



LEGAL ALERT

KTJ

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No Entitlement to Workers' Compensation Benefits When Driving to Regular Workplace for Mandatory Training

The “traveling-employee” doctrine applicable to workers’ compensation benefits did not apply where a police officer was simply driving his own car to his regular workplace and was struck by another vehicle, sustaining injuries. The fact that the police officer was required to attend a training outside of his regular duty hours did not alter the principle that an “employee’s trip to and from work is the product of his own decision as to where he wants to live, a matter in which his employer ordinarily has no interest.” The Court noted the police officer was not required to drive any particular route and that “he was not performing any activities of employment at the time of the accident.” While an employee may be eligible for workers’ compensation while commuting if an employer retains control over the employee, that was not the case in this instance.

For any questions or comments you might have regarding this newsletter, please feel free to contact:

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*Workers Compensation
Awarded*

A police officer was found eligible for workers' comp benefits when he was injured in an automobile accident while returning to the police station from lunch. The officer was a sergeant in the detective bureau and was assigned an unmarked police car for 24 hours per day. The officer was required to monitor the radio while using the car at all times, and he was to respond to any calls he received, even if he was off duty. He drove the car home to eat lunch on most days, and on the day of the accident, he was returning to work from lunch when a motorist ran a stop sign and collided with him. The officer was also given a beeper to facilitate responding to calls. He could do whatever he wanted during his lunch break. At the time of the accident, he was not responding to a call or emergency situation.

City of Springfield v. Industrial Comm'n, 244 Ill.App. 3d 408 (1993)

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Facts

The injured employee was a police (patrol) officer for the City of Peoria. He typically worked second shift, starting in the afternoon at 2:45 p.m. His shift entailed patrolling in a squad car for 65 - 75% of the time. He was directed to attend a mandatory training at 8:00 am and was to bring various items of police gear to the training. Enroute to the training at police headquarters, an oncoming vehicle crossed the center line and collided with him. He sustained neck and back injuries.

The police officer indicated that he believed he was always on duty and that he was required to respond to any illegal actions which took place in his presence. At the time of the accident, however, he was not responding to any emergency nor to any unlawful conduct. The Assistant Chief testified that the officer was not always on duty and that while he was required to report crimes he saw while off duty, he did not have an obligation to act any time he witnessed unlawful conduct while he was not on duty. The Department did employ officers on an on-call basis, but the injured officer was not one of those officers.

Analysis

The injured officer claimed that the City exercised sufficient control over him that he was within the scope of his employment at the time of the accident while driving to attend a training. He also asserted that he was a "traveling employee" when the accident happened.

The court noted that all employees are required to go to work and therefore the fact that the injured officer was going someplace he was required to go for work does not distinguish his situation from any normal commute to work. An obligation to drive to work does not lead to the conclusion that the injured officer was within the scope of his employment while commuting. The court also found that the fact that the training session was outside the injured officer's usual hours of employment and that he was ordered to bring certain equipment (nightstick, gun belt, handcuffs and key, taser, holster, and training uniform) was not relevant and none of those items resulted in the Department maintaining control over the officer while he was otherwise off duty, as a required handheld or police car radio and beeper might.

The court noted that accidents that occur when an employee is traveling to and from work do not generally arise out of or occur in the course of employment. The court stated that principle changes if an employee falls within the category known as a “traveling employee” noting that a traveling employee is an employee whose job duties require him or her to travel away from the employer’s premises. The “traveling employee” doctrine applies for work-related trips, when the employer directs, or reasonably expects an employee to perform, actions for which the employee is being compensated. As driving to and from work does not fall within the doctrine, to be covered the work-related trip must be more than a regular commute from home to work.

A copy of the full decision in *Allenbaugh v. Illinois Workers’ Compensation Comm’n*; 2016 IL App (3d) 150284WC can be accessed at:

[Allenbaugh v. Illinois Workers’ Compensation Comm’n,
2016 IL App \(3d\) 150284WC](#)

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