

Employers Permitted to Ban Weapons Under Michigan's New CCW Law

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The Michigan Legislature recently enacted a controversial statute, which will make it easier for Michigan residents to obtain a carrying concealed weapons ("CCW") permit. The statute, Public Act 381, will become law on July 1, 2001. Currently, 32 States have enacted laws, in various forms, allowing individuals to obtain a CCW license.

Public Act 381 will take away the discretion that county weapon license boards currently possess under the present CCW law. Under the new law, CCW permits can be obtained by any citizen at least 21 years old who completes an 8-hour pistol safety training course, submits to a comprehensive background check and meets certain other criteria. County gun boards have the right to deny issuance of a CCW license where they determine that the applicant may pose a danger.

Under the present CCW law, there are 23,834 holders of general CCW permits in Michigan. Under the new law, however, it is estimated that approximately 150,000-200,000 Michigan residents will obtain CCW permits. Due to the controversial nature of the statute, there is currently an effort to obtain sufficient signatures to suspend the law and place it before voters in 2002.

Of importance to employers is that Public Act 381 expressly permits an employer to prohibit an employee from carrying a concealed firearm while at work. Specifically, the statute states: "This subdivision does not prohibit an employer from prohibiting an employee from carrying a concealed pistol in the course of his or her employment with that employer." The employer cannot, however, prohibit an employee from obtaining a CCW permit, or prohibit him/her from carrying a concealed weapon outside the employer's property.

Employers should adopt written policies prohibiting their employees from carrying a concealed weapon while at work. Workplace violence is a leading cause of occupational deaths in the nation. Policies banning concealed weapons at work will reduce the possibility of serious workplace violence, and help employers avoid expensive litigation if an employee or customer is killed or injured by an employee using a concealed weapon. A weapons ban policy, which should be inserted in every employee handbook, should also be part of a larger, comprehensive program to prevent workplace violence. In a follow-up alert, we will cover the elements of such a program.

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