


Weapons in the Workplace

	Louisiana Department of Health (LDH)	
	Policy Number	68.1
	Content	LDH Policy on Weapons in the Workplace
	Effective Date	May 3, 2018
	Inquiries to	Office of Management and Finance Safety and Security 628 N. 4 th Street Baton Rouge, Louisiana 70821-9030 (225) 342-3501 FAX (225) 342-2467

I. POLICY

To maintain the safety and security of its employees and clients, the Louisiana Department of Health (LDH) prohibits the possession of weapons by its employees (including those employees referred to collectively in this policy as “management” or “managers”) while in LDH vehicles, LDH buildings, and LDH leased office space. Furthermore, LDH prohibits the possession of weapons by its employees in the course and scope of their employment, even if the employee is not in a LDH vehicle, LDH building, or LDH leased office space. This policy applies to all LDH employees regardless of a permit of any kind issued by any federal, state, or local governmental entity.

Exceptions to this policy shall include: (1) weapon(s) carried by commissioned law enforcement officers in the conduct of official duties; and (2) weapon(s) kept secured by employees in their personal vehicles, including personal vehicles parked on state property.

A weapon may be kept by an employee in his/her personal vehicle on state property while the employee is at work as long as it is kept in a locked vehicle, out of sight of passerby, and not removed from his/her personal vehicle while at work or during working hours.

In the event the appointing authority is made aware of a violation of this policy, the appointing authority is not required to call law enforcement if the appointing authority deems the employee does not present a danger. In this case, the appointing

authority can tell the employee that he/she is violating the policy and direct the employee to take whatever action necessary to be in compliance.

The appointing authority of a specific office or facility may establish additional policy restrictions regarding weapon(s) on the campuses of hospitals, institutions and developmental centers, where safety dictates.

II. PURPOSE

The purpose of this policy is to state the policy of the Louisiana Department of Health regarding the possession of weapon(s) by employees within its facilities and by its employees during the course and scope of their employment.

III. APPLICABILITY

This policy shall be applicable to all facilities and all employees of the LDH (including those employees referred to collectively in this policy as “management” or “managers”).

IV. DEFINITIONS

Weapon(s) include but are not limited to daggers, cleavers, swords, switch-blades, any knife with a blade six inches or larger, bow and arrow, handguns, pistols, revolvers, rifles, shotguns, automatic firearms, semi-automatic firearms, air rifles, air pistols, and including any mechanical device of any type from which any type of projectile can be discharged by an explosion or by expulsion of compressed air.

- a. **Unauthorized weapon(s):** Any weapon in the possession of a LDH employee who is inside a LDH building, office space leased to LDH or a LDH vehicle, or in the possession of a LDH employee while in the course and scope of his/her employment. Unauthorized weapon(s) shall not include: (1) weapon(s) carried by authorized law enforcement officers in the conduct of official duties, (2) weapon(s) kept by employees in their personal vehicles, including personal vehicles parked on state property, and (3) weapon(s) kept by employees in their homes while working at home. Weapon(s) kept by employees in their personal vehicle during working hours while on state business must be kept in a locked vehicle and must be kept out of sight of passersby. Employees shall not remove weapon(s) from their personal vehicles during work hours or while on state business.
- b. **Emergency:** Any situation in which it is reasonably believed, under any circumstance, that any person in possession of a weapon poses a threat to the safety of any other person. Emergencies include, but are not necessarily limited to, situations where a person uses a weapon, in any manner, to harm another person or threatens, verbally or otherwise, to do so. Use includes the display of a weapon.
- c. **Management:** Any supervisor, manager, director, Secretary, Deputy Secretary,

Undersecretary, Assistant Secretary, Deputy Assistant Secretary, or other person in the chain of command shall hereinafter be referred to collectively as “manager” or “management”.

- d. **Reasonable suspicion:** is a belief based on reliable, objective, and articulable facts that would cause a prudent person to suspect the presence of an unauthorized weapon.
- e. **LDH Vehicle:** Any state owned vehicle, rented vehicle, or personal vehicle used to conduct official state business.

V. EMERGENCIES

When any employee reasonably believes that an emergency exists as defined in this policy, that employee must immediately contact law enforcement by dialing 911. (remember to dial 9 first to call an outside line if calling from a state office phone) to report the emergency to law enforcement, in addition to whatever other notification is done subsequent to the 911 call.

An employee may warn others of the emergency when he or she reasonably believes, under all the circumstances, that such a warning will aid others in avoiding immediate danger.

VI. NON-EMERGENCIES

The following procedures apply to situations, other than emergencies, in which an employee possesses an unauthorized weapon.

A. Notification

When any employee has knowledge that an unauthorized weapon is inside a LDH building, office space leased to LDH or a LDH vehicle, or is in the possession of a LDH employee while in the course and scope of his/her employment, then the employee who has such knowledge shall immediately notify his/her immediate supervisor, or someone in management, of the presence of the unauthorized weapon.

Any employee notifying management of a violation of this policy should include:

1. The name of the person violating the policy, if known, and a description of such person if necessary for identification.
2. The time when the violation occurred and the location where the violation occurred.
3. Any other information that might be pertinent to the matter.

Under no circumstances should any unauthorized agency employee:

1. Confront the employee suspected of possessing an unauthorized weapon.
2. Attempt to confiscate the unauthorized weapon.
3. Attempt to carry out an investigation on his or her own.

B. Investigation

Investigation by a manager should include interviews of witnesses and the gathering of other evidence and documentation of the violation of this policy.

Once a manager has determined that a report(s) of the presence of an unauthorized weapon is more than likely credible, he or she must immediately notify the appointing authority of the employee suspected of possessing an unauthorized weapon, as well as his or her own supervisor.

A manager may ONLY, with the express consent of the appointing authority, question the employee about possession of an unauthorized weapon. This should ONLY be done if the employee's appointing authority reasonably believes, under all circumstances, that it can be done without creating a risk of harm to any person.

If the employees' appointing authority believes, under all circumstances, that questioning the employee might create a risk of harm to any person or that the employee may present a risk of harm for any reason, then law enforcement must be notified and asked for assistance in handling the situation.

C. Law enforcement should be informed:

1. of the name of the employee who is believed to possess an unauthorized weapon, if known, and a description of the employee if necessary for identification
2. that the building has been clearly posted with a "no-weapons" notice, if the employee who possesses the unauthorized weapon is inside a LDH building or LDH leased office space that has been posted with a "no-weapons" notice;
3. that LDH has a written policy prohibiting employees from possessing weapons in LDH buildings, LDH leased office space, LDH vehicles or while in the course and scope of their employment;
4. of all the information indicating that the employee possesses an unauthorized weapon;
5. of the facts and circumstances that suggest that the employee might pose a risk of harm, and
6. that the employee is inside a LDH building or LDH leased office space under circumstances where his or her presence is not allowed ("remaining after forbidden") in violation of La. R.S. 14:63.3, if a LDH building or LDH leased office space that has been posted with a "no-weapons" notice.

If law enforcement is unavailable for any reason and it is reasonably believed that

questioning the employee may create a risk of harm to any person or that the employee may present a risk of harm for any reason, the employee in possession of the unauthorized weapon shall NOT be confronted or questioned in any way. Management shall take appropriate steps to safeguard co-workers up to and including evacuation of the workplace.

The investigation should proceed through interviews of witnesses and the gathering of other evidence and documentation of the violation of this policy.

D. Searches of an employee's person and work area

Searches for the presence of an unauthorized weapons on an employee's person, purse, handbag, brief case, or other similar items in which a weapon could be hidden shall be conducted ONLY by law enforcement. Management shall not conduct this type of search. Searches of an employee's work area may be conducted by LDH Management and/or law enforcement when law enforcement has responded to a request for assistance.

If the assistance of law enforcement is not required under this policy, a manager may, after requesting and receiving the express consent of the appointing authority, conduct a search of the employee's work area for the presence of an unauthorized weapon.

Searches of an employee's work area should be conducted only when:

1. there is a reasonable suspicion that the employee has violated this policy; and
2. when it is reasonably believed that the search can be conducted without creating a risk of harm to any person.

Reasonable suspicion is a belief based on reliable, objective, and articulable facts that would cause a prudent person to suspect the presence of an unauthorized weapon.

An employee's work area includes, but is not necessarily limited to, his/her office, cubicle, desk, credenza, bookcase, computer table, filing cabinet, and all other similar furnishings and appurtenances. An employee's work area also includes the exterior, interior, trunk, glove compartment, or other storage area in or on a LDH vehicle. The fact that an employee may choose to store personal items in his or her work area operates as consent to management to conduct a search of the work area.

NOTE: UNDER NO CIRCUMSTANCES SHOULD ANY MANAGER ATTEMPT TO CONFISCATE ANY WEAPON DISCOVERED DURING AN INVESTIGATION. INSTEAD, MANAGEMENT SHALL FOLLOW THE POST-INVESTIGATION PROCEDURE SET FORTH IN THIS POLICY.

E. Post-Investigation Procedure

Once it has been determined that more likely than not, the employee possesses an unauthorized weapon, the employee shall be granted leave (annual or compensatory) or leave without pay and directed by a manager to remove the unauthorized weapon from the LDH building, LDH leased office space, LDH vehicle, or from his or her person before returning to work. This should ONLY be done with the express consent of the appointing authority when the appointing authority reasonably believes, under all the circumstances that it can be done without creating a risk of harm to any person.

If the appointing authority believes, under all the circumstances, that instructing the employee to remove the unauthorized weapon will create a risk of harm to any person or that the employee presents a risk of harm for any reason, law enforcement must be called for assistance in handling the situation.

If the employee, after being directed to remove the unauthorized weapon, becomes uncooperative, belligerent, or otherwise refuses to comply with the instruction, law enforcement must be called for assistance in handling the situation. Management shall not attempt to deal with a belligerent or uncooperative, armed employee without the assistance of law enforcement. Management shall take appropriate steps to safeguard co-workers up to and including evacuation of the workplace.

VII. RESPONSIBILITY

The Undersecretary and Deputy Secretary or other persons in the chain of command are responsible for responding to reports of violations of this policy in accordance with the procedures set forth in Section V of this policy. Additionally they are also responsible for holding accountable all directors, managers, supervisors and other employees under their supervision for adhering to all aspects of this policy.

Directors, managers, supervisors, and all other managerial personnel are responsible for assuring that all employees under their supervision, current and new are:

1. made aware of this policy and its contents as well as any revisions as they are issued,
2. informed that he/she must abide by the terms of this policy, and
3. informed of the consequences of any violation of this policy.

Directors, managers, supervisors, and all other managerial personnel are also responsible for:

1. responding to reports of violations of this policy in accordance with the procedures set forth in Section V of this policy,
2. securing documentation of violations of this policy through incident reports and statements from witnesses,
3. maintaining records of any dispute between the LDH and an employee regarding the possession of an unauthorized weapon including any written statement from the agency, any employee, or any visitor to LDH facilities; and
4. compliance with all instructions in this policy along with any additional instruction provided by the Undersecretary, Deputy Secretary, Assistant Secretaries and Deputy Assistant Secretaries.

All employees are responsible for complying with all aspects of this policy and immediately reporting any violation of this policy to an Assistant Secretary, Deputy Assistant Secretary, Director, Manager or Supervisor, or any person in the chain of command.

VIII. EXCEPTIONS

Exceptions to this policy shall include: (1) weapon(s) carried by commissioned law enforcement officers in the conduct of official duties; and (2) weapon(s) kept secured by employees in their personal vehicles, including personal vehicles parked on state property.

IX. QUESTIONS

Questions regarding this policy should be directed to the office of the LDH Safety and Security Manager.

X. VIOLATIONS

Employees found to have violated this policy in any way may be subject to disciplinary action, up to and including dismissal. The agency may also refer the conduct for criminal prosecution.

XI. REVISION HISTORY

Date	Revision
April 14, 2014	Policy created
March 9, 2018	Policy revised
May 3, 2018	Policy revised: Firearms in the Workplace to Weapons in the Workplace