Employers must record on their Occupational Safety and Health Administration (OSHA) recordkeeping logs injuries to employees incurred while they are entering and exiting their personal vehicles on company parking lots. In a recently released letter of interpretation (link below), OSHA has narrowed the exception to the recordkeeping regulation that injuries are not recordable if they are caused by a motor vehicle accident on company property. Employers required to keep OSHA logs should adjust their recordkeeping procedures to account for the new interpretation.

OSHA's recordkeeping rule states that an injury caused by a motor vehicle accident and occurring on a company parking lot while the employee is commuting to or from work is not recordable. 29 CFR 1904.2(b)(2)(vii). OSHA was asked whether this exception applies to injuries sustained by employees getting into and out of their vehicles upon arriving to or leaving work. OSHA responded that the exception does not cover these injuries. According to the agency, “motor vehicle accidents” means accidents caused by moving vehicles, not stationary ones.

Thus, OSHA has stated that the following incidents are work-related and would be OSHA recordable, assuming other criteria for recording are met (e.g., the injury requires medical treatment beyond first aid or results in days away from work):

- An employee arrives at work and parks his car in the company parking lot. As the employee is getting out of his car he slams the car, door shut and “pinches” his finger.
- An employee is in the process of exiting his pick-up truck when he slips on a rail used to enter and exit the vehicle. The employee falls onto the parking lot surface and sustains a twisted right knee.
- An employee opens the driver-side door of his vehicle and starts to exit his car when he catches his right foot on the raised door threshold, falls onto the parking lot, and sustains a right knee cap injury.

According to OSHA, these scenarios differ from ones where an employee is injured as a result of moving vehicles, which employers would not need to record. For example, if an employee is injured in a car accident in a company parking lot while arriving at work, the case would not be recordable. Similarly, if an employee is walking across a company parking lot in the morning after arriving at work and is struck by a moving car, the injury would not be recordable.

Jackson Lewis recommends that employers have procedures in place for complying with OSHA’s recordkeeping rule and that this new interpretation be incorporated in writing into these procedures. Employee injuries in parking lots are a frequent occurrence and, in the event of an OSHA inspection, OSHA will look to see if employers are making the appropriate recordability determinations related to these injuries. Attorneys are available to assist employers with compliance or with any questions on OSHA’s recent interpretation.

Related Links

- OSHA Letter of Interpretation
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