



*Residential Services Association of Wisconsin, Inc. advocates and educates
for excellence in community residential and related support services*

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Annual Conference Recap

*by LuAnne Barnet, RSA Director & Conference Chair
Creative Community Living Services, Inc. (CCLS)*

On May 18-20, RSA Wisconsin held its annual spring conference with the theme “The High Stakes of Residential Care”. The Conference was held at the Wilderness Resort in Wisconsin Dells. This was the first year for this resort, and responses from that majority of the surveys indicated that people really liked the change in venue.

success of their agency by being a good role model to employees and through work in the community on behalf of their agency. The winner of this middle management award was Pamela Ducklow from Bethesda Lutheran Homes and Services. The second award given was the President’s Award For Excellence. This goes to a direct care line staff who provides exemplary

Leading off the Conference was a keynote presentation by Kitty Rhoades, Deputy Director of the Department of Health Services. Ms. Rhoades presented a very frank and informative discussion regarding the current state of Family Care and the state budget. There was additional time following the presentation for individuals to ask questions and give recommendations. The conference ended with a second keynote presentation from Ann Kerian, former TV anchorperson, on learning to love your job all over again. Both presentations were very well received. This year RSA Wisconsin offered three tracks of courses aimed at Owners & Operators / Leadership & Management, and Client Specific. We are very fortunate to have so many gifted speakers offering their time and information to this conference.



On Tuesday Night, Tom Godar of Whyte Hirschboeck Dudek, SC sponsored a Decision Makers’ Reception in the main meeting room. This annual event is a wonderful opportunity to decision makers to meet and talk with vendors. On Wednesday night, several individuals attended a networking reception at a satellite site on the Wilderness property.



Each year, RSA offers awards to individuals who have met and exceeded standards in the provision of care to individuals in residential settings. One of these is the Fox Leadership Award. This is given to an individual who is known for their positive leadership style and has affected the

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The Wild West in Your Workplace?

by Frank A. Gumina and Erik K. Eisenmann
Whyte, Hirschboeck, Dudek S.C.

With Governor Walker's signature expected in the next few weeks, Wisconsin will become the 49th state to allow the concealed carry of guns and other weapons. The law allows those with training and registration to carry concealed weapons in most settings, including workplaces, unless employers implement specific prohibitions. The law will go into effect in October or November 2011. In the interim, employers need to carefully consider appropriate rules for their workplaces.

The new law allows licensed individuals to carry concealed weapons (including handguns). To receive a license, an individual must: (1) be age 21 or older; (2) pass a background check; (3) complete a training program; and (4) not be otherwise prohibited from carrying a gun (i.e., not a felon). The license is valid for five years, and licenseholders must have both the license and a photo ID on their person while they are carrying a concealed weapon.

The new law creates a set of challenges for Wisconsin employers, who must now implement a policy on the carrying of weapons. The law provides that an employer may prohibit a license holder from carrying a concealed weapon "in the course of the [license holder's] employment." This means that an employer is allowed to prohibit its employees from carrying concealed weapons in the workplace, or while they are on duty (e.g., an employer can prohibit a sales employee from carrying a concealed weapon while he/she is working out in the field). However, the law specifically protects an employee/license holder's right to store a weapon in his/her own motor vehicle. This protection applies even if the employee/license holder utilizes the vehicle in the course of his/her employment, or parks the vehicle on the employer's property.

Employers who operate places of public accommodation (e.g., hotels, restaurants, stores) face additional decisions in light of the new law. The default rule would allow licenseholders to carry concealed weapons almost anywhere. (There are narrow exceptions for places such as police stations, courthouses, and airports.) Therefore, if a business owner does nothing, it will effectively permit customers/



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frequenters to carry concealed weapons on its premises. If a business owner wants to prohibit the carrying of concealed weapons, the owner may do so by posting a sign that is located "in a prominent place" near all of the entrances to the building where the restriction applies.

Regardless of your position on the reasonableness of the new law, it clearly poses some challenges for employers. The law contains language providing that an employer who allows its employees to carry a concealed weapon, or allows patrons to carry concealed weapons on its premises is "immune from liability arising from its decision." However, these provisions may not completely insulate an employer from liability. Employers who currently have policies regarding handguns and other weapons (including policies regarding the presence of weapons in the employer's parking lot) will need to revisit those policies to ensure they comply with the new law. In addition, those employers who do not currently have applicable policies will need to implement rules and post notices if they wish to maintain a gun-free workplace. We advise that employers carefully consider their policies in light of this new law and consult with an employment law professional to assist in the development and implementation of such a policy.

For more information, please contact Frank Gumina at (414) 978-5387 or fgumina@whdlaw.com, Erik Eisenmann at (414) 978-5371 or eeisenmann@whdlaw.com, or another member of the Human Resources Law Practice Group.

Thank you to RSA-WI's 2011 Affiliate Members:

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JNL Technologies Inc

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