



OSHA



Newsletter



Occupational Safety & Health Administration We Can Help

[What's New](#) | [Offices](#)

Home

Workers

Regulations

Enforcement

Data & Statistics

Training

Publications

Newsroom

Small Business

Anti-Retaliation

- **Standard Number:** 1904.5(b)

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 response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>

February 12, 2015

Neil H. Wasser
 Constangy Brooks & Smith, LLP
 230 Peachtree Street, NW
 Suite 2400
 Atlanta, Georgia 30303-1557

Dear Mr. Wasser:

Thank you for your recent letter to the Occupational Safety and Health Administration (OSHA) regarding the recordkeeping requirements contained in 29 CFR Part 1904 - Recording and Reporting Occupational Injuries and Illnesses. Specifically your question relates to the exception to work-relatedness for a side trip taken while an employee is in travel status.

Scenario:

An employee returns to Atlanta on a Saturday morning from an out-of-town work trip. The employee is not scheduled to work on Saturday. The employee leaves the Atlanta airport and decides that he will not take the direct route home, but instead will go to a nearby convenience store. The employee drives past the highway entrance that is his normal route home and drives to the convenience store. At the convenience store, the employee purchases gas, food for himself, and a flower for his wife. After leaving the store, the employee takes the surface street toward a highway that would take him home. The employee is involved in an auto accident and is injured. Is the accident work-related?

Response:

The accident as described in the scenario is work-related for OSHA recordkeeping purposes.

Injuries and illnesses that occur to an employee while on travel status are work-related if, at the time of the injury or illness, the employee was engaged in work activities "in the interest of the employer." See, Section 1904.5(b)(6). Work-related activities begin when the employee leaves home, assuming the employee did not intend to report to his or her office prior to beginning the trip. If the employee first reports to the office, travel status begins when the employee leaves the office to begin the trip. Travel status ends once the employee returns to the point of origin of the trip, in your scenario the employee's home. Travel for work is a work-related activity even if the travel occurs on a day the employee is not scheduled to work.

Injuries or illnesses are not considered work-related if they occur while the employee is on a personal detour from a reasonably direct route of travel (e.g., has taken a side trip for personal reasons). See Section 1904.5(b)(6)(ii). This exception allows the employer to exclude injuries and illnesses that occur when the worker has taken a side trip for personal reasons while on a business trip, such as a vacation or sight-seeing excursion, to visit relatives, or for some other personal purpose. See, the preamble to the final rule revising OSHA's recordkeeping regulation at 66 Federal Register 5960. The alternative route to the convenience store described in the scenario does not meet the intent of this exception. While the employee did not take the customary route home, it is evident the route taken is a "reasonably direct route of travel" to his home. Additionally, the reason for taking the alternative route in the scenario is not consistent with the examples of "personal reasons" provided in the preamble to the final rule. Stopping for gas and food are normal activities involved in business travel.

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 apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

Sincerely,

Francis Yebesi, Acting Director
Directorate of Evaluation and Analysis

☰ Standard Interpretations - Table of Contents

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