

## OUR INSIGHTS

### Tennessee's Gun-Free Workplaces Must Heed New Notice Requirements

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Tennessee generally allows employers to prohibit employees and other individuals from possessing weapons on properties owned or operated by employers. The primary exception to this general rule concerns individuals with [lawful handgun carry permits storing their weapons in their personal vehicles while parked on an employer's property](#).

On March 23, 2016, Tennessee Governor Bill Haslam signed [Public Chapter No. 638](#). This amendment to Tennessee Code Annotated (T.C.A.) §39-17-1359(b) changes how employers and other owners and operators of properties and buildings must notify people that weapons are prohibited on their properties or in their buildings. Below is a summary of the notice posting requirements, grouped into two categories: those provisions that have not been changed by the amendment and those that have.

#### What Has NOT Changed

- Any individual, corporation, business entity, or governmental agency—including an employer—can prohibit the possession of weapons on properties or in buildings owned, operated, managed, or under the control of the individual or entity.
- This prohibition on weapons applies even to individuals with handgun carry permits (except that permit holders may keep firearms locked out of sight in their personal vehicles).
- If an employer chooses to prohibit weapons on its premises, the employer must post appropriate notices in “prominent locations,” including all entrances primarily used by people entering the property, building, or portion of the property or building where weapons are prohibited.
- The notice must be in English, but an additional notice may also be posted in any language used by employees, customers, or others that frequent the property or building.

#### What Has Changed

- The prior law allowed employers to post one of two types of signs: (1) a sign containing appropriate wording or (2) the universal red circle with a slash symbol over a weapon. Now, *both* the wording and symbol must be used.

→ The new sign must contain:

- the phrase, “No Firearms Allowed,” at least one inch high and eight inches wide;
- the words “As authorized by T.C.A. §39-17-1359” (in any size as long as it is “plainly visible”); and
- a picture of a firearm inside a circle with a slash symbol over the firearm, at least 4 inches high and 4 inches wide with the diagonal slash at a 45 degree angle from the lower right to the upper left of the circle.

The statute still allows an employer to prohibit “weapons” on its property, but the amendment to the required posting language specifically refers to “firearms.” Presumably, an employer can continue to post that “weapons” are prohibited in addition to “firearms,” provided that the required language discussed above is included in the sign.

These revisions will take effect on July 1, 2016. For employers that posted weapons notices prior to January 1, 2015, there is a grace period extending until January 1, 2018 to replace existing signs with new signs that meet the revised requirements. Although not addressed in the statute, if an employer first posted a notice prohibiting weapons after January 1, 2015, it appears that the employer must post the new signs by July 1, 2016 to be in compliance with the revised statute. If an employer or other property owner or operator does not comply with the new posting requirements, then it is likely that someone possessing a firearm on the property could not be prosecuted for doing so.

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