

There's Been a Shooting at JoeLouie's Commissary! A Business Case

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ABSTRACT

This paper outlines a fictional case involving an accidental shooting in the workplace. This case is challenging because the shooting itself is not directly crime related and is complicated by the use of contingency workers, workmen's compensation insurance issues, leadership and management issues, company reputation, and more. Student discussion questions are included, as are suggested teaching exercises at the end.

Keywords: workplace shooting, contingency employees, workmen's compensation, leadership, reputation, policy

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INTRODUCTION

There is no greater threat nor tragedy to employee wellbeing than a workplace shooting. These acts of domestic terrorism have grown significantly in the last two decades and are now considered a major threat to society. Every church shooting, every school shooting, every mall shooting, and every daycare shooting is another example of workplace violence. Whether a single person or a mass is injured or killed, the human toll of workplace violence continues to threaten businesses throughout the world. Further, this is not a recent phenomenon. As early as 1973, Sacheen Littlefeather reported that John Wayne had to be restrained from attacking her as she delivered remarks at the Academy Awards ceremony (Harvey, 2022). The recent assassination of Shinto Abe, Prime Minister of Japan (Kuhn, 2022), as well as mass shootings in Buffalo, New York and Luguna Woods, California, both in May, 2022, indicate how endemic violence has become in even the safest cultures, including churches and grocery markets (Gonzales, 2022). This case highlights the many considerations around workplace violence, whether companies are dealing with weapons, fights, or other aggressive behaviors.

THE CASE

The Shooting

After an 80-hour week in the restaurants and offices, Joseph Campana and Louis Campana, brothers and co-owners of “JoeLouie’s Restaurants”, have finally left the offices for home, leaving their operations in the worthy hands of well-trained and diligent managers. However, tonight is not the night they will get rest. At 11:30 p.m., both Joe and Louie receive calls telling them there has been a shooting inside their new commissary division warehouse.

When they arrive at the commissary, Manager Kaye meets them with the news that an employee is shot and has been sent to the closest hospital by ambulance, accompanied by an assistant manager. An ambulance was chosen as transport to assure that the insurance company has complete records about the non-lethal injury.

Distraught, Joe wipes his face as he asks, “What happened?”

Manager Kaye explains, “Ronnie is one of our feeders, and he was picking up a box when the gun went off. Here’s what we know about him: He’s 15 years old, African American, has a high school education, no college, no specialized training of any kind, is related to at least two other people in the plant, and has no dependents.”

Louie stops her to ask, “What is a feeder?”

Kaye answers, “A feeder facilitates line preparation by keeping a constant stream of supplies at the right place at the right time. He picks up heavy stuff and moves it to the line. He also opens the box to facilitate easy access for folks working in the line.”

Kaye continues explaining the incident. “Ronnie was carrying an old, poorly maintained 9mm pistol in his waistband when one of the boxes he picked up slipped, hit the gun, and caused a discharge. The bullet grazed his leg, but went through his foot. He was bleeding everywhere.”

Joe stopped and asked in amazement. “Are you telling me he got shot by a box?!”

Kaye answered quietly, “Yes, Sir. I am.”

Joe was now fully irritated. “Why the hell am I here in the middle of the night?”

Kaye patiently answered, “Because he isn’t a direct employee. We really needed people, so we hired him from a contingent employment agency.”

Louie stepped into the conversation at this point, exclaiming, “Not my employee, not my problem. I have a sign.” Louie pointed to the sign on the outside door of the Commissary as he turned around to leave. The sign read, “No Weapons Or Firearms While On Company Property.”

Kaye stopped him with a simple command, “Wait.” Once she had their attention again, she continued her explanation, with “Ronnie wants our workers’ comp insurance to pay for his injury and time in the ER.”

Joe entered the conversation with, “He’s not my employee, he got shot by a box, and he wants our insurance to pay. Is that correct?”

Kaye nodded and waited.

Joe huffed a big breath and said, “I’m going home. Louie is going home. We will open an investigation tomorrow with the head of HR. Does that fulfill your expectations for us tonight?”

Kaye answered simply, “Yes, Sir. What time would you like me to be available? I get off in six hours, 7:00 a.m.”

Joe answers, “Can we see you at 10:00? Louie does that work for you?”

After signaling his agreement, Louie turned to leave with Joe close behind.

The Investigation

Saturday morning: Once again, Joe and Louie find themselves conducting a human resource investigation, accompanied by their young HR manager. This investigation begins with another visit with Kaye. As they question Kaye, they begin to uncover some unforeseen problems with the new division, the Commissary.

Kaye’s story begins with, “I asked him why he felt he needed to carry a gun in the Commissary. He told me that he needs protection like everyone else there. As you have seen, I have mostly young men in there, and last week, Ronnie saw his brother get into a fight in the middle of the plant with another fella who works close by. They were fighting over an imagined slight. When I got to them, they were rolling around on the floor like wild dogs while others stood and watched or cheered them on! Anyway, I finally got them to stop, wrote both of them up, and sent them back to work. Actually, fights and aggressive disagreements aren’t that unusual in the plant, but I will discuss that later.”

NOTE: Kaye is a white, female manager who answers directly to Joe and Louie. She is a long-term employee of the company and has a reputation for confronting issues with a clever wit and high emotional intelligence. She is well respected and works like a pack mule to assure that the new division reaches its full potential.

Kaye continued, “So, he, Ronnie, told me that later that night after the fight, as he was walking to his car, the man fighting with Ronnie’s brother called in a drive-by shooting in our parking lot on the brother, even though his mother was walking out with him. The only damage was to their car, but someone certainly meant to scare them. The police were called, but no one was around who could identify either the vehicle or the shooter. So, Ronnie feels the need to proactively carry an old gun...in his pants, without a holster, weak safety lever, and he kinda shot himself when the box shifted. We all heard the discharge, and most people took off running or hiding.” Kaye looked around for a minute, and finished with, “That’s about it. That’s all I know. The employee’s direct manager from the temp agency, Tom Allen, came by last night to talk with me before heading to the hospital.”

Louie spoke up. “I am really out of like with this agency. Should we find another temp supplier? What did he have to say about the agency’s response to all this last night?”

Kaye replied, “No. I don’t think we need a different agency. As you say, it’s not our problem, because Ronnie is their employee. With that said, we need to be cautious as we move forward to protect our reputation as a safe place to work. Word gets around to these temp employees about which companies are good for employees and which are not. That can be a killer during holidays and other heavy times.”

“About the shooting, Tom Allen assured me they would complete a full internal investigation and handle the problem appropriately. I’m going to guess that Ronnie will be terminated by both companies, because this is too dangerous a situation for us to tolerate. There aren’t going to be any more gun discharges or “dustups” on my watch. I’m pretty sure the temp agency has a zero-tolerance policy for weapons on site. Tom Allen told me they will provide a full report after they complete their investigation.”

Joe and Louie looked at each other and nodded their agreement. Joe responded, “We like the idea that you are going to stop this dangerous behavior, and we want to know more about how you want to approach this.”

Kaye was quick to answer with, “I’ll be happy to tell you all about my plan to handle this and similar problems after I get the temp agency’s report. I’ll work through it, and then schedule a time with you to talk about what needs to happen next.” Kaye left and headed home to finally get some sleep.

Monday morning, the HR Director, Dominique, sat down with Joe and Louie to tell them what she discovered in her investigation. Dominique told of talking with Ronnie in the hospital as well as others. She corroborated the story told by Kaye, including Ronnie’s proactive response to the parking lot drive-by shooting, something that neither Joe nor Louie knew about. Ronnie perceived a threat merely because of the presence of others with weapons. Everyone in the plant was aware of the drive-by shooting. Ronnie’s gun was with the police officers, because Kaye removed it from Ronnie’s waistband to avoid another discharge. Police officers verified the condition of the gun, including poor maintenance and a weak safety lever. The police kept the gun as evidence both for insurance and safety purposes. She also verified Ronnie’s claim that his care should be covered by worker’s compensation insurance, because he was shot on site, even if it was an accident and with his own gun.

When Dominique talked with Tom Allen, he noted that the agency’s worker’s compensation insurance required a drug test and that the drug test was administered in the emergency room. Ronnie tested positive for THC and was immediately terminated. Because Ronnie was terminated for drug use, he is disqualified for worker’s compensation insurance. The insurance company completes two different drug tests to assure that drugs are present or not. The agency also rigorously enforces a zero-tolerance policy for drug use, and all employees are reminded frequently that drug tests can be random but are always required after an injury or prolonged sickness. Ronnie signed a form acknowledging the zero-tolerance policies at work in the agency.

Tuesday morning, Kaye requests a meeting with Joe and Louie to discuss the report from the agency’s investigation. Joe and Louie have both scanned the document in preparation for the meeting.

Kaye begins with, “We are absolved of any responsibility for the shooting that took place in the Commissary, because 1) the employee is not a direct employee and 2) because the employee was positive for THC, the active ingredient in marijuana. Two drug tests indicate that Ronnie had drugs in his system, and that is contrary to the policies of both the agency and JoeLouie’s.”

She took a breath and continued, “With that said, there is much in the agency’s report that got my attention. They were thorough in their approach not only about what went right, but also where we have weaknesses that be construed as negligent or willful disregard. WE have work to do.”

Kaye continued, “They made the statement that we have a very porous system with a lack of security measures for both customers and employees. I agree. After Friday night’s incident, I asked around to see if others throughout the JoeLouie’s holdings have had any incidents involving guns/weapons/drive-bys/fights and anything else that would be considered violent. Much to my surprise, I uncovered a couple of really interesting stories. This is my favorite that I think you two need to consider as we continue to discuss this issue:

One day recently, the day manager in Store #3 looked up to see one of her young men coming toward her carefully carrying a .38 pistol that he found in the men’s restroom. He tried to hand it to her, while it was pointed at her, but she refused it; instead, she had him lay it carefully on the counter next to her, and she called the police to come get the gun. While waiting for the police, one of the cooks walked by and noticed the firearm. He claimed that it was his. He claims he took it out of the waist of his pants and laid it on the counter while he relieved himself and washed his hands. So, he laid the gun on the counter, left it there while he went into the stall, came back, washed his hands, and walked out. The manager refused to give him the gun, because she was not going to take responsibility for giving a gun back to someone who was so thoughtless with a firearm. The manager insisted that the police take possession of the gun and let them decide whether to give the gun back. The police took possession of the gun and left.”

Taking a breath, Kaye continued, “Now, I want you to hear some of the suggestions that the temp agency made to help control aggressive and violent behavior in the Commissary and, perhaps, some of the restaurants.

- 1) Use a metal detector at the entrance door.
- 2) Use security badges to document entrance and exits.
- 3) Use off-duty police officers to watch the parking lots.
- 4) Provide extensive safety training, including active shooter training.
- 5) Report every incident and keep a working record of offenders.
- 6) Refuse to rehire offenders.
- 7) Employee orientation that strongly focuses on values and safety and comfort for customers and employees.”
- 8) Better lighting behind buildings with parking spaces.
- 9) Create a threat management team.”

“Further, this is what OSHA, Occupational Safety and Health Act of 1970, commonly called just OSHA, says about the duty to care, and I quote from their Workplace Violence section”,

“...employers are required to provide their employees with the place of employment that is free from recognized hazards that are causing or are likely to cause death or serious physical harm”. The courts have interpreted this to mean that employers have a “legal obligation to provide a workplace free of conditions or activities that either the employer or industry recognizes as hazardous and that cause or are likely to cause death, serious

physical harm to employees when there is a feasible method to abate the hazard” (paragraph one). Any employer that has experienced workplace violence or is aware of conditions that may create violence or the potential for violence should implement a prevention program which includes training, administrative controls and other related items (Workplace Violence, n.d.).

Kaye sat quietly for a minute to give the Campana brothers time to let all of this sink in. After each brother had taken a long deep breath to help them reset, she said, “To paraphrase Chris Rock, ‘I never go into a club with a metal detector, because everybody outside knows you don’t have a gun. They’re all outside.’ Now, here’s my plan...we want to know where the guns are...”

NOTE TO STUDENTS

As a student, you need to fully analyze the facts of this case and that might include some case law, particularly if you are a graduate student. The best case responses are grounded in research and are not based on opinion. Instead, they provide evidence that sets the stage for an action plan. Once you have completed the exercises below, including the tables, toward helping you create an orderly system of information, create an internal audit and external scan of the environment to create a list of strengths, weaknesses, opportunities, and threats that are relevant in a SWOT analysis. If you feel confused at first, remember to always start with culture analysis. Once you understand the organizational culture, you will begin to feel more secure about other analyses.

Once you have completed the analysis, you can write the plan for Kaye. Make sure your plan includes all SWOT input factors that are relevant from your analysis. Your plan should also include a well-developed set of actions steps that are mandated when the plan is adopted. Finally, specify what outcome you want for each step of your plan.

The questions below are provided to help you think through the many issues in this case.

Discussion questions:

- 1) Ronnie’s reading ability is about 10th grade. Is it reasonable to expect him to comprehend a written safety manual?
- 2) Does JoeLouie’s need a safety manual? Do you see any evidence that they have a safety manual?
- 3) What policies are needed, or not, by JoeLouie’s to provide more safety and comfort for customers and employees?
- 4) What mandates need to be part of work life at JoeLouie’s Restaurants?
- 5) What major ethical issues appear to be present in this organization and how might they be addressed?
- 6) What is ethic of care? Are Joe and Louie demonstrating ethic of care for their employees and customers?
- 7) Are Joe and Louie guilty of negligence or willful disregard?
- 8) Does OSHA have jurisdiction over JoeLouie’s operations when it comes to contingency (temporary) workers?
- 9) Are Joe and Louis using the best practices with regard to protecting temporary workers? Use the document posted on the CDC website titled, “Protecting Temporary Workers:

Best Practices for Host Employers” to help assess deployment and integration of best practices as suggested by NIOSH (2022).

- 10) What are the child labor laws and regulations that inform this case?
- 11) If the employer was an international company whose headquarters are not in the U.S., would your answers be different? What cultural issues would you expect to encounter?
- 12) Consider all of the leaders in this case and the leadership style each demonstrates. How might specific examples from the case represent strengths or weaknesses as might apply to an internal review during a strategic planning process?
- 13) Identify specific examples of aspects of the culture of the organization in the case. In what ways might the corporate culture be considered a strength or a weakness?



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