

LABOR AND EMPLOYMENT

GOVERNOR KASICH SIGNS LEGISLATION EXPANDING CONCEALED CARRY LAWS FOR EMPLOYERS ACROSS OHIO

by Sara H. Jodka and William V. Vorys

On Monday, December 19, 2016, Ohio Governor John Kasich signed into law [Senate Bill 199](#), a controversial piece of legislation intended to expand concealed carry laws for firearms in Ohio. Although originally limited to exempting active military members from concealed handgun license requirements, the House State Government Committee amended the bill several times during the lame duck session to more significantly expand concealed carry laws statewide.

Important for Ohio businesses is a SB 199 provision that prohibits employers from banning firearms in employee vehicles. SB 199 also specifies that an employer is not liable for incidents arising from a stored firearm. The bill originally included controversial language making concealed handgun licensees a protected class under employment discrimination laws, but that provision was ultimately removed. Below is a summary of the remaining employer-related provisions:

Firearms in Employee Vehicles

Employers may no longer prohibit employees with valid concealed handgun licenses from transporting or storing a firearm on employer property so long as the following conditions are met:

1. Each firearm remains inside the employee's vehicle, while the employee is present, or each firearm is locked within the trunk, glove box, or other closed compartment; and
2. The vehicle is in an authorized location.¹

Employer Liability

SB 199 specifies that employers will not be held liable for damages resulting from an employee's storage or transportation of a firearm, unless the employer intentionally solicited the injurious actions.²

Going Forward

SB 199 takes effect March 20, 2017. In the meantime, employers should take a look at their employee handbooks and policies and ensure they will be compliant with the new law. Many employer policies on the topic of weapons tend to prohibit them from being in employee vehicles on their premises. Such a policy would violate SB 199. As such, employers should speak to employment counsel to revise any relevant policies.

The other issue for employers is with Ohio's public policy tort of wrongful termination in violation of public policy. While eleventh-hour wrestling removed certain provisions of SB 199 that would have put "concealed handgun licensure" on par with other statutorily-protected

classification, such as gender, race, disability, age, ancestry, and others, Ohio's public-policy tort makes it illegal for an employer to terminate an employee for engaging in protected conduct. As such, while have a concealed handgun license is not statutorily protected as a class, employers are arguably prohibited from terminating an employee for exercising their rights in Ohio Revised Code Section 2923.1210, which will protect the right of a person who has been issued a valid concealed handgun license to transport or store a firearm inside the person's privately-owned vehicle while parked on an employer's property. So, if an employer terminates an employee for lawfully storing a firearm in the employee's personal vehicle on the employer's property, the employee could likely file a wrongful termination in violation of public policy claim.

¹ R.C. 2923.1210(A).

² R.C. 2923.1210(B).

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