

## Work-related Injury or Illness Results in Restricted Work

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Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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## Work-related Injury or Illness Results in Restricted Work

**Reference Number:** MTAS-1982

When a work-related injury or illness results in restricted work or a job transfer but does not involve death or days away from work, you must record the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and entering the number of restricted or transferred days in the restricted workday column. 29 C.F.R. § 1904.7(b)(4). Restricted work occurs when, as the result of a work-related injury or illness, you keep the employee from performing one or more of the routine functions of the job, or from working the full workday that the employee would otherwise have been scheduled to work. Restricted work also may occur if a physician or other licensed health care professional recommends that the employee not perform one or more routine functions of the job or not work the full workday that had been scheduled. Routine functions are those work activities employees regularly perform at least once a week. 29 C.F.R. § 1904.7(b)(4)(i).

As with days away from work, you do not have to record restricted work or job transfers if you, the physician or other health care professional imposes the restriction or transfer only for the day on which the injury or illness began. 29 C.F.R. § 1904.7(b)(4)(iv). Additionally, if a case involves a worker who works only a partial shift because of a work-related injury or illness, the partial day is recorded as a day of job transfer or restriction for record keeping purposes, except for the day on which the injury occurred or the illness began. 29 C.F.R. § 1904.7(b)(4)(v).

Both job transfer and restricted work cases are recorded in the same box on the OSHA 300 Log. You must count days of job transfer or restrictions in the same way that days away from work are counted. 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 becomes permanent. You must count at least one day of restricted work or job transfer for such cases. 29 C.F.R. § 1904.7(b)(4)(xi).

Generally, employers must count the number of calendar days the employee is unable to work as a result of an injury or illness, regardless of whether or not the employee was scheduled to work on those days. Weekends, 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 the work-related injury or illness. 29 C.F.R. § 1904.7(b)(3)(iv).

If an employee 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 should record this case only if information is received from a physician 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 count, as appropriate. 29 C.F.R. § 1904.7(b)(3)(v). If an employee is injured or becomes ill on the day before scheduled time off, such as a holiday or planned vacation, the same procedures should be followed. 29 C.F.R. § 1904.7(b)(3)(vi).

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*DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.*

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