

Ohio Limits Local Workplace Laws, Expands Concealed Carry Rights of Licensed Gun Holders

By Katharine C. Weber and David A. Nenni

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A new Ohio law mandates uniformity of laws across the state affecting wage-hour, paid sick and safe leave and other fringe benefits, and scheduling of employee work hours. [Senate Bill 331](#) expressly prohibits cities and counties from adopting laws in these areas that differ from those enacted at the state and federal level. Senate Bill 331 goes into effect on March 20, 2017.

In addition, Ohio law has been amended to expand the areas in which an individual with a valid concealed handgun license can carry a firearm. [Senate Bill 199](#) expressly authorizes an individual with a valid license to possess a firearm in a privately owned vehicle while parked on company property. It also prohibits an employer from disciplining an employee for engaging in such lawful act. Senate Bill 199 goes into effect on March 22, 2017.

Senate Bill 331 – Uniformity of Laws

Outside of Ohio, state, city, and county laws requiring employers to provide paid sick leave are being adopted across the nation at a dizzying pace, leaving employers with operations in multiple jurisdictions in a quandary with respect to how to keep up let alone comply. The newest wave of pro-employee legislation making its way across the country is referred to as predictive scheduling laws. (For an example, see our article, [Seattle Passes Predictable Scheduling Ordinance](#).) Predictive scheduling laws generally prohibit larger employers from making changes to an employee's work schedule without providing a minimum amount of advance notice, require employers to provide extra pay to employees who agree to work a revised work schedule, require a consistent schedule with minimal fluctuation in the days and hours to be worked, and even prohibit employers from engaging new employees to fill in for last-minute staffing needs without first offering that work to current employees.

Senate Bill 331 seeks to preserve uniformity and avoid a patchwork of municipal and county ordinances in Ohio affecting wage rates, paid sick and safe leave obligations and other fringe benefits, and employee scheduling for private employers.

Under Senate Bill 331, political subdivisions of the state of Ohio (e.g., cities and counties) are prohibited from legislating or regulating the following areas of employment for private employers:

- requiring fringe benefits for employees (“fringe benefits” include leaves of absences, vacation, and separation, sick and holiday pay, as well as health, welfare, and retirement benefits);
- whether an employer will provide advance notice of initial, new, or changes to an employee’s work schedule, including whether an employer will provide predictive schedules;
- the amount of notice an employee receives for work schedule assignments or changes to them, including any addition or reduction of hours, cancellation of a shift, or changes in the day or time of a shift;
- minimizing the fluctuation of the number of hours an employee is scheduled to work daily, weekly, and monthly;
- providing additional hours to current employees before employing additional workers;
- the number of hours an employee is required to work or be on call;
- the time an employee is required to work or be on call;
- the location where an employee is required to work; and
- additional pay for reporting time when work is no longer available, being on call, or working a split shift.

The new law also prohibits cities and counties from adopting a minimum wage rate that exceeds the federal or state minimum.

Senate Bill 199 – Licensed Concealed Carry

Generally, Senate Bill 199 expands the areas in which an individual with a valid concealed handgun license

Meet the Authors



[Katharine C. Weber](#)

Principal
Cincinnati
513-898-0050
[Email](#)



[David A. Nenni](#)

Associate
Cincinnati
513-719-5703
[Email](#)

Practices

Disability, Leave and Health Management
Employee Benefits
Wage and Hour
Workplace Safety and Health
Workplace Training

can carry a firearm.

The two most notable changes to the law permit an individual with a valid license to possess a firearm (1) in a private vehicle parked in a company parking lot, and (2) unless proper signage is posted, in a daycare facility.

Under the law:

- With the proper signage, businesses and property owners in general can prohibit firearms within the workplace and on their property. However, they cannot prohibit an employee or guest with a valid concealed handgun license from transporting or storing a firearm and ammunition in his or her personal vehicle on the premises where the vehicle is permitted to be, such as a parking lot. If the individual is outside of the vehicle, the firearm and ammunition must be locked in a trunk, glove box, or other enclosed compartment within or on the vehicle.
- An employee may not possess a firearm or ammunition in a company-owned or company-leased vehicle where the employer prohibits such possession.
- Unless otherwise prohibited by the proprietor with the proper signage, an individual with a valid concealed handgun license can possess a handgun in a child daycare center.
- While possession of a firearm is generally prohibited in school safety zones, an individual with a valid concealed handgun license can possess a handgun within a motor vehicle while in a school safety zone. If the license holder exits the motor vehicle, he or she must leave the handgun inside the vehicle and lock the vehicle.
- An individual with a valid concealed handgun license can possess a firearm in an airport terminal, so long as the license holder is not beyond a passenger or property screening checkpoint or in a location where access is restricted through certain security measures by airport authorities or a public agency.

Although businesses and property owners cannot prohibit a license holder from possessing or storing a firearm in his or her privately owned vehicle while parked on their premises, they can post a sign in a conspicuous location on the land or premises prohibiting people, including individuals with a valid concealed handgun license, from carrying firearms on or onto that land or in the premises.

The Ohio Attorney General offers a sign for posting: <http://www.ohioattorneygeneral.gov/Law-Enforcement/Concealed-Carry/Model-Concealed-Carry-Sign>.

Employers with operations in Ohio should review their weapons-at-work policy. Many employers with such a policy prohibit employees from possessing a weapon on company property, which is defined to include the company parking lot. Any policy revision should be made so that the policy complies with Senate Bill 199 and cannot be used against the employer to support a claim of unlawful termination. In addition, human resources professionals and managers should be notified of the change in the law and any resulting change in policy.

Jackson Lewis attorneys are available to answer inquiries regarding these new law and assist employers in achieving compliance.

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