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MIOSHA Amends COVID-19 Emergency Rules

May 24, 2021 | [Employee Health Issues, Labor And Employment](#)



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The Michigan Occupational Safety and Health Administration (MIOSHA) has revised its COVID-19 Emergency Rules, effective May 24, 2021. The rules go from nine pages to five and are still in effect until Oct. 14, 2021. They now align with most CDC and federal OSHA guidance.

Highlights of the [new MIOSHA COVID-19 Emergency Rules](#):

- Fully vaccinated persons need not wear masks at work or maintain six feet of separation from others.
- Employers must keep records of whether employees are fully vaccinated. The rules do not specify a method of verification.
- Employers must post signs in the work area reminding employees who are not fully vaccinated to wear face coverings and maintain appropriate distance from others.
- The remote work requirement is completely dropped. The amended rules no longer require that employers must create a “policy prohibiting in-person work for employees to the extent that their work activities can feasibly be completely remotely.” However, remote work is still an option for compliance.
- The rules focus on performance, eliminating industry specific requirements except for healthcare and public transport employers. In

those industries, the rules reference continued face covering requirements even for vaccinated employees.

- Employers may choose to still require face covering and social distancing for all employees regardless of vaccination status.
- For issues such as “close contact,” facility cleaning and disinfection, and employee return to work after a known or suspected case of COVID-19, the MIOSHA rules make evergreen references to the latest CDC or Michigan DHHS requirements.
- Confoundingly, the updated rule requires continued self-screening protocol for all employees or contractors entering the workplace, but the records only need to be retained for non-vaccinated employees or contractors. Daily screening no longer requires temperature screening.

Michigan employers should review the amended rules and should update their COVID-19 preparedness and response plans and employee training accordingly.