

A **36 year old male** employee was **shot during the course of an armed robbery** while working at a convenience store.

The employee was shot and killed when two third-party assailants entered the store, demanded money from the register, and then shot the employee. The assailants then fled the store. The victim was working in the store by himself. Typically, another employee worked the day shift (6:00 AM to 2:00 PM), and the victim worked the night shift (2:00 PM to 10:00 PM). The employees usually worked alone in the store, though it was later determined that the other employee was often stocking the coolers and shelves while the victim was working his shift.

During the investigation, the CSHO determined that the employer had no safety program in place to alert employees on what to do in the event of a robbery. There was a panic button under the register at the Kwik Sak store, yet employees had never tested this device and had not been trained on how to use it. Additionally, there were no plexiglass barriers or other protective measures to keep employees safe and/or protected from projectiles fired from weapons. Both interviewed employees confirmed that they had no safety training regarding what to do in the event of a robbery.

Citation(s) as Originally Issued

A complete inspection was conducted at the accident scene. Some of the items cited may not directly relate to the fatality.

Citation 1 Item 1 **Type of Violation: Serious** **\$4000**

TCA 50-3-105(1): The employer did not furnish employment and a place of employment that were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees:

In that an employee was exposed to workplace violence from a third-party assailant when he was shot and killed while working in a convenience store.

Citation 2 Item 1 **Type of Violation: Other-than-Serious** **\$1500**

TDLWD Rule 0800-01-03-.05(1)(a)1: Within eight (8) hours after the death of any employee as a result of a work-related incident, the employer did not report the fatality to the TOSHA Division of the Tennessee Department of Labor and Workforce Development:

In that the employer did not report to TOSHA an employee fatality that occurred on November 28, 2022.

Workplace Violence—Insp # 1637058 Ansh & Gary, Inc. (Kwik Sak)



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