



Standard Interpretations - Table of Contents

• **Standard Number:** 1904.5

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>

November 6, 2015

William Principe
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230 Peachtree Street, NW
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Atlanta, Georgia 30303-1557

Dear Mr. Principe:

Thank you for your recent letter to the Occupational Safety and Health Administration (OSHA) regarding the recordkeeping requirements contained in 29 CFR Part 1904 - Recording and Reporting Occupational Injuries and Illnesses. Specifically, you requested clarification on the exemption to work-relatedness involving personal tasks performed within the work environment.

Scenario: An employee brings a plow to work in his truck that he intends to loan to a co-worker. After the two employees have clocked out for the day, they go to the employee's truck in the company parking lot to get the plow and move it to the co-worker's truck. In the process of moving the plow from one truck to the other, one of the employees injures his back.

In your letter, you also state OSHA's Frequently Asked Question (FAQ) 5-11 provides that an injury or illness that occurs in the work environment before or after an employee clocks in or out is considered to be work-related.

Question: Is this a work-related injury?

Response: No. Section 1904.5(b)(2)(v) provides that an injury or illness is not work-related if it is (1) solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment, and (2) outside of the employee's assigned working hours. In order for the "personal tasks" exception to apply, the case must meet both of the stated conditions. The exception allows employers limited flexibility to exclude from the recordkeeping system situations where the employee is using the employer's establishment for purely personal reasons during his or her offtime. See, the January 19, 2001, preamble to the final rule revising OSHA's recordkeeping regulation at 66 Federal Register 5951.

Assigned working hours means "those hours the employee is actually expected to work, including overtime." See, FAQ 5-4. This encompasses the time between the employee's expected start time of the day and the expected end time of the day, including formal and informal break times. See, OSHA's March 10, 2005 letter of interpretation to Milagros Flores. Personal tasks are tasks that are unrelated to the employee's job. See, FAQ 5-5.

The injury described in the scenario meets both conditions in Section 1904.5(b)(2)(v) and is not work-related. Moving the plow was unrelated to the employee's job, and the task was performed after the employee had clocked out for the day. At the time of the event, the injured employee was not present in the work environment as a condition of employment.

OSHA's FAQ 5-11 states:

"An employee experienced an injury or illness in the work environment before they had "clocked-in" for the day. Is the case considered work-related?

Yes. For purposes of OSHA recordkeeping injuries and illnesses occurring in the work environment are considered work-related. Punching in and out with a time clock (or signing in and out) does not affect the outcome for determining work-relatedness. If the employee experienced a work-related injury or illness, and it meets one or more of the general recording criteria under section 1904.7, it must be entered on the employer's OSHA 300 log."

Please note that FAQ 5-11 addresses injuries and illnesses that take place in the work environment that do not involve purely "personal tasks." Section 1904.5(a) makes clear that a case is presumed work-related if, and only if, an event or exposure in the work environment is a discernable cause of the injury or illness or of a significant aggravation to a pre-existing condition. Section 1904.5(b)(2)(v) provides a narrow exception regarding work-relatedness when employees are on the premises outside their assigned working hours. Accordingly, FAQ 5-11 does not apply to your scenario because, at the time of the injury, the employee was engaged in a personal task unrelated to work.

We hope you find this information helpful. OSHA requirements are set by statute, standards, and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Recordkeeping FAQs and letters of interpretation can be viewed at <http://www.osha.gov/recordkeeping/index.html>.

Sincerely,

Amanda Edens, Director
Directorate of Technical Support and Emergency Management

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