

TELECOMMUTING/WORKING FROM HOME

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PREEXISTING CONDITION

- Sat on a couch or bed while working on the laptop. Developed increased back pain.
- Had prior chiropractic care once/month for past five years.
- Is experiencing increased back pain while working on the laptop significant enough to create a compensable injury?
- What if x-rays show no demonstrable change from prior condition?

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MENTAL ISSUES

- Employee is required to work at home. Lives alone in a small one-bedroom apartment. Kitchen table is now the office.
- No history of mental health issues or difficulty at work.
- Employee becomes depressed but cannot get an appointment due to COVID-19.
- Depression progresses, now able to treat and files a mental stress claim.
- Compensable?

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PERSONAL ERRAND DURING THE DAY

- Forgot to take the trash out in the morning. Gets up quickly from desk and has a cramp in the leg. Hops to the door. Slips on water outside the door and injures leg again.
- Does the personal comfort doctrine apply to household chores?
- What if the employee is sitting cross legged?
- What if they are on a work call with the boss when they go to take out the trash?
 - Does this impact compensability?

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PERSONAL CONDITIONS

- An employee has preexisting medical conditions, including diabetes and obesity.
- Employee works at home and elevates feet while working.
- Employee subsequently develops DVT due to extended sedentary time with feet elevated.
 - Employee was not able to elevate feet when they worked at the Employer's office.
- Compensable?

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EMPLOYER PROVIDED IT EQUIPMENT

- Dog chews through computer cord. Employee attempts to fix it and is electrocuted. Compensable?
- What if the Employer's policy was to have their IT department take care of computer issues and the Employee ignored this?

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GUEST TRIPS ON IT EQUIPMENT

- Employer provides IT equipment, but the Employee set it up. Did not do a great job hiding the cords, etc. Neighbor comes over (wearing a mask) to bring veggies from the garden. Neighbor trips on cord. Who is responsible?

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BATHROOM SLIP AND FALL

- Goes to bathroom; slipped on water that spouse spilled and did not clean up.
- Is the personal comfort doctrine applicable?
- Compensable?
- What if the Employee spilled the water there earlier when not working and just left the water there?
- Any third-party liability?

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LATE NIGHT WORK

- Employee working from home. Goes to the local Irish pub at 4:30 p.m. (without a mask) because he cannot take it anymore. Has a few too many. Walks home at 10:30 p.m.
- An hour later, remembered he was supposed to do a report by 5:00 p.m. Runs to the home office, hoping his boss did not realize he did not send it in. Trips on the computer cord (likely because he is intoxicated), hits head on the desk, cut it open, and has to go to the hospital. Compensable?
- Does it matter that he was drunk or working at 11:30 p.m.?

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A BREAK IN

- Employee's home is broken into while they are working during the day.
 - Employee ran to get gun; comes back and is shot during the resulting confrontation.
 - Does it matter if no police report was filed?
- Instead of being shot, there is a physical altercation. There are no witnesses and no resulting medical treatment beyond a single emergency department visit on the day of the break in.
 - There is no documentation showing an injury, such as photos of bruises.
- Alternatively, there is no physical injury, but the employee claims to suffer from PTSD.
- Are any of these scenarios compensable?

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TWITTER

- If employees are electing to work from home indefinitely; can/should an Employer convert employees to independent contractors?
- Is this an option in Wisconsin?
 - Does it depend on the type of job and job duties?
 - How are the nine independent contractor criteria met?
 - For example:
 - Personal laptop?
 - Who pays internet?
 - Who pays phone?

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