

Governor Walker Signs "Concealed Carry" into Law

On Friday, July 8, 2011, Governor Walker signed the Personal Protection Act, also known as "concealed carry," into law. Under this new Wisconsin law, licensed individuals are allowed to carry concealed weapons throughout Wisconsin, subject to only a few exceptions. Because the law goes into effect on November 1, 2011, employers must immediately educate themselves on this law and take appropriate action.

Under the law, employers may prohibit employees from carrying concealed weapons in the course of their employment. However, employers may not prohibit licensed employees from carrying or storing concealed weapons or ammunition in their own motor vehicles, even if those vehicles are used in the course of employment or driven or parked on the employer's property. Employers that do not prohibit employees from carrying concealed weapons are immune from liability relating to their decision.

In addition to allowing employers generally to prohibit employees from carrying concealed weapons in the course of employment, the law also allows an employer to prohibit third parties (e.g., customers, vendors) from carrying a firearm into the employer's building or onto the employer's grounds or land. Once again, such a prohibition may not extend to a firearm in a vehicle driven to or parked in any portion of the building, grounds or land used as a parking facility. Moreover, an employer that wants to prohibit individuals from carrying firearms in its building must post signs that are at least 5 inches by 7 inches in prominent places near all entrances to the building, and in spots where individuals entering the building can be reasonably expected to see the signs. If the employer similarly wishes to prohibit individuals from carrying firearms on its grounds or land, it must post signs in a prominent place near all probable access points to the grounds or land, again in spots where individuals entering the grounds or land can reasonably be expected to see the signs.

While the new law grants immunity to employers that permit employees to carry concealed weapons, employers must also consider that the federal Occupational Safety and Health Act's (OSHA) general duty clause requires employers to provide all employees with a place of employment that is "free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees." Therefore, employers should carefully analyze whether they want to allow employees to bring concealed weapons into the worksite.

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Employers should begin reviewing their employment policies to identify necessary revisions. Specifically, employers will need to revise any policies that state that licensed employees cannot carry concealed weapons in their own motor vehicles, including vehicles parked in the employer's parking lot. Employers that decide to prohibit firearms in their buildings or on their grounds or land must also ensure that they have posted signs in the manner required by the law. Finally, in order to ensure compliance, employers may need to provide their supervisors with training on the protections afforded to licensed employees under this law. If you have any concerns about how this law may affect your organization, please contact any member of Reinhart's Labor and Employment Department.

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Interested in learning more about the impact of the "concealed carry" law on Wisconsin employers? Reinhart Labor shareholder Rob Sholl (414-298-8143) will be conducting a webinar for Reinhart clients titled "What Employers Need to Know About Wisconsin's 'Concealed Carry' Law" from 12-1 p.m. on Thursday, August 25, 2011. [Register](#) for this webinar.

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