

Employment Law Compliance, Inc.
Suite 635
115 Perimeter Center Place
Atlanta, Georgia 30346

Telephone: 866-801-6302 Toll Free
Facsimile: 770-206-3381
bankers@employlawcompliance.com
www.employlawcompliance.com

“PARKING LOT” BILL TAKES EFFECT:

WHAT CAN BANKS DO TO RESTRICT WEAPONS AT WORK?

Georgia’s “Business Security and Employee Privacy Act” which goes into effect this month expands the rights of licensed gun owners to carry concealed weapons, including to store guns in their locked cars in employer-provided parking lots.

Although the new law has a provision preserving any pre-existing rights of private property owners, including private employers, to control access to their property, it is not clear whether this tempers the bill’s general prohibition on enforcing a weapons ban by searching employees’ vehicles. The law also contains several exceptions, some of which may apply to banks:

- Employers who provide a secure parking area restricted from public access are exempt, and may search vehicles entering the secure area, if all vehicles are searched.
- Employers may search bank-owned or -leased vehicles.
- A vehicle search may be conducted by law enforcement officers pursuant to a valid warrant or a valid warrantless search.
- Employees may consent to a search.
- A vehicle search may be conducted upon “reasonable cause” to prevent an immediate threat to health, life or safety.
- Employees subject to disciplinary action can be prohibited from bringing weapons onto the bank’s property, and their vehicles may be searched.

The law has an immunity provision shielding the bank from liability resulting from employees storing guns in vehicles on the bank’s property.

Practice Pointers:

Banks can and should still maintain a no-weapons policy, provided it does not bar employees who are not subject to discipline from storing guns, in compliance with the conditions of a valid gun license, out of sight in their locked parked vehicles. Review your policy. Make sure it states:

- ✓ Bringing weapons into the bank, or accessing them from a locked vehicle in the bank’s parking lot, is strictly prohibited
- ✓ A broad definition of weapons to include, guns, firearms, firearm replicas, ammunition, explosives, night sticks, spring loaded knives, or any other objects designed to intimidate or injure people
- ✓ The storage, possession, transfer or use of weapons in a bank-owned or leased vehicle is strictly prohibited
- ✓ The bank reserves the right to search employees’ property, including their vehicles, if there is reasonable cause to suspect an immediate threat to human health, life or safety.

The bank reserves the right to prohibit employees who are under disciplinary action from bringing weapons to work, including in their locked vehicles in the parking lot.