

The **DO's** and **DON'Ts** for Private Employers Under the Alabama Guns in the Parking Lot Act & 7 Tips to Prevent Workplace Violence



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“Guns in the Parking Lot Act”

- ▶ On May 22, Alabama Governor Robert Bentley signed into law Alabama Act 2013-283 “Guns in the Parking Lot Act” which is effective August 1, 2013. The Act limits an Alabama employer’s right to prohibit guns and ammunition in the workplace. While the law does not necessarily allow employees to carry firearms at work, it does allow employees to store, and have access to, firearms kept in privately owned vehicles that are parked in employer provided parking areas.

“Guns in the Parking Lot Act”

- ▶ This law is likely to have a significant impact on the workplace. The purpose of the Webinar is to give both Alabama Private Employers and their Employees a clear understanding of the Acts **Do's & Don'ts** and **7 Common Sense Tips** on how they can help prevent workplace violence.
- ▶ *[Schools and other public employers have indicated that they will request further clarification from the Alabama Attorney General]*

Alabama Guns in the Parking Lot Act

Why Participate in this Training?

- ▶ Why should I care?
- ▶ How will this Training make my life better?
- ▶ What must I do?

Alabama Guns in the Parking Lot Act

Why Should I Care?

- ▶ Workplace assaults cost employers \$40 billion in lost revenue and medical expenses.
- ▶ Violence is the second leading cause of workplace death for men (13% of all work-related deaths due to violence).
- ▶ Violence is by far the leading cause of workplace death for women (40% to 42% of all work-related deaths due to violence).

Alabama Guns in the Parking Lot Act

How Will This Training Make My Life Better?

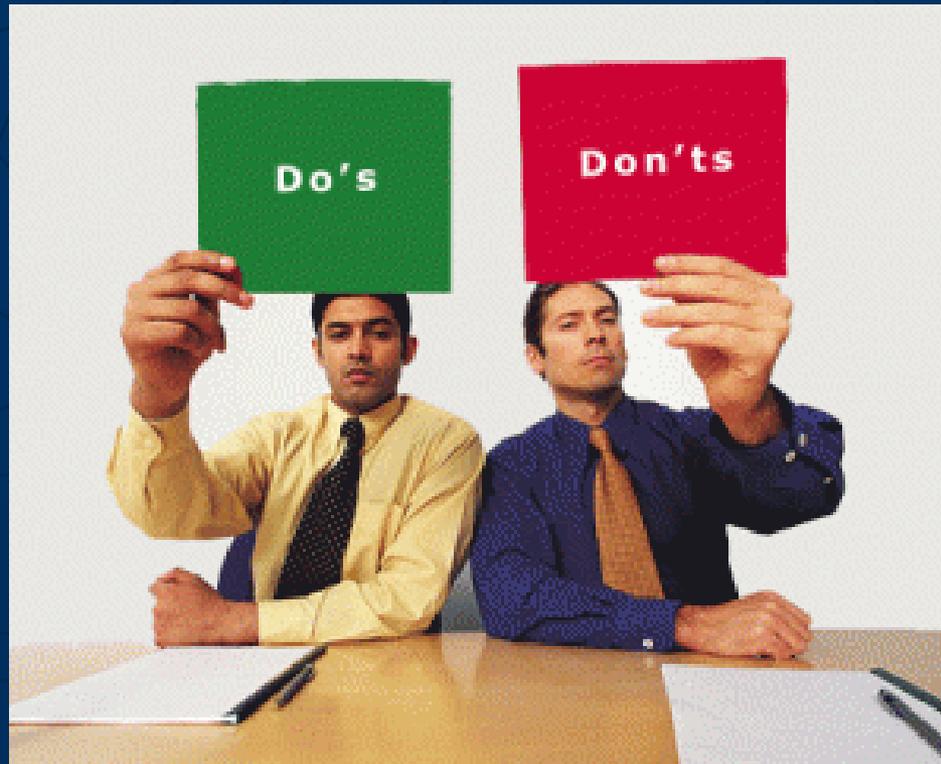
- ▶ **Better 1000 times careful than once dead.**
- ▶ **Helps employers comply with OSHA section 5 general duty to provide a safe workplace.**
- ▶ **Helps you return home safely to your family after work.**
- ▶ **Both employers and employees need to understand Do's and Don'ts of Alabama Guns in the Parking Lot Act.**

Alabama Guns in the Parking Lot Act

What Must I Do?

- ▶ **Download this Training and share.**
- ▶ **As you participate in this webinar make a list of the solutions you need to implement.**
- ▶ **Consider what new policies, forms and posters you need to get ready for the August 1 effective date.**
- ▶ **Train managers, supervisors and employees on the new Act and the 7 tips to prevent workplace violence .**

The **DO's** and **DON'Ts** Under the Alabama Guns in the Parking Lot Act



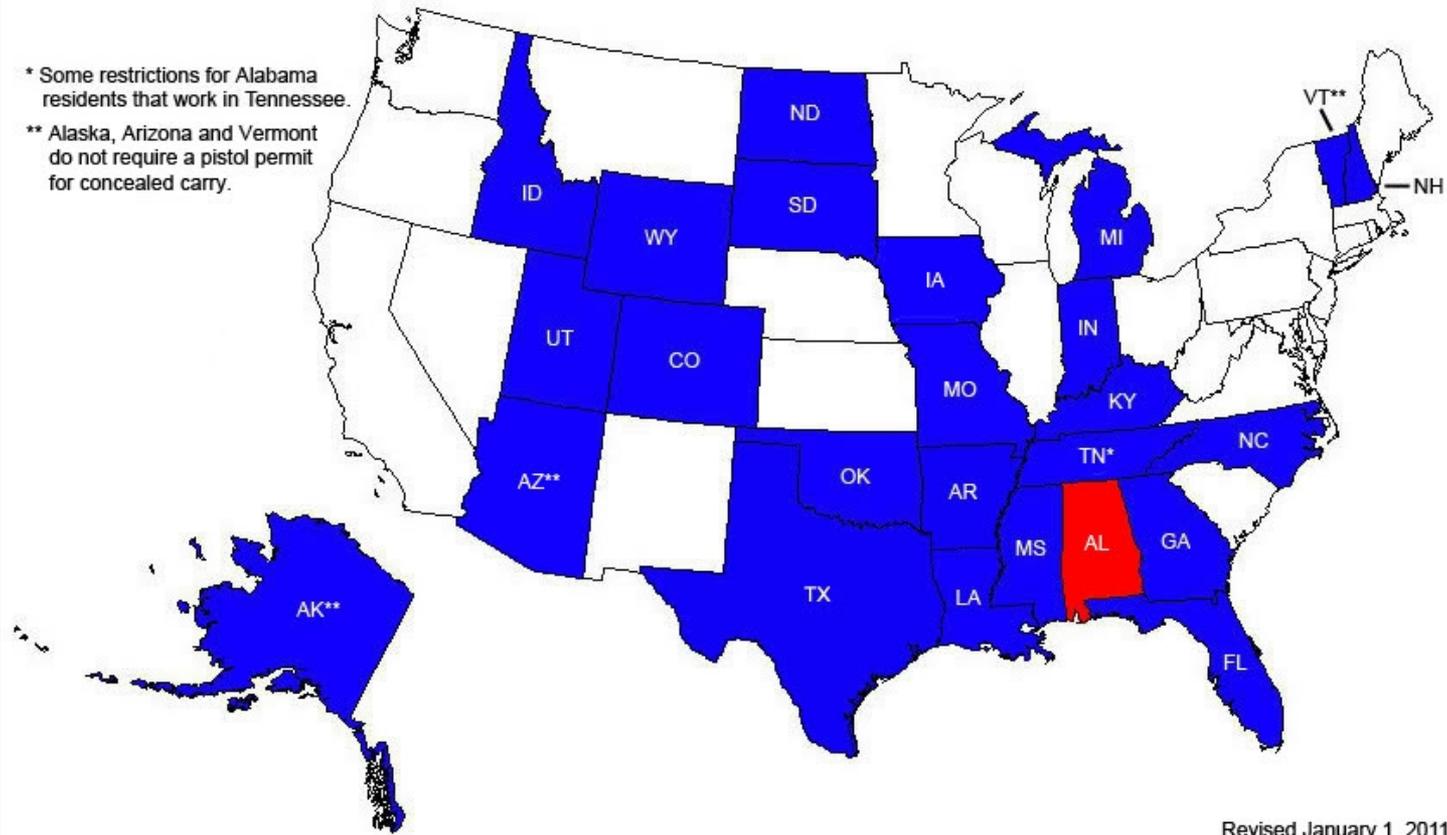
DO acknowledge that if an employee has a concealed weapon permit, then the employee is permitted to have a firearm or ammunition in his or her car. Section 4 (b)



The states in blue allow concealed carry of handguns with an Alabama Pistol Permit.

* Some restrictions for Alabama residents that work in Tennessee.

** Alaska, Arizona and Vermont do not require a pistol permit for concealed carry.



Revised January 1, 2011

DO acknowledge that if an employee does not have a concealed weapons permit, then the employee may, during hunting season and if they have a valid Alabama hunting license, have an unloaded rifle or shotgun for hunting. Section 4 (b)

**Alabama Division of
Wildlife and Freshwater Fisheries**



Department of Conservation and Natural Resources



DO restrict an employee from carrying firearms while on the employer's property or while engaging in the duties of the person's employment. Section 4(a)



DON'T restrict or prohibit the transportation or storage of a lawfully possessed firearm or ammunition in employee's privately owned motor vehicle while parked or operated in a public or private parking area. Section 4(a)(2)



DO inform employees that firearms are to be kept from ordinary observation while in the personal motor vehicle. Section 4 (b) (3) a.



DO inform employees that firearms are to be locked within the trunk, glove box, or interior of the vehicle, or in a container securely affixed to the motor vehicle. Section 4(b)(3)(b)



DON'T without more, inquire, or require, an employee to disclose whether they are transporting a firearm or have stored a firearm in his/her privately owned vehicle. (Issue is subject to additional legal interpretation.)



DON'T take adverse action if employer discovers by other means that an employee is transporting or storing a firearm in his/her motor vehicle, and does not have a pistol permit, in accordance with the Act unless the employer discovers, after reasonable inquiry that the employee:

- ▶ Does not have a valid Alabama hunting license;
- ▶ Been convicted of a crime of violence;
- ▶ Been convicted of a crime involving domestic violence;
- ▶ Is subject to a domestic violence restraining order;
- ▶ Has previously been involuntarily committed to a psychiatric hospital; or
- ▶ Has prior documented incidents of workplace threats or violence.

DO consider asking the employee who presents a risk of harm to himself/herself or others, whether they have a firearm in their private vehicle. Section 4(c)



DO consider reporting to law enforcement if there is credible evidence that the employee's vehicle contains a firearm prohibited by state or federal law, or stolen property or illegal items other than firearms. Section 4(e)



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DO consider reporting to law enforcement if the employee makes a threat to cause bodily harm to himself or to others. Section 4(e)



DO consider taking adverse disciplinary action against the employee if law enforcement discovers a prohibited or stolen firearm or a prohibited and illegal item other than a firearm. Section 4(f)

DISCIPLINARY WARNING NOTICE	
Employee's Name:	Date:
Department:	Position:
Reason For Notice:	
Action Taken On This Notice: <input type="checkbox"/> Verbal Warning <input type="checkbox"/> First Written Warning <input type="checkbox"/> Second Written Warning	
Explanation:	

DO a prompt investigation within 45 days if adverse action is taken against an employee related to a gun in a private vehicle and the employee makes a demand for recovery.

Section 4(g)

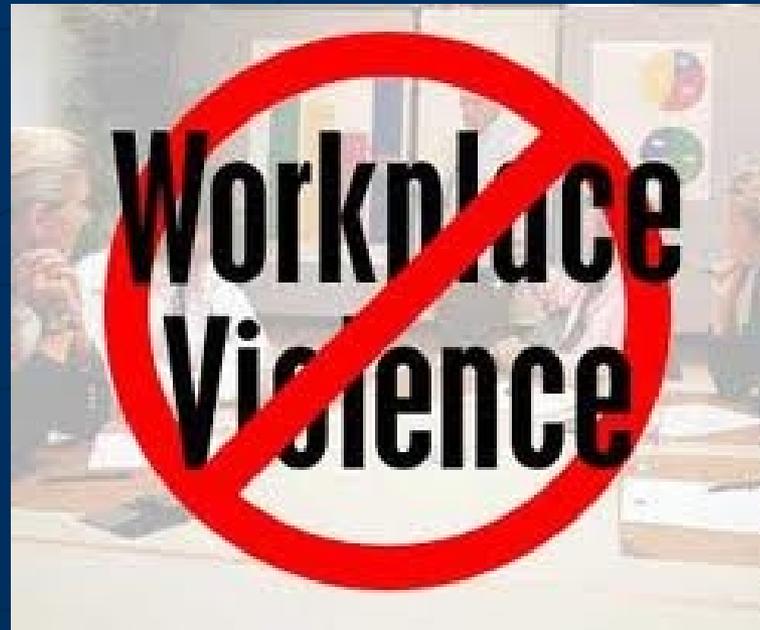


DO take all necessary steps to ensure that your business will fall under the absolute immunity granted in Section 5 of the Act if a gun is involved in a workplace incident.



Now you understand the Do's and Don'ts under the Alabama Guns in the Parking Lot Act 2013-283.

7 Tips to Prevent Workplace Violence



1. Assess your Work Environment

- ▶ An average of 3 to 4 workers murdered each day in the US
- ▶ 1 million workers are assaulted annually in US workplaces
- ▶ 80% of workplace homicides involve firearms



1. Assess your Work Environment, (cont'd)

- ▶ **Workplace violence is an incident of violent action, violent behavior or threat of violent behavior in the employment setting:**
 - **Harassment**
 - **Verbal abuse**
 - **Battery**
 - **Assault**
 - **Fighting**
 - **Homicide**

1. Assess your Work Environment, (cont'd)

- ▶ Violence at work may also be psychological; use of symbols or gestures that communicate a violent intent or can be reasonably construed as threatening violence.
- ▶ Workplace violence can occur inside or outside of the workplace.
- ▶ Everyone has a role, not just manager and corporate leadership.
- ▶ Know the signs and what to do if it occurs

1. Assess your Work Environment, Cont'd

- ▶ Some workers are at increased risk of workplace violence, but no one is immune:
 - Exchange money with public
 - Deliver passengers, goods, or services
 - Work with patients
 - Work alone or in small groups during late night, early morning hours



2. Pay Attention to Warning Signs

- ▶ It is important to understand the warning signs and common sense principles associated with prevention to help protect yourself and others.
- ▶ There is no typical profile of a person likely to become violent but here are signs that when considered in total increase the likelihood that an employee may act violently.



2. Pay Attention to Warning Signs: Examples

- Quick to anger or demonstrates an uncontrollable temper
- Prone to arguing, intimidating behavior or carry a grudge
- Intolerant of criticism and suspicious of coworkers
- Delusions, strong unshakeable beliefs about others in the workplace



2. Pay Attention to Warning Signs: Examples, (cont'd)



- Isolated, little involvement with coworkers
- Repeated or history of making threats
- Fascination with weapons and related literature
- Recent and acute personal problems: financial, legal, relationship
- Known history of psychological problems.

3. Promote Respect

- ▶ **Professional Conduct and Prohibition Against Harassment Policy & Training**
- ▶ **Include Bullying as Objectionable Conduct**



3. Promote Respect (cont'd)

- ▶ **DON'T** dismiss threats of violence as venting or blowing off steam
- ▶ **DON'T** say it can never happen here.
- ▶ **DO** avoid horseplay at work
- ▶ **DO** report offensive or intimidating behavior toward others in the workplace



4. Eliminate Potential Weapons

► Adopt Violence Prevention in the Workplace Policy in compliance with Alabama Law and Train on Policy

WORKPLACE VIOLENCE

This company has a policy of ZERO TOLERANCE FOR ALL FORMS OF VIOLENCE inflicted on employees, clients & employers

According to the National Institute for Occupational Safety and Health (NIOSH) **WORKPLACE VIOLENCE** is any physical assault, threatening behavior or verbal abuse occurring in the work setting. It includes but is not limited to beatings, stabbing, shooting, slappings, rape, near asphyxia, psychological trauma such as threats, obscene phone calls, an intimidating presence, and harassment of any nature such as being followed, sexual or otherwise.

Employers have both a legal duty and a moral obligation to provide a safe workplace for their employees. To prevent loss of life and injuries and to limit financial losses and potential liability, employers should:

- Institute policies and procedures to prevent violence from occurring in their workplaces.
- Assign responsibility and authority for the program to individuals or teams with appropriate training and skills.
- Affirm management commitment to a worker-supportive environment that places as much importance on employee safety and health as on serving the patient or client.

What are the key elements of a workplace violence prevention program?

The five main components of any effective safety and health program also apply to the prevention of workplace violence:

1. Management commitment and employee involvement;
2. Work site analysis;
3. Hazard prevention and control;
4. Safety and health training; and
5. Ongoing tracking and program evaluation.

As a minimum, workplace violence prevention programs should:

- Create and disseminate a clear policy of zero tolerance for workplace violence, verbal and nonverbal threats, and related matters.
- Ensure that managers, supervisors, co-workers, clients, patients, and visitors know about the policy.
- Ensure that all employees who report or experience workplace violence have options.
- Encourage employees to promptly report incidents and suggest ways to reduce or eliminate risks.
- Retain records of incidents to assess risk and measure progress.
- Create a comprehensive plan for maintaining security in the workplace. This includes establishing a liaison with law enforcement.

POLICY

Form # WH-100-01 - April 2008

5. Know your Violence Response Procedures



- ▶ **DO** learn how to recognize, avoid, or safely diffuse potentially violent situations by attending personal safety training programs
- ▶ **DO** alert your supervisor to concerns you have about safety or security
- ▶ **DO** report violent incidents immediately and in writing
- ▶ **DO** establish a liaison with local law enforcement

6. Trust Your Instincts

▶ **DON'T** keep your fears to yourself



7. Use a Team Approach

- ▶ **DON'T** join in or give in to pressure to behave inappropriately toward coworkers.

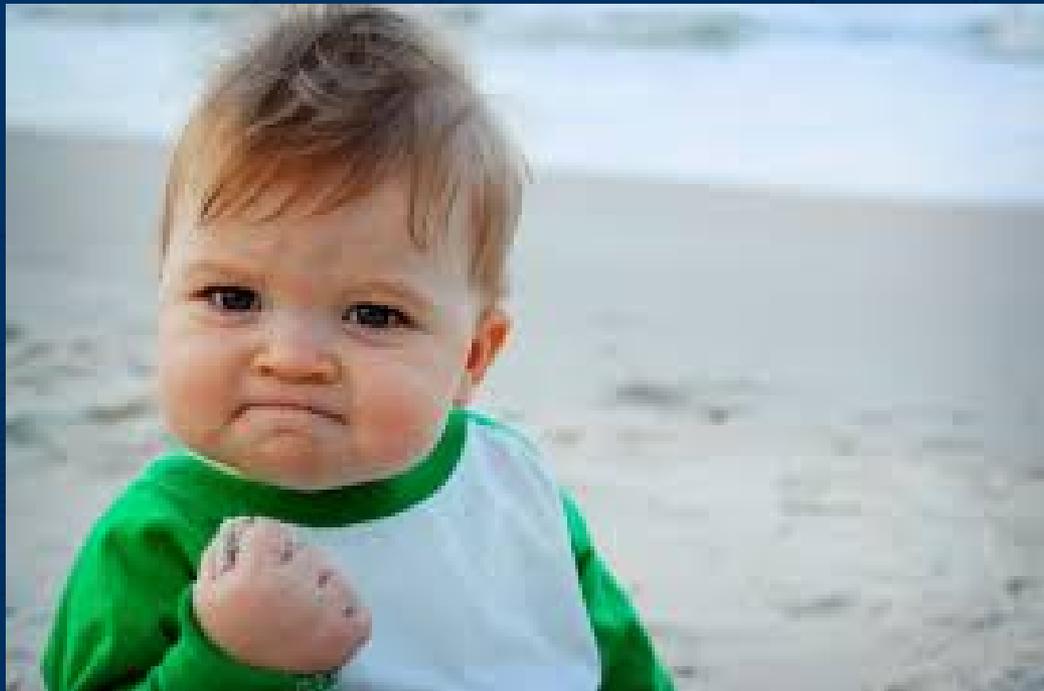


5 Action Plan Puzzle Pieces

1. **Use This Webinar To Train Supervisors And Employees on the Act**
2. **Adopt Workplace Violence Prevention Policy (With Employee Sign-off)**
3. **Adopt Professional Conduct and Prohibition Against Harassment Policy (with Employee Sign-off)**
4. **Secure Workplace Violence Prevention Forms**
5. **Post a Workplace Violence Prevention ZERO Tolerance Poster under Alabama Act**



Success:
**Because you can own this face of pure
accomplishment.**



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