

DECISION DIGEST

Actual cases and rulings from Princeton Claims Management



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Threats in the Workplace

A laboratory technician was terminated for raising his voice in a disrespectful manner and making threatening remarks to his supervisor. During a disciplinary counseling session, prior to the discharge, the tech had been previously warned for similar behavior. Since the lab tech threatened harm, his conduct was deemed egregious and resulted in immediate discharge under the employer's policy. The lab tech filed a claim for unemployment benefits and was held disqualified for severe misconduct due to his violation of the employer's policy regarding zero tolerance for workplace violence.

The lab tech disagreed with the severe disqualification and filed an appeal contending he was "only joking" and had no intention of harming the supervisor. He further argued the supervisor did not like him and baited him to get angry, so he would be fired. The employer's agent, Princeton Claims Management (PCM) and the supervisor participated in the hearing to represent the employer's interests. The supervisor testified he treated all of his subordinates fairly and was not trying to get the tech dismissed. He further stated he did not take the threat lightly and was concerned about his personal safety.

During cross examination, the tech acknowledged he threatened his supervisor and had anger management issues. Although he continued to contend he was joking, he admitted he was angry at the time and should have known better, given his previous warning for similar behavior at work. In closing, PCM argued the employer took the threat seriously and followed its zero tolerance workplace violence policy by terminating the tech for threatening behavior.

The Appeal Tribunal, in its written Decision, rejected the tech's argument that he was merely joking and agreed with the employer that, "threats in the workplace are inappropriate and no joke." Hence, the examiner held that the tech's conduct was "deliberate and malicious" and constituted severe misconduct, as it is defined under N.J.S.A. 43:21-5(b).

This decision demonstrates there is no joking around when it comes to threats in the workplace and New Jersey's UI Law.

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