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# MIOSHA

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

# AGENCY INSTRUCTION

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DOCUMENT IDENTIFIER:  
MIOSHA-COM-05-2R6

DATE:  
August 7, 2024

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**SUBJECT: Abatement Assurance and Follow-up Inspection Procedures**

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- I. Purpose. To establish procedures when obtaining and reviewing abatement, issuing Failure to Submit Notification of Abatement (FSNA) citations, initiating follow-up inspections, and Failure-to-Abate (FTA) notices.
- II. Scope. This instruction applies to compliance inspections conducted by the Construction Safety and Health Division (CSHD) and the General Industry Safety and Health Division (GISHD).
- III. References.
  - A. Agency Instruction MIOSHA-COM-04-2, [Appeal and Settlement Processes for MIOSHA Enforcement Divisions](#), as amended.
  - B. [Michigan Occupational Safety and Health Act](#), MCL 408.1001 et seq., P.A. 154 of 1974, as amended.
  - C. MIOSHA Administrative Standard [Part 13, Inspections and Investigations, Citations, and Proposed Penalties](#).
  - D. [MIOSHA Field Operations Manual](#), as amended (FOM).
- IV. Distribution. MIOSHA Staff; Federal OSHA; S-drive Accessible; MIOSHA Messenger; and Internet Accessible.
- V. Cancellations. All previous versions of this agency instruction.
- VI. Next Review Date. To be reviewed in five (5) years from date of issuance.
- VII. History. History of previous versions include:
  - MIOSHA-COM-05-2R5, September 12, 2018
  - MIOSHA-COM-05-2R4, August 22, 2018
  - MIOSHA-COM-05-2R3, August 7, 2014
  - MIOSHA-COM-05-2R2, August 10, 2010
  - MIOSHA-COM-05-2R, December 9, 2005
  - MIOSHA-COM-05-2, September 23, 2005
- VIII. Contact. [Lawrence Hidalgo](#), Jr., Director, CSHD, [Adrian Rocskay](#), Director, GISHD.
- IX. Originator: Barton G. Pickelman, Director
- X. Background. MIOSHA seeks to have hazards abated by the employer to prevent future harm to employees. This instruction was developed to combine Agency Instruction MIOSHA-COM-05-2 Failure to Submit Notification of Abatement, as amended, and Division Instruction GISHD-COM-07-1 Abatement Assurance and Follow-up Inspection Procedures, as amended, into one procedure. This instruction will provide guidance on

how MIOSHA employees are to implement different scenarios. This will help with consistency within the Agency and ensure that hazards are being abated by employers.

XI. Significant Changes.

- A. Clarified when CSHD will send a Corrective Action Worksheet (CAW) to the employer. See Section XII. Abatement, D.
- B. Clarified when the Penalty Reduction Agreement (PRA) system may be used to submit documentation of abatement. See Section XII. Abatement, E.
- C. Updated the procedure for abatement receipt processing in CSHD. See Section XIII. Procedures for Reviewing Abatement Assurance Documentation, C.
- D. Clarified the procedure to follow when abatement documentation is not received by the abatement due date. See Section XIV. Procedures for Requesting Abatement Documentation, B, C and D.
- E. Updated Appendix B, to reflect the referenced sections of the instruction.
- F. Removed former Appendix C, flow chart for abatement documentation for CSHD.
- G. Updated Corrective Action Worksheets in Appendix A. See [Appendix A](#).
- H. Updated Failure to Submit Notification of Abatement letters in Appendix C. See [Appendix C](#).
- I. Updated Cover Letters for Failure to Submit Notification of Abatement. See [Appendix D](#).
- J. Added procedure for Processing FSNA Citations in Occupational Safety and Health Administration (OSHA) Information System (OIS). See [Appendix E](#).
- K. Updated Processing Failure to Abate (FTA) Notices in OIS for MIOSHA. See [Appendix F](#).
- L. Throughout the instruction, CSHD is using calendar days to count deadlines, as opposed to working days or business days.
- M. Added requirement that administrative support staff in CSHD will assign a task to the abatement staff 15 calendar days after the employer has received the citation packet, to telephone or e-mail the employer requesting abatement or additional abatement if unsatisfactory abatement was previously submitted. See Section XIV. Procedures for Requesting Abatement Documentation, C.4.
- N. Updated, in CSHD, within 15 calendar days after abatement staff have contacted or made attempts to contact the employer, the administrative support staff will mail the FSNA letter. See Section XIV. Procedures for Requesting Abatement Documentation, C.5.
- O. Clarified the FTA Notification is Rule 1356(1). See Section XVI. Conducting the Follow-up Inspection, B.

- P. Updated the procedures to be followed by the Safety Officer/Industrial Hygienist (SO/IH) when they are unable to make contact with an employer to conduct a mobile jobsite follow-up inspection. See Section XVII. Mobile Jobsite Follow-up Inspections.
- Q. Removed requirement for closed case files to be maintained in Lansing, as case files are digitally maintained. See Section XVIII. Closing Casing Files.

XII. Abatement.

- A. Employers are required to notify MIOSHA when they become compliant with a MIOSHA citation per Administrative Part 13, Rule 1349. Abatement must be adequate to ensure the citation item has been corrected.
- B. Abatement for citation items originally classified as serious, repeat serious, repeat other-than-serious, fail-to-abate, willful serious, willful other-than-serious, or egregious require abatement documentation as deemed appropriate by the issuing division. An example of abatement documentation for these violation classifications is a detailed description of how the violation was abated, along with the following documentation:
  - 1. Work orders or an invoice indicating the corrective work has been done.
  - 2. Photographs of the abated conditions.
  - 3. Other forms of conclusive evidence that the employees are no longer exposed to the hazard.
- C. For citation items classified as other-than-serious, a signed copy of the citation item or written confirmation indicating the item has been abated is acceptable documentation of abatement. If written confirmation is provided for an other-than-serious citation, it should include:
  - 1. Inspection number, citation, and item number for each violation.
  - 2. A statement that the violation was abated.
  - 3. Date of abatement.
  - 4. A signature or the name of the person certifying compliance.
- D. In CSHD, a copy of a CAW will be mailed out with the citation packets (See [Appendix A](#)); a CAW will not be mailed out with the citation packet if there were only other-than-serious citations issued. This CAW form may be used for GISHD for inspections with other-than-serious violations only.
- E. Employers may submit abatement by mail, fax, hand-delivery, Penalty Reduction Agreement (PRA) system if they have an active PRA, or e-mail to [MIOSHA-CSHD@michigan.gov](mailto:MIOSHA-CSHD@michigan.gov); [MIOSHA-GI-Safety-AA@michigan.gov](mailto:MIOSHA-GI-Safety-AA@michigan.gov) or [MIOSHA-GI-Health-AA@michigan.gov](mailto:MIOSHA-GI-Health-AA@michigan.gov) respectively.

XIII. Procedures for Reviewing Abatement Assurance Documentation. See [Appendix B](#) for a flow chart for abatement documentation for GISHD.

Abatement Assurance and Follow-up Inspection Procedures

- A. Abatement, if not electronically date-stamped, will be date-stamped with the date it was received in the division and scanned and saved in the case file.
  - B. For abatement documentation sent electronically, a copy of the e-mail(s) and any attachments will be saved in the case file.
  - C. For GISHD, the abatement is e-mailed to the appropriate field staff, supervisor, or manager (abatement staff) for review. For CSHD, clerical staff will add abatement to the case file and assign a task in FileManager (FM) to the appropriate abatement staff.
  - D. Abatement is reviewed as it is received, item by item, without waiting until complete abatement has been received for all inspection citation items.
  - E. If there are multiple inspections at a single workplace, abatement reviews should be coordinated, e.g., when multiple inspections are initiated at the same facility simultaneously and the citations are issued concurrently.
  - F. Abatement staff will document whether abatement is acceptable or not in the case file.
  - G. MIOSHA staff will review each file that has become a final order of the Board to determine if the case file contains adequate abatement for the citation items issued.
  - H. Case files that have been found to have satisfactory abatement documentation, and no outstanding penalty, will be closed following division procedures.
- XIV. Procedures for Requesting Abatement Documentation. All contact and correspondence with the employer must be documented on the diary sheet and maintained with the case file.
- A. Requests for abatement documentation will not be initiated unless one of the following conditions are satisfied:
    - 1. A citation item has become a final order of the Board.
    - 2. The abatement due date for a citation item has passed.
    - 3. The division has received no abatement or has received only partial or inadequate documentation.
  - B. If abatement documentation is not received by the abatement due date:
    - 1. In GISHD, within 30 calendar days from the abatement due date, the administrative support staff is to mail the FSNA letter to the employer. A copy of the FSNA letter must be saved in the case file.
    - 2. In GISHD, if no response is received from the employer within 30 calendar days after the date the FSNA letter is mailed, the abatement staff will telephone the employer.
      - a) The abatement staff will contact the employer via telephone and/or e-mail. The diary sheet will be updated.

- b) The abatement staff has three (3) working days to contact the employer.
    - c) From the date of contact, the employer will have 14 calendar days to submit satisfactory abatement.
    - d) If satisfactory abatement is not received after the measures taken in this subsection, continue to Section XIV.D.
  - 3. In CSHD, administrative support staff will assign a task to the abatement staff 15 calendar days after the employer has received the citation packet, to telephone or e-mail the employer requesting abatement or additional abatement if unsatisfactory abatement was previously submitted. Abatement staff should provide abatement assistance.
  - 4. In CSHD, within 15 calendar days after abatement staff have contacted or made attempts to contact the employer, the administrative support staff will mail the FSNA letter with a courtesy copy of the original citations and an additional CAW to the employer. A copy of the FSNA letter must be saved in the case file. The administrative support staff will update the diary sheet.
  - 5. In CSHD, if no response is received from the employer within 21 calendar days after the date the FSNA letter is mailed the abatement staff is to contact the employer via telephone or e-mail and document contact or attempted contact on the diary sheet.
    - a) If the supervisor reaches the employer, explain the reason for the call and advise the employer about the FSNA citation (Rule 1349) if no abatement is received. If no abatement is received, move on to Section XV.
    - b) If the supervisor leaves a voice message, explain the reason for the call and advise about the FSNA citation (Rule 1349) if no abatement is received. Call the next day and then go to Section XV.
    - c) If the supervisor cannot leave a voicemail, call the next day and then go to Section XV.
    - d) Document the calls in the diary sheet.
- C. If the employer submits unsatisfactory abatement, the abatement staff is to immediately telephone or e-mail the employer and explain what additional or corrected information is needed.
  - 1. The employer must be asked to submit the requested abatement by mail, fax, hand-delivery, PRA system if they have an active PRA, or e-mail.
  - 2. If satisfactory abatement has not been received within two (2) weeks of contact, the respective division will send an FSNA letter. See [Appendix D](#)

for a sample of the letter to be used. Abatement staff will follow steps beginning with B.3 above.

- D. In GISHD, in response to XIV.C. if the employer submits unsatisfactory abatement documentation in response to the FSNA letter, the abatement staff is to immediately telephone or e-mail the employer and explain what additional or corrected information is needed.
1. The employer must be asked to submit the requested abatement immediately.
  2. If satisfactory abatement has not been received within two (2) weeks of the telephone call or e-mail, see Section XV. of this instruction.
  3. Staff should provide abatement assistance, when necessary (e.g., verbally, mailing the employer a sample written program or information sheet), set new deadlines, and, if necessary, contact higher-ranking officials in the employer's organization.
  4. During the last contact with the employer, staff must inform the employer they will receive a Rule 1349 citation with a monetary penalty if the division does not receive the abatement documentation within the time period established, or they will be subject to a follow-up inspection with the possibility of FTA notice and penalties.
- XV. Enforcement of Abatement Requirements. If satisfactory abatement is not received after the above steps have been followed, the FSNA citation can be issued to the employer, or a follow-up inspection will be initiated with the possibility of FTA notice and penalties.
- A. Issuing an FSNA citation per Rule 1349. Rule 1349 citations can only be issued for other-than-serious violations. They may be issued without conducting a follow-up inspection. The following applies when a Rule 1349 citation is issued:
1. Because a Rule 1349 citation does not address a specific hazard in the workplace, there is no need to contact the employees/employee representative before issuance.
  2. A Rule 1349 citation is always issued under the original inspection number in continuous sequence of the original inspection citation items. FSNA citations will be entered into OSHA OIS per [Appendix E](#).
  3. A letter explaining why a Rule 1349 violation is being cited for FSNA will be mailed to the employer along with the citation. See [Appendix D](#).
  4. A Rule 1349 citation will be classified as other-than-serious. If more than one violation of Rule 1349 exists (i.e., the employer has not sent abatement for several citation items), there will still be just one citation item for Rule 1349.
  5. The FSNA penalty amount will be calculated as per the FOM.

6. Administrative support staff will send the new violation to the employer via certified mail.
  7. A signed copy of the Rule 1349 violation, in addition to written documentation stating that the original citation item(s) has been abated, is acceptable documentation of abatement for items classified as other-than-serious.
- B. Assigning a Follow-up Inspection.
1. If the employer does not respond to requests for abatement and does not provide appropriate abatement within 30 days after the final request, a supervisor may assign a follow-up inspection.
  2. Follow-up inspections may be assigned for all fatalities, willful, egregious, and high gravity serious violations, regardless of abatement received, unless the condition was abated during the time of the inspection.
  3. Follow-up inspections may be conducted to verify engineering controls are adequate to ensure worker health and safety.
  4. In addition, the division has the right to conduct follow-up inspections on a random basis or whenever it is deemed necessary.
- XVI. Conducting the Follow-up Inspection.
- A. The safety officer (SO)/industrial hygienist (IH) is to conduct the assigned inspection in accordance with the FOM priority schedule.
  - B. The SO/IH will propose an FTA Notification, Rule 1356(1), for all violations that are still not abated at the time the follow-up inspection is initiated. Any exceptions must be approved by the appropriate supervisor.
  - C. The SO/IH will inform the employer at the closing conference whether an FTA Notification is proposed due to unabated citation items.
  - D. Refer to the FOM for instructions on writing an FTA Notification and calculating FTA penalties.
  - E. Administrative support staff shall send the FTA Notification to the employer via certified mail.
  - F. If new violation(s) are discovered during the follow-up inspection, they will be issued under a companion/concurrent inspection number, not under the follow-up inspection.
  - G. Follow-up inspections will be entered into OIS per [Appendix F](#). These instructions are also available on SharePoint.
- XVII. Mobile Jobsite Follow-up Inspections.
- A. The SO/IH is to travel to the location where the original violations occurred unless there is knowledge that the jobsite is no longer active.

- B. Once at the jobsite, the SO/IH is to attempt to discover if work is being conducted by the employer related to the previous citations.
  - 1. If it is discovered that the employer is not at the site performing work, the SO/IH is to drive to the mailing address, registered address, and/or best-known location for the employer. If the SO/IH makes contact with the employer, the SO/IH will determine the location of a current jobsite to conduct an inspection, if possible. If no on-site contact is made, the SO/IH will call their supervisor for further instruction. All of the above measures to contact the employer are to be documented on the diary sheet for the respective case file.
  - 2. For construction operations, some jobsites may be easier than others to determine if work is being conducted, i.e., residential construction or road construction. Some construction jobsites will be more difficult, such as industrial work operations or commercial buildings where various contractors are working. If construction work is being performed on the jobsite, the SO/IH is to make contact with the employer and conduct the inspection. If the SO/IH is unsure if the employer is still at the jobsite, the SO/IH is to make contact with the controlling contractor at the jobsite, typically the general contractor, to determine if work is being conducted at the site.
  - 3. For construction operations, the SO/IH will bring a copy of the original citations and a copy of CAW - [Appendix A](#) with them to the jobsite to have a reference of the issues discovered previously. The SO/IH will have the employer complete the CAW. The abatement will be turned in to their supervisor for review and possible case file closure.

#### XVIII. Closing Case Files.

- A. When acceptable abatement is received by the issuing division for all citation items and the penalties paid, the file will be closed in OIS. The case file close date is the date that MIOSHA received the acceptable abatement from the employer for the last abated citation item(s), the final order date, or the date that the final payment was received, whichever is later.
- B. The issuing division has the authority to administratively close a case file when abatement and/or penalties have not been received, e.g., the company is out of business. Approval from the division director will be required. The reasons for administratively closing must be documented in the case file.



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Abatement Assurance and Follow-up Inspection Procedures

**Appendix A**

**CORRECTIVE ACTION WORKSHEET**

Inspection #: \_\_\_\_\_ Optional Report #: \_\_\_\_\_ Issuance Date: \_\_\_\_\_

Inspection Site: \_\_\_\_\_

Company Name: \_\_\_\_\_

Company Phone #: \_\_\_\_\_ FEIN/Tax ID #: \_\_\_\_\_

Company Email: \_\_\_\_\_

List the specific method of correction for each **serious** type of violation that does not read “Corrected During Inspection” and return to: MI Occupational Safety and Health Administration, Construction Safety & Health Division, 530 West Allegan Street, P.O. BOX 30645, Lansing, MI 48909.

**EXAMPLE:**

Citation Number:   1   Item Number:   1   was corrected on:   1/3/2021  

By (Method of Correction): Item was corrected by installing the proper fall protection. Our employees have been retrained and the job is completed.

Citation Number: \_\_\_\_\_ Item Number: \_\_\_\_\_ was corrected on: \_\_\_\_\_

By (Method of Correction): \_\_\_\_\_

Citation Number: \_\_\_\_\_ Item Number: \_\_\_\_\_ was corrected on: \_\_\_\_\_

By (Method of Correction): \_\_\_\_\_

Citation Number: \_\_\_\_\_ Item Number: \_\_\_\_\_ was corrected on: \_\_\_\_\_

By (Method of Correction): \_\_\_\_\_

By (Method of Correction): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

NOTE : Public Act 154, MCL 408.1035a(7) states: A person who knowingly makes a false statement, representation, or certification in an application, record, report, plan, or other document filed or required to be maintained pursuant to this act, or who fails to maintain or transmit a record or report as required under section 61, is guilty of a misdemeanor and shall be fined not more than \$10,000.00, or imprisoned for not more than 6 months, or both.

POSTING: A copy of the Corrective Action Worksheet should be posted for employee review.

**CORRECTIVE ACTION WORKSHEET (OTHER THAN SERIOUS (OTS))**

Inspection Number: \_\_\_\_\_

Optional Report Number: \_\_\_\_\_

Company Name: \_\_\_\_\_

Company Phone: \_\_\_\_\_

Company Email: \_\_\_\_\_

Company Tax ID #: \_\_\_\_\_

Inspection Site: \_\_\_\_\_

Issuance Date: \_\_\_\_\_

List the date the items were corrected, sign and date below to indicate that the OTS citations have been abated/corrected for each of the items in the citation package that do not read “Corrected during Inspection” and return to: [MIOSHA-CSHD@michigan.gov](mailto:MIOSHA-CSHD@michigan.gov) or mail to: MI Occupational Safety and Health, Construction Safety & Health Division, 530 West Allegan St., PO BOX 30645, Lansing, MI 48909.

**EXAMPLE: Citation Number: 1 and Item Number: 1 was corrected on: 5/10/2023**

Citation Number: \_\_\_\_\_ and Item Number: \_\_\_\_\_ was corrected on: \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement. By signing below, the signature represents that the above listed citation(s) and item number(s) have been corrected.

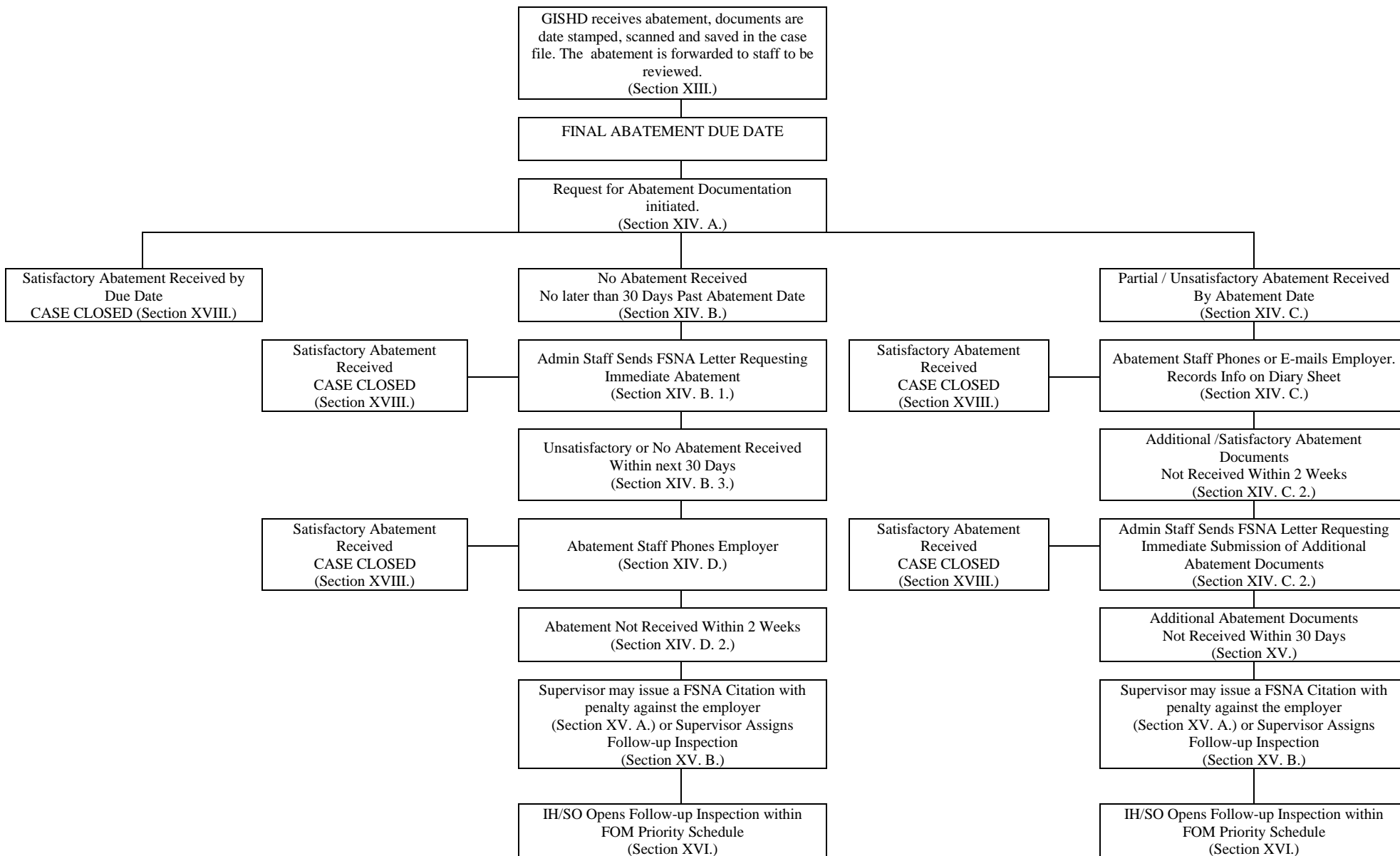
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

*NOTE : Public Act 154, MCL 408.1035a(7) states: A person who knowingly makes a false statement, representation, or certification in an application, record, report, plan, or other document filed or required to be maintained pursuant to this act, or who fails to maintain or transmit a record or report as required under section 61, is guilty of a misdemeanor and shall be fined not more than \$10,000.00, or imprisoned for not more than 6 months, or both.*

*POSTING: A copy of the Corrective Action Worksheet should be posted for employee review.*

## Appendix B Flow Chart for GISHD



**Appendix C**  
**Failure to Submit Notification of Abatement Letter**

Date

Name of Employer  
Street Address  
City, State, ZIP code

**FAILURE TO SUBMIT NOTIFICATION OF ABATEMENT**

INSPECTION #:

INSPECTION DATE(S):

CITATION #:

ITEM(S) #:

The Michigan Occupational Safety and Health Act, Act 154 of the Public Acts of 1974, Section 33(3), requires that the employer to whom a citation is served, notify the appropriate department of compliance. You are advised that acceptable notification of abatement on the above listed violation(s) has not been received by our department.

The above violation(s) has become a final order of the Board of Health and Safety Compliance and Appeals and is no longer eligible for an appeal or an extension of the abatement without approval from the Board.

**IMPORTANT**

Failure to submit notification of abatement within seven days could result in a follow-up inspection. A follow-up inspection may result in issuance of a Failure-to-Abate (FTA) Notification for unabated items. FTA notices carry a penalty of up to \$7,000.00 per day. In addition, repeat or willful violations may be cited with penalties of up to \$70,000.

In addition, Executive Order Number 2003-1 requires that contractors and vendors doing business with the State of Michigan be in compliance with State and Federal Law. Willful and/or persistent violation of the Michigan Occupational Safety and Health Act, Act 154 of 1974 as amended, may result in the disbarment of a contractor or vendor from being awarded a contract for the provision of goods and services to the State of Michigan for a period of up to eight (8) years.

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Abatement Assurance and Follow-up Inspection Procedures

Notification of abatement may be accomplished by the following methods:

For other-than-serious (OTS) violations: Submitting to the department, signed and dated, the notification of abatement copy of the citation or by certifying in writing that the above violations have been corrected.

For all violations originally classified as Serious (S), Willful (W), or Repeat (R), violations: Providing evidence of abatement such as photographs, work orders, equipment bills, or other conclusive evidence that your employees are no longer exposed to the cited hazard.

In the documentation that you submit, please refer to the inspection number, citation number, and item or sub-item number being abated. If you need additional information, please contact me at {phone number}.

Sincerely,

Name of Safety or Health Supervisor

Job title

Int:Int

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Abatement Assurance and Follow-up Inspection Procedures

**Failure to Submit Notification of Abatement Letter (CSHD)**

Date

Name of Employer

Street Address

City, State, ZIP code

**FAILURE TO SUBMIT NOTIFICATION OF ABATEMENT**

INSPECTION#:

INSPECTION DATE:

OPTIONAL REPORT #:

CITATION #:        ITEM#:

The Michigan Occupational Safety and Health Act, Act 154 of the Public Acts of 1974, Section 33(3) requires that the employer to whom a citation is served notify the appropriate department of compliance. You are advised that notification of abatement on the above listed violation(s) has not been received by our department.

The above referenced violation(s) has become a final order of the Board of Health and Safety Compliance and Appeals and are no longer eligible for an appeal or an extension of the abatement (correction) date.

**IMPORTANT**

Notification of abatement may be accomplished by submitting written documentation of corrective actions, along with the inspection number located on the top of this page via one of the following methods: US Mail, Fax: (517) 284-7685, or Email: [miosha-cshd@michigan.gov](mailto:miosha-cshd@michigan.gov).

Below are examples of documentation that will be accepted:

- A detailed description of how the violation was corrected.
- Photographs of corrected conditions with an accompanied description.
- Citations classified as other-than-serious (OTS) are only required to be signed and dated to certify compliance. Additional documentation is not required.

If you have any questions regarding this notification, or if you would like a copy of the originally issued citations associated with this inspection, please contact the Construction Safety and Health Division at (517) 284-7680.

Sincerely,

Name of Safety or Health Manager  
Construction Safety and Health Division

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Abatement Assurance and Follow-up Inspection Procedures

INT:int

**APPENDIX D**

**Cover Letter for FSNA**

Date

Employer Name  
Employer's Address  
City, State, ZIP code

Dear Company Representative:

Enclosed is a newly issued citation for your company's failure to submit required documentation of abatement for Citation # X, Item # X for Inspection #. This inspection was conducted on OPENING CONFERENCE DATE, at JOB SITE ADDRESS.

Notification of abatement may be accomplished by submitting written documentation of corrective actions, along with the inspection number via one of the following methods:

DIVISION ADDRESS

DIVISION Fax: or

DIVISION Email:

Payment may be submitted online via electronic check (e-check/ACH), debit card, or credit card at <https://www.thepayplace.com/mi/leo/mioshapenaltypmt>. Payments made with a debit or credit card may be subject to a convenience fee. Payment can also be made by mailing a check or money order, made payable to the "State of Michigan", to Michigan Department of Labor and Economic Opportunity, DIVISION P.O., Lansing, MI 48909.

If you have any questions regarding this notification, please contact the DIVISION Safety and Health Division at DIVISION PHONE.

Sincerely,

Name, Title  
Division

Int:Int

Enclosures: Original Citations, Inspection #, issued on XX-XX-XXXX.  
FSNA Citation, issued on XX-XX-XXXX.



[Appendix E](#)

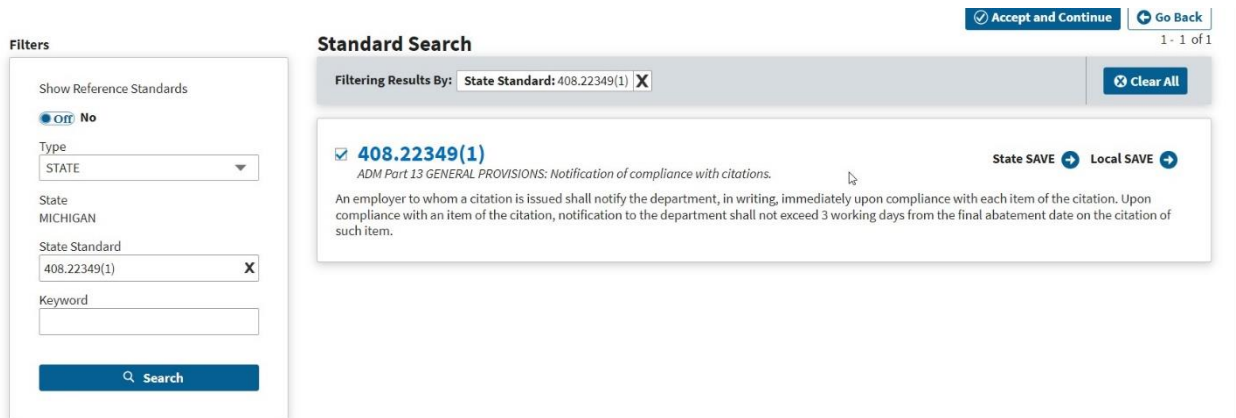
**Processing FSNA Citations in OIS**

1. Open OIS and log in.
2. Click on the drop-down menu under “Go To”.
3. Select “Inspection”.
4. Type in the inspection number .
5. Press Enter (or click the blue arrow).
6. Go to the “Violation” tab.
7. Click “...”.
8. Click “Add Violation”.
9. Enter the Citation #.
  - a. This will be the next OTS or new OTS violation in numerical order.
10. In the “Citation/Notice Type”, choose Other-than-Serious.

**Violation Item**

Citation #	Item #	Group Letter	Citation/Notice Type*
2	3		Other-than-Serious

11. Click on the magnifying glass in the “Search Standard” box.
12. Change “Federal” to “State”.
13. Enter State Standard # 408.22349(1).
14. Click “Search”.
15. Click the standard check box.
16. Click “State Save”.



The screenshot shows the 'Standard Search' interface. On the left, there are filters for 'Show Reference Standards' (set to Off), 'Type' (set to STATE), 'State' (MICHIGAN), and 'State Standard' (408.22349(1)). A 'Search' button is at the bottom of the filter panel. The main search area shows 'Filtering Results By: State Standard: 408.22349(1)'. A search result for '408.22349(1)' is displayed with a checked checkbox and the text 'ADM Part 13 GENERAL PROVISIONS: Notification of compliance with citations.' Below this, a description states: 'An employer to whom a citation is issued shall notify the department, in writing, immediately upon compliance with each item of the citation. Upon compliance with an item of the citation, notification to the department shall not exceed 3 working days from the final abatement date on the citation of such item.' Action buttons for 'State SAVE' and 'Local SAVE' are visible. At the top right, there are buttons for 'Accept and Continue', 'Go Back', and 'Clear All'.

17. Click the standard check box.
18. Click “Accept and Continue”.
19. In the Alleged Violation Description box copy and add in the follow up language.

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Abatement Assurance and Follow-up Inspection Procedures

- a. Inspection # XXXXXXXX  
Citation # 1, Item # X, X, X  
Citation # 2, Item # X, X, X  
Issued on XX/XX/XXXX as outlined on Page 2, Section 1 of this document.

PENALTY DUE ON ORIGINAL CITATION: \$XXX.XX  
PENALTY DUE ON FOLLOW-UP CITATION: \$XXX.XX  
TOTAL PENALTY DUE: \$XXX.XX

**Violation Item**

Citation # 2	Item # 3	Group Letter	Citation/Notice Type* Other-than-Serious
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**Standard**  
408.22349(1) X Q

**Violation Guidance**  
[IDENTIFY THE ITEM.]

**Alleged Violation Description**

408.22349(1):ADM PART 13, INSPECTIONS AND INVESTIGATIONS, CITATIONS, AND PROPOSED PENALTIES  
An employer to whom a citation is issued shall notify the department, in writing, immediately upon compliance with each item of the citation. Upon compliance with an item of the citation, notification by an employer to the department shall not exceed 3 working days from the final abatement date on the citation of such item.

Inspection # 0000000  
Citation # 1, Item # 2  
Citation # 2, Item # 1, 2  
Issued on 12/01/2023 as outlined on Page 2, Section 1 of this document.

PENALTY DUE ON ORIGINAL CITATION: \$400.00  
PENALTY DUE ON FOLLOW-UP CITATION: \$200.00  
TOTAL PENALTY DUE: \$600.00

675 of 20000 characters

- 20. In the Probability section, choose “Lesser”.
- 21. In the Proposed Penalty section, enter the determined follow up penalty amount.
- 22. In the Explanation section, enter “Follow Up Citation”.

# Controlled By Employer  
10

Severity Minimal	Gravity N/A
Severity Justification	Gravity Based Penalty \$0.00
Probability Lesser	Multiplier N/A
Probability Justification	Size 0%
# of Times Repeated N/A	Size Justification
	Good Faith 0%
	Good Faith Justification
	History 0%
	History Justification

Calculated Penalty  
\$0.00

Proposed Penalty  
\$200.00

Proposed Penalty Justification  
Follow Up Citation

18 of 500 characters

Abatement Assurance and Follow-up Inspection Procedures

- 23. In the Number of Instances field, enter “1”.
- 24. In the Number of Employees Exposed field, enter “1”.

**Additional Information**

# of Instances	# of Employees Exposed
<input type="text" value="1"/>	<input type="text" value="1"/>

- 25. Save.
- 26. Click on the abatement details link in the navigation.
- 27. In the Number of Days to Abate section, enter “3”.
- 28. In the Documentation Required section, click “Yes”.

**Abatement Details**

**Abatement Due Date Info**

How do you want to set your Abatement Due Date?  
 Days to Abate     Select Date

Abatement Due Date

Working Days     Calendar Days

# of Days to Abate

**Abatement Information**

Documentation Required?  
 Yes     No

Abatement Status

Date Abated    Date Verified  
   

Abatement Completed Description

- 29. Save.
- 30. Click “...”.
- 31. Click “Finalize”.
- 32. Go to the Documents tab.
- 33. Click on “...”.
- 34. Click “Generate Citation”.
- 35. In the Output Format, choose “Final”.
- 36. In the Transmittal Type, choose “Certified Mail”.
- 37. In the Issuance Date, enter the date the Follow Up Citation is to be sent.
- 38. Click Next.
- 39. Under Local Templates, select “MI\_OSHA2”.
- 40. Click Next.
- 41. Click on the new violation.
- 42. Click Next.
- 43. Click Generate.
- 44. Format citation to fit neatly on page 5.
- 45. Save document and send to supervisor for signature using OneSpan/E-Signature.

[Appendix F](#)

**Processing Failure to Abate (FTA) Notices in OIS for MIOSHA** (REV 8/17/2021)

**Introduction:**

FTA notices are additional penalties issued as the result of an employer not correcting a citation item or items issued during a previous inspection. In OIS you start the process in the follow-up inspection, however, the Notice is generated in the original inspection. The post Notice processes such as the informal conference, contest, and debt collection are also done in the original inspection.

**Pre-conditions to Issue an FTA Notice for a citation item:**





- The citation item was issued in OIS
- The citation item is a Final Order and marked in OIS
- The citation item is past the abatement date
- The citation item is not marked as abated in OIS

**Entering the follow-up inspection in OIS**

Enter the follow-up inspection the same as you would for any MIOSHA inspection but be sure to follow these specific directions for follow-ups and FTAs.


1. Use the name of the company that was on the original inspection, and if changes are needed, update that company record after you selected it.
2. Under Inspection Data, Related Inspections, enter the original inspection number, select Previous Inspection, and click the green check as illustrated below.

Related Inspections

Inspection#	Related Inspection Type	Previous/Subsequent	Establishment Name	Actions
987963 	Previous Inspection 			 
				

3. Under Inspection Data, Initiating Type, enter “Follow-up” as illustrated below.

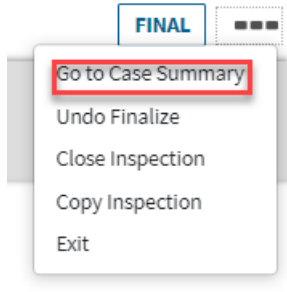
**Inspection Details**

Initiating Type  
Follow-Up 

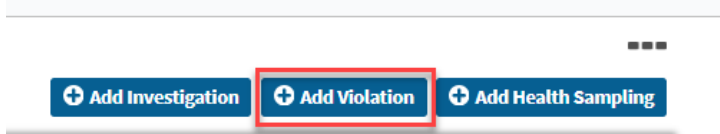
Secondary Types  
Select one or more...

### Entering FTA Violation Information

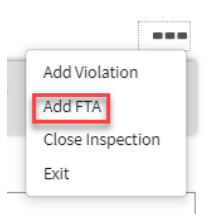
1. After you save the follow-up inspection as final, navigate to the Case Summary in the **follow-up** inspection.



2. Click the Add Violation button.



3. Click on the ellipsis in the upper right corner and select Add FTA as illustrated below:



4. The system will then display a list of the eligible Citation Items from the original inspection(s). Select the item(s) you wish to include in the FTA Notice, then click the Accept and Continue button as illustrated below:

**Add FTA Violation(s)**

Select the Violation(s) from the previous inspection to create FTA Violation(s) on the previous inspection. Violations eligible for an FTA will only display if they meet the following criteria:

- 1) Abatement Due Date is before the entry date of Current Inspection.
- 2) Final Order Date is before the entry date of Current Inspection.
- 3) Abatement Status is NOT 'Quick Fix', or 'Corrected During Inspection' or 'Abatement Completed'.

<input type="checkbox"/>	Inspection ID	Citation ID	Type	Standard	Penalty	Issuance Date	Final Order Date	Abatement Due Date	Doc Required
<input type="checkbox"/>	987963	2-1	Serious	408.10711	\$2,100.00	06-01-2021	06-25-2021	06-14-2021	Y

Accept and Continue  Cancel

5. The item(s) will be listed on the violation summary screen as illustrated:

Violation Summary															Edit Citation ID
<input type="checkbox"/>	Citation ID	Citation Type	Standard	Penalty	Issuance Date	Receipt Date	Final Order Date	Last Date to Contest	Abatement Due Date	Doc Req	Date Abated	Contested	Violation Status	Abatement Status	Actions
<input type="checkbox"/>	2-1	FTA-Serious	408.10711	\$0.00						Yes		No	Draft		
<div style="display: flex; justify-content: space-between;"> <span>Mark as Final</span> <span>Copy Violation</span> <span>Update Violation Fields</span> <span>Reset Final Order Date</span> <span>Remove Receipt Date</span> <span>Reset Issuance Date</span> <span>Remove Last Date to Contest</span> </div>															

*Please note: The FTA Item is displayed in blue text. Although the item appears in the Violation Summary screen of the follow-up inspection, this is actually a link to the original inspection. Violation documentation, penalty calculation and Notice assembly will take place in the original inspection.*

6. Click on the FTA violation link illustrated above and the system will navigate to the violation summary screen for the original inspection as pictured below:

Violation Summary															Edit Citation ID
<input type="checkbox"/>	Citation ID	Citation Type	Standard	Penalty	Issuance Date	Receipt Date	Final Order Date	Last Date to Contest	Abatement Due Date	Doc Req	Date Abated	Contested	Violation Status	Abatement Status	Actions
<input type="checkbox"/>	2-1	Serious	408.10711	\$2,100.00	06-01-2021	06-04-2021	06-25-2021		06-14-2021	Yes		No	Final		...
<input type="checkbox"/>	2-1	FTA-Serious	408.10711	\$0.00						Yes		No	Draft		...
<div style="display: flex; justify-content: space-between;"> <span>Mark as Final</span> <span>Copy Violation</span> <span>Update Violation Fields</span> <span>Reset Final Order Date</span> <span>Remove Receipt Date</span> <span>Reset Issuance Date</span> <span>Remove Last Date to Contest</span> </div>															

7. At this point, the FTA violation is started and is saved in draft. You will need to open the item. The standard listed is copied over from the original inspection. Click “Remove” and then “Search Standard” to update the standard to 408.22356(1), which is the Administrative Rule Part 13, Rule 1356(1).

The AVD box should read as follows:

408.22356(1): ADM Part 13, INSPECTIONS AND INVESTIGATIONS, CITATIONS, AND PROPOSED PENALTIES

If an inspection or investigation discloses that an employer failed to correct an alleged violation, for which a citation was issued, within the period permitted for its correction, the department may notify the employer, by registered mail, of the failure and of any additional penalty proposed under section 35(2) of the act by reason of such failure.

Within the period permitted for its correction, an alleged violation was not corrected, for which a citation was previously issued: On [insert original issuance date] under inspection number [insert original inspection number], citation [insert original citation number], item [insert original item number] was issued for an alleged violation of [insert original standard/rule title, part, and rule number], as follows:

[insert the original rule text]

[insert the original alleged violation description]

An inspection initiated on [OC date of the FU case] determined this item was not corrected as required.

8. Update the penalty calculation section (still on the Violation Item Tab). When the multiplier is selected, the system will calculate the penalty. Ensure the penalty in the proposed penalty field matches the total amount calculated on the FTA Worksheet. If it does not, you can override OIS and enter the total amount on the FTA Worksheet in the Proposed Penalty field and in Proposed Penalty Justification field enter “per FTA Worksheet.” This amount will appear on the FTA notice.

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The screenshot shows a form with three input fields. The first field, labeled 'Calculated Penalty', contains the text '\$0.00'. The second field, labeled 'Proposed Penalty', contains the text '\$1,000.00'. The third field, labeled 'Proposed Penalty Justification', contains the text 'FTA Worksheet' and has a character count indicator '13 of 500 characters' at the bottom right.

9. Update the violation documentation as required based on the current inspection. The system has copied the documentation from the original inspection which should limit the amount of documentation required for the FTA violation.
10. Once completed save the violation Final.
11. To generate and issue the FTA Notice, navigate to the Citation Assembly tab and follow the normal process for issuing a citation with the exception that you will select an MI\_OSHA-2B Template. Follow the system prompts.
12. Once issued the post issuance processing of the FTA such as Contest and Informal Settlement Agreement is handled by the system in a similar manner to other violation types. The system will allow you to generate a separate Contest, and ISA and payment schedule for these violations.