

City of Lawrence  
Administrative Policy

<b>SUBJECT</b>  Employee Concealed Carry		<b>APPLIES TO</b>  All City Employees except law enforcement officers commissioned by the City of Lawrence Police Department, Court Security Officers, and approved LDCFM Fire Investigators	
<b>EFFECTIVE DATE</b>  July 1, 2016	<b>REVISED DATE</b>  January 1, 2018		
<b>APPROVED BY</b>  City Manager		<b>TOTAL PAGES</b>  6	<b>POLICY NUMBER</b>  115

**1.0 Purpose.**

- 1) Employees covered by this policy are prohibited from openly carrying firearms while on duty, including but not limited to inside those City buildings listed in Appendix A, which appendix is affixed hereto and is incorporated herein by reference.
- 2) The Kansas Personal and Family Protection Act of 2006, K.S.A. 75-7c01 *et. seq.*, allows employees, who are legally qualified to possess a handgun, to carry a concealed handgun while on duty.
- 3) The purpose of this policy is to establish requirements and expectations for all City employees electing to carry a concealed handgun while on duty.
- 4) It is the overarching intent of the City and this policy to comply with State law while maintaining a safe and efficient operation for all employees and the public.

**2.0 Applicability; Preliminary Matters.**

- 1) This policy applies to all City employees, except that it shall not apply to police officers commissioned by the City of Lawrence, Kansas, Police Department (LKPD), whether on-duty or off-duty, Court Security Officers, or to Lawrence Douglas County Fire Medical (LDCFM) Fire Investigators authorized to carry a handgun while on duty.

- 2) This policy governs concealed carry under limited circumstances. The open carry of any firearm continues to be prohibited under any circumstance.
- 3) **The carrying of a handgun is not within the course and scope of City employment.**
- 4) Generally, any injury sustained by the use of carrying of a concealed handgun while on duty will not be considered arising out of and in the course of employment for the purposes of Kansas workers' compensation law.
- 5) Any liability associated with the employee's decision to carry a concealed handgun will be of a personal nature and will not be defended by the City since the carrying of a concealed handgun is outside the scope of City employment and not part of the employee's duties.
- 6) The City is not responsible for any damaged or stolen personal property, including handguns or gun lockers, of employees.

### **3.0 Definitions.**

- 1) Concealed means out of sight and not visible to a reasonable person under normal circumstances. A handgun is not concealed if there is "printing," which occurs when the outline of a handgun can be discerned beneath a person's clothing.
- 2) City Vehicle means any City-owned or leased vehicle and equipment used for carrying out official City business or by an employee in the performance of assigned job duties.
- 3) Employee means any full-time regular, part-time regular, full-time temporary or part-time temporary worker and extra-board firefighter who performs duties for or on behalf of the City and who is on the City's payroll. The term\_employee also includes interns, whether paid or unpaid, and volunteers. Employee as used herein does not include a law enforcement officer commissioned by the LKPD, a Court Security Officer, or a LDCFM Fire Investigator authorized to carry a firearm on duty.
- 4) Firearm means a weapon which will or is designed to expel a projectile by the action of an explosive. This includes, but is not limited to, a handgun, pistol, or revolver.
- 5) Gun locker means a secure, locked container.
- 6) Handgun means a pistol or revolver, or any other weapon, which is designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition.
- 7) Legally Qualified means a person who is of lawful age and is not otherwise prohibited by any Federal or State law from lawfully possessing a handgun.
- 8) Reasonable person means an individual who is generally fair, proper, just, moderate, and suitable under the circumstances.

- 9) Pocket knife means a folding knife with a blade of four inches or less, carried in a pocket or other concealed manner.
- 10) Weapon means a firearm or other dangerous object as described in K.S.A. 2016 Supp. 21-6301 and K.S.A. 2016 Supp. K.S.A. 21-6302, including a bludgeon, sand club, metal knuckles, throwing star, dagger, dirk, billy, blackjack, slungshot, slingshot, straight-edged razor, stiletto, sawed-off shotgun, automatic weapon, tear gas, or any other dangerous or deadly weapon or instrument of like character. The term weapon, as used herein, also includes a pellet or BB gun, or other similar device, but does not include the term "pocket knife."

#### **4.0 General Provisions.**

- 1) If he or she is legally qualified to do so, an employee may carry a concealed handgun when he or she is on duty, subject to the provisions set out in this policy and applicable federal, state, and local law.
- 2) Employees are prohibited from carrying weapons, as the term is defined at Section 3.0 (10) while on duty, except that employees may carry a concealed handgun in accordance with this policy and applicable federal, state, and local law.
- 3) The election of an employee to carry a concealed handgun shall not interfere with the employee's ability to perform any duties, shall not obstruct any required safety equipment, and shall not unreasonably delay an employee's deployment to an assignment or duty.
- 4) Employees are prohibited from cleaning a handgun or handling ammunition while on duty.
- 5) The employee must conceal his or her handgun in a secure manner on his or her person in a proper holster, with all safety features employed.
- 6) The employee must be truthful when asked by his or her supervisor whether he or she is carrying a concealed handgun.
- 7) The employee must abide by all Federal, State, and local laws, including those related to conceal carry, such as not entering any building – private or public – prohibiting concealed carry. An employee's failure to know the law does not excuse that employee's violation of City policy.

#### **5.0 Concealment Required.**

- 1) An employee electing to carry a concealed handgun while on duty may not openly carry the handgun or knowingly expose it in any way such that it is visible to others. That includes a prohibition against carrying a handgun such that "printing" is visible, including a bulge or outline of the handgun underneath the employee's clothing.
- 2) An employee may not leave a handgun in plain view or unattended.

- 3) **An employee electing to carry a concealed handgun while on duty must carry the handgun on his or her person at all times and within his or her immediate control and possession.** An employee may not leave a handgun in or on a desk or workstation, or in a purse, bag, lunchbox or other storage container left in a gun locker, office, or other place on City property, with the limited exception of leaving it in a City vehicle pursuant to Section 6.0 below.

## **6.0 City Vehicles.**

- 1) If an employee leaves his or her handgun inside a City vehicle, the employee is solely responsible for providing a gun locker in which the employee's handgun may be safely stored while inside the City vehicle. Such gun locker, when left unattended, must also be out of plain view. The City is not responsible for providing such gun lockers for City vehicles for the employee's convenience or to enable compliance with this requirement.
- 2) Employees storing handguns inside a City vehicle must lock the City vehicle when leaving it unoccupied.
- 3) Employees storing handguns inside a City vehicle are permitted to do so only temporarily and are prohibited from leaving such handgun inside the City vehicle overnight or for an extended period of time.
- 4) If an employee leaves his or her handgun inside a City vehicle, and the vehicle is broken and entered into for theft of the handgun, the employee who left the handgun in the City vehicle generally may be responsible for the cost of property damage to the vehicle if such handgun was not properly stored in a gun locker and out of plain view, or was otherwise carried or used in violation of this policy.

## **7.0 Private Vehicles.**

- 1) Employees may store a handgun within their personal vehicle when it is parked on City property, provided it is stored outside of plain view and the vehicle is locked when the employee is not inside of the vehicle.
- 2) The City is not responsible for any theft, damage, or loss of a handgun, personal vehicle, or personal property.

## **8.0 Private Buildings.**

- 1) Employees who enter private property while on duty are required to learn the rules on concealed carry at that location, and are required to comply with any restrictions established by the private property owner.
- 2) If a private property owner or other authorized person states or otherwise communicates that concealed carry is prohibited, the employee is prohibited from carrying a concealed handgun into the property and must securely store the handgun

in either his or her personal vehicle or, if the employee usually uses a City vehicle in the course of his or her employment, a City vehicle, in compliance with section 6.0 above.

## **9.0 Employee Conduct.**

- 1) Employees are prohibited from making any threats of violence or intimidating others.
- 2) Employees are prohibited from harassing others or otherwise creating a hostile, intimidating, or fearful work environment to a reasonable person.
- 3) Employees are prohibited from participating in violent or assaultive confrontations with other employees or members of the public, unless such confrontations are in lawful self-defense and not provoked by the employee.
- 4) Employees are prohibited from making physical or verbal reference to carrying a handgun or other weapon in a threatening manner, or brandishing or pointing a handgun or other weapon to others.

## **10.0 Notice to Supervisor.**

- 1) The employee must inform his or her supervisor that he or she is carrying a concealed handgun before reporting to work for his or her next scheduled shift or any extra duty work. Such notice must only be provided once to the supervisor, unless asked subsequently by the supervisor.
- 2) An employee who discharges or otherwise uses or displays a handgun while on duty must immediately report such use or display to his or her immediate supervisor.
- 3) An employee must demonstrate that he or she is qualified to carry a concealed handgun upon request of a supervisor.

## **11.0 Reporting a Policy Violation.**

- 1) Any employee who believes in good faith that an employee has violated this policy is required to report the matter, verbally or in writing, as soon as possible to his or her immediate supervisor or to the Human Resources Department, without regard to the chain of command.
- 2) A supervisor, upon receiving notice of an alleged violation of this policy, shall immediately notify the Department Director and the Human Resources Manager so that guidance and assistance may be provided.
- 3) Retaliation against any employee for reporting a violation of this policy or participating in an investigation is strictly prohibited.
- 4) Employees shall cooperate in any personnel investigation conducted pursuant to this policy.

## **12.0 Police Investigation.**

In the event that a City employee discharges a firearm while on duty, or threatens a person with a handgun or other weapon while on duty, the LKPD, or another law enforcement agency, shall investigate the incident. Such actions while on duty may result in criminal charges, the filing of which may result in disciplinary action, up to and including termination.

## **13.0 Sanctions.**

Violation of this policy by a City employee may result in disciplinary action, up to and including termination from employment.

## **14.0 Policy Supersedes the Employee Handbook Provisions Related to Firearms.**

It is the intent of this Policy to replace any existing City Policy on Firearms.