

July 7, 2020

Mr. Todd Strong  
Department of Labor and Economic Opportunity  
MIOSHA  
General Industry Safety and Health Division – District #3  
3026 W. Grand Blvd., Suite 9-450  
Detroit, MI 48202

Response sent by email only, to [strongt1@michigan.gov](mailto:strongt1@michigan.gov)

Dear Mr. Strong:

In response to Complaint #C1609543 dated July 1, 2020, Eastern Michigan University (EMU) has investigated the COVID-19 plan communication concerns. Based on its investigation, and as outlined below, EMU has not found evidence of safety and health hazards to AAUP or other employees. The following is a summary of the University's investigation into the alleged safety and/or health hazards:

1. The complaint states, "Prior to opening for limited face-to-face courses on June 23, the employer has not shared its COVID-19 health and safety plan with EMU-AAUP, the representative of the faculty bargaining per the executive order governing re-openings."

Eastern Michigan University (EMU) is using a phased approach to re-opening with its Summer B instructors being one of the first groups returning to campus. Before returning to campus, the instructors and/or their department heads met with or had conversations (phone and/or e-mail) with personnel from the Environmental Health and Safety (EHS) staff to review and implement campus-wide practices regarding face coverings, increased cleaning protocols and physical distancing.

Michigan Executive Order 2020-114, 1, a., states "Within two weeks of resuming in-person activities, a business's or operations plan must be made readily available to employees, labor unions, and customers, whether via website, internal network or hard copy." Attached is a copy of the Eastern Michigan University COVID-19 Preparedness, Response and Safe Return to Campus Operations Plan and the Eastern Michigan University COVID-19 Preparedness, Response and Safe Phased Return to Campus Plan for Limited In-Person Summer Instruction. These plans were designed to comply with Michigan Executive Order 2020-114. They were not specifically sent to the EMU-AAUP, but they were posted on the University's COVID-19 website at <https://www.emich.edu/coronavirus/index.php> on July 2, which is within the two-week period allotted by the Executive Order.

2. The complaint states, "According to instructions sent to employees, training does not need to be completed until the end of the week."

On June 19, 2020, an email was sent from the Registrar's Office to all of the Summer B instructors outlining the requirements for daily health screenings, entrance and exit points, face coverings, limited use of faculty offices, enhanced cleaning procedures, hygiene, a procedure for notification of positive cases of COVID-19, accommodations and notice that further training would be forthcoming. Please see the attached memo. The instructors received a second email on June 25, 2020, with a link to further training. The instructors were given until June 28 to complete their training, as they had already been provided the information via the memo dated June 19. Please see the attached memo. A copy of the training they received and a list of the faculty who received the summer instruction training are also attached. In addition, as stated above, these instructors and/or their department heads met (in person, via phone or e-mail) with EHS personnel prior to conducting face-to-face classes.

3. The complaint states, "It was also confirmed that limited face-to face courses were re-opened on Thursday, June 18, 2020."

EMU did not approve, and is not aware of, any in-person classes starting before June 23, 2020. Courses during the summer semester terms have varying start dates. According to the EMU Registrar, start dates for this summer included 5/4, 5/18, 5/25, 6/1, 6/15, 6/23, 7/6, 7/13, 7/27, 7/30 and 8/12. The courses that began prior to 6/23 were delivered exclusively in a remote (online) format.

4. The complaint states, "Management was very safety conscious through the closing process, but the union is very concerned by the delayed training and lack of information sharing on health and safety per the Executive Order."

The University's President provides regular e-mail updates to the entire campus on many issues. He has sent over 40 such messages since the pandemic crisis began, including 11 since the summer semesters began. EMU's Provost and Executive Vice President also sends regular updates to instructors and other employees in the academic and student affairs areas. The University recently held two town hall forums for employees – one of which was directed specifically toward faculty and instructional personnel and the other to staff. The town hall forums focused on sharing preliminary safety protocols for the fall semester. All of these messages and materials, as well as resources for various student populations and links to other federal, state, and local guidance and materials, are posted on the University's website dedicated to COVID-19, which is linked and highlighted at the top of EMU's homepage: <https://www.emich.edu/coronavirus/index.php>.

Most importantly, the small number of instructors who were approved to teach in-person during the second half of the summer semester all received detailed and timely information about safety protocols as well as a training module. As noted above, the University campus plan and Summer B plan were posted online within the two-week time period required by Executive Order 2020-114.

5. The Complaint states, "The union has asked the employer to cooperate on health and safety issues, filed a demand to bargain, health and safety information requests, and two grievances on health and safety. The employer has still not shared their re-opening plan."

The University has provided a healthy and safe work environment for the essential employees who have been on campus throughout the Stay Home Stay Safe orders. As the University begins to bring groups back to campus, it is stringently following the requirements from the Executive Orders, OSHA, the CDC and the Washtenaw County Health Department. This work took time for an institution of this size. The plan for a limited on-campus return during Summer B was made available within the Executive Order's two-week time frame.

The following is a summary of the University's actions to post the MIOSHA complaint:

Since the MIOSHA complaint does not mention a specific campus location and most employees are working remotely, the complaint was posted on the [EHS website](#) and EHS bulletin board on Thursday July 2 as required by the complaint notification. This response will also be posted in these locations. The University Health and Safety Committee, which is comprised of members of each of the unions on campus, will also be notified of the postings.

Conclusion:

Based on the above investigation, EMU has not found any evidence of safety and health hazards to AAUP or other employees.

If you have any questions regarding the above investigation or need additional information, do not hesitate to contact me at 734.487.0794 or via email at [kwilhoff@emich.edu](mailto:kwilhoff@emich.edu).

Sincerely,



Kathryn E. Wilhoff  
Director, Environmental Health and Safety  
Eastern Michigan University

Attachments:

EMU COVID-19 Preparedness, Response and Safe Return to Campus Operations Plan  
EMU COVID-19 Preparedness, Response and Safe Phased Return to Campus Plan for Limited In-Person Summer Instruction  
Registrar's memo to Summer B Instructors and follow-up email  
Returning to Campus During COVID-19: Summer Instructors Training  
List of Instructors completing Training