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Workers' Compensation Alert - Course and Scope of Employment

Two cases have been decided by the Commonwealth Court that contain issues concerning whether a claimant was in the course and scope of employment at the time of an injury in a parking lot.

In Ace Wire Spring and Form Company v. WCAB (Walshesky), decided June 10, 2014, the issue was whether the claimant had arrived too early before his work shift began to be covered for a brain injury caused by falling on ice in the parking lot. The claimant initially testified he had arrived at 6:30 a.m. for an 8 a.m. start time, but later testified that he believed he arrived closer to 7:30 a.m. The WCJ found that the claimant had arrived between 6:30 a.m. and 7:30 a.m. for his 8 a.m. shift. The WCJ also found that the claimant picked up his week of clean uniforms and put them in his car and fell while returning to the building. The Commonwealth Court affirmed the determination that the claimant was in the course of his employment when he was injured.

The credibility determinations by the WCJ dictated the result in this case. The WCJ not only accepted the claimant's version of the time line and events, but also specifically rejected any evidence to the contrary offered by the employer. Despite the result in this case, the time of arrival and departure from the employer's premises is an important part of the investigation of a claim. Case law confirms that an employee injured on the premises while coming or going from work must be at a "reasonable time" before or after work. If the WCJ had determined that the claimant arrived a full 90 minutes prior to his shift, the result would probably have been a denial of benefits even if claimant wanted to retrieve his clean uniforms and put them in his car before his shift began.

The second case dealt with an injury that occurred when the claimant tripped and fell in a parking garage next to her employer's place of business. The Commonwealth Court in PPL v. WCAB (Kloss), decided June 11, 2014, determined that the claimant was not on the premises of the employer and that her claim was therefore not compensable. The Court held that the parking structure was not owned by the employer; that employees of another company also parked there and that the use of the garage was optional. Although the employer subsidized the cost of parking which meant an employee only paid $24 a month, this was interpreted as a benefit of employment similar to the cost sharing for health premiums. Thus, the Court concluded that the parking garage was not an integral part of the employer's business since the employee was not required to use the garage.

In general, the employer's premises can extend beyond property the employer owns or rents if the site of an injury is considered to be an integral part of the employer's business. If an employer required all employees to park at a lot adjacent to its property, but owned by another, then that parking lot could become an integral part of the employer's business and injuries occurring on the lot could be compensable.

Parking lot cases are very fact specific. If you have any questions regarding the compensability of this type of case, or have questions regarding Pennsylvania workers' compensation in general, please contact us.

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