



U.S. Department of Labor
Occupational Safety & Health Administration

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Standard Interpretations

03/10/2005 - Clarification of "assigned working hours" for determining recordability of injuries that occur during breaks in the normal work schedule.

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• **Standard Number:** 1904; 1904.5(b)(2)(v)

March 10 2005

Dr. Milagros C. Flores, MD
Medical Director
GM SPO Pontiac & Drayton Plains
1251 Joslyn Road
Pontiac, MI 48340-2064

Dear Dr. Flores:

Thank you for your September 29, 2004 letter to the Occupational Safety and Health Administration (OSHA) regarding the Injury and Illness Recording and Reporting requirements contained in 29 CFR Part 1904.

Specifically, you ask OSHA to clarify in the three scenarios you describe; whether an injury or illness sustained by an employee at the establishment would be considered work-related for purposes of OSHA recordkeeping. I will address your scenarios by first restating each and then answering it.

Scenario #1: An employee knits a sweater for her daughter during the lunch break. She lacerates her hand and needed sutures. She is engaged in a personal task. Are lunch breaks or other breaks considered "assigned working hours?" Is the case recordable?

Response #1: This case must be recorded because it does not meet the exception to work-relatedness in Section 1904.5(b)(2)(v) for injuries that occur in the work environment but are solely due to personal tasks. For the "personal tasks" exception to apply, the injury or illness must 1) be solely the result of the employee doing personal tasks (unrelated to their employment) and 2) occur outside of the employee's assigned working hours. OSHA clarified in a [January 15, 2004 letter of interpretation](#) that Section 1904.5(b)(2)(v) does not apply to injuries and illnesses that occur during breaks in the normal work schedule. Here, the exception does not apply because the injury occurred during the employee's lunch break

Scenario #2: Does an employee become a part of the general public once they have timed out? Or are they considered part of the work force from the time they get out of their car coming in to work to the time they step into their car to go home at the end of their workday?

Response #2: Please refer to the recently adopted Frequently Asked Question 5-11.

Question 5-11. 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 even if that employee was not officially "on the clock" for pay purposes?

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.


Scenario #3: An employee times out and chooses to linger in the plant, and then she goes to her locker to lock up her personal items and falls. Is the injury work-related?

Response #3: Since the injury occurred in the work environment, it is work-related unless the exception in Section 1904.5(b)(2)(v) applies. You do not provide enough factual detail for us to fully evaluate whether the exception applies in the circumstances you describe. However, if employees normally keep personal items in a locker at the plant, OSHA would not consider the employee's actions in going to her locker before leaving the plant to be a personal task, unrelated to employment, for purposes of the exception.

Thank you for your interest in occupational safety and health. 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. In addition, 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>. If you have any further questions, please contact the Division of Recordkeeping Requirements, at 202-693-1702.

Sincerely,

Keith Goddard, Director
Directorate of Evaluation and Analysis

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