

OPEN CARRY IN TEXAS: EMPLOYER RIGHTS AND RESPONSIBILITIES

News

Jan 13, 2016

Steve Roppolo was quoted in *SHRM* on January 13, 2016. The article "Open Carry in Texas: Employer Rights and Responsibilities" discussed how as of Jan. 1, 2016, handgun license holders in Texas may legally carry their guns in visible holsters on their hip or shoulder.

Steve discussed how employers, however, can still prohibit firearms in the workplace.

"Texas loves two things more than anything: their guns and property rights. These two rights or interests run at one another when it comes to questions of an employer's right to restrict someone from bringing a gun onto their premises," Steve told *SHRM Online*.

Employers with gun policies "have to tweak these now," Steve said.

Employers can still prohibit firearms—concealed or openly carried—in the workplace as long as they provide notice that such weapons are not permitted on the premises. Although the notice may be provided verbally, "we've told clients not to rely on oral communication," Steve said. He suggested putting something in writing clearly informing employees that no firearms are permitted. "Then you can prove that you've told them not to carry."

This written policy should appear in the employee handbook, he noted. But just having a policy—even a written one—is not enough.

"You need to have both notices," Steve said. "You can combine them, but you have to comply with the

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requirements of both statutes.”

Many employers thought open carry meant that “they would have to allow employees to walk with holsters to the copy machine,” Roppolo said. That’s not the case—but absent a policy, that kind of behavior may be OK, he said.

To read the full article, please visit [SHRM](#).