



GRETCHEN WHITMER  
GOVERNOR

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

JEFF DONOFRIO  
DIRECTOR

July 1, 2020

Complaint #: C1609543

Ms. Kathryn Wilhoff  
Eastern Michigan University  
900 Oakwood St.,  
Ypsilanti, MI 48197

**Letter sent by email only, to [kwilhoff@emich.edu](mailto:kwilhoff@emich.edu)**

Dear Ms. Wilhoff:

The Michigan Occupational Safety and Health Administration (MIOSHA), General Industry Safety and Health Division, has received a complaint alleging safety and/or health hazards at your worksite located at:

900 Oakwood St.,  
Ypsilanti, MI 48197

The hazards relate to **coronavirus**. A list of the alleged hazard(s) is as follows:

1. 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. According to instructions sent to employees, training does not need to be completed until the end of the week. It was also confirmed that limited face-to-face courses were re-opened on Thursday, June 18, 2020. Management was very safety conscious through the closing process, but the union is very concerned by the delayed training and the lack of information sharing on health and safety per the Executive Order. 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 reopening plan.

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 make any necessary corrections or modifications to protect employee health within **two workdays** of the date of this letter.

Also, 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; you must however correct those deficiencies to ensure employee health and compliance with our regulations. Please include a description of any corrective action you have taken or are in the process of taking. Attach any supporting documents such as written policies, equipment receipts, training records, photographs, and written programs. In addition, OSHA is aware that the current pandemic has created an increased demand for some protective equipment, limiting availability for use in protecting workers from exposure to the virus. If this situation has prevented you from furnishing protective equipment to your employees, you should provide documentation of the efforts you have made to obtain that equipment.

In particular, we will need to see:

1. A copy of the Exposure Control Plan
2. Training/ information documents (for sampling of faculty employees that have returned.)
3. Response to Complaint Item by 7/7/20

If you provide the requested information, we will probably not need to conduct an on-site investigation. 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.

You are requested to post a copy of this letter and your response to it where they will be readily accessible for review by all your employees until MIOSHA deems the case closed.

During our phone call regarding this matter on {date}, I informed you that the name of the complainant is [REDACTED]. You were told 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.

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Information about coronavirus; coronavirus disease 2019 (COVID-19), which is the illness caused by coronavirus; and measures you can take to prevent your employees from contracting coronavirus can be found at the following locations:

- State of Michigan COVID-19 website – <https://www.michigan.gov/coronavirus/>
- Occupational Safety and Health Administration (OSHA) COVID-19 website – <https://www.osha.gov/SLTC/covid-19/>
- Centers for Disease Control (CDC) COVID-19 website – <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Attached to this email is one of those resources, the OSHA publication entitled Guidance on Preparing Workplaces for COVID-19. Please consult this publication, find the sections relevant to your work operations, and follow the guidelines and requirements from OSHA.

If you have any questions concerning this matter, please contact me at 517-242-8132. Your personal support and interest in the safety and health of your employees is appreciated.

Sincerely,

*Todd Strong*  
Senior Safety Officer

*TMS*

Enclosure: Sample Exposure Control Plan, OSHA 3990, Executive Order 114-2020, MIOSHA/LEO Employer Guidance.