

**"THE GUNS AND THE BOMBS, THE ROCKETS AND THE WARSHIPS,
ARE ALL SYMBOLS OF HUMAN FAILURE"**

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Regardless of how you feel about guns generally, the Oklahoma and the United States Court of Appeals for Tenth Circuit have spoken on the right of employers to infringe on an employee's right to possess a gun.

I. Oklahoma Weapons Law

In late 2008, the United States Court of Appeals for the Tenth Circuit lifted the injunction previously imposed on enforcement of Oklahoma's weapons law by the United States District Court for the Northern District of Oklahoma. The weapons law, passed by the Oklahoma legislature in 2005, prohibits an employer from banning employees, except convicted felons, from storing firearms on company property in a locked vehicle. The law is now in effect. In other words, employers may **not** ban employees from storing firearms in a locked vehicle on company property. The law does not prohibit employers from otherwise banning firearms, or other weapons, on their property.

II. Prohibition on Inquiries About Firearms

On May 18, 2009, Governor Brad Henry signed into law a prohibition on an employer's inquiry about firearms. The new law which is now in effect, provides:

"It shall be unlawful for any private employer doing business in this state to ask an applicant for employment information about whether the applicant owns or possesses a firearm. Any private employer who violates the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by fine of not more than One Thousand Dollars (\$1,000.00)"

Public employers are subject to the same prohibition. The penalty for a public employer or public official who violates this law is that such persons/entities shall be deemed to be acting outside the scope of employment and shall be barred from seeking statutory immunity from any exemption or provision of The Governmental Tort Claims Act.

This article is intended to advise OCHRS members regarding legal developments of which they should be aware. It does not constitute legal advice and should not be used to resolve legal questions. Readers should contact their employment counsel with regard to specific factual situations before acting with regard to the subject matter of this article.

