Law – Case Analysis

Case #15Skidmore was required by his employer, Swift Co., to be “on call.” The “on call” situation allowed him to be anywhere he wished to be. When called, however, he had to be there within an hour. This was called “waiting time.” Overall, during most weeks, his actual hours exceeded the 40 hour workweek. Skidmore requested overtime pay, but was not paid. Swift argued that Skidmore was not entitled to such compensation. Question: Should on-call time be compensated as working time? Explain. Case #16Ms. Savage, a teacher at Sebring Middle School, was injured in December 1990 during a basketball game between the teachers and students. The game was an annual charity event. The game occurred during regular school hours, and the teachers received their regular salary. The teachers were required to participate in the game, either as a spectator or as a player. No benefit or detriment resulted from a teacher’s decision to play or to act as a spectator. ISSUE: Is the injury Ms. Savage sustained due to her participation in the faculty-student basketball game “work related”? Explain. Case #17On Saturday, November 11, 1995, Ms. Parry was employed by Wal-Mart and was scheduled to work a 4:30 p.m. to 11:00 p.m. shift. Ms. Parry left the store at 8:30 p.m. for her meal break. She did not return that night; instead, she called the store from her home and told the assistant manager that she had slipped on ice in the parking lot on the way to her car and injured her back. After seeking medical care, Ms. Parry was released to work on December 26, 1995.The Wal-Mart parking lot was covered with ice as the result of an ice storm on November 11, 1995. There was only one parking lot at Wal-Mart, used by both employees and customers. Employees were requested, but not required, to park on the south side of the lot so that customers would have better access to the front door. However, the south side of the lot was not restricted from customer use. As Ms. Parry walked to her car at about 8:30 p.m. her feet came out from underneath her. She twisted around to catch herself but her back hit the ground. She drove to her home approximately one block away and called Wal-Mart, speaking to the assistant manager. She did not return to work that night or the next day. She sought medical attention on Monday. Question: Is the employee covered under workers’ compensation for sustaining injuries by falling in a parking area designated for use by the general public? Explain Methodology: The cases require substantial critical thinking and analysis. When answering the questions for a case, one method you may use is the “IRAC” format, as follows: Issue(s): State the legal issue(s) presented by the hypothetical case. For example: “This case involves the issue of whether sexual harassment has occurred as defined by law.” Rule(s): State the rule(s) of law applicable to the scenario. For example: “For sexual harassment to have occurred, the employee must have been subjected to unwanted conduct of a sexual nature sufficient to create a work environment that a reasonable person would consider to be hostile or to unreasonably interfere with the conditions of the employee’s employment.” Analysis: Apply the rule of law to the facts presented by the case. For example: Do the specific facts presented by the case meet the legal definition of sexual harassment, or do they fall short of that definition? Consider all facts presented by the case. Conclusion: State your conclusion. For example: “In this case, the employee was subjected to illegal sexual harassment, for which the employer may be held liable