



MAR 30 2009

Reply to the attention of:

Mr. C. D. Pinkerton  
Safety Director  
Dixon Electrical Systems &  
Contracting, Inc.  
3352 Norwood Road  
Huntington, WV 25705

COPY

Dear Mr. Pinkerton:

Thank you for your January 27, 2009 letter to the Occupational Safety and Health Administration (OSHA) regarding the recordkeeping regulation contained in 29 CFR Part 1904 – Recording and Reporting Occupational Injuries and Illnesses. In an effort to provide you with prompt and accurate responses we developed and continue to refine a set of Frequently Asked Questions (FAQ), in addition to maintaining a log of Letters of Interpretation (LOI) on the OSHA Recordkeeping web site.

**Scenario:**

Your letter asks for clarification of 29 CFR 1904.30(h)(3) and 1904.46(3) and asks the question; “if an employee who is telecommuting from home is injured inside the home, how is the determination made that the employee was actually involved in company business?” You use as your example:

In the middle of telecommuting for the company, employee hears their child crying outside and runs out to comfort them, tripping and breaking a leg in the process.

**Response:**

Section 1904.5(b)(7) states: *How do I decide if a case is work-related when the employee is working at home?* Injuries and illnesses that occur while an employee is working at home, including work in a home office, will be considered work-related if the injury or illness occurs while the employee is performing work for pay or compensation in the home, and the injury or illness is directly related to the performance of work rather than to the general home environment or setting. For example, if an employee drops a box of work documents and injures his or her foot, the case is considered work-related. If an employee's fingernail is punctured by a needle from a sewing machine used to perform garment work at home, becomes infected and requires medical treatment, the injury is considered work-related. If an employee is injured because he or she trips on the family

dog while rushing to answer a work phone call, the case is not considered work-related. If an employee working at home is electrocuted because of faulty home wiring, the injury is not considered work-related.

The scenario described in your letter does not meet the criteria for work relationship contained in 1904.5(b)(7) and should not be recorded on the OSHA Log.

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 web site at <http://www.osha.gov>.

Sincerely,

A handwritten signature in dark ink, appearing to read "Keith L. Goddard". The signature is fluid and cursive, with the first name "Keith" being the most prominent.

Keith Goddard, Director  
Directorate of Evaluation and Analysis