

HR STORIES FROM THE FRONT LINES



Your Employee Brings a Gun to Work ... Do YOU want to Fire him?

A-2-Z Resort is facing problems yet again – this time in its Housekeeping Department. Let’s find out what issue is plaguing poor Judy, A-2-Z’s HR Director, this time.

Judy has just finished a conversation with Tony, the Housekeeping Manager. Tony has caught one of his employees (Ryan) stealing and he wants to fire Ryan immediately.

While generally this would be a no-brainer and Ryan’s employment with A-2-Z would be over, there are a couple of wrinkles that are causing Judy some concern.

1. When Tony confronted Ryan about the theft, Ryan threatened Tony — telling him that he would happily resolve this situation in the parking lot; and
2. Word around the water-cooler is that Ryan habitually brings a gun into work and several employees have seen a gun in Ryan’s messenger bag on many different occasions.

While this conduct is clearly in violation of A-2-Z’s Workplace Violence Policy, Judy is concerned that Ryan could potentially be a violent employee and might “go postal” if his termination is not handled carefully.

The Game Plan

After careful consideration, Judy decided the best course of action was to explain the situation to A-2-Z’s Security Department and have two armed security officers present for the meeting with Ryan. Following the meeting, the security officers would then escort Ryan off A-2-Z’s property. In addition, Ryan would be directed to leave his messenger bag outside of the meeting room and one of the security officers would give it back to him when they reached Ryan’s car. That way Judy would best be able to ensure the safety of herself and the other A-2-Z employees.

The termination meeting occurred as planned with two security officers present. While upset by his termination, Ryan did not react violently and, after the meeting, he was escorted from the property without incident.

Conclusion

Employers can never be too careful when credible threats of violence are present. While it is impossible to determine with any certainty whether or not an employee will resort to violence in the workplace, in the event that tragedy did occur and the employer knew or should have known about the potential for a violent outcome, the employer could be held responsible for the harm caused by the violent employee.

In the above scenario, A-2-Z Resort had on-site security that was trained to handle this type of situation. However, most employers likely do not have that type of resource available. Instead, when faced with a legitimate suspicion that an employee has a weapon in the workplace and/or may become violent, those employers should address their concerns with local law enforcement before confronting the employee and, depending on the situation, request local law enforcement assist with handling the situation. By taking these preemptive measures, you may be able to diffuse a potentially dangerous situation before it occurs.

In addition, it is important for employers adopt a Workplace Violence policy, which is available in our updated Model Handbook. You can find this on our website in the HR Tasks tab under the sub-section Develop Your HR Program.

With respect to weapons in the workplace, please remember that some states have laws specifically addressing an individual’s right to possess a firearm on his/her employer’s property. To assist you with determining whether your state has such a law, we have developed a chart entitled “Workplace Weapons Laws”, which is available in the same sub-section Develop Your HR Program, under Develop a Fully Compliant HR Program.