



Standard Interpretations

04/24/2006 - Determination of a case as days away or restricted work; case must be recorded in manner reflecting what actually occurs.

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• **Standard Number:** [1904.7](#); [1904.7\(b\)\(3\)](#); [1904.7\(b\)\(4\)\(i\)](#)

This letter constitutes OSHA's interpretation only of the requirements discussed and may not be applicable to any situation not delineated within the original correspondence.

April 24, 2006

Ms. Linda Ballas & Associates
4413 Copper Creek Lane
Toledo, Ohio 43615

Dear Ms. Ballas:

This is in response to your letter dated March 7, 2005. In your letter, you presented the scenario listed below and requested clarification of how it should be recorded on the OSHA Form 300.

Question: An employee is injured at work and work relationship is established for recordkeeping purposes. The employee is now not able to drive himself to work. The employee may have a cast or splint on, arm in a sling, using crutches, or leg immobilized, etc. The employer has work the employee could do if the employee could get to work. The employee stated he was not able to drive. Prior to the injury, the employee drove himself to work everyday. He was not in a car pool, or didn't catch a ride with co-workers, etc. Would this case be a days away from work case or a restricted work activity case? If the employer provided transportation (even though not required by the regulation to do so), could the company count the days as restricted or must they still count the days as days away from work? Would the answer be the same if the employee's doctor wrote a restriction of "no driving" but the company says "the employee can get a ride with someone else, we have work available"?


Answer: The case must be recorded in a manner reflecting what actually occurs. If the employee does not make it to work, the case must be recorded as a case involving days away from work. If the employee is driven to work by the employer, or anyone else, and the employee performs restricted work, the case must be recorded as a case involving restricted work activity.

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 www.osha.gov.

Sincerely,

Keith L. Goddard, Director
Directorate of Evaluation and Analysis

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