

CHUGACH ELECTRIC ASSOCIATION, INC.
Anchorage, Alaska

OPERATIONS COMMITTEE MEETING
AGENDA ITEM SUMMARY

April 8, 2009

ACTION REQUIRED

AGENDA ITEM NO. X.

Information Only
 Motion
 Resolution
 Executive Session
 Other

TOPIC

Weapons Policy

DISCUSSION

Chugach is in need of a comprehensive weapons policy to clearly and define prohibitions associated with possession of weapons on company property. The policy replaces the memo issued by Joe Griffith in 2004 prohibiting the carrying of concealed weapons.

MOTION

None.

CHUGACH ELECTRIC ASSOCIATION, INC.

OPERATING POLICY: ____

DATE: _____

WEAPONS POLICY

I. OBJECTIVE

Chugach Electric Association, Inc. (Chugach) believes it is important to establish a clear policy that addresses weapons in the workplace. Chugach is committed to providing a safe workplace for employees, free of violence and the threat of violence associated with the possession of weapons.

II. SCOPE

This policy applies to all Chugach employees and contractors.

For the purposes of this policy, the term “weapon” includes, but is not limited to:

- Firearms (whether loaded or unloaded, from which a shot may be discharged including, pistol, revolver, shotgun, rifle or bb gun)
- Explosives
- Non-lethal weapons such as electronic stunning devices or pepper spray

III. CONTENT

A. Prohibitions

The possession, transfer, sale or use of weapons (even by those licensed to carry a weapon) or ammunition associated with such a weapon, is prohibited on Chugach property. This includes, but is not limited to:

- Chugach-owned or controlled buildings, property or vehicles
- Personal vehicles in Chugach parking lots not open to the general public
- Chugach-sponsored events

It is the responsibility of the employees to request clarification if there is uncertainty whether a weapon or physical location is prohibited under this policy.

Weapons in personal vehicles in parking lots open to the general public must be in locked vehicles out of plain view.

Any weapon on Chugach property may be confiscated. There is no reasonable expectation of privacy with respect to such items in the workplace. Employees’ desks, workstations, offices and files may be subject to security searches.

B.

Reporting

Employees are encouraged to report any known or suspected violations of this policy to their supervisor, vice president or Chugach's Human Resources (HR) Department, without fear of retaliation.

C. Exceptions

Exceptions to this policy must be in writing, reviewed by Human Resources, and approved by the CEO.

IV. **RESPONSIBILITIES**

The Chief Executive Officer shall be responsible for the overall administration of this policy. The Vice President of Human Resources shall direct and monitor the implementation of appropriate practices in accordance with this policy.

V. **APPROVAL**

Date Approved: _____

Bradley W. Evans, Chief Executive Officer

AS 18.65.700. Permit to Carry a Concealed Handgun.

- (a) The department shall issue a permit to carry a concealed handgun to a person who
- (1) applies in person at an office of the Alaska State Troopers;
 - (2) qualifies under AS [18.65.705](#) ;
 - (3) submits a completed application on a form provided by the department, that provides the information required under AS [18.65.705](#) and [18.65.710](#); with each application form provided by the department, the department shall provide a copy of the state laws and regulations relating to concealed handguns, which must include a concise summary of where, when, and by whom a handgun can be carried under state and federal law;
 - (4) submits two complete sets of fingerprints on Federal Bureau of Investigation approved fingerprint cards that are of sufficient quality so that the fingerprints may be processed; the fingerprints must be taken by a person, group, or agency approved by the department; the department shall maintain a list of persons, groups, or agencies approved to take fingerprints and shall provide the list to the public upon request; the fingerprints shall be used to obtain a report of criminal justice information under AS [12.62](#) and a national criminal history record check under AS [12.62.400](#) ;
 - (5) submits evidence of successful completion of a handgun course as provided in AS [18.65.715](#)
 - (6) provides one frontal view color photograph of the person taken within the preceding 30 days that includes the head and shoulders of the person and is of a size specified by the department;
 - (7) shows a valid Alaska driver's license or identification card at the time of application;
 - (8) does not suffer a physical infirmity that prevents the safe handling of a handgun; and
 - (9) pays the application fee required by AS [18.65.720](#) .
- (b) The department shall either approve or reject an application for a permit to carry a concealed handgun under (a) of this section within 30 days of receipt of the application. If the department has not received necessary fingerprint eligibility information from another agency by the end of this 30-day period, and the applicant is otherwise eligible, the department shall issue a conditional permit to the applicant subject to immediate revocation under the procedure provided in AS [18.65.740](#)(a) - (c) if the fingerprint information subsequently discloses that the applicant is ineligible for a permit. The department shall notify the applicant in writing of the reason for a rejection.
- (c) A person whose application is rejected under this section may appeal the rejection decision to the commissioner. A person may seek judicial review of the decision of the commissioner under AS [44.62.560](#) - [44.62.570](#).
- (d) A permit issued under (a) of this section is valid for five years from the date of issue.
- (e) The department shall issue a permit to carry a concealed handgun to an honorably retired peace officer of this state who applies for a concealed handgun permit within one year of the officer's retirement and who satisfies the requirements of this subsection. To qualify for a permit under this subsection, an honorably retired peace officer must satisfy (a)(1) - (3) and (6) - (9) of this section and, unless the honorably retired peace officer has qualified with a handgun within five years of the officer's retirement, must also satisfy (a)(5) of this section. The department may not require an honorably retired peace officer applying under this subsection to comply with (a)(4) of this section to receive a permit. The department shall issue the permit without submitting information to or receiving permit eligibility information from the Federal Bureau of Investigation. The department may adopt regulations to define an "honorably retired peace officer" and the evidence that must be submitted to establish eligibility under this subsection.

AS 18.65.705. Qualifications to Obtain a Permit.

A person is qualified to receive and hold a permit to carry a concealed handgun if the person

- (1) is 21 years of age or older;
- (2) is eligible to own or possess a handgun under the laws of this state and under federal law;
- (3) is a resident of the state and has been for the 90 days immediately preceding the application for a permit;
- (4) has not been convicted of two or more class A misdemeanors of this state or similar laws of another jurisdiction within the six years immediately preceding the application;
- (5) is not now in and has not in the three years immediately preceding the application been ordered by a court to complete an alcohol or substance abuse treatment program; and
- (6) has successfully completed a handgun course as provided in AS [18.65.715](#).

S 18.65.710. Application For Permit to Carry a Concealed Handgun.

(a) The application for a permit to carry a concealed handgun must contain the following information:

- (1) the applicant's name, physical residence, mailing address, place and date of birth, physical description, including height, weight, race, hair color, and eye color, Alaska driver's license or identification card number, and the city and state of each place the applicant has resided in the five years immediately preceding the application;
- (2) a statement that the applicant qualifies under AS [18.65.705](#) ;
- (3) a statement that the applicant has been furnished with a copy of the state laws and regulations relating to concealed handguns, has read those sections, and understands them;
- (4) a statement that the applicant desires a permit to carry a concealed handgun for a lawful purpose, which may include self-defense;
- (5) a statement by the applicant that all statements, answers, and attachments to the application are true and complete;
- (6) a conspicuous warning that an applicant who supplies a false statement, answer, or document in connection with the application that the applicant does not believe to be true may be prosecuted for unsworn falsification in the second degree and, if found guilty, may be punished for violation of a class A misdemeanor, and that, in such cases, the permit shall be revoked and the applicant may be barred from any further application for a permit; and
- (7) a statement that the applicant understands that a permit eligibility investigation will be conducted as a part of the application process, that this may involve computerized records searches, and that the applicant authorizes the investigation.

(b) An application under (a) of this section may not inquire of an applicant about, or require the submission of, information beyond that described in that subsection. As part of an application under (a) of this section, the department may not inquire of an applicant as to any firearms owned by the applicant.

AS 18.65.715. Demonstration of Competence With Handguns.

(a) An applicant for a permit to carry a concealed handgun shall provide a certificate of successful completion of a handgun course that is approved by the department. The handgun

course must have been completed within the 12 months immediately preceding the application. The department shall approve a handgun course, including the personal protection course offered by the National Rifle Association, if the course tests the applicant's

- (1) knowledge of Alaska law relating to firearms and the use of deadly force;
- (2) familiarity with the basic concepts of the safe and responsible use of handguns;
- (3) knowledge of self-defense principles; and
- (4) physical competence with a handgun.

(b) [Repealed, Sec. 20 ch 1 SLA 1998].

(c) The department may not require a certificate of competence submitted under this section to contain any specifically identifying information, including make, model, or serial number, of a handgun with which an applicant or permittee has demonstrated competence.

(d) The department shall maintain a list of approved courses and shall provide the list to the public upon request.

AS 18.65.720. Fees.

The department shall charge a nonrefundable fee for the processing of the application for and initial issuance of a permit, renewal of a permit, or replacement of a permit. The fees shall be set by regulation and must be based on the actual costs incurred by the department. However, the fee for the processing of an application and initial issuance of a permit may not exceed \$99 and the fee for renewal of a permit or replacement of a permit may not exceed \$30.

AS 18.65.725. Permit Renewal.

(a) A permittee shall apply for renewal of a permit to carry a concealed handgun within 90 days before the expiration of the permit and shall present a complete renewal form provided by the department. The renewal form must include

- (1) any change in the information originally submitted under AS [18.65.710](#);
- (2) a statement that the person remains qualified to receive and hold a permit to carry a concealed handgun under AS [18.65.705](#) ;
- (3) one frontal view photograph of the person taken within the preceding 30 days that includes the head and shoulders of the person and is of a size specified by the department;
- (4) the renewal fee required under AS [18.65.720](#) ; and
- (5) the warning listed in AS [18.65.710](#) (a)(6).

(b) [Repealed, Sec. 15 ch 94 SLA 2000].

(c) A renewal of a permit to carry a concealed handgun submitted on or after the expiration date is subject to a late fee of \$25. The department may not accept a renewal for a permit that is submitted more than 60 days after the expiration date of the permit. Nothing in this subsection prohibits the holder of an expired permit from applying for a new permit.

(d) A renewal form under (a) of this section may not inquire of a permittee about, or require the submission of, information beyond that described in (a) of this section.

AS 18.65.730. Replacement of Permit.

The department may replace a permit that the permittee certifies under oath has been lost, stolen, or destroyed, provided the permittee applies in person and

- (1) provides one frontal view photograph of the permittee taken within the preceding 30 days that includes the head and shoulders and is of a size specified by the department;
- (2) pays the replacement fee required under AS [18.65.720](#) .

AS 18.65.735. Suspension of Permit.

- (a) The department shall immediately suspend a permit to carry a concealed handgun if a permittee becomes ineligible to hold a permit under AS [18.65.705](#) .
- (b) A person whose permit is suspended under this section shall immediately surrender the permit to the nearest peace officer. A peace officer receiving a permit under this section shall immediately forward the permit to the department.
- (c) The department shall retain a permit suspended under this section until the permit is revoked or returned to the permittee.

AS 18.65.740. Revocation of Permit; Appeal.

- (a) A permit to carry a concealed handgun shall be immediately revoked by the department when the permittee
 - (1) becomes disqualified to receive and hold a permit under AS [18.65.705](#);
 - (2) is convicted of two class A misdemeanors of this state or similar laws of another jurisdiction within a six-year period if at least one of the convictions occurs after the application;
 - (3) knowingly supplied a false or fraudulent answer, statement, or document, or made a material misstatement or omission, in connection with an application for a permit or renewal or replacement of a permit.
- (b) A person whose permit is revoked under (a) of this section shall immediately surrender the permit to the nearest peace officer. A peace officer receiving a permit under this section shall immediately forward the permit to the department.
- (c) A person whose permit is revoked under this section may appeal the revocation decision to the commissioner. A person may seek judicial review of the decision of the commissioner under AS [44.62.560](#) - [44.62.570](#).
- (d) A person whose permit is revoked may not apply for a permit until at least five years after the revocation.

AS 18.65.745. No Liability For Issuance of Permit or For Training.

- (a) The state, and its officers and employees, are not liable by virtue of having issued a permit to carry a concealed handgun for damage or harm caused by the permittee.
- (b) A person who provides firearm training to a person who receives a permit under AS [18.65.700](#) - [18.65.790](#) is not liable for damage or harm caused by the permittee.

AS 18.65.748. Permit Holders From Other Jurisdictions Considered Alaska Permit Holders.

A person holding a valid permit to carry a concealed handgun from another state or a political subdivision of another state is a permittee under AS [18.65.700](#) (b) for purposes of AS [18.65.755](#) - [18.65.765](#).

AS 18.65.750. Possession and Display of Permit. [Repealed, Sec. 7 Ch 62 SLA 2003].

Repealed or Renumbered

AS 18.65.755. Places Where Permittee May Not Possess a Concealed Handgun.

- (a) A permittee may not possess a concealed handgun
 - (1) [Repealed, Sec. 7 ch 62 SLA 2003].
 - (2) anywhere a person is prohibited from possessing a handgun under state or federal law.
- (b) [Repealed, Sec. 20 ch 1 SLA 1998].
- (c) In addition to any other penalty provided by law, a person who violates this section is guilty of a class B misdemeanor.

AS 18.65.760. Misuse of a Permit.

- (a) The holder of a permit issued under AS [18.65.700](#) - [18.65.790](#) may not
 - (1) alter the permit;
 - (2) allow another person to use the permit;
 - (3) possess or display a suspended or revoked permit; or
 - (4) display an expired permit, unless the holder has submitted a complete, timely renewal form under AS [18.65.725](#) and the renewal process has been delayed due to circumstances not under the control of the applicant.
- (b) A person who violates (a)(1) - (3) of this section is guilty of a class A misdemeanor.
- (c) A person who violates (a)(4) of this section is guilty of a violation and upon conviction may be punished by a fine of not more than \$100.

AS 18.65.765. Responsibilities of the Permittee.

- (a) The holder of a permit issued under AS [18.65.700](#) - [18.65.790](#)
 - (1) shall notify the department of a change in the permittee's address within 30 days;
 - (2) shall immediately report a lost, stolen, or illegible permit to the department;
 - (3) shall immediately notify the department if the holder is no longer qualified to hold a permit under AS [18.65.705](#) .
 - (4) [Repealed, Sec. 15 ch 94 SLA 2000].
- (b) A person who violates this section is guilty of a violation and upon conviction may be punished by a fine of not more than \$100.

AS 18.65.770. Permits, Applications, and Other Materials Not Public Records.

Applications, permits, and renewals are not public records under AS [40.25.110](#) - [40.25.125](#) and may only be used for law enforcement purposes.

AS 18.65.775. Regulations; Reciprocity Agreements.

(a) The department shall adopt regulations to implement AS [18.65.700](#) - [18.65.790](#). This section does not delegate to the department the authority to regulate or restrict the issuing of permits beyond those provisions contained in AS [18.65.700](#) - [18.65.790](#).

(b) The department shall enter into reciprocity agreements with other states that have the legal authority to enter into such agreements so that permittees may carry concealed handguns in those other states.

AS 18.65.778. Municipal Preemption.

A municipality may not restrict the carrying of a concealed handgun by permit under AS [18.65.700](#) - [18.65.790](#).

AS 18.65.780. Prohibition of Possession of Concealed Handguns. [Repealed, Sec. 15 Ch 94 SLA 2000].

Repealed or Renumbered

AS 18.65.785. Procedure For Local Option Elections. [Repealed, Sec. 15 Ch 94 SLA 2000].

Repealed or Renumbered

AS 18.65.790. Definitions.

In AS [18.65.700](#) - [18.65.790](#),

- (1) "commissioner" means the commissioner of public safety;
- (2) "competence" means the ability to place in a life size silhouette target
 - (A) seven out of 10 shots at seven yards;
 - (B) six out of 10 shots at 15 yards;
- (3) "concealed handgun" means a firearm, that is a pistol or a revolver, and that is covered or enclosed in any manner so that an observer cannot determine that it is a handgun without removing it from that which covers or encloses it or without opening, lifting, or removing that which covers or encloses it; however, "concealed handgun" does not include a shotgun, rifle, or a prohibited weapon as defined under AS [11.61.200](#) ;
- (4) "department" means the Department of Public Safety;
- (5) "permit" means a permit to carry a concealed handgun issued under AS [18.65.700](#) - [18.65.790](#).

Article 11. FIREARMS

AS 18.65.800. Possession of Firearms in Motor Vehicles.

(a) Notwithstanding any other provision of law, the state, a municipality, or a person may not adopt or enforce a law, ordinance, policy, or rule that prohibits or has the effect of prohibiting an individual from possessing a firearm while that individual is within a motor vehicle or prohibiting an individual from storing a firearm that is locked in the individual's motor vehicle while the motor vehicle is otherwise legally parked in or on state or municipal property or another person's property. This section applies only to possession of a firearm by an individual who may legally possess a firearm under state and federal law.

(b) This section does not limit a person's rights or remedies under any other law.

(c) The state, a municipality, or a person is not liable for any injury or damage resulting from the storage of a firearm in the vehicle of another individual in accordance with this section.

(d) Notwithstanding (a) of this section, an employer or its agent may prohibit the possession of firearms within a secured restricted access area, as defined in AS [29.35.145](#) (e)(2), in a vehicle owned, leased, or rented by the employer or its agent or in a parking lot owned or controlled by the employer within 300 feet of the secured restricted access area that does not include common areas of ingress and egress open to the general public. The employer or its agent shall post conspicuous notice of the prohibition against possession of firearms at each entrance to the restricted access area and affected parking area.

CHUGACH ELECTRIC ASSOCIATION, INC.
Anchorage, AK

August 12, 2004

TO: All Employees
FROM: Joe Griffith – Chief Executive Officer
SUBJECT: Concealed Weapons



This notice is to inform you that the carrying of concealed weapons by any individual or employee in any building or vehicle of Chugach Electric Association, Inc. or on Association property is prohibited. Any employee holding a permit to carry a concealed handgun, may not carry a concealed handgun at any time in any building or vehicle of the Association or on Association property. Any employee violating this notice will be subject to disciplinary action up to and including termination.

Notice of this policy is in accordance with Alaska Statute 18.65.755.