

GUNS AT WORK: THE CASE OF THE HIDDEN HANDGUN



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Guns at Work: The Case Of the Hidden Handgun

The parties in arbitration are Master Chef (MC) and the Union of Food Service Workers (UFCW).

MC provides food and beverage service for airplanes at several U.S. airports, including one in Carbondale, Illinois. It operates out of space leased from the local public airport authority.

At issue is MC's dismissal of Ed Edwards on January 12, 2024, for violating a company rule when he brought a gun to work.

The rule bans "possession at work of any weapon that can cause serious physical harm to others."

- The dismissal followed a search of Edwards's locker on January 12. A loaded handgun and an ammunition clip were found inside a backpack.
- The search was directed by Mary Monroe, MC's manager, after a supervisor, Susan Strong, reported a confrontation with Edwards earlier in the day.
- Previously, in October 2022, Strong and Edwards had a run-in when she was a new supervisor.
- Edwards called Strong a "stupid idiot" in the presence of others. He was given a warning letter.

- On January 12, Strong reported to Monroe that Edwards objected when she told him he needed to work overtime due to short staffing.
- Soon after, according to Strong, Edwards called her a “jerk” and said, “I’ll get even for this” while stepping toward Strong and pointing his index finger at her.
- A co-worker, William Wallace, moved between Strong and Edwards, and pushed Edwards away from Strong.
- Wallace spoke with Monroe and confirmed Strong’s account.

- Strong and Monroe believed from workplace talk that Edwards owned several guns.
- When Monroe spoke with Strong and Wallace, neither said that Edwards mentioned a gun.
- The locker search followed.
- After Monroe's discovery, she met with Edwards and his union representative. Edwards admitted he knew about the no-weapons work rule.

- In the meeting Edwards told Monroe that he has a license for the gun.
- Edwards explained that he was at target practice the day before. He said he forgot to leave the gun in his locked car as he was rushing to get to work on time.
- Edwards was fired after meeting with Monroe.

- The master CBA for MC and UFSW has a three-year term and expires in 2025.
- The CBA recognizes MC's authority to adopt reasonable work rules, prohibits discrimination, requires maintenance of a safe workplace, permits mandatory overtime for up to two hours after a shift, and requires just cause for discipline.
- The CBA contains a grievance and arbitration procedure. Warning letters are excluded from arbitration.

- MC employees receive a copy of the work rules each year. They are also posted at MC's facility
- The work rules list six types of "serious misconduct" as grounds for summary dismissal. The no-weapons rule is one of the six.
- In the employee locker room, there are signs advising that the company reserves the right to search lockers for "unlawful or prohibited items."
- At the entrance to MC's facility there is a large sign stating, "No Firearms Allowed on This Property." An illustration on the sign has a gun inside a red circle with a red slash through the circle.

- In opening statements, the parties dispute the relevance of Edwards's intent.
- The parties also dispute whether searching the locker was reasonable, and whether firing Edwards is consistent with the Illinois Concealed Carry Act.
- The Illinois statute permits a ban on firearms on private property, but also permits storage of firearms in a case of out of plain view in a locked vehicle in a parking lot.

- Company witnesses at the hearing are manager Monroe, co-worker Wallace, and an out-of-state employee relations director. Union witnesses are Edwards and a union representative.
- Supervisor Strong is not testifying. She has moved to California and refuses to be involved.
- Several questions arise during the hearing.

QUESTION 1

As MC's first witness, Monroe testified that Strong reported being scared of what Edwards might do after telling him about the overtime, but she did not say Edwards threatened to use a gun. Monroe stated that both she and Strong had heard employees say Edwards had several guns. The UFSW objected to any testimony about Edwards having guns as hearsay and speculation.

Should the objection to any testimony about Edwards having guns be sustained?

QUESTION 2

Wallace testified that, when asked by Monroe soon after the event on January 12, he reported his observation of Edward's conduct. He recalled that this included Edwards stating he would "get even" as he stepped toward Strong, pointing his finger at her. Wallace said he did not hear any mention of a gun, but he pushed Edward back because he feared the grievant was so angry that he would hit Strong. The UFSW objects to any testimony from Wallace about Edward's intent.

Should Wallace's testimony be excluded as inadmissible opinion?

QUESTION 3

MC's out-of-state employee relations director testified that MC's no-weapons work rule was based on a federal occupational safety requirement to provide a workplace, "free from recognized hazards that are causing or are likely to cause death or serious physical harm" The director stated that the no-weapons rule was adopted after a family's wrongful death suit following the shooting death of an employee in a company parking lot in Georgia in 2019. The UFSW's advocate objected that this testimony is irrelevant.

Should the UFSW's objection to testimony about the Georgia case be upheld?

QUESTION 4

In the UFSW's case, Edwards testified that he was sorry for this outburst on January 12 and for having a gun in his locker. He explained that he had a license to carry the gun. Edwards said he meant to leave it in his locked car in the parking lot after target practice the day before, but forgot it was in his backpack as he was rushing to be at work on time. MC's advocate moved to strike Edwards' testimony about why he brought the gun to work, arguing that his explanation was irrelevant on the issue of whether the company had just cause to act.

Should Edwards' explanation about why he had the gun at work be stricken?

QUESTION 5

The UFSW's chief grievance administrator testified that MC has not always dismissed employees who had guns on company premises, referring to two cases from 2014 and 2017. MC objects that any testimony about those cases is irrelevant in light of the CBA test permitting reasonable work rules, including MC's rule from 2019 banning weapons and permitting summary dismissal for "serious misconduct."

Should MC's objection about the past cases from 2014 and 2017 be sustained?

FINAL QUESTION



- *Should the grievance be granted; if so, what is the appropriate remedy?*