

BRIEFING SHEET

To: Board of County Commissioners
Hannes Zacharias, County Manager
From: Larry McAulay, Assistant County Counselor
Date: June 23, 2016

Issue: Consider adopting Resolution No. 048-16, authorizing an amendment to Johnson County Human Resources Policy 409 - Weapons in the Workplace, effective July 1, 2016, amending the Johnson County Human Resources Policies and Procedures consistent with the changes in state law.

Background: The Kansas Family and Personal Protection Act was amended during the 2016 legislative session - most significantly, to allow employees to carry concealed handguns in County vehicles, provided that they are otherwise allowed by law to possess firearms. The Board of County Commissioners originally adopted the Human Resource Policies and Procedures during the Board meeting on October 27, 2005 to become effective January 1, 2006. The Board adopted the Human Resource Policies and Procedures for the efficient and effective operation of the County Government. The policies must be amended from time to time to properly reflect evolving legal standards, altered business and fiscal environments, and transformation of the County's underlying philosophies. The Board has repeatedly amended Johnson County Human Resources Policy 409 - Weapons in the Workplace to comply with changes in the law.

Analysis:

Employees and officials legally possessing a firearm may carry concealed handguns, during the course of their employment, consistent with the Kansas Personal and Family Protection Act, in areas outside of buildings, including County and personal vehicles, when not otherwise lawfully prohibited, and in public and unsecured areas of any building open to the public which is not posted as prohibiting the carrying of concealed weapons.

The proposed policy amendment maintains compliance with the requirements of the law while balancing workplace safety and individual freedom in a manner consistent with the County's vision and philosophy and the law of the State of Kansas.

The Board of County Commissioners must act to approve the policy amendment but the County Manager acts to authorize the amendment of the human resources procedure consistent with the Charter Resolution and Johnson County Human Resources Policies. Johnson County Human Resources Procedure 409-1 - Weapons in the Workplace Guidelines is attached hereto for informational purposes and will be adopted by the County Manager effective July 1, 2016 following your action amending Johnson County Human Resources Policy 409 - Weapons in the Workplace.

Alternatives: The Board may:

- 1) Approve and adopt the proposed resolution amending the Johnson County Human Resources Policies and Procedures, specifically Policy 409 - Weapons in the Workplace;
- 2) Recommend additional language or alternative provisions to the Johnson County Human Resources Policies and Procedures and the proposed amendment to the Johnson County Human Resources Policy 409 - Weapons in the Workplace to bring the policy into compliance with the change in the law effective July 1, 2016.

Legal Review: Legal counsel has reviewed and approved the proposed Resolution No. 048-16, and the amendment to Johnson County Human Resource Policy 409 - Weapons in the Workplace.

Funding Review: The recommended action requires no additional expenditures.

Budget Approval: The recommended action creates no budget impact.

Recommendation: The County Manager's Office, the Legal Department, the Department of Human Resources, and staff recommend approval of the amendment.

Suggested Motion: I move to adopt Resolution No. 048-16, authorizing an amendment to Johnson County Human Resource Policy 409 - Weapons in the Workplace, amending the County's Human Resources Policies and Procedures.

RESOLUTION 048-16

**RESOLUTION ADOPTING AMENDED HUMAN RESOURCES POLICY NO. 409
RELATING TO WEAPONS IN THE WORKPLACE**

At a regular meeting of the Board of County Commissioners conducted Thursday, June 23, 2016, there came before the Board for consideration the matter of adopting revised Human Resources Policy No. 409, related to weapons in the workplace. The Board, upon a motion duly made, seconded, and carried, adopted the following Resolution, to-wit:

RESOLUTION No. 048-16

WHEREAS, the Board of County Commissioners is the governing body for the Johnson County Government and has the power to adopt policies for the efficient and effective operation of the County government; and

WHEREAS, the current Johnson County Human Resources Policies and Procedures were adopted on or about October 27, 2005, pursuant to Resolution No. 086-05, and have been amended from time to time as necessary or advisable to increase efficiency, meet evolving business practices and maintain compliance with applicable law; and

WHEREAS, the State of Kansas amended The Personal and Family Protection Act further limiting the authority of municipal governments to prohibit the carrying of concealed handguns and permitting persons not otherwise prohibited by state or, federal law to carry concealed handguns in unsecured public areas of most unsecured municipal buildings and in County vehicles; and

WHEREAS, the Board, after through consideration and upon he recommendation of staff and counsel, find that it is now prudent to amend the adopted human resources policies related to weapons in the workplace to ensure compliance with evolving legal requirements and the best practices of municipal governance.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Johnson County, Kansas that the attached Human Resource Policy No 409, shall be and is hereby adopted, amending the current Johnson County Human Resources Policy No. 409; that the revised policy as adopted by this Resolution shall be effective on July 1, 2016; that the

adopted revised policy shall be made a part of the established Human Resources Policies for Johnson County Government, replacing the current version of Human Resource Policy No, 409, and shall be applicable as defined in the county policies.

This in an ordinary home rule resolution and shall become effective upon its adoption.

BOARD OF COUNTY COMMISSIONERS
OF JOHNSON COUNTY, KANSAS



Ed Eilert

Ed Eilert, Chairman

ATTEST:

Linda W. Barnes
Deputy County Clerk

APPROVED AS TO FORM:

F. Lawrence McAulay, Jr.
F. Lawrence McAulay, Jr.
Assistant County Counselor

Resolution No. 048-16

Approved 5-2 (RS SK)

FILED

JUN 23 2016

DEPUTY COUNTY CLERK
JOHNSON COUNTY KANSAS

POLICY 409

WEAPONS IN THE WORKPLACE

Effective 07-01-2016

PURPOSE

The purpose of this Policy is to inform employees of the County's policies regarding weapons in the workplace.

POLICY

It is the policy of the Johnson County Government to prohibit non-authorized persons from using or intentionally displaying weapons in the workplace. It is outside of the scope of employment for any non-authorized County employee or contractor to use or intentionally display a weapon, or threaten any person with the use of a weapon in the workplace or in the exercise of his or her duties under any circumstances. Persons authorized to have weapons include certified law enforcement officers, members of the Uniformed Services actively engaged in the performance of their duties, and security guards licensed to carry firearms and retained by the Johnson County Government who are actually performing such services.

Employees and officials legally possessing a firearm may carry concealed handguns, during the course of their employment, consistent with the Kansas Personal and Family Protection Act, in areas outside of buildings, including County and personal vehicles, when not otherwise lawfully prohibited, and in public and unsecured areas of any building open to the public which is not posted as prohibiting the carrying of concealed weapons.

The County Manager shall take such steps as are necessary to fully implement this Policy. The County Manager is authorized to adopt Human Resources Procedures to further the goals and objectives of this Policy. To that end, the County Manager may include other items within the definition of weapons and post any notices he/she deems appropriate consistent with the intent of this Policy.

PROCEDURE 409-1

WEAPONS IN THE WORKPLACE GUIDELINES

Effective 07-01-2016

OVERVIEW

This Procedure establishes guidelines for administration and enforcement of the Weapons in the Workplace Policy and for reporting potential threats of violence.

STANDARDS

Employees and officials legally possessing a firearm may carry concealed handguns, during the course of their employment, consistent with the Kansas Personal and Family Protection Act, in areas outside of buildings, including County and personal vehicles, when not otherwise lawfully prohibited, and in public and unsecured areas of any building open to the public which is not posted as prohibiting the carrying of concealed weapons. Employees who violate this policy or procedure may be subject to disciplinary action up to and including termination of employment.

PROCEDURES

Any employee who believes in good faith that any person poses an imminent threat is required, when it can be done safely, to activate security measures for his/her department/agency. Employees should then notify any available supervisor or manager.

The first objective with regard to weapons in the workplace is to immediately and safely resolve any imminent threat and to responsibly confiscate and secure any weapon possessed or utilized in violation of County policy and/or state law. All employees should be familiar with facility security measures, and those measures should be activated if the situation presents an immediate threat or if any individual is believed to be in the unlawful possession of a firearm or other obvious dangerous weapon.

Any employee who believes in good faith that an employee has violated this Policy is required to report the matter as soon as possible to the Department of Human Resources or any supervisor or manager without regard to the chain of command. Employees are advised to activate facility security measures if they believe the situation poses imminent danger.

Any supervisor or official, whether elected or appointed, upon receiving any written or oral notice of an alleged violation of this Policy, shall immediately notify the Director of Human Resources, or his/her designee, so that the Department of Human Resources may provide guidance and assistance.

If the report concerns the inadvertent display of a handgun, the supervisor or manager shall inform the employee alleged to have inadvertently displayed a handgun that the employee must properly conceal the handgun. Failure to properly conceal the handgun may result in disciplinary action up to and including termination of employment.

After any imminent threat has been resolved, or in circumstances where a violation is reported with no imminent threat, it shall be the responsibility of the Department of Human Resources to determine whether the matter requires further investigation, who will investigate the matter, and

to ensure that the report is immediately investigated and resolved. To the fullest extent reasonable, the investigator(s) shall conduct the investigations confidentially.

Any search of an employee or his/her personal possessions, other than by law enforcement, shall be conducted consistent with the Privacy Expectations Policy and Procedures. If any weapon is discovered in violation of this policy, the weapon shall be secured, confiscated and turned over to appropriate authorities.

Other than concealed handguns properly carried under the Personal and Family Protection Act, as amended, the term "weapons" includes, without limitation, firearms of all types and sizes, whether loaded or not; air guns, BB-guns, pellet guns, and the like; simulated weapons; knives, swords, switchblades, razors, and the like – other than small pocket knives, utility knives, kitchen knives, and the like; clubs, bludgeons, batons, bats, and the like; incendiary or explosive devices of any sort whatsoever; martial arts weapons, including nunchuks, throwing stars, and the like; and any item carried with the intent or used to threaten or intimidate another. The term "weapons" shall not include the lawful possession of personal security devices, intended for use by members of the general public, including without limitation, pepper spray, mace, and such other personal defense sprays.

Retaliation against any employee for reporting a violation of this Policy or participating in an investigation is strictly prohibited.