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# MIOSHA

General Industry Safety and Health Division (GISHD)  
Michigan Occupational Safety and Health Administration (MIOSHA)  
Department of Labor and Economic Opportunity (LEO)

## DIVISION INSTRUCTION

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DOCUMENT IDENTIFIER:  
GISHD-COM-08-2R3

DATE:  
December 6, 2022

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**SUBJECT: Lapse Time Maintenance/Inspection File Completion**

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- I. Purpose. To set expectations and guidelines to assist General Industry Safety and Health Division (GISHD) staff in completing inspection case work in a timely and efficient manner.
- II. Scope. This instruction applies to all GISHD staff.
- III. References.
  - A. Agency Instruction MIOSHA-ADM-15-1, Heads-up Notification to MIOSHA Administration and Case File Review, as amended.
  - B. Agency Instruction MIOSHA-COM-13-1, Dual, One-MIOSHA, Intra-office Assistance, and Transfer of Inspections/Investigations, as amended.
  - C. Agency Instruction MIOSHA-COM-19-2, Intermittent Work Operations.
  - D. Michigan Occupational Safety and Health Act, MCL 408.1001 et seq., P.A. 154 of 1974, as amended.
  - E. MIOSHA Field Operations Manual (FOM), as amended.
  - F. MIOSHA Safety and Health Standard, Part 11. /R408.22101 et seq., Recording and Reporting of Occupational Injuries and Illnesses.
- IV. Distribution. MIOSHA Staff; Federal OSHA; S–drive Accessible; MIOSHA Messenger; and Internet Accessible.
- V. Cancellations. All previous versions of this instruction.
- VI. Next Review Date. This instruction will be reviewed in 5 years from date of issuance.
- VII. History. History of previous versions includes:
  - GISHD-COM-08-2R2, September 28, 2017
  - GISHD-COM-08-2R1, October 30, 2014
  - GISHD-COM-08-2, September 19, 2008
- VIII. Contact. Adrian Z. Rocskay, Division Director
- IX. Originator. Adrian Z. Rocskay, Division Director

- X. Significant Changes.
  - A. Throughout the document, updated procedures from paper case files to paperless case files.
  - B. In Section III, updated names of references.
  - C. In Section XI. C., updated lapse time goals to reflect the current federal OSHA State Activity Mandated Measures (SAMMs).
  - D. In Section XIII. D., clarified when closing conference can be delayed.
  - E. In Section XIII. L., changed number of open inspections from no more than 4–8 cases at any given time for the Safety Officer (SO) and Industrial Hygienist (IH) to no more than four (4) for an SO and no more than eight (8) for an IH.
  - F. Removed Section XIII. O. on the SO/IH doing paperwork at the inspection site.
  - G. In Section XIV. E and F., added responsibilities pertaining to Open Inspections Report and Inspections Pending Issuance of Findings Report to supervisory duties.
  - H. In Section XV. C., updated timeliness goal for case file processing for clerical staff from three (3) workdays to two (2) workdays.
  - I. In Section XV. F and G., added issuance of Open Inspections Report and Inspections Pending Issuance of Findings Report to clerical duties.
  - J. In Section XVI. A., added ensuring that staff meet timeliness and other requirements of the instruction to the duties of the manager.
- XI. Background. The mission of the GISHD is to ensure employee safety and health through enforcement activities at general industry operations. This is accomplished through inspections that identify and eliminate occupational safety and health hazards. Prompt completion of these inspections is the goal for several reasons:
  - A. The Michigan Occupational Safety and Health Act, Section 33(1), requires that a citation be issued immediately or within 90 calendar days after the completion of the physical inspection. A citation cannot be issued if the 90-day statutory deadline is exceeded.
  - B. While some employers will abate hazards as soon as they are identified during an on-site inspection, many others will wait for the receipt of the official inspection findings before beginning the process of abating violations. Therefore, delays in issuing the inspection findings can result in continuing and ongoing employee exposure to safety and health hazards in the workplace.
  - C. Federal OSHA provides goals for lapse time (the number of workdays from the date of the opening conference to the date of citation issuance) in its oversight of state plans like MIOSHA through its SAMMs. On October 14, 2022, the federal OSHA (national) reference/standard for lapse time for fiscal year 2022 was 54.67 workdays for safety and 67.13 workdays for health.

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- D. Customer service is one of the values of MIOSHA and the State of Michigan. An example of good customer service is quick and efficient issuance of inspection findings. The customers in this context are employers, employees, complainants, and referring entities.
- XII. Expectations and Guidelines. Staff are expected to complete inspections and process case files in an expeditious manner, balancing the need for timeliness with the need for quality, attention to detail, and accuracy. SOs/IHs, clerical staff, supervisors, and managers each have a role to play in maintaining short lapse times. Staff must obtain approval for deviations from the expectations and guidelines in this instruction.
- XIII. Field Staff Responsibilities. Field staff shall take steps to minimize lapse time:
- A. Number of Days On-Site. Most inspections do not require any more than one or two days on-site nor do they require extensive time to complete the case file and associated paperwork. On occasion an inspection may require more days of on-site activity and corresponding additional paperwork. When an inspection requires more time (e.g., the inspection is highly complex, involves many issues, or is held up due to an intermittent operation or other reasons beyond the control of the SO/IH), the SO/IH will obtain direction from their supervisor and as necessary, take the time necessary to adequately address the issues potentially affecting worker safety and health.
  - B. Closing Conference. For calculating the 90-calendar-day statutory deadline for citation issuance, the closing conference is considered to be the completion of the physical inspection. The SO/IH will encourage employers to abate hazards as soon as possible upon being identified. The SO/IH will not delay a closing conference waiting for an employer to abate violations.
    - 1. The number of calendar days from opening conference to closing conference should not exceed 45 calendar days.
    - 2. This deadline applies unless there are exceptional circumstances and the longer timeframe is discussed with and approved by the supervisor.
  - C. Large Facilities. The SO/IH will not initiate a programmed inspection of a large facility (number of employees greater than 1,000) until after discussing the timeline with their supervisor. When a wall-to-wall inspection of a large facility could take a long time (e.g., over ten (10) days on-site), the following options will be considered:
    - 1. Conduct a partial inspection. Limit the scope to one or a few areas, departments, buildings, or job titles. The limits can be based on random selection; areas not covered in prior inspections; areas with high numbers of violations in the past; areas with high injury and illness rates, high numbers of injuries and illnesses, or high numbers of employees; the types of hazards; the existence of MIOSHA regulations to cover the hazards; and/or other priorities such as state and national emphasis programs and strategic plan goals.

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2. Have another SO/IH assist in the inspection (i.e., conduct a team inspection).
- D. Completion of On-Site Activity. Upon completion of on-site activity, the closing conference should be conducted the same day whenever the inspection findings are known. The SO and IH may hold a status conference pending further analysis of the collected information, receipt of lab results, or collection of other evidence relevant to the case. A return visit to the workplace for the sole purpose of conducting a closing conference should be avoided whenever possible. A closing conference may be conducted by telephone when the travel time does not make it efficient to go back to the site.
  - E. Intra-Office Assistance (IOA), One-MIOSHA, and Dual Inspections. Refer to the Agency Instruction MIOSHA-COM-13-1, Dual, One-MIOSHA, Intra-office Assistance, and Transfer of Inspections/Investigations, for procedures on how to minimize lapse time for dual inspections, One-MIOSHA inspections, and inspections based on intra-office assistance requests.
  - F. Multi-Day Inspections. During multiple-day inspections, the SO/IH will make every effort to return to the firm on consecutive workdays to complete the on-site activities. The SO/IH must obtain supervisor approval each time the return visit will be more than five (5) workdays from the previous visit (including delays due to leave time, training, and accident investigations). The SO/IH will document on the Case File Diary Sheet the different activities performed each day while on-site.
  - G. Intermittent Work Operations. Refer to Agency Instruction MIOSHA-COM-19-2, Intermittent Work Operations on how to limit lapse time during inspections of facilities with intermittent work operations.
  - H. Records and Written Programs. When requesting records, documents, and written programs, the SO/IH will provide deadlines to the employer for production of the records. Unless there are extenuating circumstances (e.g., many documents, inability to access documents, no employer staff available), the SO/IH will request that documents be produced within the hour or by the end of the business day. The employer will be informed that if the information requested is not received by the deadline, it will be considered not to exist, and citations will be issued as appropriate. If the applicable MIOSHA standard delineates the time frame in which the employer must provide the records to the Department representative, use the timeline in the regulation. For example, Part 11, Recording and Reporting of Occupational Injuries and Illnesses, Rule 1140(1), gives the employer four (4) business hours to provide records to the government representative.
  - I. Inspection Report. The SO/IH will complete the Inspection Report in the OSHA Information System (OIS), download the report, and email it to their clerk within one (1) workday of the opening conference.

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- J. Completing Inspection Case File. When all the information necessary to establish compliance and non-compliance during an inspection has been obtained, the SO/IH will complete the case file and submit it for review prior to initiating a new inspection. Completion of the open inspection may be delayed if it will interfere with the compliance officer's timely opening of a fatality, catastrophe, imminent danger, or complaint inspection.
  - K. Submitting Case File for Review. The SO/IH will submit the inspection case file to the supervisor for review within two (2) workdays of the closing conference.
  - L. Number of Open Inspections. The SO/IH will limit the number of open inspections to that which can be handled efficiently, typically no more than four (4) for an SO and no more than eight (8) for an IH at any given time. The SO/IH will obtain authorization from their supervisor when it is necessary to have more than the allotted amount of cases open at one time.
  - M. Case File Documents.
    - 1. Documents will normally be limited to those which are necessary to support the violative conditions identified or to address complaint and referral issues. Questions with respect to necessary documentation should be discussed with the supervisor. Long narratives including interview transcriptions that have little bearing on the complaint or inspection issues or citations are discouraged.
    - 2. The SO/IH should not normally hold a case file open to interview an injured person or to wait for receipt of another agency's report unless the information is critical to the inspection (e.g., the medical examiner's report in a fatality inspection).
  - N. Additional Levels of Case File Review. Cases with high fines (greater than \$25,000) and other types of cases (e.g., politically sensitive) may require additional levels of review. When the SO/IH and supervisor become aware of such a file, they are to notify the safety and health manager and the division director of their pending review task and expedite the completion and review of the file to allow time for the extra levels of review. Significant cases (penalties over \$100,000) require a lead time of one month for citation issuance. See Agency Instruction MIOSHA-ADM-15-1, Heads-up Notification to MIOSHA Administration and Case File Review, for which cases require additional levels of review and their timelines.
- XIV. Supervisor Responsibilities. Supervisors shall:
- A. Ensure that the SO/IHs and clerical staff follow the requirements of this instruction including the deadlines for timeliness.
  - B. Monitor SO/IH and clerical work for timeliness and efficiency by closely examining the case file and Case File Diary Sheet. Other monitoring tools and sources of information are the Inspection Report from OIS (gives days on-site), Universal Log, Inspections Pending Issuance of Findings Report (data from

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Universal Log), Open Inspections Report (data from Universal Log), Open Inspection report in OIS, weekly time tracking in OIS, travel and expense reimbursement in SIGMA, Official Daily Travel Log (car log), Outlook Calendar, tracking systems, and communications with staff (e-mail, phone, face-to-face). In particular, make certain that:

1. Inspection Reports are turned in promptly by the SO/IH and immediately entered by clerical staff into the Universal Log and OIS. This assures the timely and accurate tracking of the inspections with citations pending on the Inspections Pending Issuance of Findings Report. The supervisor can monitor this by requiring the SO/IH to either enter the inspection numbers in their Outlook Calendar or submit a list of opened inspections in a weekly email to the supervisor. The supervisor would then cross-check the inspection lists from the SO/IH against the Open Inspection Report (sent monthly and based on data from Universal Log) and against the Open Inspection report in OIS (report generated in OIS by the supervisor).
  2. Check the number of site visits, as well as the number of days between visits. Site visit information can be found on the Case File Diary Sheet and on the SO/IH's Outlook Calendar.
- C. Regularly inquire about the status of inspections open more than 30 days by an SO and 60 days by an IH to assure prompt completion.
- D. Complete the case file review within 30 calendar days of the closing conference date.
- E. As directed in the Inspections Pending Issuance of Findings Report each week, for inspections within the last 45 days of the 90-calendar-day citation issuance deadline, email the manager and division director with a short explanation of the status and reason for the delay in issuance. The email is due close of business on the first workday after the Inspections Pending Issuance of Findings Report is sent.
- F. As directed in the Open Inspections Report each month, for inspections that have been opened for more than 60 days and have not had a closing conference, check and update the Universal Log and OIS if the information in the Open Inspections Report is inaccurate. For inspections open for than five months without a closing conference, email the manager and division director with an explanation for the long lapse time and steps being taking to close the inspection. The email is due close of business on the first workday after the Open Inspections Report is sent.
- XV. Clerical Responsibilities. Clerical staff shall:
- A. Make certain that information in the Universal Log is up-to-date and accurate.
  - B. Within two (2) workdays of the initial supervisor review, complete citations, letters, forms, and any other file-related processing in OIS and the Universal Log, and load the documents into One Span for supervisor signature.

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- C. Within two (2) business days of receiving the signed citation notification from One Span, mail the citations and associated paperwork to the employer.
- D. Ensure that all citations are postmarked within 90 days of the closing conference date.
- E. For those inspections requiring a heads-up email notification as outlined in Agency Instruction MIOSHA-ADM-15-1, Heads-up Notification to MIOSHA Administration and Case File Review, clerical staff will date citations according to the citation issuance date in the heads-up email.
- F. The designated clerk will email the Open Inspections Report to administrative support staff, supervisors, managers, and the division director each month. That report lists inspections without a closing conference that have been open more than 60 days.
- G. The designated clerk will email the Inspections Pending Issuance of Findings Report to administrative support staff, supervisors, managers, and the division director each week. That report lists inspections that meet all three of the following criteria: a closing conference has been held; the findings have yet to be issued to the employer; and 30 calendar days or more have elapsed since the closing conference date.

XVI. Manager Responsibilities. Managers shall:

- A. Ensure that SOs/IHs, clerks, and supervisors meet the timeliness deadlines and other requirements of this instruction.
- B. Monitor case workflow for efficiency, timeliness, and accuracy.
- C. Monitor SO/IH and clerical staff workloads, and reassign staff and/or tasks to ensure lapse time goals are achieved by staff.