

Arbitration Session: Framing Opening and Closing Arguments
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INSTRUCTIONS

Read the case below and use it to formulate open and closing arguments within your group. You should ensure your arguments mention key facts for both union and management (for example: who/what/when/where). After formulating your arguments, answer the other questions about the case on the worksheet.

THE CASE OF THE STOLEN LAPTOP

Ms. Ima Thief works for High Priced Grocery Chain as an overnight stocker. She is a senior employee with 20 years of experience. Except for the incident in this case, Ima was otherwise considered a good employee.

At High Priced, overnight stockers occasionally have to use company laptops for inventory purposes. One day, another employee (James) observed Ima put one of these laptops into a bag. This seemed unusual, as all laptops have to be checked in and out of the store's central office. James reported the unusual behavior to Ima's supervisor.

Several hours later the supervisor conducted a search of all lockers and found the company laptop in Ima's locker. By company policy, employee lockers are all secured using company locks with a master key kept by the supervisor on duty. Employees are instructed that only personal items should be kept in lockers.

After finding the laptop in Ima's locker, the supervisor discharged her. The collective bargaining agreement requires a thorough investigation be conducted before discharging any employee. A follow-up investigation showed other employees had seen Ima put the company laptop in her locker in incidents unrelated to this case. Additionally, Ima had been trained on the importance of computer check-in and check-out. He had signed a training form related to this procedure.

Company Procedures

- No company items may be kept in employee lockers for any reason.
- All employees should conduct themselves in an exemplary manner and be honest and courteous at all times.

Collective Bargaining Provisions

- Just cause for discharge includes theft, drunkenness, insubordination, incompetence, possession of drugs, bringing a weapon to work.