
MIOSHA

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

AGENCY INSTRUCTION

DOCUMENT IDENTIFIER :

MIOSHA-COM-19-2

DATE:

October 29, 2019

SUBJECT: Intermittent Work Operations

- I. Purpose. Establishes inspection procedures for intermittent work operations. Intermittent work operations are infrequent work operations that stop and start at irregular intervals, like construction operations at non-fixed worksites, or in general industry, unscheduled maintenance operations.
- II. Scope. This instruction applies to the Construction Safety and Health Division (CSHD) and the General Industry Safety and Health Division (GISHD).
- III. Reference. [MIOSHA Field Operations Manual \(FOM\)](#), as amended.
- IV. Distribution. MIOSHA Staff; Federal OSHA; S-drive Accessible; MIOSHA Messenger; and Internet Accessible.
- V. Cancellation. This instruction cancels GISHD instruction GISHD-ADM-15-1, Intermittent Work Operations, as amended.
- VI. Next Review Date. To be reviewed in five years from the date of issuance.
- VII. Contact. [Lawrence Hidalgo, Jr.](#), Director, CSHD, or [Adrian Z. Rocskay](#), Director, GISHD.
- VIII. Originator: Barton G. Pickelman, Director
- IX. Background. The instruction ensures that hazards from intermittent work operations are addressed and that inspections and investigations are completed in a timely manner.
- X. When the Intermittent Operation is the Reason for the Inspection or Investigation. The intermittent operation is the reason for the inspection or investigation if it is an issue in the complaint or referral, one of the original violations in a monitoring or follow-up inspection, or a potential or actual contributing factor in a fatality, serious injury, or illness investigation.
 - A. CSHD.
 1. If the employer is performing the intermittent operation at the time of the inspection or investigation, the safety officer or industrial hygienist (SO/IH) will inspect or investigate the intermittent operation.
 2. If the employer is at the site but not performing the intermittent operation, the SO/IH will nevertheless initiate an inspection or investigation. The SO/IH will establish employee exposure to any hazardous conditions, caused by the intermittent operation, through witness statements or other evidence that exposure to a hazardous condition has occurred, continues to occur, or could recur, as specified in chapter VI of the [MIOSHA FOM](#).

3. If the employer is no longer at the jobsite (e.g., because its work is done) and the jobsite is a multi-employer jobsite, the SO/IH will initiate an inspection or investigation at the jobsite by conducting an opening conference with at least the general or controlling contractor. After opening with the general or controlling contractor, the SO/IH will phone the employer. If the SO/IH cannot contact the employer via phone, go to the next section below for instruction. If the employer is contacted, the SO/IH will hold an opening conference over the phone and invite the employer to the jobsite for the walkaround. The SO/IH will establish employee exposure to any hazardous conditions, caused by the intermittent operation, through witness statements or other evidence that exposure to a hazardous condition has occurred, continues to occur, or could recur, as specified in chapter VI of the [MIOSHA FOM](#).
 4. If the employer is no longer at the jobsite and the SO/IH cannot contact the employer via phone while at the jobsite, the SO/IH will, on the same day that the SO/IH discovers the absence of the employer, drive to the mailing address, registered address, and/or best-known location for the employer, if possible. If the employer is out of the SO/IH's area, the SO/IH must contact his or her supervisor for further instructions. The supervisor may assign the inspection or investigation to the local SO/IH whose area includes the employer's new location.
 5. If the supervisor or SO/IH learns of the new location of the employer, the designated SO/IH will go to the new location, unannounced, and initiate an inspection or investigation of the intermittent operation, if possible, at the new location. If the employer at the new location is not performing the intermittent operation, the SO/IH will nevertheless initiate an inspection or investigation. See X.A.2. above for instructions for determining employee exposure to the intermittent operation. The supervisor and SO/IH must comply with the advance notice policies and procedures in chapter IV of the [MIOSHA FOM](#), if they give advance notice.
 6. If the supervisor or SO/IH cannot immediately locate the employer, the supervisor or SO/IH will periodically continue the search. The supervisor or SO/IH will limit their searches for the employer to six months after the date the supervisor assigned the inspection or investigation. After six months, the supervisor will close the activity in OSHA Information System (OIS) (if any) or cancel the assignment. The supervisor and SO/IH will use a diary sheet or a Microsoft Calendar application to document their activities.
- B. GISHD. The SO/IH will attempt to inspect or investigate the operation within 30 days of the opening conference. The SO/IH will contact the employer at least weekly to determine when the operation will run. Thirty days past the opening conference date, the SO/IH will no longer keep the inspection or investigation

open waiting for the intermittent operation to resume. The SO/IH will close the inspection or investigation and cover the operation in a separate companion inspection or investigation when it occurs again.

At the closing conference, the SO/IH will explain how the intermittent operation will be covered in a separate inspection. For complaint and referral inspections or investigations, the SO/IH will indicate on the Field Narrative form that the alleged hazard will be addressed in a companion inspection or investigation when the operation resumes. The pursuit of inspecting the intermittent operation will be limited to six months after the closing conference. The SO/IH will keep in contact with the employer to determine when the process is operational, and the new inspection or investigation can be opened. The contact(s) will be documented on a case file diary sheet. The case file diary will be copied for the companion inspection or investigation when the operation resumes.

At six months, the supervisor will transfer the outstanding issues to the Consultation, Education and Training (CET) Division to examine the operation. The SO/IH will send a copy of the inspection assignment, Field Narrative, and the case file diary sheet to the CET Division. CET will contact the employer to offer its services regarding the uninspected issue.

- XI. When the Intermittent Work Operation is Not the Reason for the Inspection or Investigation.
- A. CSHD. The SO/IH will conduct unannounced inspections at worksites throughout the state in accordance with current priority inspection guidelines.
 - B. GISHD. The SO/IH will not hold the inspection or investigation open for more than 30 days after the opening conference date to inspect the intermittent work operation. Examples of cases in this category would be random, wall-to-wall programmed inspections, or any inspection during which the SO/IH learns of the potentially hazardous intermittent operation that is not the original focus of the inspection (for example, learns from injury reports, employee interviews, or air monitoring results). Thirty days past the opening conference date, the SO/IH will no longer keep the inspection open waiting for the intermittent operation to resume. The SO/IH will close the inspection and encourage the employer to contact the CET Division for examination of the intermittent work operation. During the initial 30 days, the SO/IH will obtain approval from their supervisor to hold the inspection open waiting for the intermittent work operation to resume, and the SO/IH will contact the employer at least weekly to determine when the operation will run.
- XII. Coding of Companion Inspections in OIS.
- A. CSHD. The SO/IH will use the policies and procedures in the [MIOSHA FOM](#). There are no special coding requirements.
 - B. GISHD. Only the original inspection is closed in OIS using normal procedures. The Unprogrammed Activity is not closed at this time; it is closed once results of the companion inspection are available. OIS coding for the companion

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inspection, intended to address the intermittent work operations, is dependent on the original inspection.

If the original inspection was a complaint, referral, fatality, monitoring, or follow-up inspection, the companion inspection will be coded in OIS as follows:

Related Activities tab, Related Activities field – enter the UPA number from the original inspection, click the add button.

Related Activities tab, Previous/Subsequent field – enter the original inspection number, click the add button.

Inspection Type tab, Initiating Type field – Unprogrammed Related

If the original inspection was a program planned inspection, the companion inspection will be coded in OIS as follows:

Related Activities tab, Previous/Subsequent field – enter the original inspection number, click the add button.

Inspection Type tab, Initiating Type field – Programmed Related.