

Senior Care Policy and Procedure

Subject/Title:	Firearms and Weapons-Free Facility
DISCLAIMER: Sample Policy <u>only</u>	Sample policies are intended to provide a basis for drafting a policy or policies which meet your business's needs. They should be considered as open to modification. Rarely does one policy statement reflect the needs and concerns of all businesses. Sample policies should not substitute for or replace the advice of your attorney or business advisor.

I. POLICY GUIDELINES

The facility strives to promote safety by maintaining a work environment that is safe for all persons, including residents, staff, and visitors.

It is the facility's policy to maintain a firearms and weapons-free workplace and prohibit the possession of firearms and weapons, including antique firearms.

Exception: Authorized law enforcement officers are exempt from this policy.

II. DEFINITIONS

Firearm is a weapon (e.g., pistol, revolver, or rifle), whether loaded or unloaded, capable of firing a projectile using an explosive as a propellant.

Weapon refers to any instrument designed or used for inflicting body harm or physical damage.

Exception: Powder-actuated tools that are manufactured for the use of fastening building materials, when used as they are intended, are not considered to be firearms or weapons.

III. PROCEDURAL COMPONENTS

A. Signage

1. At each facility entrance, a sign is posted in a conspicuous location and notifies all who could enter that no firearms or weapons are allowed on the property.
2. Signs include a pictogram and wording that prohibits firearms and weapons. Sample language: NOTICE – NO FIREARMS OR WEAPONS ALLOWED ON THIS PROPERTY.

Note: Depending on the location of the facility, consideration should be given to having signage in additional languages.

B. Acknowledgement of Policy

1. Each employee of (Facility) receives a copy of this policy at the time of his/her hire and signs a copy of the acknowledgement form. Employees who were employed prior to the effective date of this policy also receive a copy and sign the acknowledgment form. A copy of the acknowledgement form is maintained in each employee's personnel file.

2. A copy of this policy is provided to each agency staff member, subcontractor, temporary employee, and volunteer. Associates sign an acknowledgement form that is retained along with the associated contract or agreement.

C. Prohibited Conduct

1. The transportation of firearms or weapons in company vehicles is prohibited.
2. The carrying of firearms and weapons while at company offices, parking lots, sponsored events, and job locations is prohibited. However, in accordance with North Dakota law, an individual who is lawfully in the area may have a firearm if it is lawfully possessed and locked inside or locked to a private motor vehicle in the parking lot.
3. If a person is observed to be carrying a weapon or firearm, promptly notify the charge nurse and/or a member of the leadership team as well as the Administrator and Director of Nursing.
 - a. If the situation is emergent, follow the procedures as outlined in the emergency management plan.
 - b. If the situation is non-emergent, the leadership team will evaluate the situation and determine the appropriate course of action.

Note:

- i. *There may be law enforcement professionals who are authorized to possess a firearm, including while wearing civilian clothing.*
- ii. *Personnel who are involved in security-related fields but are not law enforcement officials are managed in the same manner as civilian personnel.*

D. Search

1. (Facility Name) reserves the right to conduct reasonable searches of company premises and personal searches of employees and others entering or leaving the facility's premises, including, but not limited to: personal effects, company-owned vehicles, lockers, desks, tools, boxes, clothing, meal containers, and baggage. In accordance with North Dakota law, an individual who is lawfully in the area may have a firearm if it is lawfully possessed and locked inside or locked to a private motor vehicle in the facility parking lot.
2. Individuals refusing to allow an inspection will not be forced to submit to the inspection. However, employee refusal may constitute a violation of company policy (addressed under the Human Resources policy and process, if applicable). Non-employees who refuse to allow an inspection may not be permitted on the facility's premises.
3. If a firearm or weapon is found in a resident's room, the charge nurse or a member of the leadership team, the Administrator, and Director of Nursing will be promptly notified.
 - a. The resident will have the option to remove the firearm or weapon from the facility. If the resident refuses to remove the firearm or weapon from the facility, the leadership team will address the situation which may include, but is not limited to, notifying law enforcement of the firearm or weapon and addressing the infraction per the admission agreement.

E. Policy Adherence

1. Noncompliance with this policy by employees is addressed by the Human Resources policies and processes and results in disciplinary action, up to and including termination of employment.
2. Noncompliance with this policy by non-employee associates constitutes a violation of the agreement and results in termination of the agreement, including prohibiting the individual from accessing the facility's premises.
3. Noncompliance with the posted signage by visitors constitutes a violation of this policy and will result in steps taken for the protection of personnel; this may include notification of law enforcement and can result in prohibiting the individual from accessing the facility's premises.
4. Personnel who refuse to comply with this policy will be addressed by the leadership team.
 - a. Law enforcement is to be notified when a person is not adhering to this policy and is in possession of a firearm or weapon.

F. OPTIONAL: Behavioral Health and Law Enforcement

1. Firearms and weapons used by law enforcement are not allowed in secured behavioral health units. Officers are to be informed of this policy and are responsible for appropriately securing their items in the following places:
 - a. Within their vehicle
 - b. Within the facility's secured weapon storage locker (if available)

This sample policy is based on materials provided by Pendulum (© 2015 Pendulum, 4600B Montgomery Blvd. NE, Suite 204, Albuquerque, NM 87109).