
WORKERS' COMP - TEXAS

City of Bellaire v. Johnson

Supreme Court of Texas - June 7, 2013 - S.W.3d - 2013 WL 2450151

Contract worker brought negligence action against city and city garbage truck driver for injuries sustained when he fell into garbage truck hopper. Ooops.

The Supreme Court of Texas held that worker's claim was subject to workers' compensation's exclusive remedy bar.

An employee cannot avoid the workers' compensation exclusive remedy bar by arguing that he was not covered under the specific terms of his employer's workers' compensation insurance policy. Rather, the employee is covered as a matter of law, and any dispute by the carrier over whether it agreed to provide such coverage under the policy's terms is with the employer.

Contract worker furnished to city by staffing services company was city's employee, rather than an independent contractor, where city controlled the details of worker's work, notwithstanding worker's claims that he was not a "paid employee" of the city within the meaning of self-insured city's interlocal agreement, and was not paid by the city or by the hour. The city provided worker with workers' compensation coverage as a matter of law, and worker was paid by the city through staffing company and on the basis of the hours he reported to the city.

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