State of Louisiana
DIVISION OF ADMINISTRATION

OFFICE OF HUMAN RESOURCES

,HLEEN BABINEAUX BLANCO
GOVERNOR

JERRY LUKE LEBLANC
COMMISSIONER OF ADMINISTRATION

DIVISION OF ADMINISTRATION

PERSONNEL POLICY NO. 37

EFFECTIVE DATE: **July 21, 2000**
Revised: 10/9/00; 8/9/01; 7/23/02; 2/9/04; 1/2/06

SUBJECT: **Firearms Policy**

AUTHORIZATION: Barbara Goodson
Barbara Goodson, Assistant Commissioner

I. POLICY:

In order to maintain the safety and security of its employees and clients, the Division of Administration (DOA) prohibits the possession of firearms by its employees (including those employees referred to collectively in this policy as "management" or "managers") while in DOA vehicles, DOA buildings, and DOA leased office space. Furthermore, the DOA prohibits the possession of firearms by its employees in the course and scope of their employment, even if the employee is not in a DOA vehicle, DOA building, or DOA leased office space. This policy applies to all DOA 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 authorized 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 Commissioner of Administration pursuant to Section VIII of this policy.

II. PURPOSE:

The purpose of this policy is to state the policy of the Division of Administration regarding the possession of firearms 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 Division of Administration both those funded by general and ancillary appropriations. This policy applies to all

employees of the Division of Administration (including those employees referred to collectively in this policy as "management" or "managers").

IV. DEFINITIONS:

Firearms include: 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.

Unauthorized firearm: Any firearm in the possession of a DOA employee who is inside a DOA building, office space leased to DOA or DOA vehicle, or in the possession of a DOA 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 Commissioner of Administration under Section VIII of this policy. Firearms kept by employees in their personal vehicles during working hours or while on state business must be kept in a locked vehicle and must be kept out of sight of passersby when their vehicles are left unattended. Employees should 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 all the circumstances, 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.

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 9-1-1 (remember to dial 9 first to call an outside line if calling from a state office phone) 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 employee should not: (1) approach or touch the person in possession of the firearm, (2) attempt to confiscate the firearm, or (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 DOA building, office space leased to DOA or DOA vehicle, or is in the possession of a DOA employee while in the course and scope of his/her employment, then the employee who has such knowledge shall immediately notify his/her immediate supervisor, assistant section head, section head, assistant commissioner, or other person up the chain of authority (hereinafter referred to collectively as "manager" or "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, and (3) any other information which might be pertinent to the matter.

Under no circumstances should any 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, or (4) tell anyone except management about the unauthorized firearm.

B. Investigation

Investigation by a 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 the circumstances, that it can be done without creating a risk of harm to any person.

If the employee's appointing authority believes, under all the 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:

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

The appropriate law enforcement agencies to contact are listed in the appendix attached to this policy. The appendix is current as of the effective date of this policy.

The phone numbers listed will be verified by the Office of Human Resources every six months and updated if necessary.

If law enforcement refuses a request for assistance and it is reasonably believed that questioning the 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.

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 item 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 (1) there is a reasonable suspicion that the employee has violated this policy, and (2) when it is reasonably believed that the search can be conducted without creating a risk of harm to any person. 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.

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 DOA 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 DOA building, DOA leased office space, or DOA 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 told by a manager to remove the unauthorized firearm from the DOA building, DOA leased office space, DOA 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 told to remove the unauthorized firearm, becomes uncooperative, belligerent, or otherwise refuses to comply with the instruction, then 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.

The appropriate law enforcement agencies to contact are listed in the appendix to this policy. The phone numbers listed will be verified by the Office of Human Resources every six months and updated if necessary.

VII. RESPONSIBILITY:

Deputy/assistant commissioners or other persons up the chain of authority are responsible for responding to reports of violations of this policy in accordance with the procedures set forth in Section V of this policy. Deputy/assistant commissioners and other persons up the chain of authority are also responsible for holding accountable all section heads and other employees under their supervision for adhering to all aspects of this policy.

Section heads are responsible for assuring that each employee under their supervision, current and new is: (1) made aware of this policy and its contents as well as any forthcoming revisions, (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.

Section heads 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, and (3) maintaining records of any dispute between the DOA and an employee regarding the possession of an unauthorized firearm including any written statement from the agency, any employee, or any visitor to DOA facilities.

Managers/supervisors are responsible for: (1) responding to reports of violations of this policy in accordance with Section V of this policy, (2) compliance with all instructions in this policy along with any additional instruction provided by a section head or deputy/assistant commissioner or equivalent.

All employees are responsible for complying with all aspects of this policy and immediately reporting any violation of this policy to a supervisor, assistant section head, section head, assistant commissioner, or other person up the chain of authority.

VIII. EXCLUSIONS:

Firearms are not permitted in any DOA building, DOA leased office space, or DOA vehicle except when carried by authorized law enforcement personnel and agency police in the conduct of their official duties. 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 passersby when the vehicle is left unattended.

Requests for exceptions to this policy should be submitted to the Commissioner of Administration through the section head and appropriate assistant/deputy commissioner along with specific and compelling justification. Any exception to this policy must have the approval of the Commissioner of Administration or his delegated representative.

IX. QUESTIONS:

Questions regarding this policy should be directed to the staff of the Office of Human Resources.

X. VIOLATIONS:

Employees found to have violated this policy in any way may be subject to disciplinary action, up to and including, termination and/or criminal prosecution.

City/Building	Non-Emergency Security		Emergency
	Hours	Telephone #	Telephone #
ALEXANDRIA			
Alexandria State Office Bldg.	All hours	Alexandria City Police 449-5099	911
BATON ROUGE			
1st Circuit Court of Appeals	7 a.m. - 8:30 p.m. Mon.-Fri. After hours	Court security officer 342-3601 or Ext 217,222,223,233 DPS Police 342-5911	911
17th St. (Property Control)	All hours	DPS Police 342-5911	911
A.Z. Young	All hours	DPS Police 342-5911	911
Arsenol Museum	All hours	DPS Police 342-5911	911
Auto Hotel	All hours	DPS Police 342-5911	911
Baton Rouge State Office	All hours	DPS Police 342-5911	911
Brickyard (Property Control)	All hours	DPS Police 342-5911	911
Capitol Annex	All hours	DPS Police 342-5911	911
Central Plant	All hours	DPS Police 342-5911	911
Champion A & B	All hours	Baton Rouge City Police 389-3831	911
Claiborne Bldg.	All hours	DPS Police 342-5911	911
Galvez Bldg.	All hours	DPS Police 342-5911	911
Galvez Garage	5 a.m. - 9 p.m. Mon.-Fri. callbox located in elevators & stairwells calls to management office After the above hours must call 911		911

Governor's Mansion	All hours	DPS Police 342-5911	911
ISB (Data Center)	All hours	DPS Police 342-5911	911
Lasalle Bldg.	All hours	DPS Police 342-5911	911
Lasalle Garage	5 a.m. - 9 p.m. Mon.-Fri. After the above hours must call 911	Callbox located in elevators & stairwells calls to management office	911
Livingston Bldg..	All hours	DPS Police 342-5911	911
Old Governor's Mansion	All hours	DPS Police 342-5911	911
Pentagon A, B, C, D	All hours	DPS Police 342-5911	911
Poydras Bldg.	All hours	DPS Police 342-5911	911
Service Center	All hours	DPS Police 342-5911	911
State Capitol	All hours	DPS Police 342-5911	911
State Library	All hours	DPS Police 342-5911	911
Wooddale Tower	All hours	Baton Rouge City Police 389-3831	911
LAFAYETTE			
Brandywine 3	6 a.m. - 6 p.m. Mon.-Fri. After hours	Commissioned law enforcement officer on duty 262-1351 or 1035 Lafayette City Police 291-8613	911
Brandywine 6	6 a.m.- 6 p.m. Mon.-Fri. After hours	Commissioned law enforcement officer on duty 262-1351 or 1035 Lafayette City Police 291-8613	911
MONROE			
Monroe State Office Bldg.	All hours	Monroe City Police 329-2600	911

NEW ORLEANS			
Harvey State Office Bldg.	7:30 a.m. – 4 p.m. Mon.-Fri. After hours	Capitol Police Officer on duty 361-6015 Jefferson Parish Sheriff's Dept. 349-5322	911
New Orleans State Office	8 a.m. - 4 p.m. Mon.-Fri. After Hours	Capitol Police Officer on duty at 568-3138 New Orleans City Police 829-2222	911
Supreme Court	All hours	Capitol Police Officer on duty at 568-2625 **or** New Orleans City Police at 829-2222	911
SHREVEPORT			
2ND Circuit Court of Appeal	8 a.m. - 8 p.m. Mon.-Fri. After hours	Commissioned law enforcement officer on duty 227-3705 Shreveport City Police 675-2150	911
Jordan Street Bldg.	8 a.m. - 4 p.m. Mon.-Fri. After hours	Commissioned law enforcement officer on duty at Shreveport State Office Bldg. 676-7443 Shreveport City Police 675-2150	911
Shreveport State Office Bldg.	8 a.m. - 4 p.m. Mon.-Fri. After hours	Commissioned law enforcement officer on duty 676-7443 Shreveport City Police 675-2150	911