

Florida Court Relies upon GPS Information to deny Employee's Workers' Compensation Claim

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The District Court of Appeal of Florida recently addressed an issue which will undoubtedly be of interest to employers nationwide. In *Roloff v. Lock Busters of Southwest Florida*, the locksmith employee was required to be on call “waiting to be engaged” during his shift. The company vans contained GPS devices which provided for the location of the vehicle.

While on his way to a service call, he pulled over to go to the bathroom, and in doing so, stepped into a hole in the ground and was injured. He filed a claim against his employer due to his injuries. The employer pulled the service logs and GPS data for the date and time of the alleged incident, and the logs contradicted the employee's version of events. The employer accordingly claimed that the employee was not in the course and scope of employment because the Company only considered employees to be in the course and scope of employment when engaged in a service call. Since the logs revealed otherwise, the employer challenged the claim.

The Judge of Compensation Claims determined that the employee was not in the course and scope of employment, and further determined that the employee's choice to pull over and engage in public urination was a deviation from employment. The employee's petition was accordingly denied, and the First District Court of Appeal affirmed this decision.

GPS is being used more frequently by employers to defend against various employment-related claims, including workers' compensation, meal and rest break, and overtime claims. Employers should have clear policies outlining their monitoring practices so that if and when an issue arises, the information can be used to rebut claims.

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