

Dealer Advisory

May 24, 2021



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MIOSHA Announces Relaxed Workplace Safety Rules

MIOSHA has made formal notification that the law no longer requires fully vaccinated employees to wear masks or socially distance while in the workplace. However, employers still have the option to maintain the use of face masks for all employees if they see fit. Many other workplace safety rules are still in place, and other rules have been somewhat relaxed.

The Michigan Occupational and Safety Administration (MIOSHA) has released an updated, 6-page version of its emergency rules to control, prevent, and mitigate the spread of COVID-19 among employees. In addition, the agency has rescinded the draft permanent COVID-19 rules, and the public hearing scheduled for Wednesday, May 26 is canceled.

The morning press release from MIOSHA and Governor Whitmer provided a quick review of the updates to the emergency rules, reflecting the recent order from MDHHS and guidance from the CDC. Those changes include:

- Fully vaccinated employees are no longer required to wear face coverings and social distance provided the employer has a policy to ensure non-vaccinated individuals continue to follow applicable face covering and social distancing requirements.
- The rules have been reformed focusing on performance, eliminating industry-specific requirements. Definitions have been updated to more clearly reflect changes in close contact and quarantining requirements for fully vaccinated employees.
- Cleaning requirements have been updated to reflect changes in CDC recommendations.
- Employers should continue to have and implement a written COVID-19 preparedness and response plan in accordance with the updated rules.

[Read the press release here.](#)

DADA and MADA are providing a brief overview of the revised rules below. [Please also review all requirements of the emergency rules here.](#)

MIOSHA Rules Issued May 24

Rule 3. COVID-19 preparedness and response plan for all employers

All dealers already have a preparedness plan in place. Your dealership-specific plan should be updated to reflect any revised MIOSHA and CDC rules, as incorporated by your dealership. (If you update, it is required that you train employees on any changes in the plan.)

Rule 4. Basic infection prevention measures for all employers

This rule covers facility cleaning and disinfection.

Rule 5. Health surveillance for all employers

Daily entry self-screening protocols for all employees or contractors entering the workplace are still required. There is no exclusion specified for vaccinated employees so we recommend all employees be screened - regardless of vaccination status.

Rule 6. Workplace controls for all employers

(1) The employer shall designate 1 or more worksite COVID-19 safety coordinators to implement, monitor, and report on the COVID-19 control strategies developed under these rules.

(2) The employer shall ensure that any employees, except fully vaccinated persons, remain at least 6 feet from one another to the maximum extent feasible while on worksite premises.

(3) The employer shall provide non-medical grade face coverings to their employees at no cost to the employee. Employers are not required to provide non-medical grade face coverings to fully vaccinated persons.

(4) The employer shall require any employee, except fully vaccinated persons, to wear face coverings when employees cannot consistently maintain 6 feet of separation from other individuals indoors in the workplace....

(5) Compliance with subrules (2) and (4) of this rule may be accomplished in a manner deemed effective for the place of employment. This may include:

- a) Keeping records of whether employees are fully vaccinated persons, and exempting them from subrules (2) and (4) of this rule accordingly.
- (b) Posting signs in the work area reminding employees that are not fully vaccinated to wear face coverings and maintain appropriate distancing.
- (c) Allowing or requiring remote work.
- (d) Requiring face coverings and social distancing for all employees regardless of vaccination status.

Rule 7. Training requirements for all employers

Employees must still be trained on your dealership's infection and control practices.

Rule 8. Recordkeeping requirements for all employers

Employers must maintain records for 6 months from time of generation, to include: training, health screenings for each non-vaccinated employee or contractor entering the workplace, records of required notifications. While the rules do appear to exclude the requirement that records be *maintained* for vaccinated employees - we suggest dealers maintain all screening records.

While the updated emergency rules will expire on Thursday, October 14, 2021, MIOSHA has the flexibility to rescind all or parts of the rules if needed.

MDHHS Gatherings and Face Masks Epidemic Order

MDHHS has updated its COVID-19 Gatherings and Face Mask epidemic order, eliminating outdoor capacity limits and increasing indoor social gatherings, including weddings, conferences and funerals, to 50% capacity. Under the new order, which goes into effect Tuesday, June 1, and continues through Thursday, July 1, masks will continue to be required indoors for individuals who are not yet vaccinated.

- [June 1, 2021 Gatherings and Face Mask Order](#)
- [Gatherings and Face Mask Order Infographic](#)

Please contact DADA at (248) 643-0250 or MADA at (800) 292-1923 if you have further questions about this issue.

*This advisory has been prepared in conjunction with
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