



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
BARTON G. PICKELMAN, DIRECTOR

SUSAN CORBIN
DIRECTOR

November 22, 2021

Complaint # 1831592

Mr. Jeff Beal, Superintendent
Jackson Public Schools
Middle School at Parkside
2400 4th Street
Jackson, Michigan 49203

Letter sent by email only to: jeff.beal@jpsk12.org

Dear Mr. Beal:

On November 9, 2021, the Michigan Occupational Safety and Health Administration (MIOSHA), General Industry Safety and Health Division (GISHD), received a complaint alleging occupational safety and/or health hazards at your worksite located at: 2400 4th Street, Jackson, Michigan. The alleged hazards, which relate to **coronavirus**, are listed as follows:

1. Hallways outside of classrooms are being painted during school hours, requiring classroom doors to be closed during class periods. This creates a lack of ventilation to teachers and students during the school day. From October through November 5, 2021, mask use was optional. The concern is that students and teachers were at heightened risk of contracting COVID 19 in 500, 600 and 700 hallways if unmasked in the room during the day. Painting continues in 800 and 900 hallways although masks are now required.

Based on this complaint, we are conducting an off-site complaint investigation with this letter. As part of this letter investigation, you are requested to perform a self-audit of the alleged hazardous conditions and take appropriate steps to protect employee health. All employers are required to provide a safe and healthy workplace as mandated in the Michigan Occupational Safety and Health Act 154 of 1974 as amended, this includes protecting employees from exposure to coronavirus. Employers in the healthcare setting must also comply with MIOSHA Part 505, Coronavirus Disease 2019 (COVID-19) for Healthcare.

Within **two workdays**, please provide me in writing the results of your self-audit and attach any supporting documentation of your findings. There is no penalty for finding deficiencies in a self-audit; you must however correct those deficiencies to ensure employee health and compliance with our regulations. In your response, include a description of any corrective action you have taken or are in the process of taking. Examples of supporting documents are your written COVID-19 plans, photographs of implemented control measures, equipment receipts, and

records of screening, training, and positive cases, and employee notification of COVID-19 cases. In your response, please provide us with a person's name and their contact information in the event we have any further questions. Your response to our letter can be by any of the following methods: email: brzakr@michigan.gov, Fax: (616) 447-2649, or USPS: *MIOSHA GISHD – District #1* 2942 Fuller NE, Grand Rapids, MI 49505. If you elect to communicate via email, please be aware that the state server will not accept emails (including attachments) that are 25 megabytes or larger in size. Therefore, it may be necessary for you to divide your response into several emails to assure that your information is received.

This letter is not a citation or a notification of proposed penalty. If you provide this information, we will probably not need to conduct an on-site investigation. If we do not receive a response from you within 2 work days indicating that appropriate action has been taken or that no hazard exists and why, an on-site inspection may be conducted.

Please note that MIOSHA selects for on-site inspection a random sample of cases where the employer has been determined to have provided a satisfactory response. This policy has been established to ensure that employers have actually taken the action asserted in their letters. Any action taken by you in this matter will not automatically remove your workplace from the possibility of an unannounced on-site inspection by duly authorized representatives of MIOSHA in accordance with routine scheduling procedures currently in effect.

You are requested to post a copy of this letter and your response where they will be readily accessible for review by all of your employees until MIOSHA deems the case closed.

You were told that it is illegal to fire or otherwise discriminate against an employee for filing a complaint with MIOSHA or for raising safety and health issues with their employer. Section 65 of Act 154, the Michigan Occupational Safety and Health Act, states that an employer shall not discriminate against an employee for exercising his or her rights under Act 154. If an employee believes that he or she was discharged or otherwise discriminated against as a result of filing a complaint, the employee may file a complaint with the MIOSHA Employee Discrimination Section. The complainant will be informed of their discrimination rights under Act 154. Employers with effective safety and health programs recognize that employees who raise occupational health concerns are valuable because they can alert them to potential deficiencies in their programs and lead to improvements in the health of staff.

Hyperlinks to COVID-19 resources can be found below.

- MIOSHA Part 505, Coronavirus Disease 2019 (COVID-19) for Healthcare – https://www.michigan.gov/documents/leo/leo_miosha_GI_CS_Part505_739287_7.pdf
- CDC guidance documents for COVID-19 – www.cdc.gov/coronavirus
- OSHA guidance documents for COVID-19 – www.osha.gov/coronavirus
- State of Michigan COVID-19 Workplace Safety Guidance website – www.michigan.gov/COVIDWorkplaceSafety

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If addition to its function of inspecting workplaces, MIOSHA offers a wide range of safety and health related services in response to the needs of the working public, both employers and employees. These services include training and education, consultation, voluntary compliance programs, and assistance in correcting hazards. The MIOSHA Consultation Education and Training (CET) Division offers programs and services without charge to assist you in resolving occupational safety and health issues. Consultations may be available through telephone, email, or in some cases through an on-site visit. The CET Division has free publications, a free video-loan library, and sample written programs, which are available on the MIOSHA web page located at www.michigan.gov/cet. To discuss or request CET services, call (517) 284-7720.

If you have any questions concerning this matter, please contact me at (517) 749-1269. Your personal support and interest in the safety and health of your employees is appreciated.

Sincerely,

Ryan Brzak
Industrial Hygienist, MIOSHA GISHD