

DEPARTMENT OF PUBLIC WORKS MANAGEMENT MANUAL

**Personnel
Directive**

Subject: NO WEAPONS AT WORK

ADOPTED BY THE BOARD OF PUBLIC WORKS, CITY OF LOS ANGELES

June 20, 2007

PERSONNEL DIRECTIVE NO. 2

BACKGROUND

The Board of Public Works in its Workplace Violence Policy (Personnel Policy #19) defines any unauthorized possession of a weapon at the workplace (including on Department parking lots) as an act of prohibited workplace violence. Therefore, the following prohibitions pertain not only to concealed weapons, but to all weapons in unauthorized possession of an employee of the Department at the workplace.

The Board of Civil Service Commissioners, at its meeting on July 8, 1966, unanimously adopted a statement on the carrying of concealed weapons by City employees as follows:

1. That a communication be addressed to all managers of City departments reminding them that the carrying of concealed weapons, including but not limited to guns, upon the person or in any automobile is prohibited by law except for those persons specifically authorized.
2. That these provisions apply to City employees while at work;
3. That compliance is the responsibility of department managers and is mandatory:
4. That failure of employees to comply is cause for disciplinary action, including discharge. Personnel Policy No. 7 (D 6) specifies the penalties for carrying weapons onto the workplace; and
5. That a copy of this Action be forwarded to the Mayor and to the Chief of Police.

APPLICABLE LEGISLATION

- I. The Municipal Code of the City of Los Angeles states in

Section 55.02

"No person except a Peace Officer, shall wear or in any manner carry concealed upon his person, any loaded or unloaded gun, pistol, or revolver, or any dangerous weapon permitted to be carried by law without having at the same time, actually in his possession and upon his person, an unexpired permit to do so issued by the Board of Police Commissioners."

II. Section 55.04

“No person shall purchase, possess or use any tear gas or tear gas weapons without having first been issued a written permit therefor by the Chief of Police. Such permit shall be issued upon a finding by the Chief of Police that the applicant has satisfied all of the following conditions:

1. Is a resident of the City of Los Angeles.
2. Is not a minor.
3. Has not been convicted of a felony.
4. Is not addicted to any narcotic drug.
5. Has not been convicted of any crime involving assault.
6. Has not been convicted of misuse of tear gas under Section 12403.7(a)(8) of the Penal Code of the State of California.
7. Has completed a course certified by the Department of Justice of the State of California in the use of tear gas and tear gas weapons pursuant to which a card is issued identifying the person who has completed such course. Such a course may be taken in any training institution certified by the Commission on Peace Officer Standards and Training to offer tear gas training.”

III. State Penal Code 12403.7 (Use or possession for self defense) Tear Gas and Tear Gas Weapons, states in part:

“Notwithstanding any other provision of law, any person may purchase, possess or use tear gas weapons for the projection or release of tear gas if such tear gas and tear gas weapons are approved by the Department of Justice and are used solely for self-defense purposes, subject to the following requirements:

...

- (g) Any person who uses tear gas or tear gas weapons except in self-defense or as authorized for training purposes by the department is guilty of a public offense and is punishable by imprisonment in a state prison for 16 months, or two or three years or in a county jail not to exceed one year or by fine not to exceed one thousand (\$1,000) or by both such fine and imprisonment...”

POSSESSION OF TEAR GAS WEAPON

Any employee who possesses tear gas, for their personal safety, in the workplace, must obtain permission of his/her supervisor in writing of possession of said tear gas. Any employee who misuses or abuses the tear gas while at work will be subject to discipline according to Personnel Policy No. 7 (D 6) “Unauthorized possession or use of dangerous weapons, such as firearms or knives, on City property or on the job.”

References: Sections 55.01, 55.04, Municipal Code, City Los Angeles
Sections 12020 and 12034, California State Penal Code
Section 12403.7, California State Penal Code
Resolution of the Board of Civil Service Commissioners as of July 8, 1966
Personnel Policies Nos. 7, 19