

SC Supreme Court Adopts "Divided Premises Rule"

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In *Davaut v. USC*, the Supreme Court of South Carolina adopted the “divided premises” rule and held that “when an employee crosses from one portion of her employer’s property to another over a reasonably necessary and direct route, the employee remains in the course of her employment for purposes of workers’ compensation” Op. No. 27673 (Shearouse Adv. Sh. No. 41 at 13-14) (Sup. Ct. filed Oct. 26, 2016). The claimant—a language professor at USC-Lancaster—was walking from the school’s library where she had been working to a parking lot provided by USC for faculty and students. To get to the parking lot, she had to cross a public street that bisected the campus. As she was crossing the street, she was struck by a vehicle and she thereafter sought workers’ compensation benefits from USC.

The Court adopted the “divided premises” rule and found that when an employee crosses from one portion of their employer’s property to another over a reasonably necessary and direct route, the employee remains in the course of their employment for purposes of workers’ compensation.

Although the holding in *Davaut* appears to be narrow, it is clear that employees who park in an employee parking lot where they are required to cross a public street to get to work, will likely be considered to be in the course of employment for purposes of workers’ compensation. Therefore, employers should avoid providing employee parking in an off-premises location, if at all possible.

Read full opinion [here](#).

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