

3.940 Firearms

I. Policy

The policy covers the training in, use of, and conditions of use of firearms for authorized project-related activities. The policy ensures RCUH's compliance with all legal requirements associated with the use of firearms, ammunition, and related matters in support of projects and programs. It is aligned with applicable State and federal firearms regulations as provided under Hawai'i Revised Statutes (HRS) Chapter 134 – Firearms, Ammunition and Dangerous Weapons, Title 18, USC; Chapter 44 – Federal Gun Control Act of 1968; and relevant amendments (e.g., September 30, 1996, Lautenberg Amendment). In addition, this policy ensures compliance with required criminal history/background checks as required by federal and State laws.

II. Responsibilities and Procedures

A. Principal Investigator (PI) or Delegated Designee

1. Submit request for the use of firearms to the RCUH Director of Human Resources for review.
2. Maintain accurate job descriptions for positions requiring the use of firearms.
3. Inform RCUH of any changes in the number and/or identity of authorized personnel required to use firearms.
4. Maintain firearm inventory records.
5. Register project-owned firearms with the applicable county police department.
6. Provide proof of ownership for personally owned firearms.
7. Procure and provide ammunition for project use.
8. Provide required secured storage and transport options for firearms and ammunition.
9. Ensure that firearms training and certification requirements are met.
10. Ensure compliance with this policy and assume project responsibility for the use of firearms.

B. RCUH Employee

1. Maintain qualification or self-disclose any disqualification pursuant to Hawai'i Revised Statutes (HRS) Chapter 134 – Firearms, Ammunition and Dangerous Weapons, Title 18, USC; Chapter 44 – Federal Gun Control Act of 1968; and relevant amendments (e.g., September 30, 1996, Lautenberg Amendment).
2. Pass the initial and annual re-certification criminal history/background records checks.
3. Obtain and complete mandatory firearms and RCUH required training and subsequent required recertifications.
4. Strictly comply with the RCUH Firearms Policy and, as applicable, project firearms policy.

C. RCUH Human Resources Department

1. Administer this policy and ensure compliance with applicable federal, state, and county laws.
2. The RCUH Director of Human Resources will serve as Terminal Agency Coordinator (TAC) and Local Agency Security Officer (LASO).
3. Administer all criminal records history background checks and communicate results to specified employee and PI.
4. Maintain and secure criminal history/background check records.

III. Application of Policy

RCUH allows the use of firearms by projects for the purpose of eradicating or controlling wildlife as permitted under Hawai'i Revised Statutes (HRS) §§ 304A-3001(b) and 3003. This authorization for the use of firearms by RCUH employees is restricted to the aforementioned purpose only. The use of firearms must be an integral part of the scientific/research or education of the project or program. This policy is applicable to all RCUH employees, regardless of employment status, who have access to or are required to carry and/or possess firearms and ammunition on a regular, temporary, or intermittent basis.

IV. Details of Policy

A. Applicability of Project's Use of Firearms and RCUH Firearms Policy

Prior to using firearms, a PI or designated project representative must submit a memo to the RCUH Director of Human Resources, which will include (1) a brief statement of work (SOW) that explains the use of firearms as an integral part of the project's objectives as agreed to by the project's sponsor and (2) a listing of employees required to use firearms, the type and number of firearms required, the ownership of these firearms, and a project firearms safety plan.

The RCUH Director of Human Resources will review the PI's memo and provide the PI with a written response regarding the use of firearms for project-related work. RCUH reserves the right to suspend or deny the use of firearms by an employee or project at any time.

B. Distribution of the RCUH Firearms Policy and Training

This policy will be disseminated to PIs, inter-agency project collaborators, project personnel directors, project supervisors, and relevant project staff. The PI or individual designated by the PI shall be responsible for distributing the policy and ensuring its compliance, including the requirement of training and certifications. The RCUH Human Resources Department will provide training on the firearms policy and related RCUH policies and procedures.

C. Definitions

1. **Background Check.** The State and National Criminal History Record Check is a coordinated process involving the Hawai'i Criminal Justice Data Center (HCJDC) and Federal Bureau of Investigation (FBI). This is a fingerprint/criminal history

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record check of an employee's history to determine if there is any (Hawai'i or national) record of a felony or domestic abuse misdemeanor or any other condition that would prohibit possession of a firearm and/or ammunition. These background checks will be completed on a post-job offer/new hire, new job (where use of firearms is required), and annual re-certification basis.

2. **Conviction of Crime.** Conviction of a crime under the Federal Gun Control Act.
3. **Domestic Violence.** Includes the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian; or by a person similarly situated to a spouse, parent or guardian of the victim.
4. **Employee.** For the purpose of this policy, the term "employee" shall include all individuals paid by the Research Corporation of the University of Hawai'i.
5. **Firearms/Small Arms.** For the purpose of this policy, "firearms" and "small arms" include legal shotguns, rifles, or handguns that are deemed appropriate for use in conjunction with research in conservation or natural resources management. This definition also extends to any other firearms/small arms, including those mounted on remotely controlled equipment or devices, and any weapons designed to expel a projectile with lethal force.
6. **Good-Standing.** No disciplinary record of misconduct involving verbal or physical altercations, insubordination, or inappropriate behavior toward co-workers and/or supervisor.
7. **Lautenberg Amendment.** The Lautenberg Amendment to the Gun Control Act of 1968 (18 U.S.C. § 922) makes it unlawful for any person who has been convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. This prohibition applies to people convicted of such misdemeanors at any time.
8. **Official Duty.** Compensable work time that is charged to an RCUH project account.
9. **Research, Conservation, and/or Natural Resources Management.** For the purpose of this policy, "research, conservation, and/or natural resources management purposes" includes, but is not limited to, the following activities: euthanizing injured or sick wildlife; killing predators; controlling pests, including feral ungulates; collecting animals for research and/or other studies; and providing protection from dangerous animals, such as feral dogs or other applicable species.
10. **Specialized Firearms and Accessories.** Firearms available for use by the general public are generally adequate, but there are activities where specialized equipment is necessary to achieve the project's goals. "Specialized firearms and accessories" means those firearms and accessories that are prohibited for possession and use by the general public but are available under exemptions provided to State or federal agencies for official use. Pertinent examples of specialized firearms and accessories are silencers and some large-capacity magazines (LCM), i.e., magazines that accept more than 10 rounds). Any LCM that

can be used in a pistol is considered a specialized firearm accessory under this policy.

D. Safety Program in Firearms Operations

Firearms will be kept in proper working order as certified by an annual inspection by a qualified individual. Firearm operations must meet any applicable county, State, and federal safety requirements. Employee and public safety will take precedence over operational priorities. Firearm operations will be supervised by a project supervisor who is certified in firearms and first aid/CPR. Each field firearm operation will require a field first aid kit, field communications (e.g., two-way radio or cell phone) that maintain communication with the project's base/office, a check-in/check-out process, a pre-firearm operation briefing, and applicable personal protective equipment (PPE). Recommended PPE may include the use of eye and hearing protection and blaze orange-colored hunting vest and hat.

E. Project-Specific Operating Procedures

The PI may develop "project-specific" operating procedures that will augment the RCUH Firearms Policy. These procedures may be needed to meet specific federal or State regulations or project needs. Project-specific operating procedures may be stricter than the RCUH Firearms Policy, but shall not circumvent or diminish the RCUH Firearms Policy.

F. Jobs That Are Authorized to Use Firearms

Job descriptions must contain specific language that the employee's official duties include the use of firearms in the position's major duties and include firearm qualifications and certifications approved by the PI and the RCUH Director of Human Resources. Standard wording for job duties and qualifications are presented below:

1. **Job Duties.** Loads, unloads, aims, and shoots handguns, shotguns, rifles, and other RCUH-authorized firearms from a variety of body positions for authorized project-related research or wildlife control programs. Performs these functions in a safe manner in varying environments and weather conditions. Disassembles, cleans, inspects, and reassembles firearms. Maintains firearms and related equipment in a proper, functional, and safe manner.
2. **Job Qualifications.** (In Abilities/Skills) Post-Offer/Employment Conditions: Must possess the American Red Cross Certification in First Aid/CPR or be able to obtain and maintain the certification prior to using firearms on the job and maintain certification throughout duration of employment. Must be able to pass State and federal criminal history record check at initial hire, at change of job requiring use of firearms, and annually, thus legally authorizing possession and use of firearms and ammunition throughout duration of employment. Must obtain and maintain National Rifle Association or National Park Service firearms training (or other comparable training) and State of Hawai'i/DLNR Hunter Education Training Program firearms certifications. As a condition of employment, all certifications must be obtained and maintained as specified by the certifying agency or as required by State and federal laws. Failure to pass the firearms qualification requirements may be grounds for disqualification for part or all of the job duties.

G. Fees for Fingerprinting and Criminal History/Background Record Check

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All fees associated with the new hire, new job, and recertification criminal history/background records check will be borne by the project or individual. For Oahu, the RCUH will invoice the project for all fees. For all other islands, the employee will be reimbursed by the Project for all applicable fees.

H. Administration and Process of Post-Job Offer, New Job, and Annual Criminal History Background Check (State and National)

Criminal history background checks will be authorized only on a post-job offer basis pursuant to the Hawai'i Revised Statutes (HRS) Chapter 134 – Firearms, Ammunition and Dangerous Weapons, Title 18, USC; Chapter 44 – Federal Gun Control Act of 1968; and relevant amendments (e.g., September 30, 1996, Lautenberg Amendment) .

I. State and National Fingerprint-Based Criminal History Background Check (of Past & Current History/Records)

The RCUH Human Resources Department will be responsible for scheduling, reviewing, issuing determinations, maintaining all records of, and overall administration of the criminal history background checks. A criminal history background check (of all past and current history/records) will be conducted on persons who hold or are offered a position requiring the use of firearms as part of their job duties. This process involves a fingerprint-based criminal history check. The RCUH coordinates these checks through the Hawai'i Criminal Justice Data Center (HCJDC). The HCJDC works with the FBI, which provides the results from state, interstate, and national (and as applicable, military courts) criminal-justice information systems. (See Addendum for details on this fingerprint-based criminal history records check process.)

J. Self-Disclosure/Disqualification – Initial Post-Offer Records Check

Prior to the initial post-offer criminal history/background record check, an individual shall self-disclose his/her possible inability to pass the aforementioned check. The information may disqualify the individual from employment with the RCUH.

K. Self-Disclosure/Disqualification – Post Certification

Employees will face severe disciplinary action, including termination of employment, if they fail to self-disclose their disqualification prior to their annual re-certification criminal history background check. All employees subject to the provisions of this policy must self-report any misdemeanor or felony convictions of a domestic violence crime within one week of conviction to the RCUH Director of Human Resources.

L. Temporary Disqualifications

An employee may be temporarily disqualified if the employee fails to self-disclose his/her disqualification; fails to pass the criminal record history background check; is disciplined for violation of RCUH policy, misconduct, or failure to follow established project or safety rules; or is under a RCUH personnel investigation; or for other reasons deemed appropriate by the RCUH Director of Human Resources. The PI or project supervisor must report the temporary disqualification immediately to the RCUH Director of Human Resources. Employees deemed temporarily disqualified will be barred from (a) participating in any project/work activities involving the use of firearms and/or ammunition and (b) bringing any personal firearm or ammunition onto RCUH, UH, or

project property. They may also be placed on a disciplinary suspension without pay pending investigation.

M. Permanent Disqualification

A permanent disqualification may be imposed on a RCUH employee if the employee violates the RCUH Workplace Violence Prevention Policy or fails to meet certifications required by this policy. Permanent disqualification may lead to removal from the job and possible termination of employment.

N. Records: Confidentiality, Security and Retention

All records relating to authorized employees' criminal history/background records check will be stored in a separate/secure file and not in the employee's RCUH personnel file or RCUH Human Resources Information Systems database. These records will be retained up to six (6) years after the employee's termination and will remain confidential as required by, or to the extent possible under, State and federal laws.

O. Minimum Requirements to Be an Authorized Firearms User

1. **Use of Firearms in Major Job Duties and Job Qualifications.** Only employees whose job descriptions require the use of firearms in their major job duties, meet the required qualifications/certifications, and are approved to use firearms for official duty may use firearms.
2. **Criminal Record History Background Check.** Employees must satisfactorily pass a criminal history background check to determine if they can legally possess a firearm.
3. **Compliance With HRS Chapter 134.** Only employees who meet the minimum requirements to possess and carry a firearm as identified in HRS Chapter 134 shall be so authorized.
4. **Firearms Training and Certification.** Only employees in good standing who have successfully completed the required training and certifications may use firearms (see Section IV, T., Mandatory Training, Minimum Requirements for Training/Certification and Annual Recertification).

P. Authorized Use of Firearms by RCUH Employees

Employees are authorized to use firearms while on official duty for the following purposes:

1. Approved predator- or pest-control projects. Species to be controlled include but are not limited to rats, mongooses, feral dogs, feral cats, nuisance birds and owls, rabbits, and other predators or detrimental species.
2. Approved ungulate-control projects. Species to be controlled include but are not limited to pigs, sheep, goats, mouflon sheep, feral cattle, and deer.
3. Scientific purposes under the conditions of an applicable University of Hawai'i, federal, State, or county permit or authorization.
4. Personal protection from injury by dangerous animals (e.g., feral dogs, etc.)

Q. Authorized Firearms and Ammunition

- 1. Project Firearms – Annual Inspection.** All firearms owned and registered by the RCUH or University of Hawai'i project must have an annual inspection by a qualified individual to ensure that the weapon is well maintained and in safe working order.
- 2. Personally Owned Firearms – Annual Inspection and Proof of Ownership.** All firearms owned and registered by an employee must have an annual inspection by a qualified individual to ensure that the weapon is well maintained and in safe working order. A copy of the gun registration of personal firearms will be kept in the employee's records.
- 3. PI Responsible for Firearms Certifications/Documentation.** The PI is responsible to provide the RCUH Human Resources Department with all records relating to all firearms used by the PI's project (e.g., permits, registration, etc.).
- 4. Project-Purchased Ammunition Only.** Only project-purchased ammunition will be used in firearm operations. Use of personal ammunition is prohibited.

R. Restrictions of Use

- 1. No Discharging of Firearms Toward Populated Areas or Known Hiking Trails.** No firearm will be discharged in the direction of populated areas within the range of the firearm. This includes but is not limited to residential neighborhoods, publicly traveled roads, schools, hospitals, areas where members of the public may be hiking, campsites, base camps, temporary living quarters, etc., or in the direction of flying aircraft.
- 2. No Personal Use of Project-Owned Firearms.** RCUH or University of Hawai'i project-owned firearms shall not be used for personal use or recreational hunting.
- 3. Internal/Official Use Only – No Interagency Loans of Firearms.** No RCUH project-owned firearms and/or accessories may be loaned outside of the RCUH or University of Hawai'i project.
- 4. Under the Influence.** No employee shall carry or use a firearm while consuming or while under the influence of alcohol or controlled substances. Employees will inform their PI and project leaders if they are taking medication that may impair their use of firearms. These medications may be either prescription or over-the-counter medication with warning labels that caution against driving or the use of heavy equipment. The employee will be temporarily reassigned to job duties that do not require the use of firearms while taking this medication.

S. Registration, Purchase and Inventory of New Project-Owned Firearms

All firearms owned by an RCUH direct project (RCUH-DP); a federal, State, or county agency; or a University of Hawai'i project must be registered with the applicable county police department. The purchase of project firearms must have the approval of the project's sponsor and comply with RCUH procurement policies. The PI is responsible to ensure that all project-owned firearm(s) are inventoried and registered. Ownership will be determined by the sponsor or applicable policies or regulations.

T. Mandatory Training, Minimum Requirements for Training/Certification

All authorized employees using firearms for official duty are required to satisfactorily complete a Hawai'i Hunter Education class or equivalent and a firearm safety class

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from the National Rifle Association (NRA) or equivalent prior to carrying or using firearms on official duty. Certification of class completion must be submitted to the PI and RCUH Human Resources Department and will be placed in the employee's personnel file. A refresher course will be required at least once every five (5) years.

U. **Storage and Transport**

The following applies to project-owned and personally owned firearms, ammunition, and accessories.

1. **Storage – Industry-Standard Gun Safe.** Firearms, accessories, and ammunition must be stored in an industry-standard gun safe. In field areas or other remote base camps where a gun safe is not available, the field supervisor or individual in charge is responsible to ensure that all firearms, accessories, and ammunition are stored in a secure and safe manner.
2. **Transport – Empty and Enclosed in Gun Case.** Firearms are to be unloaded, including any rounds in the chamber, cylinder, or magazine if inserted in the firearm, while in transport to and from the field and carried in a commercially manufactured lockable gun case that completely encloses the firearm.

V. **Reporting of Shooting Accidents (Personnel Injuries or Property Damage) – Immediate Reporting, Mandatory Substance-Abuse Test, Temporary Disqualification, and Investigation**

Any property damage or injury to a person caused by a firearm shall be reported immediately to the employee's supervisor and as soon as possible to the PI, RCUH Director of Human Resources, and, as applicable, the county police department. An immediate investigation will be conducted by the Principal Investigator or designee. All shooting accidents will require the employee to undergo an immediate substance-abuse test (pursuant to RCUH Policy 3.930B Addendum: Controlled Substance Prevention) and be temporarily disqualified from using firearms until an investigation is completed.

W. **Lost/Stolen/Malfunctioning Firearms and Manufacturer Recalls or Alerts**

Project-owned firearms or specialized accessories that are lost or stolen must be reported immediately to the PI and the applicable county police department. Project-owned or personal firearms that are malfunctioning or that have been declared unsafe through a manufacturer recall or alert will be immediately suspended from use until they have been properly repaired by a certified gunsmith or the gun manufacturer.

X. **Non-Compliance by Principal Investigator or Project Management**

Compliance with the RCUH Firearms Policy and the importance of the safety of RCUH employees cannot be overemphasized. A PI's or project's failure to comply with any provision of this policy will result in an immediate suspension (i.e., "stand-down") of all use of firearms in the PI's projects. This suspension of firearms use may be temporary or permanent.

V. **Contact**

Director of Human Resources, Nelson Sakamoto: (808) 956-3100

VI. Relevant Documents

Please contact your project for applicable forms.

Date Revised: 02/27/2018

**3.940A Addendum
Post-Job Offer, New Job, and Annual Criminal History Background Check Procedures (State and National)**

The following are the procedures for conducting State and national fingerprint-based criminal background checks (of past & current history/records).

Applicable to (a) post-job offer/new hire, (b) new job (which requires the use/handling of firearms/ammunition), and (c) re-certification.

Administration of Fingerprint/Criminal History Background Checks: The RCUH Human Resources Department will be responsible for reviewing, issuing determinations, maintaining all records and overall administration of the Criminal History Background Checks. A mandatory criminal background check (of all past and current history/records) will be conducted for all position holders and individuals offered positions requiring the use of firearms as part of their job duties. This process involves individuals submitting to a fingerprint-based criminal history/records check. The RCUH coordinates these checks through the Hawai'i Criminal Justice Data Center (HCJDC). The HCJDC works with the Federal Bureau of Investigation (FBI), which provides the RCUH with results from state, interstate, and national (and as applicable, military courts) criminal justice information systems.

1. The employee must review and complete the following forms accurately:

RCUH Form 329-00 Certification to Carry or Possess Firearm or Ammunition

RCUH Form 329-02 Criminal History Record Clearance

RCUH Form 329-03 Fingerprint Clearance Request

FBI Privacy Act Statement

FBI Form FD-258 (Rev. 12-10-07) Applicant for Fingerprinting *

Form HCJDC-073 Request for Criminal History Record Check *

*Applicable only if fingerprinting is done at a county police department.

Submit original forms to RCUH Human Resources Department.

2. Fingerprinting for all employees: Employees may schedule an appointment through RCUH's authorized service provider Fieldprint or schedule a fingerprinting appointment at the Hawai'i Criminal Justice Data Center (HCJDC) or their respective county police department.

3. The RCUH Director of Human Resources will inform the employee and Principal Investigator of the results of the fingerprint/criminal background history check. Additional notifications or follow-up actions may occur during or after this notification.