

# Threats at work: You can punish, even if weapon turns out to be a toy

You probably have workplace rules that ban weapons in the workplace and don't allow employees to come from the parking lot into the building with guns or knives. And that rule probably spells out that you will terminate an employee who threatens or displays a weapon at work.

But what if the "weapon" turns out to be a toy? Should you punish the employee on the basis of what the weapon looked like? That's the dilemma that one employer faced recently.

**Recent case:** Odis Tabor, who identifies himself as biracial, had a history of getting into confrontations at work with other employees. In fact, he had been disciplined at least once for getting into a screaming match with another employee, an argument that involved name-calling based on Tabor's mixed racial heritage.

The final straw came during a meeting in which several employees claimed they saw Tabor brandish a knife. Tabor was fired for violating a no-weapons policy. He sued, alleging racial bias and also argued that the alleged weapon was merely a plastic toy that belonged to his son.

The court didn't buy that as an excuse. It pointed out that a bank robber who uses a toy gun would still terrify the tellers and would still face armed robbery charges. It saw no difference between that and the toy knife in this case. (*Tabor v. Freightliner*, No. 1:08-CV-34, MD NC, 2009)