

## PREMISES RULE WYOMING

Archuleta v. Carbon County School District No. 1 287 P.2d 91 (Wyo. 1990)

Jose Archuleta was employed as a custodian at Rawlins High School by Carbon County School District No. 1. On December 23, 1987, he completed his shift at 3:30 p.m., punched his time card, and proceeded to his pickup truck in the school parking lot. Four to six inches of snow covered the lot. Archuleta's vehicle became stuck in wind-drifted snow as he approached the nearest exit from the lot. After breaking free, he backed away from the exit, leaning out the truck's open door, presumably to better see where he was driving. Notwithstanding that precaution, he drove into a light pole in the school parking lot. The pole struck the left side of Archuleta's head and forced it into the door jamb. He fell from the vehicle and was pronounced dead in the emergency room of Carbon County Memorial Hospital.

Issue on appeal: Was Archuleta in the scope of his employment at the time of the injury.

Wyoming Adopts Majority Rule:

"As to employees having fixed hours and place of work, injuries occurring on the premises while they are going to and from work before or after working hours or at lunchtime are compensable, but if the injury occurs off the premises, it is not compensable, subject to several exceptions. Underlying some of these exceptions is the principle that course of employment should extend to any injury which occurred at a point where the employee was within range of dangers associated with the employment." 1 A. Larson, *The Law of Workmen's Compensation* § 15.00 at p. 4-3 (1989). See also §§ 15.10-.12(a).

Important dicta:

We have implicitly accepted the proposition that a causal relation exists between an injury and the employment where an employee is hurt during such diverse activities as using a bathroom on his employer's premises or while taking lunch or coffee breaks in an area provided by the employer. It is a logical progression now to extend that proposition to such necessary incidents of the employee's service as punching a time clock or entering and leaving the employer's premises during those periods immediately before and after work.

Wyoming Work Comp v. Miner, 787 P.2d 89 (Wyo. 1990)

Holding WC coverage for a nurse who fell in the parking lot on the way to her car after her shift was complete.

Haagensen v. Wyoming Work Comp, 949 P.2d 865 (Wyo. 1997)

Holding the premises rule did not apply where a clerk/cook stayed after work approximately one and half to three hours after work to rest his legs and visit with co-workers and then fell leaving the premises.

Rocky Mountain Tank & Steel Co. v. Rager, 423 P.2d 645 (Wyo. 1967)

The employee died from carbon monoxide poisoning while sitting on his couch fully dressed with the television on and a holstered pistol on his waist. He worked in part as a night watchman and janitor and lived in a company owned apartment which was provided to him as a benefit of his employment. He had replaced the furnace in the apartment the week before. His duties included answering the phone for calls for the factory after hours and making the rounds in the evening to check on the facilities. The Court found there was enough evidence in the record to hold he was in the course of employment at the time of his death.

Key dicta: As we indicated earlier, the question of responsibility under the Workmen's Compensation Law for injury during times of rest and the like is one which is indeed difficult and cannot be categorically resolved; but in general it is said that acts necessary to the life, comfort, or convenience of an employee while at work are incidental to the service, and an injury occurring while in the performance of such acts may be compensable.