

# Dealer Advisory

June 22, 2021



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## MIOSHA Suspends Emergency Rules

*Michigan now refers to federal OSHA guidelines*

Effective immediately, MIOSHA has suspended the previous COVID-19 workplace safety emergency rules and now refers to the federal OSHA guidance.

MIOSHA's new rules state that *non-healthcare settings* should align policies with CDC guidelines to ensure they help contain the spread of COVID-19. Federal OSHA has updated guidance for non-healthcare employers as well. (See below links and overview from NADA.)

The new workplace rules for non-health care settings **allow employers to use their best judgment** in determining whether to maintain:

- Daily health screenings;
- Face covering requirements; and
- Social distancing requirements.

Many dealers have questions about face masks in the workplace. This new guidance allows dealers to determine the most appropriate face mask plan for their specific environment, regardless of an employee's vaccination status.

MIOSHA strongly encourages workplaces to follow the available CDC and OSHA recommendations to mitigate hazards. Michigan's COVID-19 Workplace Safety Director Sean Egan reminds employers that “In non-health care settings, **it’s important that all employers recognize that they have a general duty to provide a safe workplace.**”

- [MIOSHA Press Release](#)
- [Federal OSHA guidance for non-healthcare settings](#)
- [CDC Guidance for COVID-19](#)
- [MIOSHA Emergency Rules](#) (now in effect and set to expire Dec. 22, 2021)

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## NADA Overview of Federal OSHA Guidance

*Focus is on Identifying/Mitigating Risks*

The Occupational Health and Safety Administration released revised guidance (linked above, and [here](#)) to help identify COVID-19 exposure risks for unvaccinated or otherwise at-risk workers and to help prevent exposure and infection. Unless otherwise required by federal, state or local law, most employers no longer need to put protections in place for fully vaccinated workers who are not otherwise at-risk from COVID-19 exposure. The revised guidance recommends:

- 1.) Granting paid time off for employees to get vaccinated.
- 2.) Instructing infected workers, unvaccinated workers with exposure to someone testing positive for COVID-19, and workers with COVID-19 symptoms to stay home from work.
- 3.) Implementing physical distancing in communal work areas for unvaccinated and otherwise at-risk workers.

- 4.) Providing unvaccinated and otherwise at-risk workers with face coverings.
- 5.) Suggesting that unvaccinated customers, visitors or guests wear face coverings.
- 6.) Continuing to perform routine cleaning and disinfection.
- 7.) Implementing protections from retaliation.

The guidance covers these issues and other protective measures in detail. As with other OSHA guidance, these suggestions technically are not mandatory and create no new legal obligations. However, OSHA will consider an employer's good faith efforts to comply with its guidance in the context of enforcement.

**For a more in-depth legal review of this new federal OSHA guidance, DADA and MADA encourage dealers to read *The 10 Things Employers Need to Know* from Fisher Phillips.** Dealers should also consult with their attorney for further guidance specific to each business.

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## Michigan Department of Health and Human Services

We also remind dealers that the Michigan Department of Health and Human Services rescinded the Gatherings and Face Mask Order, effective June 22, 2021.

- [June 17 press release](#)
- [Rescission of Emergency Orders](#)
- [Public Health Alert: Face Mask Recommendations](#)

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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