

Jones v. Regents of the University of California
(2023) DJDAR 11281

Under the premise line rule, workers' compensation was the exclusive remedy for university employee who was injured on campus while riding her bike home from work.

FACTS

The Regents of the University of California employed Rose Jones as the Director of Scholarship Opportunities at the U.C. Irvine campus. On the day of the incident, she left her office at the science library, walked her bike to the bike path and began riding home. About ten seconds later, while still on-campus, she reached a trench cordoned off with orange posts and caution tape. She swerved and attempted to brake but fell and sustained injuries.

Jones sued the University for premises liability and negligence, and her husband sued for loss of consortium. The University moved for summary judgment on multiple grounds. The first was that her injuries occurred within the course of her employment as a matter of law and therefore the workers' compensation exclusivity rule barred her claim. The trial court granted the motion on multiple grounds and Plaintiffs appealed.

FOURTH APPELLATE DISTRICT'S RULING

Affirmed under the first ground. Where an employee is injured in the course and scope of employment, workers' compensation is generally the exclusive remedy against the employer. (Lab. Code, §§ 3600(a), 3602.) This is to be liberally construed. However, when an employee is injured while commuting, the "going and coming rule" applies and the claim generally does not fall under workers' compensation. The question of when commuting begins and ends, is answered by the "premises line rule." This rule provides that employment generally begins once the employee enters the employer's premises, continuing until the employee leaves the premises.¹

The Joneses argued that whether the premises line rule applied was a triable issue based on several factors. These included that she was leaving work rather than arriving, her means of commuting was not employer-designated, her route was also used by students and the public, and the campus was large. Analogizing to a prior California Supreme Court case, *Smith v. Industrial Accident Com.* (1941) 18 Cal.2d 843, the court found that none of these precluded the premise line rule's application. In *Smith*, an employee worked for a fair operated on an island and was injured while traveling to a ferry terminal after work. The employer controlled the entire island comprised of hundreds of acres; employees, concessionaires and the fairgoers all used the island's roads; the employer did not control the ferry; and the employee could have walked to the ferry as opposed to riding in the back of a truck. *Smith* held these circumstances did not supersede the premises line rule. Similarly, here Jones was leaving work, she traveled using the means of her choice on roads also used by non-employees, and the employers' premises were expansive.

The Joneses also argued that the University did not carry its burden to present evidence of the campus' size or demarcation of the reasonable placement of the premises line. However, the University was not required to do so as this is not a subjective multi-factor reasonability analysis. The premises line rule provides for a "sharp line of demarcation" to objectively determine when employment begins and ends. Furthermore, the Joneses' reliance on *Wright v. State of California* (2015) 233 Cal.App.4th 1218

¹ See *Makins v. Industrial Accident Com.* (1929) 198 Cal. 698 regarding an employee unnecessarily loitering after work.

was misplaced. *Wright* concluded the “bunkhouse rule” applies to determine if there is a triable issue on whether an employee’s injury occurred in the course of employment when the employee resided on the employer’s premises. Here, Jones did not reside on the University’s premises, so the bunkhouse rule did not apply to raise a triable issue. Because the premises line rule brought Jones’ injuries within workers’ compensation, the exclusivity rule barred her tort claim and her husband’s derivative claim.