
MIOSHA

Michigan Occupational Safety and Health Administration (MIOSHA)
Department of Labor and Economic Opportunity (LEO)

AGENCY INSTRUCTION

DOCUMENT IDENTIFIER:
MIOSHA-COM-16-2R2

DATE:
July 31, 2024

SUBJECT: MIOSHA Field Operations Manual (FOM)

- I. Purpose: To revise and update the MIOSHA Field Operations Manual (FOM) for Enforcement.
- II. Scope: This instruction applies agency wide.
- III. Reference: US Department of Labor, Occupational Safety and Health Administration [Field Operations Manual](#) CPL 02-00-164, dated January 23, 2023.
- IV. Distribution: MIOSHA Staff; Federal OSHA; S-drive Accessible; MIOSHA Messenger; and Internet Accessible.
- V. Cancellations: All previous versions of this agency instruction.
- I. Next Review Date. To be reviewed three (3) years from date of issuance.
- II. History. History of previous versions include:
 - MIOSHA-COM-16-2R1, June 5, 2020
 - MIOSHA-COM-16-2, June 1, 2016
 - MIOSHA-MEMO-COM-06-1R5, November 22, 2013
 - MIOSHA-MEMO-COM-06-1R4, June 11, 2010
 - MIOSHA-MEMO-COM-06-1R3, April 6, 2010
 - MIOSHA-MEMO-COM-06-1R2, March 27, 2007
 - MIOSHA-MEMO-COM-06-1R1, October 25, 2006
 - MIOSHA-MEMO-COM-06-1, February 1, 2006
- III. Contact: [Barton G. Pickelman](#), Director
- IV. Originator: Barton G. Pickelman, Director
In Consultation with the FOM Work Group
Michigan Occupational Safety and Health Administration
- V. Significant Change. Federal OSHA updated its Field Operations Manual (FOM) in January 23, 2023. As part of MIOSHA's three-year review process, MIOSHA has reviewed and revised its FOM. For a complete list of significant changes, please see Appendix. Click for current FOM: [Field Operations Manual](#), as amended.

APPENDIX

Significant Changes for 2024

Corrected titles and hyperlinks to agency instructions referenced in the FOM.

Corrected titles and hyperlinks to standards referenced in the FOM.

Corrected title of Michigan Administrative Hearing System (MAHS) to Michigan Office of Administrative Hearings and Rules (MOAHR) on pages 11, 21, 128.

Removed the General Industry Safety and Health Division (GISHD) Health District Map.

Deleted the word catastrophe on pages 33, 34, 35, 39, and 107.

Pages 9 - 11 – updated the Responsibilities and Structure for Administration.

Page 18 – updated the Structure for the Consultation Education and Training (CET) Division.

Page 27 – Subpoenas – Subpoenas Issued to MIOSHA – General – modified language f) to read, “If a complainant has requested confidentiality, and a complainant’s name is required to be revealed under court order, the complainant will be notified by the Standards and FOIA Section staff by telephone and in writing.”

Pages 27-29 – The subpoena process changed from the Appeals Section to the Standards and FOIA Section.

Page 28 – Subpoenas – Subpoenas Issued to MIOSHA – Requirements of Subpoenas for Depositions/Trial Appearances (With or Without Records) – modified language d) to read, “If a subpoena is received in a district office, the MIOSHA employee must scan and email the subpoena and subpoena fee (if any) to the Standards and FOIA Section staff. Once the email is sent, the MIOSHA Employee must send the original subpoena and subpoena fee (if any) through ID mail to the Standards and FOIA Section.”

Page 28 – Subpoenas – Subpoenas Issued to MIOSHA – Requirements of Subpoenas for Depositions/Trial Appearances (With or Without Records) – modified language f) to read, “. . . the Standards and FOIA Section staff may contact the Attorney General’s Office for guidance on what to release.”

Pages 29 and 30 – Subpoenas – Administrative Subpoenas Issued by MIOSHA – added a new paragraph to this section. “If a MIOSHA employee has a reasonable need for records, documents, testimony, or other supporting evidence necessary for completing an inspection and has reason to believe that the information or testimony may not be provided or permitted under the terms or in the manner specified by the MIOSHA employee without an order to do so, the

MIOSHA employee may notify their supervisor to request an administrative subpoena be issued.”

Page 30 – Subpoenas – Administrative Subpoenas Issued by MIOSHA – modified language in the first sentence in 3. to read, “Upon receipt of notification of a MIOSHA employee’s request for an administrative subpoena, or notification of an employer or employee’s refusal to provide requested information or evidence, the division director will decide whether an administrative subpoena should be requested.”

Pages 33 and 34 – Unprogrammed Inspections – Definitions – Complaints – deleted language “or an individual with knowledge of the workplace, such as the employee of a contractor working on-site.”

Page 35 – Complaints – Evaluating Complaints – added a note, “NOTE: Complaint filing will be limited to current employees, former employees (filed within 30 days after employment ends), or an employee representative. An employee representative will be defined as:

- a) A representative of the certified or recognized bargaining agent, or, if none,
- b) An employee member of a safety and health committee who has been chosen by the employees (employee committee members or employees at large) as their MIOSHA representative, or
- c) A person who has been selected as the walkaround representative by a majority of the employees of the establishment.”

Page 37 – Off-Site Complaint Inspections – deleted language, “Initially, off-site complaint inspections do not include an on-site inspection of the workplace. Most on-line complaints will be addressed by one (1) of these two (2) methods.”

Page 59 – Interviews – Privacy – removed language, “Whenever an employee expresses a preference that an employee representative be present for the interview, the SO/IH shall make a reasonable effort to honor that request.”

Page 59 – Interviews – Privacy – added language, “Interviews conducted in the presence of a language interpreter or transcriptionist that has been obtained by the SO/IH for purposes of facilitating questioning or transcribing the interview are still considered to be in private.”

Page 85 – Other-Than-Serious (OTS) Violations – deleted language, “Regulatory violations are generally cited as other-than-serious.”

Pages 93 and 94 – Time Limitations – Clarified language for time limitations in paragraphs (1), (2), and in example 1.

Page 95 – Alleged Violation Description (AVD) – The AVD language was changed from all upper case to lower case and bolded.

Page 95 – Repeat Documentation – Added the word current to this sentence, “Preservation of this documentation may be accomplished either by including these documents as a section of the inspection file for the current repeat violation or retaining the inspection file for the prior violation.”

Page 106 – Penalties – General Policy – Added language stating that staff must apply the maximum penalty adjustments for a failure to report a fatality, inpatient hospitalization, amputation, or loss of eye when the death or injury occurs on a small family farm to the owner of the family farm or a family member of the owner (i.e., spouse, child, stepchild, foster child, parent, stepparent, or foster parent).

Page 115 – Failure to Submit Notification of Abatement (NOA) – Deleted the word “Provide” in the title and added the word “Submit” in the title. Added a note, “NOTE: CSHD may issue Rule 1349 citations classified as “serious” in circumstances when a follow-up inspection cannot be conducted.”

Page 124 – Regulatory Violations – Added new language, “For repeated instances of regulatory violations, the initial penalty (for the current inspection) shall be multiplied by 2 for the first repeated violation and multiplied by 5 for the second repeated violation. If the division director or designee determines that it is necessary to achieve the proper deterrent effect, the initial penalty can be multiplied by 10.”

Page 131 – Informal Conferences – General – Added language, “Pursuant to Rule 1339, Part 13, Inspections and Investigations, Citations and Proposed Penalties, the complaining party may obtain informal review of a determination made regarding a complaint by submitting a written statement of position to the department.”