
MIOSHA

Michigan Occupational Safety and Health Administration
Department of Licensing and Regulatory Affairs

AGENCY INSTRUCTION

DOCUMENT IDENTIFIER:
MIOSHA-COM-16-2

DATE: June 1, 2016

SUBJECT: MIOSHA Field Operations Manual (FOM)

- I. Purpose: To revise and update the MIOSHA Field Operations Manual (FOM) for Enforcement.
- II. Scope: Agency wide.
- III. Reference: US Department of Labor, Occupational Safety and Health Administration [Field Operations Manual](#) CPL 02-00-148, dated October 2015.
- IV. Distribution: MIOSHA Staff; OSHA Lansing Area Office; General; S-drive Accessible; MIOSHA Weekly; and Internet Accessible.
- V. Cancellations: Agency Memorandum MIOSHA-MEMO-COM-06-1 MIOSHA Field Operations Manual (FOM), as amended.
- VI. History. History of previous versions include:
 - 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
- VII. Contact: Barton G. Pickelman, Acting Director
- VIII. Originator: Barton G. Pickelman, Acting Director
In Consultation with the FOM Work Group
Michigan Occupational Safety and Health Administration
- IX. Significant Change. Federal OSHA updated its Field Operations Manual (FOM) in October 2015. 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 2016

Added hyperlinks to agency instructions referenced in the FOM.

Removed catastrophe language throughout the FOM.

Updated references from the Integrated Management Information System (IMIS) to OSHA Information System (OIS) throughout the FOM.

Eliminated information for complaint and referral inspections (IFCRI) language throughout the FOM as they are no longer issued.

Updated reference from informal settlement agreements (ISAs) to Penalty Reduction Agreements (PRAs) throughout the FOM.

Page 5 – Students – added language clarifying whether a student is covered or not covered by MIOSHA and provided examples.

Page 14 – Technical Services Division Responsibilities and Structure – due to department restructuring, removed references to the Wage and Hour Program.

Page 35 – Electronic Complaints – MIOSHA is accepting electronic complaints from current employees as formal complaints when their name and the check box “This constitutes my electronic signature” is checked.

Page 39 – Notification of Abatement – “OTS Only” was deleted in the title of the subsection because the revised instruction (MIOSHA-COM-05-2 Failure to Submit Notification-of-Abatement Citation Policy) now allows for the issuance of a citation for failure to submit notification of abatement for serious violations in addition to other-than-serious violations.

Page 40 – Programmed Inspections – The term “local emphasis program” was changed to “state emphasis program” to distinguish between federal and state emphasis programs.

Page 40 – Programmed Inspections – Construction Safety and Health Division (CSDH) – added language regarding inspection of 50% new asbestos licensees performing work in Michigan during the first year and inspection of 50% of asbestos licensees performing work in Michigan at least once every three years.

Page 42 – Inspection Preparation – Planning – Due to the cancellation of agency instruction Electric Power Substation Entry for MIOSHA Personnel, language referencing this instruction was deleted from the FOM. Language regarding “a MIOSHA employee shall not enter electric power substations without approval of the division directors or designee” was moved under the Electrical heading.

Page 45 – Expert/Specialist Assistance – added language that division director or agency administration approval is required prior to requesting assistance from outside experts on enforcement cases.

Page 52 – Employee Participation – clarified the term “employee representative.” The term “employee representative” includes an individual employee who has been selected by **a majority of** the employees of the establishment.

Page 56 – Number of Interviews – modified the guideline for the minimum number of employees to interview when there is no certified or recognized bargaining agent.

Page 69 – Recording and Tracking of Fatality Investigations – updated the language for recording and tracking of fatality investigations from the IMIS process to the OIS process.

Page 70 – Pre-Citation Review – replaced language “to ensure that an OSHA-170 is reported to IMIS for each incident” with “to ensure that an Investigation module is completed for each fatality.”

Page 72 – Severe Violator Enforcement Program (SVEP) Reinspections – changed “follow-up” to “reinspection,” to match terminology used in the updated agency instruction.

Page 82 – Purging Case File Information – modified language so that now safety officers/industrial hygienists must review their records to dispose of copies of inspection files, including computer files when citations are issued instead of when the case is closed.

Page 82 – Definition and Application of Vertical and Horizontal Standards – added language to clarify the policy in situations where a hazard is covered by both a horizontal and a vertical standard.

Page 94 – Time Limitations – changed the time limitations for when a rule violation can be cited as a repeat violation. A rule violation will be cited as a repeat violation if the violation occurred within three years of the case closing date for construction inspections. A rule violation will be cited as a repeat violation if the violation occurred within five years of the case closing date for general industry inspections.

Page 107 – Minimum Penalties – the adjusted proposed penalty for a serious violation (citation item) was changed from \$200 to \$400.

Page 110 – Serious Violations – revised the gravity-based penalties in the Serious Violation Penalty Table.

Page 115 – Total Reduction – revised the Proposed Serious Penalty Table.

Page 120 – Penalty Increase Factors – revised the minimum penalties (250 or fewer employees) for 1st and 2nd repeat violations and revised minimum penalties (more than 250 employees) for 1st repeat violations in the Increase Factor Table for Repeated Violations.

Page 121 - Other-Than-Serious with Lesser Probability – increased the base penalty (more than 250 employees) from \$400 to \$500 for the first repeat violations. Updated the base penalty in the Repeat Penalty Table for Other-Than-Serious Violations with Lesser Probability.

Page 125 – Other Regulatory Requirements – added reporting in-patient hospitalization, amputation, loss of eye to the GBP Regulatory Penalty Table.

Page 130 – Transmittal of Notice of Appeal and Other Documents to the Board – modified language regarding a petition submitted to the agency after the 15 working day period.

Page 130 – Transmittal of File to the Attorney General’s Office – deleted language regarding the Attorney General being actively involved in all hearings and litigation where the opposing party is represented by counsel and the agency reserving the right to request the Attorney General’s assistance as needed when the opposing party is not represented by counsel. This provision is obsolete.