

Client Briefing

Urgent Legal News • March 2004

OHIO'S NEW CONCEALED WEAPONS LAW WHAT IT MEANS FOR EMPLOYERS

By Patricia F. Weisberg

Effective April 8, 2004, individuals in Ohio will be allowed to carry concealed firearms or "handguns." As an employer, you will need to decide whether to implement a policy prohibiting handguns in the work place or while an employee is conducting employer-related business. You will also need to decide whether you will prohibit third parties from bringing handguns on your property.

Ohio residents who receive a license to carry a handgun will be legally permitted to carry a concealed handgun unless otherwise restricted in some way by

- state or federal law;
- an employer's policy;
- a property owner.

The law specifically prohibits individuals from bringing a concealed weapon in certain areas such as:

- a school building or school premises;
- a court house or building in which a courtroom is located;
- private college, university or other institution of higher education;
- church, synagogue, mosque or other place of worship;
- child day care center;
- aircraft;
- youth detention facilities;
- mental institutions; and
- any room in which liquor is being dispensed, including open air areas.

WHAT YOU CAN DO AS AN EMPLOYER

Employees

The new law expressly states that employers may continue to enforce a rule, policy or practice prohibiting the presence of handguns on the employer's premises or property, including motor vehicles owned by the employer. While the new law does not directly address an employer's right to prohibit an employee from carrying a concealed weapon off the employer's property, we suggest that if you have a policy prohibiting weapons, you include a rule restricting employees from carrying a weapon on the employee's person or in a vehicle while on employer-related business.

Employers should let their employees know what their policy is or remind employees if a policy already exists. If you, as an employer, want to prohibit employees from possessing a handgun while at work or on company business it is a good idea to implement a policy in writing and promptly notify your employees of the new policy. We also recommend that the policy be posted where other employment-related policies are posted. The policy should expressly address weapons, including concealed firearms and/or handguns. The policy should specifically address:

- Whether employees are prohibited from bringing weapons onto the employer's premises.
- Whether employees are prohibited from

possessing weapons on the employer's private property such as a parking lot or in company vehicles.

- Whether employees are prohibited from possessing weapons while the employees are on company business off the employer's property.

Third Parties

Employers, as property owners or leaseholders, must also decide whether to prohibit third parties, such as vendors, customers, clients, patients, etc., from bringing weapons onto the employer's premises. If the employer wants to prohibit third parties from bringing weapons onto the employer's property, the employer is required by the new law to *post* a sign in a *conspicuous* location on the employer's premises prohibiting persons from carrying firearms or concealed firearms onto the premises. The sign might read:

ALL WEAPONS, INCLUDING HANDGUNS
OR OTHER FIREARMS, CONCEALED OR NOT,
ARE PROHIBITED ON THESE
PREMISES, INCLUDING ALL PARKING AREAS

Immunity

The concealed weapons law also generally provides civil immunity to private employers for injuries, death or property loss that was caused by,

or related to, an individual licensed to bring a concealed weapon onto the premises of the property of the private employer, including motor vehicles.

Special Rules for Public Employers

In general, most public employees are prohibited from carrying concealed weapons. Special rules apply to certain public employers.

HOW WE CAN HELP

We suggest that you implement a policy or revise your current policies to make it very clear to your employees what your rules are and how the new law impacts those rules. Employers who choose to prohibit employees from carrying weapons or from bringing weapons onto their property should include in the policy the consequences for violating it (i.e., termination from employment). Certain employers and other entities which provide services to the general public, such as healthcare facilities, may want to implement internal policies or guidelines for handling the problem if an individual brings a weapon on to the premises, such as a patient in need of emergency care.

If you need more information or would like assistance in putting your policies in writing, please contact Patricia F. Weisberg or any of the members of our Employment Law Group at 217-781-1212.

For information on this or other employment issues, please contact one of our Employment Law attorneys:

Randal G. Ammons	(rammons@walterhav.com)	216-928-2932
Darrell A. Clay	(dclay@walterhav.com)	216-928-2896
Jonathan D. Greenberg	(jgreenberg@walterhav.com)	216-928-2977
Patricia J. Haas	(phaas@walterhav.com)	216-928-2892
William R. Hanna	(whanna@walterhav.com)	216-928-2940
Morris L. Hawk	(mhawk@walterhav.com)	216-619-7842
R. Todd Hunt	(rthunt@walterhav.com)	216-928-2935
Barbara R. Marburger	(bmarburger@walterhav.com)	216-928-2891
Michael McMenamin	(mmcmenamin@walterhav.com)	216-928-2929
Nancy A. Noall	(nnoall@walterhav.com)	216-928-2926
Patricia F. Weisberg	(pweisberg@walterhav.com)	216-928-2928
Susan M. Zidek	(szidek@walterhav.com)	216-928-2936

©2004 Walter & Haverfield LLP All rights reserved.

The information in this newsletter is a summary of often complex legal issues and may not cover all the "fine points" related to a specific situation or court jurisdiction. Accordingly, it is not intended to be legal advice, which should always be obtained in consultation with an attorney.

WALTER & HAVERFIELD LLP
ATTORNEYS AT LAW

The Tower at Erieview • 1301 E. Ninth Street • Suite 3500 • Cleveland, Ohio 44114-1821
Tel: 216.781.1212 • Fax: 216.575.0911 • www.walterhav.com