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§14300.5 Determination of Work-Relatedness.

(a) **Basic requirement.** You must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in Section 14300.5(b)(2) specifically applies.

(b) Implementation.**(1) What is the "work environment"?**

Work environment is defined as "the establishment and other locations where one or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of his or her work."

(2) Are there situations where an injury or illness occurs in the work environment and is not considered work-related?

Yes. An injury or illness occurring in the work environment that falls under one of the following exceptions is not work-related, and therefore is not recordable:

- (A) *At the time of the injury or illness*, the employee was present in the work environment as a member of the general public rather than as an employee.
- (B) *The injury or illness involves signs or symptoms that surface at work but result solely from a non-work-related event or exposure that occurs outside the work environment.*
- (C) *The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.*
- (D) *The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption (whether bought on the employer's premises or brought in). For example, if the employee is injured by choking on a sandwich while in the employer's establishment, the case would not be considered work-related.*

Note: If the employee is made ill by ingesting food contaminated by workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case would be considered work-related.

- (E) *The injury or illness is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours.*
- (F) *The injury or illness is solely the result of personal grooming, self-medication for a non-work-related condition, or is intentionally self-inflicted.*
- (G) *The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.*
- (H) *The illness is the common cold or flu.*

Note: Contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work.

- (I) *The illness is a mental illness.* Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a mental illness that is work-related.
- (3) *How do I handle a case if it is not obvious whether the precipitating event or exposure occurred in the work environment or occurred away from work?*

In these situations, you must evaluate the employee's work duties and environment to decide whether or not one or more events or exposures in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition.

(4) How do I know if an event or exposure in the work environment "significantly aggravated" a pre-existing injury or illness?

A pre-existing injury or illness has been significantly aggravated, for purposes of Cal/OSHA injury and illness recordkeeping required by this Article, when an event or exposure in the work environment results in any of the following:

- (A) *Death*, provided that the pre-existing injury or illness would likely not have resulted in death but for the occupational event or exposure.
- (B) *Loss of consciousness*, provided that the pre-existing injury or illness would likely not have resulted in loss of consciousness but for the occupational event or exposure.

(C) *One or more days away from work*, or days of restricted work, or days of job transfer that otherwise would not have occurred but for the occupational event or exposure.

(D) *Medical treatment* in a case where no medical treatment was needed for the injury or illness before the workplace event or exposure, or a change in medical treatment was necessitated by the workplace event or exposure.

(5) *Which injuries and illnesses are considered pre-existing conditions?*
An injury or illness is a pre-existing condition if it resulted solely from a non-work-related event or exposure that occurred outside the work environment.

(6) How do I decide whether an injury or illness is work-related if the employee is on travel status at the time the injury or illness occurs?

Injuries and illnesses that occur while an employee is 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." Examples of such activities include travel to and from customer contacts, conducting job tasks, and entertaining or being entertained to transact, discuss, or promote business (work-related entertainment includes only entertainment activities being engaged in at the direction of the employer).

Injuries or illnesses that occur when the employee is on travel status do not have to be recorded if they meet one of the following exceptions:

Exceptions

1. When a traveling employee checks into a hotel, motel, or other temporary residence, he or she establishes a "home away from home." You must evaluate the employee's activities after he or she checks into the hotel, motel, or other temporary residence for their work-relatedness in the same manner as you evaluate the activities of a non-traveling employee. When the employee checks into the temporary residence, he or she is considered to have left the work environment. When the employee begins work each day, he or she re-enters the work environment. If the employee has established a "home away from home" and is reporting to a fixed worksite each day, you also do not consider injuries or illnesses work-related if they occur while the employee is commuting between the temporary residence and the job location.
2. 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).

(7) How do I decide if a case is work-related when the employee is working at home?

Injuries and illnesses that occur while an employee is working at home, including work in a home office, will be considered work-related if the injury or illness occurs while the employee is performing work for pay or compensation in the home, and the injury or illness is directly related to the performance of work rather than to the general home environment or setting. For example, if an employee drops a box of work documents and injures his or her foot, the case is considered work-related. If an employee's fingernail is punctured by a needle from a sewing machine used to perform garment work at home, becomes infected and requires medical treatment, the injury is considered work-related. If an employee is injured because he or she trips on the family dog while rushing to answer a work phone call, the case is not considered work-related. If an employee working at home is electrocuted because of faulty home wiring, the injury is not considered work-related.

§14300.6 Determination of New Cases.

(a) **Basic requirement.** You must consider an injury or illness to be a "new case" if:

- (1) *The employee has not previously experienced* a recorded injury or illness of the same type that affects the same part of the body, or
- (2) *The employee previously experienced* a recorded injury or illness of the same type that affected the same part of the body but had recovered completely (all signs and symptoms had disappeared) from the previous injury or illness and an event or exposure in the work environment caused the signs or symptoms to reappear.

(b) Implementation.

(1) *When an employee experiences the signs or symptoms of a chronic work-related illness, do I need to consider each recurrence of signs or symptoms to be a new case?*

No. For occupational illnesses where the signs or symptoms may recur or continue in the absence of an exposure in the workplace, the case must only be recorded once. Examples may include occupational cancer, asbestosis, byssinosis and silicosis.

(2) *When an employee experiences the signs or symptoms of an injury or illness as a result of an event or exposure in the workplace, such as an episode of occupational asthma, must I treat the episode as a new case?*

Yes. Because the episode or recurrence was caused by an event or exposure in the workplace, the incident must be treated as a new case.

- (3) *May I rely on a physician or other licensed health care professional to determine whether a case is a new case or a recurrence of an old case?*

You are not required to seek the advice of a physician or other licensed health care professional. However, if you do seek such advice, you must follow the physician or other licensed health care professional's recommendation about whether the case is a new case or a recurrence. If you receive recommendations from two or more physicians or other licensed health care professionals, you must make a decision as to which recommendation is the most authoritative (best documented, best reasoned, or most authoritative), and record the case based upon that recommendation.

§14300.7 General Recording Criteria.

- (a) **Basic requirement.** You must consider an injury or illness to meet the general recording criteria, and therefore to be recordable, if it results in any of the following as detailed in subsections (b)(2) through (b)(6) of this section: death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness. You must also consider a case to meet the general recording criteria if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional as detailed in subsection (b)(7) of this section, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.

(b) Implementation.

- (1) *How do I decide if a case meets one or more of the general recording criteria?*

A work-related injury or illness must be recorded if it results in one or more of the following:

- (A) *Death*, See Section 14300.7(b)(2)
- (B) *Days away from work*, See Section 14300.7(b)(3)
- (C) *Restricted work or transfer to another job*, See Section 14300.7(b)(4)
- (D) *Medical treatment beyond first aid*, See Section 14300.7(b)(5)
- (E) *Loss of consciousness*, See Section 14300.7(b)(6)
- (F) *A significant injury or illness* diagnosed by a physician or other licensed health care professional. See Section 14300.7(b)(7)

- (2) *How do I record a work-related injury or illness that results in a fatality?*

You must record an injury or illness that results in a fatality, as defined in Section 14300.46 of this Article, by entering a mark on the Cal/OSHA Form 300 in the column labeled for cases resulting in death. You must also report any work-related fatality or serious injury or illness to the Division of Occupational Safety and Health within eight (8) hours, as required by Title 8 Section 342.

- (3) *How do I record a work-related injury or illness that results in days away from work?*

When an injury or illness involves one or more days away from work, you must record the injury or illness on the Cal/OSHA Form 300 with a mark in the space for cases involving days away and an entry of the number of calendar days away from work in the number of days column. If the employee is out for an extended period of time, you must enter an estimate of the days that the employee will be away, and update the day count when the actual number of days is known.

- (A) *Do I count the day on which the injury occurred or the illness began?*

No. You begin counting days away on the day after the injury occurred or the illness began.

- (B) *How do I record an injury or illness when a physician or other licensed health care professional recommends that the worker stay at home but the employee comes to work anyway?*

You must record these injuries and illnesses on the Cal/OSHA Form 300 using the check box for cases with days away from work and enter the number of calendar days away recommended by the physician or other licensed health care professional. If a physician or other licensed health care professional recommends days away, you should encourage your employee to follow that recommendation. However, the days away must be recorded whether the injured or ill employee follows the physician or licensed health care professional's recommendation or not. If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.

- (C) *How do I handle a case when a physician or other licensed health care professional recommends that the worker return to work but the employee stays at home anyway?*

In this situation, you must end the count of days away from work on the date the physician or other licensed health care professional recommends that the employee return to work.

- (D) *How do I count weekends, holidays, or other days the employee would not have worked anyway?*

You must count the number of calendar days the employee was unable to work as a result of the injury or illness, regardless of whether or not the employee was scheduled to work on those day(s). Weekend days, holidays, vacation days or other days off are included in the total number of days recorded if the employee would not have been able to work on those days because of a work-related injury or illness.

- (E) *How do I record a case in which a worker is injured or becomes ill on a Friday and reports to work on a Monday, and was not scheduled to work on the weekend?*

You need to record this case only if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the weekend. If so, you must record the injury or illness as a case with days away from work or restricted work, and enter the day counts, as appropriate.

- (F) *How do I record a case in which a worker is injured or becomes ill on the day before scheduled time off such as a holiday, a planned vacation, or a temporary plant closing?*

You need to record a case of this type only if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the scheduled time off. If so, you must record the injury or illness as a case with days away from work or restricted work, and enter the day counts, as appropriate.

- (G) *Is there a limit to the number of days away from work I must count?*

Yes. You may "cap" the total days away at 180 calendar days. You are not required to keep track of the number of calendar days away from work if the injury or illness resulted in more than 180 calendar days away from work and/or days of job transfer or restriction. In such a case, entering 180 in the total days away column will be considered adequate.

- (H) *May I stop counting days if an employee who is away from work because of an injury or illness retires or leaves my company?*

Yes. If the employee leaves your company for some reason unrelated to the injury or illness, such as retirement, a plant closing, or to take another job, you may stop counting days away from work or days of restriction/job transfer. If the employee leaves your company because of the injury or illness, you must estimate the total number of days away or days of restriction/job transfer and enter the day count on the Cal/OSHA Form 300.

- (I) *If a case occurs in one year but results in days away during the next calendar year, do I record the case in both years?*

No. You only record the injury or illness once. You must enter the number of calendar days away for the injury or illness on the Cal/OSHA Form 300 for the year in which the injury or illness occurred. If the employee is still away from work because of the injury or illness when you prepare the annual summary, estimate the total number of calendar days you expect the employee to be away from work, use this number to calculate the total for the annual summary, and then update the initial log entry later when the day count is known or reaches the 180-day cap.

- (4) *How do I record a work-related injury or illness that results in restricted work or job transfer?*

When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, you must record the injury or illness on the Cal/OSHA Form 300 by placing a mark in the space for job transfer or restriction and an entry of the number of restricted or transferred days in the restricted workdays column.

- (A) *How do I decide if the injury or illness resulted in restricted work?*
Restricted work occurs when, as the result of a work-related injury or illness:

1. *You keep the employee* from performing one or more of the routine functions of his or her job, or from working the full workday that he or she would otherwise have been scheduled to work; or

2. A physician or other licensed health care professional recommends that the employee not perform one or more of the routine functions of his or her job, or not work the full workday that he or she would otherwise have been scheduled to work.
- (B) *What is meant by "routine functions"?*
For recordkeeping purposes, an employee's routine functions are those work activities the employee regularly performs at least once per week.
- (C) *Do I have to record restricted work or job transfer if it applies only to the day on which the injury occurred or the illness began?*
No. You do not have to record restricted work or job transfers if you, or the physician or other licensed health care professional, impose the restriction or transfer only for the day on which the injury occurred or the illness began.
- (D) *If you or a physician or other licensed health care professional recommends a work restriction, is the injury or illness automatically recordable as a "restricted work" case?*
No. A recommended work restriction is recordable only if it affects one or more of the employee's routine job functions. To determine whether this is the case, you must evaluate the restriction in light of the routine functions of the injured or ill employee's job. If the restriction from you or the physician or other licensed health care professional keeps the employee from performing one or more of his or her routine job functions, or from working the full workday the injured or ill employee would otherwise have worked, the employee's work has been restricted and you must record the case.
- (E) *How do I record a case where the worker works only for a partial work shift because of a work-related injury or illness?*
A partial day of work is recorded as a day of job transfer or restriction for recordkeeping purposes, except for the day on which the injury occurred or the illness began.
- (F) *If the injured or ill worker produces fewer goods or services than he or she would have produced prior to the injury or illness but otherwise performs all of the routine functions of his or her work, is the case considered a restricted work case?*
No. The case is considered restricted work only if the worker does not perform all of the routine functions of his or her job or does not work the full shift that he or she would otherwise have worked.
- (G) *How do I handle vague restrictions from a physician or other licensed health care professional, such as that the employee engage only in "light duty" or "take it easy for a week"?*
If you are not clear about the physician or other licensed health care professional's recommendation, you may ask that person whether the employee can do all of his or her routine job functions and work all of his or her normally assigned work shift. If the answer to both of these questions is "Yes," then the case does not involve a work restriction and does not have to be recorded as such. If the answer to one or both of these questions is "No," the case involves restricted work and must be recorded as a restricted work case. If you are unable to obtain this additional information from the physician or other licensed health care professional who recommended the restriction, record the injury or illness as a case involving restricted work.
- (H) *What do I do if a physician or other licensed health care professional recommends a job restriction meeting the definition in Section 14300.7(b)(4)(A), but the employee does all of his or her routine job functions anyway?*
You must record the injury or illness on the Cal/OSHA Form 300 as a restricted work case. If a physician or other licensed health care professional recommends a job restriction, you should ensure that the employee complies with that restriction. If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.
- (I) *How do I decide if an injury or illness involved a transfer to another job?*
If you assign an injured or ill employee to a job other than his or her regular job for part of the day, the case involves transfer to another job.
Note: This does not include the day on which the injury or illness occurred.
- (J) *Are transfers to another job recorded in the same way as restricted work cases?*
Yes. Both job transfer and restricted work cases are recorded in the same box on the Cal/OSHA Form 300. For example, if you assign, or a physician or other licensed health care professional

recommends that you assign, an injured or ill worker to his or her routine job duties for part of the day and to another job for the rest of the day, the injury or illness involves a job transfer. You must record an injury or illness that involves a job transfer by placing a check in the box for job transfer.

- (K) *How do I count days of job transfer or restriction?*
You count days of job transfer or restriction in the same way you count days away from work, using Sections 14300.7(b)(3)(A) to (H), above. The only difference is that, if you permanently assign the injured or ill employee to a job that has been modified or permanently changed in a manner that eliminates the routine functions the employee was restricted from performing, you may stop the day count when the modification or change is made permanent. You must count at least one day of restricted work or job transfer for such cases.
- (5) *How do I record an injury or illness that involves medical treatment beyond first aid?*
If a work-related injury or illness results in medical treatment beyond first aid, you must record it on the Cal/OSHA Form 300. If the injury or illness did not involve death, one or more days away from work, one or more days of restricted work, or one or more days of job transfer, you enter a mark in the box for cases where the employee received medical treatment but remained at work and was not transferred or restricted.
- (A) *What is the definition of medical treatment?*
Medical treatment means the management and care of a patient to combat disease or disorder. For the purposes of Article 2, medical treatment does not include:
 1. Visits to a physician or other licensed health care professional solely for observation or counseling;
 2. The conduct of diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (e.g., eye drops to dilate pupils); or
 3. "First aid" as defined in subsection (b)(5)(B) of this section.
- (B) *What is "first aid"?*
For the purposes of Article 2, **first aid** means the following:
 1. Using a nonprescription medication on nonprescription strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes);
 2. Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);
 3. Cleaning, flushing or soaking wounds on the surface of the skin;
 4. Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc. are considered medical treatment);
 5. Using hot or cold therapy;
 6. Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);
 7. Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, backboards, etc.);
 8. Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;
 9. Using eye patches;
 10. Removing foreign bodies from the eye using only irrigation or a cotton swab;
 11. Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;
 12. Using finger guards;
 13. Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); or
 14. Drinking fluids for relief of heat stress.
- (C) *Are any other procedures included in first aid?*
No. This is a complete list of all treatments considered first aid for purposes of Article 2.