

Guns-at-Work Laws: Key Legal Issues and Best Compliance Practices

A Practical Guidance® Practice Note by David N. Korsen, Nelson Mullins Riley & Scarborough LLP



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This practice note surveys the legal framework governing firearms in the workplace, with emphasis on federal limits, state parking lot statutes, constitutional issues, employer authority, and related workplace claims. It explains that no comprehensive federal guns-at-work statute exists, while federal provisions address firearms in federal facilities, postal property, schools, and limited law enforcement contexts. The note also discusses OSHA's general duty clause as part of the federal workplace safety backdrop.

The state-law section describes guns-at-work and parking lot laws, identifying jurisdictions that restrict employers from banning employees' lawful storage of firearms in locked private vehicles. It also covers statutory exceptions,

employer-immunity provisions, and notice-posting requirements for workplaces that prohibit weapons.

The constitutional section focuses on the Second Amendment's limited relevance to private employers, distinguishing constitutional rights from private workplace policy authority. The employer-rights section addresses workplace firearms policies, discipline, workers' compensation, wrongful termination, civil damages, negligence, vicarious liability, collective bargaining issues, vehicle searches, and restrictions on employment decisions tied to firearm ownership, storage, or carry status.

The practice note concludes with compliance-oriented coverage of workplace violence policies, premises definitions, parking lot access controls, reporting procedures, disciplinary processes, and coordination with broader workplace safety resources, including related policies, checklists, and training materials generally.

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David focuses his practice on all aspects of employment litigation, which includes representing employers in matters pertaining to discrimination, retaliation, harassment, termination, restrictive covenants, claim investigations, and wage and hour. David also provides advice and counsel on a variety of employee relations issues.

David has been on both sides of the table and has served as lead counsel in hundreds of employment matters in federal and state court, as well as before the EEOC, OSHA, and corresponding state agencies. David has tried multiple cases to verdict in both jury and non-jury trials.

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