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WHAT'S HAPPENING

13th MICHIGAN WORKER DEATH OF 2013

The 13th Michigan worker death of 2013 occurred on April 22, 2013. Employers and employees are urged to use extreme care and safety diligence in all work activities.

Summary of incident: On April 22, 2013 at approximately 1:30 pm, an explosion occurred in the digester at a waste water treatment plant. Construction employees were working on or near a tank using a welder's torch.

Last year there were 26 MIOSHA-related deaths. 2009 saw the lowest number with 24. Click [here](#) to view a summary of the worker fatalities for 2013. If you need help or assistance in ensuring your workplace is safe, MIOSHA is here with resources to help. The Consultation Education & Training (CET) Division provides workplace safety and health training and consultations to employers and employees throughout Michigan free of charge. Contact CET today at (800) 866-4674 or submit a request online at www.michigan.gov/cetrca.

BEWARE: SAFETY INCENTIVE PROGRAMS

While well-intentioned, some types of safety incentive programs can actually hurt the safety culture in a workplace. Rewards that are directly tied to low or no injuries could have the potential to drive accident reporting underground. For example, a safety incentive program that offers cash or other significant prizes for those that remain injury-free each quarter could influence some employees to hide any injuries to collect their prize. There is an interpretative guidance memo issued by OSHA to clarify the risk of incentive programs that could discourage employee reports of injury. Reporting an injury without fear of discrimination or retaliation is crucial to protecting worker safety and is considered a core employee right. A quote from a March 12, 2012 OSHA memo states, "While OSHA appreciates employers using safety as a key management metric, we cannot condone a program that encourages discrimination against workers who report injuries."

MIOSHA's CET Division requires that its MVPP and MSHARP awardees comply with the spirit of this policy. Companies are encouraged to restructure their safety incentive programs and reward proactive safety behaviors such as employees participating on the Safety Committee, participating in investigations of injuries/incidents/near-misses, or serving on hazard identification teams. MVPP or MSHARP companies cannot have incentive programs with the potential to discourage injury reporting. The CET Award Instruction is being revised to focus more attention on the evaluation of Safety and Health Management Systems and eliminate the requirement that Platinum, Gold, and Silver companies have zero lost time injuries.

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MORE STANDARDS BECOMING FINALIZED

As you all know, many of our standards are being revised due to the recommendations of the Office of Regulatory Reinvention (ORR) Workplace Safety Advisory Committee report. The final versions of the following standards are now effective and are posted on our website:

Standards Effective: April 9, 2013

[CS Part 8 Handling and Storing Materials](#)
[GI Part 38 Hand and Portable Powered Tools](#)

Standards Effective: April 11, 2013

[CS Part 11 Fixed and Portable Ladders](#)
[CS Part 12 Scaffold and Scaffold Platforms](#)
[CS Part 18 Fire Protection and Prevention](#)
[CS Part 19 Tools](#)

Standards Effective: April 12, 2013

[CS Part 27 Blasting and Use of Explosives](#)
[GI Part 22 Tractors](#)
[GI Part 27 Woodworking Machinery](#)
[OH Part 504 Diving Operations](#)
[OH Part 511 Temporary Labor Camps](#)

GI Part 74 Fire Fighting was amended April 24, 2013. These rules update the existing MIOSHA rules for training; for construction, care, and use of equipment; and for the safeguards to be furnished and maintained as it relates to municipal fire service personnel and equipment.

A copy of the revised standard is available on the [MIOSHA Standards](#) website and below:
[GI Part 74 Fire Fighting](#)

In order to stay abreast of the rapidly changing status of these rule changes, we advise you to watch the standards page [Spotlight - Standards Revisions Update](#) on our website, where we will be putting the updated information as it becomes available.

ACT 390 OF 1978 MICHIGAN PAYMENT OF WAGES AND FRINGE BENEFITS

The Wage and Hour Program enforces Act 390 of 1978 Michigan Payment of Wages and Fringe Benefits. This year marks the 35th Anniversary of Act 390.

Some of the most common questions we receive related to Act 390 are:

When are wages due when an employee quits or is terminated?

It doesn't matter whether an employee quits or is terminated; the wages are due on the regularly scheduled payday. The only exception is that an employee engaged in any phase of the hand harvesting of crops must be paid wages no later than 3 days after the employee voluntarily quits.

When does my employer have to pay me?

Employers should pay on the regular scheduled payday. An employer may change the payday provided it is intended to be a permanent change. Employers should notify employees prior to changes to the regular payday.

Wages in Michigan may be paid on a number of different schedules: monthly, semi-monthly, weekly, bi-weekly. Monthly paydays must be on or before the 1st of the month for all of the wages earned during the preceding month. Semi-monthly paydays are on or before the first day of each calendar month, for the wages earned during the first 15 days of the preceding calendar month and on or before the fifteenth day of each calendar month, for the wages earned during the preceding calendar month from the sixteenth day through the last day. Employers that pay weekly or bi weekly, have 14 days from the end of the pay period to pay wages

Employees that are not paid on the regular payday have 12 months from the date the wages or fringe benefits were due to file a claim with the Wage and Hour Program. The Wage and Hour Program encourages all employees in Michigan to keep their own time record with starting and ending times so they can track that they are being paid for their time worked. Employers are required to maintain time records for three years but in cases where the employer records are not available, the employees' own record of time worked may be used to make a determination in the case.

MEDIA

April 3, 2013 – [Bosco's Pizza Company Receives State Award for Outstanding Safety and Health Record](#)

April 9, 2013 – [Detroit Regional Convention Facility Authority Signs Partnership with MIOSHA to Ensure Worker Safety during Cobo Center Renovations](#)

April 17, 2013 – [State Recognizes MIOSHA Training Institute \(MTI\) Graduates at the Michigan Safety Conference](#)

April 19, 2013 – [Trans-Matic Receives MSHARP Award for Workplace Safety and Health Excellence](#)

April 25, 2013 – [Miron Construction Co., Building Trades, Contractors and MIOSHA Sign Partnership to Protect Workers on Northern Michigan University Jamrich Hall Project](#)

April 25, 2013 – [Potlatch Land & Lumber Receives MIOSHA's Highest Recognition Award of their Workplace Safety and Health Excellence](#)

All of the MIOSHA Press Releases can be viewed from our [website](#).

AGENCY INSTRUCTIONS/MEMOS ISSUED

April 2, 2013 - MIOSHA-ADM-12-1 – [MIOSHA Initiatives](#)

April 2, 2013 – MIOSHA MEMO-ADM-09-8-9R – [Targeting Industries Under Emphasis 1.1 and 1.2 of the Strategic Plan](#)

VARIANCES

Variations from MIOSHA standards must be made available to the public in accordance with Part 12, Variations (R408.22201 to 408.22251). MIOSHA variations are published on the MIOSHA News website: www.michigan.gov/mioshavariations.

QUICK LINKS

[Agency/Division Instructions/Memorandums](#)

[Asbestos Program](#)

[Consultation Education & Training \(CET\) Division](#)

[Construction Safety & Health Division \(CSDH\)](#)

[DVD/Video Library Service](#)

[Employee Safety, Health and Discrimination Complaint Forms](#)

[General Industry Safety & Health Division \(GISHD\)](#)

[Laboratory & Equipment Services](#)

[MIOSHA FOIA Request Form](#)

To sign up for our MIOSHA ListServ Messages, click on the links below:

[MIOSHA Standards Updates](#)

[MIOSHA Training Institute \(MTI\) Announcements](#)

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