

## Worker's Comp: Illinois Science Teacher Brings Full Court Press Against School District

Article By:

Employment & Labor Practice Heyl Royster

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In a 5-0 decision addressing **Section 11** of the *Illinois Worker's Compensation Act*, which allows an employer to deny compensability of injuries resulting from voluntary recreational activities, the appellate court found a science teacher's workers' compensation claim for injuries during an afterschool teacher-student basketball game compensable. In ***Calumet School District #132. v. Illinois Workers' Compensation Comm'n***, 2016 IL App (1st) 153034WC, the employer school district's teachers were expected to participate in afterschool activities without additional pay. The afterschool basketball program was no exception and, even though it was not mandatory for students or teachers, it was intended to build rapport. Here, claimant proved he believed his employment at the school would be jeopardized if he did not play in the afterschool basketball game in which he was injured. His contract was up for renewal that month and he feared negative repercussions if he refused his principal's request to play in the game. Unfortunately, the claimant was injured during the game when he went up for a jump shot and a student ran into him causing him to fall. Oddly enough, the claimant's teaching contract was not renewed for the next school year.

The court found claimant's participation in the basketball game was not voluntary because he reasonably believed his job required him to play and thus, Section 11 of the Act did not bar his claim. Section 11 provides that voluntary recreational activities ordinarily do not arise out of and in the course of employment unless the employee was "ordered or assigned" to participate in the activity. In this case, the court focused on the principal's pressure on claimant to participate and the imminent nature of the claimant's contract renewal. Further, claimant's un rebutted testimony proved afterschool activities were included as part of the claimant's job duties. Thus, the activities were not for claimant's benefit but rather the benefit of his employer, making the resultant injury compensable under the Act.

To avoid liability for these types of claims, employers may consider not having supervisory personnel do the recruiting for these activities such that participation is truly voluntary. Understandably, school district employers have to strike a balance between managing workers' compensation risk and promoting a collaborative environment for students and teachers.

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