michigan COVID-19 Workplace Safety Guidance website – www.michigan.gov/COVIDWorkplaceSafety

If you have any questions concerning this matter, please contact me at **616-401-6914**. Your personal support and interest in the safety and health of your employees is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Brad Walling".

Brad Walling

Industrial Hygienist, MIOSHA GISHD