

# PUBLICATION

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## Court Rules Termination For Bringing Gun to Work Unlawful

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**In a recent decision that could have implications in many states, a federal appeals ruled that an employee could state a claim for wrongful termination under state law after being discharged for storing a gun in his car on company property.**

In *Swindol v. Aurora Flight Sciences Corporation*, the company terminated Swindol for violating its policy against bringing firearms onto company property. The company's human resources manager then held a plant-wide meeting to inform employees that Swindol was a security risk, and that they should call 9-1-1 if he was seen near the company's facility. Swindol sued the company for wrongful termination, relying upon a Mississippi state law, which generally prohibits employers from establishing, maintaining, or enforcing policies that have "the effect of prohibiting a person from transporting or storing a firearm in a locked vehicle ..." The statute does not, however, create any express exceptions to the general employment-at-will statute.

The federal court ruled that Swindol had stated a claim for wrongful termination. Like Mississippi, a number of states, including Alabama, Alaska, Arizona, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Main, Minnesota, Nebraska, North Dakota, Oklahoma, Tennessee, Texas, Utah and Wisconsin, have passed laws that prohibit employers from having a policy that prohibits a person from storing a firearm in a vehicle on company property. The decision in *Swindol* could have far-reaching impacts in these states as employees seek to enforce their right to bear arms, even at work.