

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



Reply to the attention of:

July 16, 2014

Steve M. Fischer
Layne Christensen Corporation
1800 Hughes Landing Boulevard, Suite 700
The Woodlands, TX 77380

Dear Mr. Fischer:

Thank you for your 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. Specifically your letter requests clarification of OSHA's injury and illness requirements at Section 1904.5, *Determination of Work-relatedness*.

Scenario

On Monday, December 9, 2013, your employee was traveling from Ohio, his primary residence, to one of your work sites located in Nebraska. The employee was in Iowa when he drifted on the shoulder of the road, pulled the vehicle back on the road, over corrected, crossed the median into the oncoming traffic and was struck by a truck, resulting in a fatality.

You ask if the travel in this scenario is considered the employee's normal commute and therefore not work-related.

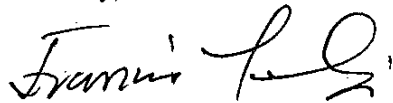
Response

The travel described in the scenario is not considered a normal commute. An employee's normal commute is the travel between the employee's home and regular place of work. An employee is considered to be in travel status when he travels outside his normal geographic area of operation. When on travel status, travel between the employee's home and their temporary destination is considered a work-related activity. Once the employee establishes a home-away-from-home at the temporary location, the travel between the employee's home-away-from-home (e.g. hotel) and the employee's temporary workplace is then considered a normal commute.

Section 1904.5(b)(6) requires employers to consider injuries and illnesses that occur while an employee is on *travel status* to be work-related if, at the time of the injury or illness, the employee was engaged in work activities "in the interest of the employer." The worker's travel from Ohio to Nebraska was in the interest of the employer and is therefore considered a work-related activity. The fatality is work-related and must be recoded on the OSHA Log.

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. Also, from time to time we update our guidance in responses to new information. To keep appraised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

Sincerely,

A handwritten signature in black ink, appearing to read "Francis Yebesi". The signature is fluid and cursive, with a large, stylized "F" and "Y".

Francis Yebesi, Acting Director
Directorate of Evaluation and Analysis