



Test Your Record Keeping Skills (Part 2)

Insights

10.29.14

Welcome back to our recordkeeping series. Hopefully last week's questions made you stop and think about what goes on your logs and what does not. This week continues to focus on work-relatedness and explores some of the more difficult issues on that subject.

How would you answer the following questions about work-relatedness?

1. In order to develop more business, Stan Salesperson joins a local networking group called Stellar Sales Force. On his way to a networking event Stan is involved in a car accident and is injured. Is this work related?
2. Stan Salesperson travels to Las Vegas for a trade show for work. Stan Salesperson checks into his room only to be electrocuted when he attempts to plug his Ipod into the alarm clock radio and is burned. Is this work related?
3. The next evening after the trade show ends, Stan Salesperson, at the direction of his boss, entertains some clients by taking them out to dinner to a nice steak restaurant. His boss told him that the Company would reimburse him and they really want him to "win them over" during dinner. Stan accidentally cuts himself with his steak knife during the meal and is injured. Is this work related?
4. After dinner the client tells Stan Salesperson that he is meeting up with some friends at The Las Vegas Strip Emporium for some adult entertainment. Stan goes with the client and during a particularly provocative part of the show Stan has a heart attack. Is this work related?
5. Stan Salesperson travels to Florida for a series of client meetings. He has some time between meetings one day and decides to stop and visit his parents who live very conveniently along the way. During his visit he slips and falls on his parents' front porch and is injured. Is this work related?
6. Stan Salesperson is working at home and drops a box of work documents on his foot and is injured. Is this work related?
7. Stan Salesperson is asked to fly to Ohio for a business trip. On his way to Ohio the plane crashes and Stan is killed. Is this work related?

8. Stan Salesperson does such an amazing job for the Company this year that they decide to send him to Europe to meet with a big potential new client. While taking a tour of the potential client's offices Stan trips and falls and is injured. Is this work-related?

Answer Key:

1. No, not everything business related is covered. The fact that an employee joins a private club or organization, perhaps to "network" or make business contacts, does not make any injury that occurs there work-related. Answer might be different if he was directed to join and attend by his company.

2. No. If an employee has established a "home away from home," it is not work related. Plus, plugging in his Ipod is not in the interest of Stan's employer.

3. Most likely - To be recordable, the entertainment activity must be one that the employee engages in at the direction of the employer.

4. No - Business-related entertainment activities that are undertaken voluntarily by an employee in the exercise of his or her discretion are not covered by the rule. For example, if an employee attending a professional conference at the direction of the employer goes out for an evening of entertainment with friends, some of whom happen to be clients or customers, any injury or illness resulting from the entertainment activities would not be recordable.

5. No. A personal detour from the route of business travel is not work related. 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.

6. If the employee's work activities caused or contributed to the injury or illness, or significantly aggravated a pre-existing injury, the case is considered work-related and must be further evaluated to determine whether it meets the recording criteria.

Here the answer likely depends on whether Stan formally works from home (yes), or whether he voluntarily took work home to get more work done outside of office hours (no).

7. Yes. However, you do not have to report the fatality.

8. No. The OSHA regulations only apply within the jurisdictional bounds of the United States.