

EXECUTIVE SUMMARY
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD

Summary of UPS – Decision After Reconsideration

Employer failed to establish the Independent Employee Action defense when it failed to show the employee knew of a rule regarding leaving the ignition on until a vehicle came to a complete stop. The evidence showed Employer trained the employee to turn off the engine before exiting the vehicle, which is not a rule prohibiting the Employee from turning the vehicle off prior to attaining a complete stop.

UPS, 07-3322
March 27, 2012

IEAD