Office of the State Employer
Freedom of Information Act Procedures and Guidelines

A. Appointment of FOIA Coordinator. In accordance with Section 6 of the Freedom of Information Act (FOIA), MCL 15.236, the Office of the State Employer (OSE) has appointed a FOIA Coordinator.

The name of the FOIA Coordinator is available from the Director's Office.

B. Submission of FOIA Request. FOIA requests to the OSE may be submitted by email or mail to:

Email: DTMB-OSE@michigan.gov

Mail: Office of the State Employer
Attn: FOIA Coordinator
P.O. Box 30827
Lansing, MI 48909

Requests can also be faxed to 517-335-7087.

Requests should include name, phone number, and mailing address of the requester.

C. **Immediately Forward FOIA Request.** Any employee of the OSE who receives a written request for a public record must immediately forward that request to the Freedom of Information Coordinator. If an OSE employee receives an electronic written request for a public record that is delivered to a spam or junk-mail folder, the employee must record the date and time the written request was delivered to the spam or junk-mail folder and date and time the employee first became aware of the written request. The employee must forward those dates and times to the FOIA Coordinator with the written request.

D. **Request Response Time.** The OSE may extend the time for responding by an additional 10 business days by notifying the requesting person in writing of the reason for the extension and the new due date (MCL 15.235(2)(d) and (6)). Due to the short statutory time period within which the OSE must issue a written notice in response to the FOIA request, it is imperative that there be no delay in complying with the OSE procedures and guidelines.

E. **Response to a FOIA Request.** Only the OSE's FOIA Coordinator or another individual designated to act on his/her behalf will respond to FOIA requests. The OSE will provide copies of these procedures and guidelines and a summary of

these procedures and guidelines with each written response or provide a link to an on-line version of these documents. If a request is denied, in full or in part, the OSE will provide the requester an explanation of the basis of the denial under the FOIA, and give notice to the requester of his or her remedial rights (MCL 15.235(4)).

F. **Notification of FOIA Request.** Upon receipt of a FOIA request the OSE FOIA Coordinator will email or fax the office or offices that might possess records responsive to the FOIA request.

G. **Assessment of Fees for a FOIA Request.** The FOIA permits the OSE to charge a fee for the search, retrieval, examination, review, and separation and deletion of exempt from nonexempt material, but only if the failure to charge a fee would result in unreasonably high costs to the OSE because of the nature of the request in the particular instance, and the OSE identifies these unreasonably high costs (MCL 15.243(1) and (3)).

The following fee guidelines for calculating labor and material costs incurred in processing FOIA requests are established pursuant to MCL 15.234(3):

1. Fees will be uniform and not dependent upon the identity of the requesting person.

2. Fees will be itemized as shown on the OSE response form and will include:

    A. Labor costs for the search, location, and examination of public records which will be calculated using the hourly wage of the OSE's lowest paid employee capable of conducting the search, location, and examination, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of 15 minutes with all partial increments rounded down.

    B. Labor costs for the review of public records and separation and deletion of exempt from nonexempt material which will be calculated using the hourly wage of the OSE's lowest paid employee capable of conducting the review and separation and deletion of exempt from nonexempt material, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of 15 minutes with all partial increments rounded down.

    C. Non-paper physical media costs will be calculated using the actual and most reasonably economical cost of computer discs, computer

tapes, and other digital and similar media provided by the OSE.

D. Duplication and publication costs for paper copies will be calculated using the actual total incremental cost of necessary duplication or publication of a public record, not including labor. The actual and incremental cost, calculated per sheet, shall be charged and will not exceed 10 cents per sheet of paper for letter or legal size paper. The OSE shall use the most economical means available for making copies, including the use of double-sided printing, if cost-saving and available.

E. Labor costs for the duplication or publication of public records, including making paper copies, making digital copies, or transferring digital public records to be produced on non- paper physical media or through electronic means, will be calculated using the hourly wage of the OSE's lowest paid employee capable of duplicating or publishing the public records, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of one minute with all partial increments rounded down. The hourly wage will be based on the department's payroll records for the applicable fiscal year. Labor costs shall also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.

F. Actual costs of mailing using a reasonably economical and justifiable manner.

3. No OSE employee shall stipulate to work overtime or include overtime wages in the labor costs described in these procedures and guidelines.

4. If a requester submits an affidavit of indigence, the first $20.00 of a fee will be waived. A requesting person must include a statement that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration. Other than $20.00 for cases of indigence, no OSE employee shall waive a fee or any part of a fee without authorization from the FOIA Coordinator.

5. Labor costs for monitoring an inspection of original records will be calculated using the hourly wage of the OSE's lowest paid employee capable of monitoring the inspection. The hourly wage will be based on the OSE's payroll records for the applicable fiscal year. Note: Section 3(3) of the FOIA, MCL 15.233(3), provides, in pertinent part, that "[a] public body shall protect public records from loss, unauthorized alteration, mutilation, or destruction."

6. If a statute authorizes the sale or production of public records to the public for a specified fee or if a fee for production of public records is otherwise set by statute, the OSE will charge the statutory fee in lieu of a fee calculated using the guidelines set forth above.

H. **Deposit Requirements**. If the OSE estimates a fee to process a FOIA request greater than $50.00, the OSE will require a good-faith deposit from the requestor before processing the request. The deposit shall not exceed 1/2 of the total estimated fee. Any written notice containing a request for a deposit shall also contain a best efforts estimate by the OSE regarding the time frame after a deposit is received that it will take the OSE to provide the public records to the requestor. The time frame estimate is not binding upon the OSE, but the OSE shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this State's public policy under Section 1 of the FOIA, MCL 15.231, and the nature of the request in the particular instance.

I. **Appeals of Fees and Disclosure Determinations.** If the OSE charges a fee or denies all or part of a request, the requestor may submit to the head of the OSE a written appeal that specifically states the word “appeal” and identifies the basis for which the fee should be reduced or the disclosure determination should be reversed.

If you need assistance in seeking a public record from OSE, participating in a public meeting held within OSE, or with navigating the requirements of the Freedom of Information Act, please contact the OSE Transparency Liaison, by calling (517) 335-7400 or via email at DTMB-OSE@michigan.gov.

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