



Legal Alert: Tennessee Employee Gun Owner Protection Amendment Voted Down

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Executive summary: On February 5, 2014, members of the Tennessee Senate voted down an amendment that would have created a specific employment protection for gun owners. The amendment sought to add a provision to the controversial "guns in trunks" law passed last year by the General Assembly, which would have prohibited Tennessee employers from terminating gun owners based on their exercise of the rights protected by the guns in trunks law.

Legislative history: In 2013, the Tennessee General Assembly passed a law making it illegal for property owners to prohibit gun carry permit holders from storing firearms and/or ammunition in the trucks or other locked areas of their vehicles while parked on another's property. You may have heard that last year the Tennessee Attorney General issued an opinion stating that the new law did not have any effect on an employer's ability to terminate the employment of an individual who brought a firearm onto the employer's property in violation of the employer's valid no guns policy. Earlier this month, however, Tennessee Lieutenant Governor Ron Ramsey released an opinion from the Department of Legislative Services stating that terminating an employee for exercising his or her rights under the newly passed legislation would constitute unlawful retaliatory discharge under Tennessee law. Although indicative of how courts may analyze the new law, neither the Attorney General's opinion nor the opinion released by the Lieutenant Governor has any binding effect on courts going forward.

Employers' Bottom Line:

Although the Senate's failure to pass the amendment may appear to be a win for employers, the conflicting interpretations of the Attorney General and the Lieutenant Governor leave the issue clouded in uncertainty. In the absence of clear guidance from the legislature, it will be up to the courts to decide whether and on what basis, if any, an employer may lawfully terminate an employee who violates the company's no guns at work policy. In light of this uncertainty, employers should exercise caution before taking any adverse employment action against an individual who has violated the company's no guns policy. It would be wise to conduct a thorough investigation of the facts and circumstances surrounding the violation and consult with experienced employment counsel before acting.

If you have any questions regarding this Alert or other labor or employment issues, please contact the author, [Josh Sudbury](mailto:jsudbury@fordharrison.com), jsudbury@fordharrison.com, who is an attorney in our [Nashville](#) office. You may also contact the FordHarrison attorney with whom you usually work.