

Employment Law Q&A: New firearm law affects Ohio employers



Ryan Neumeyer | Tuesday, February 28, 2017

Employers in Ohio should prepare for new state law that will soon be effective that allows employees with concealed handgun licenses to keep firearms in their vehicles on the employer's property. This Q&A provides employers with insight to this new law.

Q: What is the key provision of the new law?

A: Ohio's new gun law allows employees **who have a valid concealed handgun license** (CCW) to possess firearms in their vehicles under the conditions specified in the statute.

More specifically the law actually prohibits "[a] business entity, property owner, or public or private employer" from establishing, maintaining or enforcing "a policy or rule that prohibits...a person who has been issued a valid concealed handgun license from transporting or storing a firearm or ammunition." ORC§2923.1210

Q: When does the new law go into effect?

A: The new law goes into effect on **March 20, 2017**.

Q: Does the law provide how firearms and ammunition must be stored?

A: Yes. Employers may require that firearms are stored as follows:

1. Firearms and ammunition must remain in the person's private motor vehicle while the person is in the motor vehicle and must be stored in a locked box or compartment within the privately owned motor vehicle when the person is not in the motor vehicle.
2. The motor vehicle must also be in an authorized location.

An employer may prohibit firearms that do not comply with these requirements, which is why a clear policy on this is critical.

Q: Does this law allow employees who have a valid CCW to carry a gun in the workplace?

A: No. Employers still have the right to prohibit employees from bringing firearms inside company premises or from carrying them out of their vehicle while on company premises.

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Q: What if an employee harms somebody with the firearm after bringing it on company property?

A: The law shields business entities, property owners, and employers from liability associated with actions involving a firearm or ammunition permitted pursuant to the law, provided that the business entity, property owner, or employer has not “intentionally solicited or procured the other person’s injurious actions.”

Q: How does the law effect employer policies for employees who do not have fixed jobsite locations?

A: Employers may not prohibit an employee, who possesses a valid CCW, from legally transporting or storing a firearm or ammunition regardless of where the jobsite is located.

However, an employer may prohibit an employee from transporting and storing a firearm on jobsite locations where it is illegal to possess a concealed firearm. Locations where transporting or storing a firearm is illegal include:

- A police station
- A correctional facility
- A school safety zone (See Ohio Rev. Code §2923.122, which describes such zones and formally prohibited an employee from transporting and storing a firearm in the school zone, but has been amended and now allows a CCW holder to exit their vehicle with a firearm as long as the firearm remains in the vehicle and the vehicle remains locked)
- Private colleges (Now have authority to authorize CCW holders to carry weapons)
- Churches, synagogues, mosques, or other places of worship
- Any place where federal law prohibits the storing or transporting of firearms

Q: Can an employer prohibit an employee who has a valid CCW from transporting or storing a firearm in a company vehicle?

A: Yes. The new law states that employers cannot prohibit a CCW holder from transporting or storing a firearm in the “person’s privately owned motor vehicle.” While it could be argued that the term “privately owned motor vehicle” is referring to non-government owned vehicles, the fact that the statute qualifies that phrase with “person’s” indicates that an employer may prohibit CCW employees from transporting and storing firearms in company vehicle.

Q: What should employers do to prepare for the new law?

A: Employers should update their policies to comply with Ohio’s new gun law by providing language which allows for legal storing and transporting of firearms and ammunition on company property and jobsites.

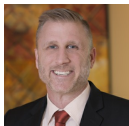
Q: What are the consequences for failing to comply with the new law?

A: While there are no penalties for having a policy that prohibits legal storing and transporting of a firearm or ammunition, employers who take action against such employees could face a claim for wrongful discharge in violation of public policy. It is advisable to amend your policies and seek legal counsel regarding any action you plan to take in relation to employees possessing firearms in their vehicles.

Q: What if we have operations in other states?

A: Many other states have adopted concealed carry statutes and workplace protection laws or parking lot laws which restrict the rights of employers to prohibit employees from possessing firearms on company property and enable employees to store guns in their private vehicles at work. If your company has operations in other states, you should contact counsel to discuss your present policies to ensure compliance.

Please contact the attorney listed below with any questions you may have regarding this new law.



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