

## Director's Corner

Martha Yoder, Director



As we close out another fiscal year, it's an opportune time to look back at MIOSHA's contributions to worker safety and health in Michigan.

Not only did we celebrate the agency's 40th anniversary, we worked with industry to invest more than \$1 million in worker protections across the state, continued to build partnerships and alliances, awarded companies for outstanding workplace safety and health, and strengthened our connection to industry.

**Here's a snapshot of some of the agency's achievements from fiscal year 2015:**

- Received the **William Q. Wierhdt Customer Service Award** for the success of the [MIOSHA Safety and Health Improvement Program](#).
- **Amendments to 114 rule sets were completed** pertaining to construction, general industry, occupational health and agriculture in response to the Office of Regulatory Reinvention's recommendations to simplify Michigan's regulatory environment.
- **Launched a [public service campaign](#)**, including posters and PSAs in both English and Spanish on fall protection, personal protective equipment and respiratory safety.
- **Held the agency's first-ever [student art contest and exhibit](#)** to spark a dialogue among youth about occupational safety and health.
- **Held more than 10 "stand downs"** across the state as part of federal OSHA's [National Safety Stand Down to Prevent Falls in Construction](#).
- **Graduated 153 students from the MIOSHA Training Institute.**
- **Held 156 "Take a Stand" Day events** with employers and employees across the state to provide special, one-on-one consultations to address safety and health issues with no citations or penalties.
- **Held eight Coffee with MIOSHA events** with employers and workers to share agency updates and discuss benefits of workplace safety and health. Employers that hosted the events include: The American Society of Safety Engineers Detroit and West Chapters, International Union of Operating Engineers Local 324 Journeymen & Apprentice Training Fund, Inc., Michigan Green Industry Association, Michigan Infrastructure & Transportation Association, and Tiara Yachts.

## "Take a Stand" Day

Tanya Baker, MIOSHA Communications Representative

For the 11th year, employers around the state joined MIOSHA to "Take a Stand" for workplace safety and health on August 12, 2015.

MIOSHA dedicated more than 125 safety and health professionals to visit Michigan's high-hazard industries targeted by its strategic plan.

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## “Take a Stand” Day (Continued)

Tanya Baker, MIOSHA Communications Representative



Compliance staff, outreach consultants, managers and supervisors provided one-on-one consultations with participating workplaces – free of citations and penalties – with the expectation that any serious hazards be corrected.

In total, more than 150 sites were visited before, during and after “Take a Stand Day,” some of which encompassed the construction, transportation equipment manufacturing, hospital, and nursing and residential care industries.

During each visit, MIOSHA staff worked collaboratively with companies to recognize hazardous conditions and effectively address safety and health issues.

Areas of focus included:

- Explaining the application of specific MIOSHA rules.
- Conducting a safety and health hazard survey.
- Evaluating the effectiveness of the company’s safety and health management system.
- Providing other technical assistance, as requested.



“Take a Stand” Day is one of several ways MIOSHA is focused on meeting the ever-changing safety and health needs of Michigan’s workforce.

One participant, Mike Heidman of MAM Contracting, Inc. in Traverse City said, “Thanks for offering these services. Small companies like ours would have spent a fortune for this.”



## Changes to MIOSHA’s Informal Settlement Agreement Process

Dawn Jack, MIOSHA Appeals Division Director

When an employer is issued a MIOSHA citation(s), they have three options: to request a penalty reduction, accept the findings, or disagree with the findings.

In the case of penalty reductions, what was formerly known as an “Informal Settlement Agreement” (ISA) is being changed to a “Penalty Reduction Agreement” (PRA). Under the new PRA option, employers may obtain a 50 percent reduction in the total penalty with the expectation that they do not appeal the citations, promptly correct the hazards, and pay the reduced penalty within 15 working days of MIOSHA’s approval of the PRA.

The PRA must be requested within five days after receiving a citation, and completed within 15 working days from the date the citation was received. It’s considered completed when it has been signed as approved by MIOSHA. Construction citations must be abated by the issuing division prior to approval of a PRA request.

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## Changes to ISA Process (Continued)

Dawn Jack, MIOSHA Appeals Division Director

Ineligible inspections or investigations for a PRA include:

- Involving a workplace fatality.
- Containing a willful citation.
- Qualifying for the Severe Violator Enforcement Program (SVEP),

MIOSHA has created a new online system for employers to quickly request a PRA 24 hours a day, seven days a week. Using the new online PRA system, an employer is able to:

- Immediately assess eligibility for a PRA.
- Immediately review the agreement terms and conditions.
- Electronically sign and submit the PRA request to MIOSHA.
- Receive immediate confirmation of the submission of a PRA request via the system and email.
- Receive status updates for the PRA request via email.
- Upload related abatement documentation for expedited review by MIOSHA staff.

The new online system will launch in November. To apply for a PRA, employers can go to the MIOSHA PRA webpage at [www.michigan.gov/mioshapra](http://www.michigan.gov/mioshapra). If an employer does not have access to a computer, contact the issuing division's PRA Coordinator at (517) 284-7750 for General Industry cases or (517) 284-7680 for Construction cases.

## New Minimum Wage for Michigan Employees

Tanya Baker, MIOSHA Communications Representative

Beginning January 1, 2016, Michigan workers will see an increase in the minimum wage rate from \$8.15 to \$8.50. This marks the second change to state law in a gradual, 25 percent increase of the minimum wage, which will result in a \$9.25 hourly rate by 2018.

New online resources have been made available at [www.michigan.gov/wagehour](http://www.michigan.gov/wagehour) for workers and employers as the new rate takes effect.

On May 27, 2014, the Workforce Opportunity Wage Act, Public Act 138 of 2014 (Act 138), took immediate effect, replacing the Michigan Minimum Wage and Overtime Act (Act 154). Act 138 is enforced by the Wage and Hour Program within MIOSHA.

Act 138 applies to employers in Michigan that have two or more employees age 16 and older. A copy of Act 138, along with the required poster, may be downloaded from the [Wage and Hour Program website](#).

### Dates of Minimum Wage Rate Increases

The current minimum wage is \$8.15. The rate increases as follows:

- January 1, 2016 - \$8.50
- January 1, 2017 - \$8.90
- January 1, 2018 - \$9.25

### Youth Training Wage

Act 138 allows an employer to pay a newly hired employee age 16 to 19 \$4.25 per hour for the first 90 days of employment.

### 85% Minimum Wage

Act 138 also allows an employer in Michigan to pay 85 percent of the minimum wage to employees aged 16 and 17; however, note that the current Federal Minimum Wage rate is \$7.25 per hour. Employers that are covered by both State and Federal Minimum Wage law should pay the higher applicable rate. Information on Federal Minimum Wage can be obtained by calling the United States Department of Labor at 866-487-9243.



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## New Minimum Wage (Continued)

Tanya Baker, MIOSHA Communications Representative

| Effective Date    | Minimum Hourly Wage Rate | 85% of Minimum Hourly Wage Rate |
|-------------------|--------------------------|---------------------------------|
| September 1, 2014 | \$8.15                   | \$7.25*                         |
| January 1, 2016   | \$8.50                   | \$7.25*                         |
| January 1, 2017   | \$8.90                   | \$7.57                          |
| January 1, 2018   | \$9.25                   | \$7.86                          |

\*per Federal Minimum Wage Rate

### Tipped Employees

Act 138 allows employers to take a tip credit on minimum wage under certain conditions for those employees who customarily and regularly receive tips.

#### The following conditions apply to taking a tip credit on the state minimum wage rate:

- The employee is in a position which customarily and regularly receives gratuities from a guest, patron, or customer for services rendered to that guest, patron, or customer.
- If the gratuities plus the minimum hourly wage rate do not equal or exceed the minimum hourly wage otherwise established, the employer pays any shortfall to the employee.
- The gratuities are proven gratuities as indicated by the employee's declaration for Federal Insurance Contribution Act.
- The employee was informed by the employer of the provisions of Act 138.
- If a credit is taken for gratuities received by an employee, then the employment records for each pay period shall contain the credit that was taken along with a written statement of the amount of gratuities received by the employee. The statement shall be signed by the employee and dated before the date the paycheck was received.

The minimum hourly rate of pay for a worker subject to tip credit provisions is:

| Effective Date    | Minimum Hourly Wage Rate | Tipped Employee Minimum Hourly Wage Rate | Provided Reported Tips Per Hour Average At Least |
|-------------------|--------------------------|--|--|
| September 1, 2014 | \$8.15                   | \$3.10                                   | \$5.05   |
| January 1, 2016   | \$8.50                   | \$3.23                                   | \$5.27   |
| January 1, 2017   | \$8.90                   | \$3.38                                   | \$5.52   |
| January 1, 2018   | \$9.25                   | \$3.52                                   | \$5.73   |

### **Overtime Requirements**

Employees covered by the overtime provisions of the Workforce Opportunity Wage Act must be paid one and a half times their regular rate of pay for hours worked exceeding 40 hours in a workweek.

For further questions or information call the Wage and Hour Program toll free at 855-464-9243 or visit the program website at [www.michigan.gov/MinimumWageAct](http://www.michigan.gov/MinimumWageAct).

## Best Practices

Doug Kimmel, Michigan Voluntary Protection Program (MVPP) Specialist, Consultation Education and Training (CET) Division

Albemarle, South Haven has been part of the Michigan Voluntary Protection Program (MVPP) since 2012. The site was initially awarded the Rising Star and was promoted to Star status in 2014. The MVPP Star award is given to sites that have an exemplary safety and health management system with injury and illness incidence rates below the industry average for the last three years.



The South Haven facility was incorporated in 1976 as Wyckoff Chemical Co. and currently retains 160 full time and contract employees. The site is a leading Current Good Manufacturing Practices (CGMP) manufacturer of custom drug intermediates and active pharmaceutical ingredients (APIs) for the branded pharmaceutical industry. Current product applications include anti-inflammatory, anti-fungal, cardio tonic, cancer treatment, anti-psychotic, and anti-viral.

The identification of best practices is an integral part of the MVPP approval and continuous improvement process.

Some of Albemarle's best practices include:

### Safety Tailgates

Safety tailgates were instituted at the site in 2006 and are performed twice daily by operations and maintenance personnel – once before the start of work, and again after lunch. Office tailgates are performed twice weekly and lab personnel perform daily tailgates. The tailgates are designed to stimulate conversation around a specific task being performed that day or a relevant work-related topic. Bi-weekly topics are also provided to employees to help increase awareness around leading indicators derived from the site's behavior-based safety program.

Tailgates are attended and performed by plant management and usually last about 10 minutes. Tailgates are one of the corporation's "10 Safety Expectations" and are performed both at the plant and corporate levels. The safety expectations, (listed below) began as a collaborative effort between the company's vice president of manufacturing and health, safety, and environmental (HSE) personnel. This led to annual face-to-face meetings between the VPs of manufacturing and HSE, and plant and HSE managers to ensure that all parties are working from the same concept: safety first.

### Safety Expectations

- 1. Management will demonstrate its commitment to safe operation:** Site management attends at least one tailgate a day.
- 2. Each employee will be accountable for working safely:** South Haven utilizes a progressive, discipline program that includes verbal and written warnings, and suspension/termination.
- 3. Each shift will begin with a tailgate safety discussion:** Every employee is responsible for attending and participating in daily tailgates.
- 4. Each site will have active safety awareness and hazard recognition/reduction programs:** The site instituted a grassroots peer-to-peer Behavior Based Safety program that is "owned" by the employees.
- 5. Good housekeeping will be practiced as a priority:** Weekly Gemba (lean management) and 5S (lean management technique to reduce waste and optimize productivity) checks are performed by senior management.
- 6. Employees will be actively involved in site safety programs with input opportunities, such as safety committees and suggestions:** Employees are encouraged to attend monthly safety committee meetings. The site has an employee developed program to track safety, quality and cost saving ideas. These ideas are reviewed by the safety committee and points are awarded by peers that can be redeemed for prizes, ranging from music downloads to trips.
- 7. Employees will be regularly informed of safety performance and significant incidents:** Electronic signage has been installed in common areas and is updated regularly with updates from all departments.
- 8. An occupational medical provider will be involved in management of work-related injuries/illnesses:** The site uses a number of health professionals in assessing injuries, including the help of the corporate doctor to aid local physicians with any exposure incidents.

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## Best Practices (Continued)

Doug Kimmel, MVPP Specialist, CET Division

**9. Special emphasis will be given to joint injuries and chemical exposures:** Chemical exposure is the number one behavior-based observation performed on site.

**10. Each site will actively promote off-the-job safety:** Site management encourages all employees to take PPE for use at home. The site believes that everyone should come back to work as safe as they leave.

### HSE Calls and Safety Heroes

The corporation holds monthly HSE calls that are attended by site personnel, including safety and manufacturing leadership to discuss current safety trends and issues. Along with this, sites nominate HSE “heroes” to represent the positive safety affects that employees have on one another. The corporate CEO chooses employees from the heroes list and highlights these individuals during the quarterly Global Town Hall meeting.

### Hazmat

Albemarle South Haven maintains fully staffed Hazmat response teams that are ready to respond whenever needed. The teams drill quarterly with a field, tabletop and medical first response drill. Many of the drills are conducted with input and assistance from the local fire department (South Haven Emergency Services), which plays an integral part in the safety of the site.

### Automation

To enhance performance, the manual environmental and safety forms have been converted to an electronic format. With the new format, the forms and related documentation can be completed in the field using a handheld intrinsically safe tablet.

The electronic system is able to detect missing entries, highlight entries that require explanation, and identify inappropriate information. It also has a mechanism that provides an alarm and email notification to supervisors of missing information to ensure that all tasks are completed. Information is uploaded in real time to an Access database over the site’s wireless network. The system was designed and developed by a team of employees whose next project will consist of an electronic, safe-work permitting form, ensuring all potential issues are mitigated prior to beginning work.

The best practices as described above may not work for every company. However, as with many best practices, sometimes only minor modification is needed for them to work in a different scenario, manufacturing process, or environment. Continuous improvement is a critical element to any safety and health management system. If you are interested in learning more about how to develop and implement a safety and health management system, visit the [MIOSHA website](#) to view the courses offered through the MIOSHA Training Institute.



## New Siding, Structural and Pre-Cast Local Emphasis Program

Tanya Baker, MIOSHA Communications Representative

An analysis conducted by the Bureau of Labor Statistics of the 2013 national figures of non-fatal occupational injuries and illnesses by industry and case types revealed a significant rise in injury and illness rates among siding contractors, structural steel and pre-cast concrete construction.

In response to the upsurge in injuries and illnesses in these sectors, MIOSHA has developed a Local Emphasis Program (LEP) for siding, structural steel and pre-cast concrete construction operations where workers are exposed to serious safety hazards that are likely to cause death or serious injuries.

The LEP, which applies to programmed inspections only, is effective from October 1, 2015 through September 30, 2016. During this time, MIOSHA plans to inspect more than 50 siding, structural steel and pre-cast concrete contractors on various sized jobsites over the duration of the LEP. The number of employers, affected employees, and violations, will be tracked and compiled.

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## New LEP (Continued)

Tanya Baker, MIOSHA Communications Representative



A demonstration of proper fall protection.

The main focus during inspections will be on the hazards associated with these operations, which predominantly include fall protection, scaffolds, ladders, personal protective equipment and tool guarding, electrical, precast and tilt up operations, and structural steel.

The siding sector consists mainly of small employers with ten or fewer employees that have limited resources and/or access to training opportunities. The siding sector is found in NAICS 238170, which also consists of small contractors performing specialty work with fascia, soffit, and gutter and downspout installation. These contractors typically perform siding operations on residential single and multi-family structures. They may encounter numerous hazards on the jobsite, but most frequently, unprotected sides and edges.

The structural steel sector consists of medium-to-large contractors that specialize in steel erection. The scope of work can vary dramatically, from a single beam placement on a residential home, to bridgework decking, or even

sky scraper structure erection. The work involves exposure to cranes, unprotected surfaces, overhead hazards and variations in fall protection based on heights and work activities.

When an industry shows elevated injury statistics, a key strategy of MIOSHA's Strategic Plan is to determine the need for increased enforcement activities, training, and outreach to reduce injuries and fatalities.

## Fatality Case Study: Millwright

Eric Allen, Manager, Construction Safety and Health Division (CSHD)

On April 16, 2014, an employer assigned several millwrights to remove a conveyor from a grain elevator at a farming operation. Throughout the course of the day, the employees removed steel grating and equipment. After the conveyor had been removed, an opening in the grating remained, but was not covered. While many of the other employees went to lunch, one employee stayed behind and continued to work. The crane operator on the ground level transferred a tool up to the millwright and a few minutes later, the millwright, wearing no fall protection, fell to the concrete below. The employee suffered fatal injuries related to the approximately 60-foot fall.

The company was cited for the following MIOSHA violations:

- Part 1, General Rules, Rule 114(1) – An accident prevention program was not maintained and coordinated.
- Part 20, Demolition, Rule 2032 – The employer did not comply with applicable parts of Part 45, Fall Protection during demolition activities.
- Part 20, Demolition, Rule 2033(2) – The employer did not provide a safe means of egress.



## Series on the 10 High-Hazard Industries in Michigan

### *Fabricated Metal Product*

Rick Pfander Jr., Safety Supervisor & Carla Mose, Health Supervisor, General Industry Safety and Health Division (GISHD)

**Fabricated Metal Products Manufacturing (NAICS 332)** is one of the ten high-hazard industries targeted by MIOSHA for enforcement and outreach activities during 2014-2018 because of high injury and illness rates in the industry. The incidence rate of nonfatal occupational injuries and illnesses in this industry in Michigan in 2013 was 6.5 cases per 100 full-time workers, compared to 5.2 cases for all private sector employers.

Industries in the Fabricated Metal Product Manufacturing subsector transform metal into intermediate or end products, other than machinery, computers and electronics, and metal furniture, or treat metals and metal-formed products fabricated elsewhere. Important fabricated metal processes are forging, stamping, bending, forming, and machining, which are used to shape individual pieces of metal and other processes, such as welding and assembling, which are used to join separate parts together. Establishments in this subsector may use one of these processes or a combination of these processes.

#### Safety and Health Hazards

Workers in fabricated metal products manufacturing are exposed to serious safety hazards on a daily basis. These hazards can cause crushing and amputation injuries at the point of operation on machines; burns when working with hot metal in various stages of the manufacturing process; crushing injuries with material storage and scrap metal handling; lacerations from metalworking, punching, shearing and stamping processes; and slips, trips, and falls from bad housekeeping practices. The equipment and materials used in this industry can expose employees to flying particles, lacerations, amputations, thermal burns, pinch points, and electrical hazards.



Workers are also exposed to serious health hazards. These stem from chemicals, noise, heat, and inadequate ventilation. Chemical exposures include hexavalent chromium, metal dusts, fumes, and various solvents. Workers can be potentially exposed to numerous metals including lead and cadmium during the work processed in this industry. These hazards can affect workers' overall well-being; some are known to cause cancer and can also target specific organs such as the lungs, skin, liver, and kidneys. Exposure to high noise levels can lead to hearing loss. Heat stress can produce rashes, fainting, and even death.

#### MIOSHA Standards

Many MIOSHA standards apply to this industry. The applicable General Industry Safety Standards include Parts 1, 1A, 2, 7, 11, 12, 14, 18, 19, 20, 21, 23, 24, 26, 33, 38, 39, 40, 42, 44, 45, 49, 58, 75, 85, and 92. The Occupational Health Standards include Parts 301, 309, 310, 315, 380, 430, 433, 451, 470, 472, 474, and 520. These standards, and publications related to the hazards, are located on the MIOSHA website at <http://www.michigan.gov/MIOSHA>.

MIOSHA's Consultation, Education and Training (CET) Division is available to employers so they may take steps voluntarily to correct hazards and comply with current safety and health regulations and practices. Employers can contact CET at 517-284-7720 for a free evaluation of their work place.

## MIOSHA has Moved!

As a friendly reminder, MIOSHA offices have relocated to downtown Lansing. Our new physical location is the **Stevens T. Mason Building, 530 W. Allegan Street, Lansing, MI 48933**. Directions to the Mason Building can be found [here](#).

For mailing, P.O. boxes will remain the same. However, overnight mailing (i.e., FedEx and UPS) should be addressed to 525 W. Allegan Street, Lansing, MI 48933.

Please also be aware that the agency has [new phone and fax numbers](#).

## FAQs

### Q: How do I file a safety or health complaint?

An employee or employee representative may file a complaint regarding workplace safety and health hazards. Complaints can be filed electronically on the [MIOSHA website](#), or you can call MIOSHA toll-free at 800-TO-MIOSH (800-866-4674) to have a complaint form mailed to you.

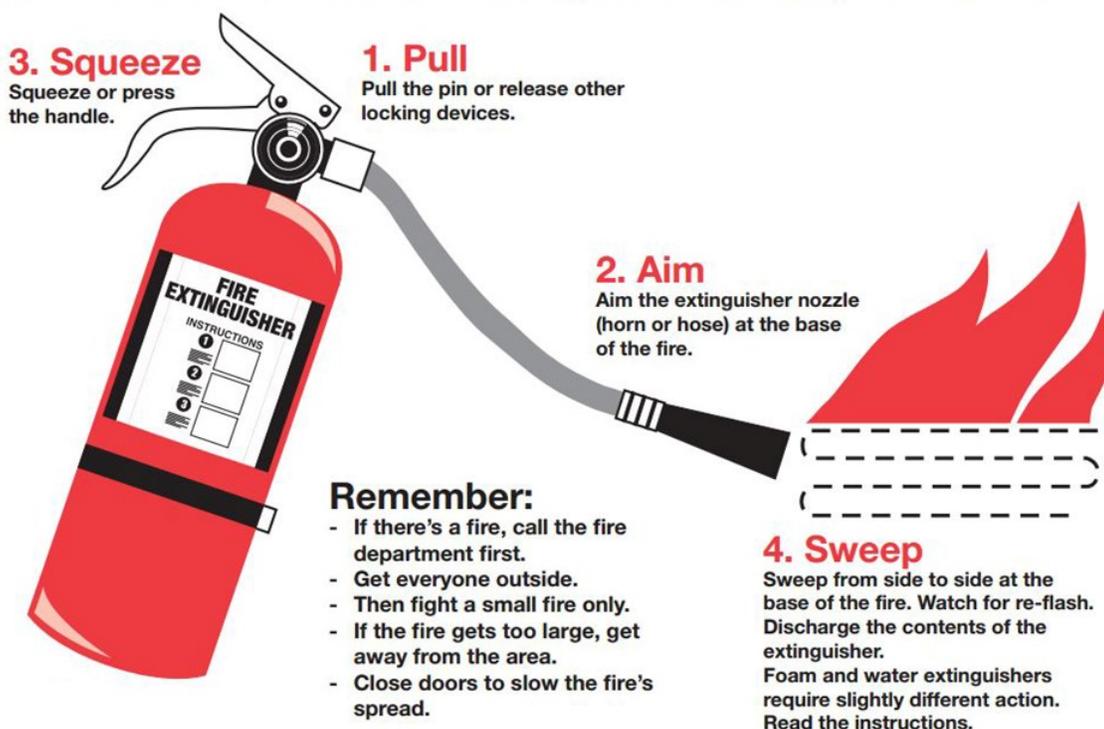
### Q: If I file a safety or health complaint, is my name kept confidential?

A complaint must be signed by the employee or employee representative. However, the employee may request their name be kept confidential from their employer during the inspection. A place to mark this preference is provided on the complaint form. If submitting a complaint in the form of a letter, the writer should state their desire to have their name protected and not released to the employer.

## How-To Use a Fire Extinguisher

Did you know October is National Fire Prevention Month? Now's the perfect time for a refresher on how to use a fire extinguisher:

### HOW MOST FIRE EXTINGUISHERS WORK



## Awards, Partnerships and Alliances

### PARTNERSHIP

A MIOSHA Cooperative Program

#### Barton Malow, MIOSHA Sign Partnership to Protect Workers During Holland Energy Park Project

Barton Malow Construction Services, the Department of Licensing and Regulatory Affairs

(LARA) and MIOSHA signed a formal partnership with the goal of zero worker injuries, accidents and near misses during the construction of a gas turbine electric power generation facility in Holland.



The Mission of the MIOSHA Program is:

**To Protect the Safety, Health, Earned Wages and Fringe Benefits of Michigan Workers.**

The MIOSHA News is a publication of the MIOSHA program.

Its purpose is to educate Michigan employers and employees about workplace safety and health; we encourage reprinting.

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Michigan Department of Licensing and Regulatory Affairs (LARA)

Michigan Occupational Safety and Health Administration (MIOSHA)

[www.michigan.gov/miosha](http://www.michigan.gov/miosha)

## Standards Update

### MIOSHA Standards Being Revised

- CS Part 1 General Rules
- CS Part 7 Welding and Cutting
- CS Part 10 Cranes and Derricks
- CS Part 12 Scaffold and Scaffold Platforms
- CS Part 15 Excavators, Hoists, Elevators, Helicopters and Conveyors
- CS Part 16 Power Transmission and Distribution
- CS Part 25 Concrete Construction
- CS Part 35 Confined Space in Construction
- GI Part 7 Guards for Power Transmission
- GI Part 21 Powered Industrial Trucks
- GI Part 74 Fire Fighting
- GI Part 85 The Control of Hazardous Energy Sources
- OH Part 380 Occupational Noise Exposure in General Industry
- OH Part 520 Ventilation Control
- OH Part 523 Abrasive Blasting
- OH Part 526 Dipping and Coating Operations
- OH Part 529 Welding, Cutting and Brazing
- Administrative Part 4 Procedures of the Board of Compliance and Appeals
- Administrative Part 12 Inspections and Investigations, Citations, and Proposed Penalties

Watch the MIOSHA [standards webpage](#) for final versions once they are approved. For more information regarding these proposed changes, go to the [ORR proposed rule status page](#) and click on “proposed revision info” adjacent to the specific standard.



LARA is an equal opportunity employer/program.

Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.