

## ***WORKSHOP CASE #2***

### **I. BACKGROUND.**

In a Transportation departmental meeting of approximately 105 employees, an employee took the opportunity to address the employees at the end of the meeting. There was a standard practice that at the end of each monthly departmental meeting the Director would ask if there was anything for the “good of the order”. In the past, employees would state things such as there is a detour on route 4 between this street and some other street, or employee Mary Lou’s father passed away on Thursday, etc.

The employee stood up and was recognized by the Director at which time the employee stated that he was “...sick and tired of the attacks on his personnel life by other employees.” He went on to state that “... if any of you M.Fers do it again I will go postal on you”. The group got very quiet and the Director immediately adjourned the meeting.

The Director then called the Sheriff, who was on the scene within minutes and escorted the employee off site.

The employee was placed on paid administrative leave with pay while an investigation took place. Several affidavits were obtained from employees stating what they had heard. Most all affidavits stated that the employee did address the group and that he did say he would go postal. Some stated that they did not take it as a threat on their life but possibly some might. Some were afraid to sign an affidavit. One person stated he didn’t think he meant it.

A pre-disciplinary conference was scheduled and held. The employee was charged with threatening other employees, violating the workplace violence policy and using foul language. The conference administrator upheld the charges and the employee was terminated.

### **Additional Information**

The employee was a 17 year employee with no prior discipline.  
The employee was awarded Driver of The Year, twice.  
The Employer had a zero tolerance policy on workplace violence.

### **Questions to Answer**

Who would you interview?

Seven tests for Just Cause met or not?

What might employee argue?

How might Employer counter?

Who would be employee’s witnesses?

What might Employer argue?

Potential response by employee.