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

September 7, 2010

Ms. Linda Ballas  
Linda Ballas & Associates  
7129 Nightingale Drive  
Holland, OH 43528

Dear Ms. Ballas:

Thank you for your recent 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 website.

You ask for specific classification of cases relevant to section 1904.7(b)(3) and (4), regarding days away from work and restricted work.

**Question 1:** Employees work 16 hour shifts. An employee works the first two hours of the day and sustains a work-related injury that results in more than first aid. The employee is not able to work the back 8 hours of the 16 hour shift. Should this be recorded as a day away from work, restricted work activity, or not at all because this is the remainder of the employee's shift?

**Response:** Section 1904.7(b)(3)(i) states that the employer is not to count the day of injury or illness as a day away, but is to begin counting days away on the following day. The injury described in your letter would not be considered as a days-away-from-work case unless the employee does not work on at least one subsequent day because of the injury.

Section 1904.7(b)(4)(i)(A) provides that restricted work activity occurs when, as the result of a work-related injury or illness, the employer prevents the employee from working the full workday that he or she would otherwise have been scheduled to work. For OSHA recordkeeping purposes, Section 1904.7(b)(4)(v) states that a partial day of work is recorded as a day of job transfer or restriction. On the other hand, Section 1904.7(b)(4)(iii) provides that the employer does not have to record restricted work activity if imposed only for the day on which the injury occurred or the illness began. The case described in your letter would not be considered restricted work activity because the employee was prevented from working the full workday on the day of the injury.

Please note that this case would still need to be recorded if it met one of the other Part 1904 recording criteria, such as medical treatment beyond first aid.

**Question 2:** Would it make a difference if the employee was injured on the back 8 hours of the 16-hour shift, and does not work the first 8 hours the next morning, but does work the back 8 hours of the workday?

**Response:** The case should be recorded as restricted work activity because the employee was not able to work the entire time he was scheduled to work on the day after he sustained the injury.

**Question 3:** How should a case be recorded if an employee sustains a work-related injury and a physician or other licensed health care professional recommends: rest every half hour; use ice for 15 minutes every hour; elevate your leg as much as possible; or work as tolerated?

**Response:** Again, the recommended restrictions outlined in your letter would seem to prevent the employee from working the entire time he was scheduled to work and therefore should be recorded as restricted work activity. Also, please keep in mind that although a physician or other licensed health care professional can make a recommendation, the employer has the ultimate authority to restrict an employee's work. The employer makes the final determination of whether or not the health care professional's recommended restriction involves the employee's routine job functions. See, the preamble to OSHA's final rule revising the recordkeeping regulation 66 Federal Register 5980, January 19, 2001.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. 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 only of the requirements discussed and may not be applicable to any question not delineated within your original correspondence. 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>.

Sincerely,

Keith Goddard, Director  
Directorate of Evaluation and Analysis

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