

Going and Coming Rule

Perhaps the single largest source of litigation under the NJ Workers' Compensation Act stems from the "going and coming rule". This rule indicates that routine travel to and from work is not compensable.

Also called the Premises Rule, it states; *Employment shall be deemed to commence when an employee arrives at the employer's place of employment to report for work and shall terminate when the employee leaves the employer's place of employment, excluding areas not under the control of the employer; provided, however, when the employee is required by the employer to be **away** from the employer's place of employment, the employee shall be deemed to be in the course of employment when the employee is engaged in the direct performance of duties assigned or directed by the employer.*



- The key word in the statute when it comes to a "special mission" is, away from the employer's place of employment. A simple way to think of a limitation on the special mission exception is that one is covered under Workers' Compensation while doing authorized business.
- Is the employee traveling to or from an area where he or she is to perform their "prescribed job duties"?
- Some deviations are acceptable, such as stopping to eat, smoke or attend to some human need.
- The NJ Supreme Court has ruled that the legal analysis to be applied to an accident to an on-premises employee is the same as that for an off-premises employee.

-Example; an employee is a pump station operator and his job duties take him to various sites around the municipality. On the date of injury, the employee stopped along his route to get his personal mail from the post office. As the claimant was returning to his municipal vehicle, he slipped and fell and was seriously injured, requiring multiple surgeries. The claim was denied as not compensable, which was upheld by the trial judge, the Appellate Division and the Supreme Court.