

PUZZLE SOLUTION - January 2009 *DHRC-I Insider*

Scenario: You are a supervisor with an employee in an approved telework status who has been authorized to work from his residence. You receive word from the employee that he injured himself when he slipped on his kitchen rug while preparing a cup of coffee. By history, you are aware that this employee regularly drinks coffee during his working hours. Under the DLA *Telework Agreement*, the employee's home office has been designated as his specific duty location. The employee wants to know if his injury will be covered by workers' compensation. What do you tell him?

The best answer is:

- B. He has the right to file a claim. His injury may not be covered because it occurred under the auspices of the Personal Comfort Doctrine, which is a legal concept that refers to activities related to fulfilling basic human needs and wants. In accordance with DLA's *Telework Policy*, "an employee who works at a desk at home removes himself/herself from the performance of regular duties as soon as he/she walks away from the desk to use the bathroom, get a cup of coffee, or seek fresh air."**

Employees injured while teleworking are afforded the same coverage under the Federal Employees' Compensation Act (FECA) for injuries that occur during performance of duties as those employees who are injured at their official duty stations. However, a key distinction is made for injuries that occur under the auspices of the "Personal Comfort Doctrine." These activities are considered to be reasonably incidental to official employment-related duties thereby bringing them under coverage of the FECA for injuries **which occur at an employee's official duty station only**. When an employee is on property under his/her own control, activities which are not immediately directed toward the actual performance of regular duties do **not** arise out of employment.

Bonus Question: What if the same type of injury had occurred at the employee's official duty station?

For the reasons listed above, FECA coverage would likely be extended to the employee.