



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

February 6, 2024

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #23-054-LE)
Legislative Service Bureau (Secretary of State Filing #24-02-01)
Department of Labor and Economic Opportunity

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2023-054-LE (Secretary of State Filing #24-02-01) on this date at 9:53 A.M. for the Department of Labor and Economic Opportunity entitled, "Part 11. Recording and Reporting of Occupational Injuries and Illnesses".

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Jocelyn Benson
Secretary of State

A handwritten signature in black ink that reads "Lashana Threlkeld" followed by a stylized initial "LCK".

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

February 6, 2024

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2023-54 LE

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated November 21, 2023 for the Department of Labor and Economic Opportunity “**Part 11. Recording and Reporting of Occupational Injuries and Illnesses**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne Sonneborn", written over a horizontal line.

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

SUSAN CORBIN
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the department of labor and economic opportunity by section 69 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1069, Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998.

R 408.22141, R 408.22141a, and R 408.22141b of the Michigan Administrative Code are amended, as follows.

Date: 12/12/2023

Adopted by: *Susan R. Corbin*
Susan Corbin
Director
Department of Labor and Economic Opportunity



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

MARLON I. BROWN, DPA
ACTING DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated November 21, 2023, in which the Department of Labor and Economic Opportunity proposes to modify a portion of the Michigan Administrative Code entitled "MIOSHA Administrative Standard Part 11, Recording and Reporting of Occupational Injuries and Illnesses" by:


- ◆ Amending R 408.22141, R 408.22141a, and R 408.22141b.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: December 5, 2023

Michigan Office of Administrative Hearings and Rules

By: 
Ashlee N. Lynn,
Attorney


CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Labor and Economic Opportunity dated November 21, 2023, amending R 408.22141, R 408.22141a, and R 408.22141b of the Department's rules entitled "MIOSHA Administrative Standard Part 11, Recording and Reporting of Occupational Injuries and Illnesses." I approve the rules as to form, classification, and arrangement.

Pursuant to section 44(2) of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.244(2), these rules are being processed without a public hearing.

Dated: December 5, 2023

LEGISLATIVE SERVICE BUREAU

By 
Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

MIOSHA ADMINISTRATIVE STANDARD

Filed with the secretary of state on February 6, 2024

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of labor and economic opportunity by section 69 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1069, Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 408.22141, R 408.22141a, and R 408.22141b of the Michigan Administrative Code are amended, as follows:

PART 11, RECORDING AND REPORTING OF OCCUPATIONAL INJURIES
AND ILLNESSES

R 408.22141 Basic requirement.

Rule 1141. (1) Annual electronic submission of MIOSHA or OSHA Form 300A "Summary of Work-Related Injuries and Illnesses" requires all of the following:

(a) If your establishment had 20-249 employees at any time during the previous calendar year, and your establishment is classified in an industry listed in Appendix B of this part, you must electronically submit information from MIOSHA or OSHA Form 300A "Summary of Work-Related Injuries and Illnesses" to OSHA or OSHA's designee.

You must submit the information once a year, no later than the date listed in R 408.22141b of the year after the calendar year covered by the form.

(b) If your establishment had 250 or more employees at any time during the previous calendar year, and this part requires your establishment to keep records, then you must electronically submit information from MIOSHA or OSHA Form 300A "Summary of Work-Related Injuries and Illnesses" to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in R 408.22141b of the year after the calendar year covered by the form.

(2) Annual electronic submission of information from MIOSHA or OSHA Form 300 "Log of Work Related Injuries and Illnesses" and from MIOSHA or OSHA Form 301 "Injury and Illness Incident Report" by establishments with 100 or more employees in designated industries requires all of the following:

(a) If your establishment had 100 or more employees at any time during the previous calendar year, and your establishment is classified in an industry listed in Appendix C of this part, then you must electronically submit information from MIOSHA or OSHA Forms 300 and 301 to OSHA or OSHA's designee.

(b) You must submit the information once a year, no later than the date listed in R 408.22141b of the year after the calendar year covered by the form.

(3) Electronic submission of the Part 11 records upon notification. Upon notification, you must electronically submit the requested information from your Part 11 records to OSHA or OSHA's designee.

(4) Electronic submission of the Employer Identification Number (EIN). For each establishment that is subject to these reporting requirements, you must provide the EIN used by the establishment.

R 408.22141a Implementation.

Rule 1141a. (1) Does every employer have to routinely make an annual electronic submission of information from Part 11 injury and illness recordkeeping forms to OSHA? No, only 3 categories of employers must routinely submit information from these forms. The first category is establishments that had 20–249 employees at any time during the previous calendar year and are classified in an industry listed in Appendix B of this part. Establishments in this category must submit the required information from Form 300A to OSHA once a year. The second category is establishments that had 250 or more employees at any time during the previous calendar year, and are required by Part 11 to keep records. Establishments in this category must submit the required information from Form 300A to OSHA once a year. The third category is establishments that had 100 or more employees at any time during the previous calendar year and are classified in an industry in Appendix C of this part. Establishments in this category must also submit the required information from Forms 300 and 301 to OSHA once a year, in addition to the required information from Form 300A.

Employers in these 3 categories must submit the required information by the date listed in R 408.22141b of the year after the calendar year covered by the form or forms, for example, 2024 for the 2023 forms. If your establishment is not in any of these 3 categories, then you must submit the information to OSHA only if MIOSHA or OSHA notifies you to do so for an individual data collection.

(2) Do part-time, seasonal, or temporary workers count as employees in the criteria for number of employees in R 408.22141? Yes, each individual employed in the establishment at any time during the calendar year counts as 1 employee, including full-time, part-time, seasonal, and temporary workers.

(3) How will MIOSHA or OSHA notify me that I must submit information as part of an individual data collection under R 408.22141(3)? MIOSHA or OSHA will notify you by mail if you have to submit information as part of an individual data collection under R 408.22141(3). MIOSHA or OSHA will also announce individual data collections through publication in the Federal Register, the OSHA newsletter, announcements on the OSHA website or other means. If you are an employer who must routinely submit the information, then OSHA will not notify you about your routine submittal.

(4) When do I have to submit the information? If you are required to submit information under R 408.22141(1) or (2), then you must submit the information once a year, by the date listed in R 408.22141b of the year after the calendar year covered by the form (for example, 2019 for the 2018 form). If you are submitting information because MIOSHA or OSHA notified you to submit information as part of an individual data collection under R 408.22141(3), then you must submit the information as specified in the notification.

(5) How do I submit the information? You must submit the information electronically. OSHA will provide a secure website for the electronic submission of information. For

individual data collections under R 408.22141(3), OSHA will include the website's location in the notification for the data collection.

(6) Am I required to submit information if my establishment is partially exempt from keeping OSHA injury and illness records? If you are partially exempt from keeping injury and illness records under R 408.22103, then you are not required to routinely submit information under R 408.22141(1) or (2). You will have to submit information under R 408.22141(3) if OSHA informs you in writing that it will collect injury and illness information from you. If you receive such a notification, then you must keep the injury and illness records required by this standard and submit information as directed.

(7) Am I required to submit information if I am located in a State Plan State? Yes, the requirements apply to employers located in State Plan States.

(8) May an enterprise or corporate office electronically submit information for its establishment or establishments? Yes, if your enterprise or corporate office had ownership of or control over 1 or more establishments required to submit information under R 408.22141, then the enterprise or corporate office may collect and electronically submit the information for the establishment or establishments.

(9) If I have to submit information under R 408.22141, do I have to submit all of the information from the recordkeeping forms? No, you are required to submit all of the information from the forms except the following:

(a) Log of Work-Related Injuries and Illnesses (OSHA Form 300): Employee name (column B).

(b) Injury and Illness Incident Report (OSHA Form 301): Employee name (field 1), employee address (field 2), name of physician or other healthcare professional (field 6), facility name and address if treatment was given away from the worksite (field 7).

(10) My company uses numbers or codes to identify our establishments. May I use numbers or codes as the establishment name in my submission? Yes, you may use numbers or codes as the establishment name. However, the submission must include a legal company name, either as part of the establishment name or separately as the company name.

R 408.22141b Reporting dates.

Rule 1141b. Establishments that are required to submit under R 408.22141 will have to submit all of the required information by March 2 of the year after the calendar year covered by the form or forms.

FILED WITH SECRETARY OF STATE

ON 2/6/24 AT 9:53 A.M.