

POLICY NUMBER:

SUBJECT:

Firearms/Weapons

CONTENT:

LDH Policy on Firearms/Weapons in the
Workplace

EFFECTIVE DATE:

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INQUIRIES:

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DEPARTMENT OF HEALTH FIREARMS/ WEAPONS POLICY

I. POLICY

To maintain the safety and security of its employees and clients, the Department of Health (LDH) prohibits the possession of firearms 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 firearms 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 any firearm permit of any kind issued by any federal, state, or local governmental agency.

Exceptions to this policy shall include: (1) firearms carried by commissioned law enforcement officers in the conduct of official duties; (2) firearms kept secured by employees in their personal vehicles, including personal vehicles parked on state property; (3) firearms kept by employees in their homes while working at home and (4) firearms carried pursuant to exceptions granted by the Secretary of the LDH pursuant to Section VIII of this policy.

A firearm 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 passersby, and not removed from his/her personal vehicle while at work or during working hours.

The appointing authority does not have to call law enforcement if they believe that the employee does not present a danger to any person. In this case, the appointing authority can tell the employee that he/she is violating the policy and demand that the firearm be removed.

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

II. PURPOSE

To state the policy of the LDH regarding the possession of firearms/weapons 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 sections within the LDH. This policy applies to all employees of the LDH (including those employees referred to collectively in this policy as “management” or “managers”).

IV. DEFINITIONS

Firearms include but are not limited to: handguns, pistols, revolvers, rifles, shotguns, automatic firearms, semi-automatic firearms, air rifles, air pistols, and any other weapon of any type from which any type of projectile can be discharged by an explosion or by expulsion of compressed air.

Weapons include but are not limited to: Any device that is designed to or traditionally used to inflict harm. 1) slingshots, switchblades, daggers, blackjacks, brass knuckles, bows and arrows, hand grenades, hunting knives, nun-chucks, throwing stars, etc.; 2) any object that could be reasonably construed as a weapon; or 3) any object legally controlled as a weapon or treated as a weapon under the laws of the state.

Unauthorized firearm: Any firearm 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 firearms shall not include: (1) firearms carried by authorized law enforcement officers in the conduct of official duties, (2) firearms kept by employees in their personal vehicles, including personal vehicles parked on state property, (3) firearms kept by employees in their homes while working at home and (4) firearms possessed pursuant to exceptions granted by the Secretary of the LDH under Section VIII of this policy. Firearms 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 firearms from their personal vehicles during work hours or while on state business.

Emergency: Any situation in which it is reasonably believed, under any circumstance, that any person in possession of a firearm poses a threat to the safety of any other person. Emergencies include, but are not necessarily limited to, situations where a person uses a firearm, in any manner, to harm another person or threatens, verbally or otherwise, to do so.

Management: Any supervisor, manager, director, Secretary, Under Secretary, Deputy Secretary, or other person in the chain of command shall hereinafter be referred to collectively as “manager” or “management”.

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 firearm.

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 most state offices you have to dial 9 first to get an outside line) and report the emergency to law enforcement.

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.

In an emergency, an unauthorized agency employee should not:

1. Approach or touch the person in possession of the firearm.
2. Attempt to confiscate the firearm.
3. Attempt to carry out an investigation on his or her own.

VI. NON-EMERGENCIES

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

A. Notification

When any employee has knowledge that an unauthorized firearm 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 manager, or someone in management, of the presence of the unauthorized firearm.

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 which might be pertinent to the matter.

Under no circumstances should any unauthorized agency employee:

1. Confront the employee suspected of possessing an unauthorized firearm.

2. Attempt to confiscate the unauthorized firearm.
3. Attempt to carry out an investigation on his or her own.

B. Investigation

Investigation by an authorized 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 firearm is more than likely credible, he or she must immediately notify the appointing authority of the employee suspected of possessing an unauthorized firearm.

A manager may, ONLY with the express consent of the appointing authority, question the employee about possession of an unauthorized firearm. 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 employee's 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.

Law enforcement should be informed:

- a. of the name of the employee who is believed to possess an unauthorized firearm;
- b. that the building has been clearly posted with a "no-firearms" notice, if the employee who possesses the unauthorized firearm is inside a LDH building or LDH leased office space that has been posted with a "no-firearms" notice;
- c. that LDH has a written policy prohibiting employees from possessing firearms in LDH buildings, LDH leased office space, LDH vehicles or while in the course and scope of their employment;
- d. of all the information indicating that the employee possesses an unauthorized firearm;
- e. of the facts and circumstances that suggest that the employee might pose a risk of harm, and
- f. 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-firearms" notice.

If law enforcement refuses a request for assistance and it is reasonably believed that questioning 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 firearm shall NOT be confronted or questioned in any way. Management shall take appropriate steps to safeguard coworkers 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.

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

Searches of an employee's person, purse, handbag, brief case, or other similar items in which a firearm could be hidden for the presence of an unauthorized firearm shall be conducted **ONLY by law enforcement**. This type of search shall not be conducted by management. Searches of an employee's work area shall also be conducted by 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, with the express consent of the appointing authority, conduct a search of the employee's work area for the presence of an unauthorized firearm.

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

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

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 interior, trunk, glove compartment, or other storage area in or on a LDH vehicle. The fact that an employee may store personal items in his or her work area in no way affects management's ability to conduct a search of the work area. **All employees are put on notice that they should not bring any personal items into any LDH building, LDH leased office space, or LDH vehicle that they do not want discovered.**

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

D. Post-Investigation Procedure

Once it has been determined, more likely than not, that the employee possesses an unauthorized firearm, the employee shall be granted leave (annual or compensatory) or leave without pay and directed by a manager to remove the unauthorized firearm 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 firearm 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 firearm, 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 coworkers up to and including evacuation of the workplace.

VII. RESPONSIBILITY

The Under Secretary 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. Assistant Secretaries and Deputy Assistant Secretaries and other persons in the chain of command 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 and 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 and 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 firearm 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 under secretary, 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. EXCLUSIONS

Firearms are not permitted in any LDH building, LDH leased office space, or LDH vehicle except when carried by authorized law enforcement personnel. Firearms kept by employees in their personal vehicles are also not prohibited by this policy, but firearm(s) must be kept in a locked vehicle and be kept out of the sight of any passersby and not removed from his/her personal vehicle while at work or during working hours.

Requests for exceptions to this policy should be submitted to the Office of the Secretary of LDH through the appropriate assistant secretary or deputy assistant secretary along with specific and compelling justification. Any exception to this policy must have the approval of the Secretary of LDH or his delegated representative.

IX. QUESTIONS

Questions regarding this policy should be directed to the Division of Human Resources or the office of the LDH Security Coordinator.

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.