



Sen. Darin M. LaHood

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LRB098 06512 HEP 58175 a

1 AMENDMENT TO SENATE BILL 2003

2 AMENDMENT NO. _____. Amend Senate Bill 2003 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Workplace Violence Prevention Act is
5 amended by changing Sections 10, 15, 20, 25, 30, and 35 and by
6 adding Sections 21, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90,
7 95, 100, 105, 110, 115, 120, and 125 as follows:

8 (820 ILCS 275/10)

9 Sec. 10. Definitions. As used in this Act:

10 "Credible threat of violence" means a statement or course
11 of conduct that ~~does not serve a legitimate purpose and that~~
12 causes a reasonable person to fear for the person's safety at
13 his or her workplace or for the safety of others at his or her
14 workplace ~~the person's immediate family.~~

15 "Employee" means:

16 (1) a person employed or permitted to work or perform a

1 service for remuneration;

2 (2) a member of a board of directors of any
3 organization;

4 (3) an elected or appointed public officer; and

5 (4) a volunteer, independent contractor, agency
6 worker, or any other person who performs services for an
7 employer at the employer's place of work.

8 "Employer" means an individual, partnership, association,
9 limited liability company, corporation, business trust, the
10 State, a governmental agency, or a political subdivision that
11 has at least 5 employees during any work week.

12 "Petitioner" means any employer who commences a proceeding
13 for a workplace protection restraining order.

14 "Respondent" means a person against whom a workplace
15 protection restraining order proceeding has been commenced.

16 "Workplace" or "place of work" means any property that is
17 owned or leased by the employer and at which the official
18 business of the petitioner is conducted.

19 "Unlawful violence" means any act of violence, harassment,
20 or stalking as defined by the Criminal Code of 2012 ~~laws of~~
21 ~~this State.~~

22 (Source: P.A. 98-430, eff. 1-1-14.)

23 (820 ILCS 275/15)

24 Sec. 15. Employer's right to a workplace protection
25 restraining order ~~of protection~~. An employer may seek a

1 workplace protection restraining ~~an order of protection~~ to
2 prohibit further violence or threats of violence by the
3 respondent ~~a person~~ if:

4 (1) an ~~the~~ employee has suffered unlawful violence and
5 the respondent has made a credible threat of violence to be
6 carried out at the employee's workplace; ~~or a credible~~
7 ~~threat of violence from the person; and~~

8 (2) an employee believes that the respondent has made a
9 credible threat of violence to be carried out at the
10 employee's workplace; or

11 (3) an ~~the~~ unlawful act of violence has been carried
12 out at the workplace ~~employee's place of work~~ or the
13 respondent has made a credible threat of violence at the
14 workplace ~~credible threat of violence can reasonably be~~
15 ~~constructed to be carried out at the employee's place of~~
16 ~~work by the person.~~

17 (Source: P.A. 98-430, eff. 1-1-14.)

18 (820 ILCS 275/20)

19 Sec. 20. Affidavit Irreparable harm. An employer may obtain
20 a workplace protection restraining order if the employer files
21 an affidavit that shows by a preponderance of the evidence
22 that:

23 (1) the conditions of Section 15 of this Act have been
24 met;

25 (2) if the petitioner is seeking an emergency order,

1 great or irreparable harm has been suffered, will be
2 suffered, or is likely to be suffered by an employee at the
3 workplace;

4 (3) if the employer is seeking a workplace protection
5 restraining order involving an employee who is a victim of
6 unlawful violence by a family or household member as
7 defined by item (6) of Section 103 of the Illinois Domestic
8 Violence Act of 1986, the conditions of Section 21 of this
9 Act have been met. ~~An employer may obtain an order of~~
10 ~~protection under the Illinois Domestic Violence Act of 1986~~
11 ~~if the employer:~~

12 ~~(1) files an affidavit that shows, to the satisfaction~~
13 ~~of the court, reasonable proof that an employee has~~
14 ~~suffered either unlawful violence or a credible threat of~~
15 ~~violence by the defendant; and~~

16 ~~(2) demonstrates that great or irreparable harm has~~
17 ~~been suffered, will be suffered, or is likely to be~~
18 ~~suffered by the employee.~~

19 (Source: P.A. 98-430, eff. 1-1-14.)

20 (820 ILCS 275/21 new)

21 Sec. 21. Employee notification.

22 (a) In cases in which an employer is seeking a workplace
23 protection restraining order involving an employee who is a
24 victim of unlawful violence by a family or household member as
25 defined by item (6) of Section 103 of the Illinois Domestic

1 Violence Act of 1986, the employer shall:

2 (1) prior to the filing of the petition, notify the
3 employee in writing of the employer's intent to seek a
4 workplace protection restraining order; and

5 (2) conduct a direct verbal consultation in
6 conversation with the employee prior to seeking a workplace
7 protection restraining order under this Act to determine
8 whether any safety or well-being concerns exist in relation
9 to the employer's pursuit of the order or whether seeking
10 the order may interfere with the employee's own legal
11 actions.

12 If, after direct verbal consultation in conversation with
13 the employee, the employee does not give the employer full and
14 voluntary consent to seek a workplace protection restraining
15 order, the employer shall not file for that order until a 4-day
16 waiting period has elapsed following the date of the direct
17 consultation. The 4-day waiting period does not apply if there
18 is an immediate threat of imminent physical harm to the work
19 site and the petitioner is seeking an emergency order.

20 (b) Employers subject to the Victims' Economic Security and
21 Safety Act shall additionally include in the written notice to
22 the employee in subsection (a) the following: "As your
23 employer, we are subject to the Victims' Economic Security and
24 Safety Act, which includes provisions for leave,
25 accommodations, and prohibitions against discrimination, and
26 we are notifying you of your rights under this Act. A summary

1 of your rights under the Victims' Economic Security and Safety
2 Act is provided on the workplace poster we are required under
3 law to post in your workplace."

4 (820 ILCS 275/25)

5 Sec. 25. Remedies. Employer remedies under this Act are
6 limited to a workplace protection restraining an order of
7 protection. Nothing in this Act, however, waives, reduces, or
8 diminishes any other civil or criminal remedy available to an
9 employer ~~under any other mechanism~~. A workplace protection
10 restraining order issued by the court may:

11 (1) Prohibit the respondent's unlawful violence in the
12 workplace, including ordering the respondent to stay away
13 from the workplace. When the respondent is employed at the
14 workplace location, the court, when issuing a workplace
15 protection restraining order, shall consider the severity
16 of the act and any continuing physical danger or emotional
17 distress to any employee in the workplace.

18 (2) Upon notice to the respondent, order the respondent
19 to pay the petitioner for property losses suffered as a
20 direct result of the actions of the respondent. Such losses
21 include, but are not limited to, repair or replacement of
22 property damaged or taken, reasonable attorney's fees, and
23 court costs to recover the property losses.

24 The remedies provided in this Section are in addition to
25 other civil or criminal remedies available to the employer.

1 (Source: P.A. 98-430, eff. 1-1-14.)

2 (820 ILCS 275/30)

3 Sec. 30. Action for workplace protection restraining order
4 Jurisdiction; venue; procedure; enforcement.

5 (a) An action for a workplace protection restraining order
6 may be commenced independently by filing a petition for a
7 workplace protection restraining order in any civil court,
8 unless specific courts are designated by local rule or order.

9 (b) The clerk of the circuit court shall charge fees in
10 accordance with the Clerks of Courts Act.

11 (c) Notwithstanding the requirements of Section 20 of this
12 Act, if the specific address or geographic location of the
13 workplace is not currently known to the respondent due to the
14 efforts by the employer or the employee to minimize the threat
15 of unlawful violence to the employee, and the petition provides
16 that disclosure of the employee's current workplace would risk
17 violence, the workplace address may be omitted from all
18 documents filed with the court. If the petitioner does not
19 disclose the workplace address, the petitioner shall designate
20 an alternative address at which the respondent may serve notice
21 of any motions.

22 (d) Any proceeding to obtain, modify, reopen, or appeal a
23 workplace protection restraining order shall be governed by the
24 rules of civil procedure of this State. The standard of proof
25 in such a proceeding is proof by a preponderance of the

1 evidence. The Code of Civil Procedure and Supreme Court and
2 local rules applicable to civil proceedings apply.

3 (e) There is no right to trial by jury in any proceeding to
4 obtain, modify, vacate, or extend any workplace protection
5 restraining order under this Act. ~~Issues of jurisdiction,~~
6 ~~venue, procedure, and enforcement shall be governed by the~~
7 ~~Illinois Domestic Violence Act of 1986.~~

8 (Source: P.A. 98-430, eff. 1-1-14.)

9 (820 ILCS 275/35)

10 Sec. 35. Subject matter jurisdiction ~~Law enforcement~~
11 ~~responsibilities.~~ Each of the circuit courts of this State has
12 the power to issue workplace protection restraining orders. ~~Law~~
13 ~~enforcement personnel shall have the same responsibilities~~
14 ~~under this Act as are provided in Article 3 of the Illinois~~
15 ~~Domestic Violence Act of 1986.~~

16 (Source: P.A. 98-430, eff. 1-1-14.)

17 (820 ILCS 275/40 new)

18 Sec. 40. Jurisdiction over persons. The courts of this
19 State have jurisdiction to bind: (1) State residents; and (2)
20 non-residents having minimum contacts with this State to the
21 extent permitted by Section 2-209 of the Code of Civil
22 Procedure.

23 (820 ILCS 275/45 new)

1 Sec. 45. Venue. A petition for a workplace protection
2 restraining order may be filed in any county where: (i) the
3 petitioner resides; (ii) the respondent resides; or (iii) the
4 alleged violence occurred.

5 (820 ILCS 275/50 new)

6 Sec. 50. Process.

7 (a) Any action for a workplace protection restraining order
8 requires that a separate summons be issued and served. The
9 summons shall require the respondent to answer and appear
10 within 7 days. Attachments to the summons or notice shall
11 include the petition for a workplace protection restraining
12 order, supporting affidavits, if any, and any emergency
13 workplace protection restraining order that has been issued.

14 (b) The summons shall be served by the sheriff or other law
15 enforcement officer at the earliest time possible and shall
16 take precedence over other summonses except those of a similar
17 emergency nature. A special process server may be appointed at
18 any time, and the appointment of a special process server shall
19 not affect the responsibilities and authority of the sheriff or
20 other official process servers.

21 (c) Service of summons on a member of the respondent's
22 household or by publication is adequate if: (1) the petitioner
23 has made all reasonable efforts to accomplish actual service of
24 process personally upon the respondent, but the respondent
25 cannot be found to effect the service; and (2) the petitioner

1 files an affidavit or presents sworn testimony describing those
2 efforts.

3 (d) A plenary workplace protection restraining order may be
4 entered by default for the remedy sought in the petition if the
5 respondent has been served in accordance with subsection (a) of
6 this Section or given notice and if the respondent then fails
7 to appear as directed or fails to appear on any subsequent
8 appearance or hearing date agreed to by the parties or set by
9 the court.

10 (e) An employee who has been a victim of domestic violence
11 by the respondent is not required to and the court may not
12 order the employee to testify, participate in, or appear in
13 this process for any purpose.

14 (820 ILCS 275/55 new)

15 Sec. 55. Hearing notice. Except as otherwise provided by
16 law or court rule, notice of hearings on petitions or motions
17 shall be served upon the respondent in accordance with Supreme
18 Court Rules 11 and 12.

19 (820 ILCS 275/60 new)

20 Sec. 60. Hearings. The court shall treat a petition for a
21 workplace protection restraining order as an expedited
22 proceeding, and may not transfer or otherwise decline to decide
23 all or part of the petition. Nothing in this Section prevents
24 the court from reserving issues if jurisdiction or notice

1 requirements are not met.

2 (820 ILCS 275/65 new)

3 Sec. 65. Continuances.

4 (a) A petition for an emergency workplace protection
5 restraining order shall be granted or denied in accordance with
6 the standards of Section 70 of this Act, regardless of the
7 respondent's appearance or presence in court.

8 (b) Any action for a workplace protection restraining order
9 is an expedited proceeding. Continuances shall be granted only
10 for good cause shown and kept to a minimum reasonable duration,
11 taking into account the reason for the continuance.

12 (820 ILCS 275/70 new)

13 Sec. 70. Emergency order.

14 (a) The court shall issue an emergency workplace protection
15 restraining order if the petitioner establishes that:

16 (1) the court has jurisdiction under Section 40 of this
17 Act;

18 (2) the requirements of Sections 15 and 21 of this Act
19 are satisfied; and

20 (3) there is good cause to grant the remedy, regardless
21 of prior service of notice upon the respondent, because the
22 harm which that remedy is intended to prevent would be
23 likely to occur if the respondent were given prior notice
24 or greater notice than was actually given of the

1 petitioner's efforts to obtain judicial relief.

2 An emergency workplace protection restraining order shall
3 be issued by the court if it appears from the contents of the
4 petition and the examination of the petitioner that the
5 averments are sufficient to indicate irreparable harm under
6 Section 20 of this Act by the respondent and to support the
7 granting of relief through the issuance of the emergency
8 workplace protection restraining order.

9 (b) If the respondent appears in court for the hearing for
10 an emergency order, he or she may elect to file a general
11 appearance and testify. Any resulting order may be an emergency
12 order, governed by this Section. Notwithstanding the
13 requirements of this Section, if all requirements of Section 75
14 of this Act have been met, the court may issue a plenary order.

15 (c) If the court is unavailable at the close of business,
16 the petitioner may file a petition for a 21-day emergency order
17 before any available judge who may grant relief under this Act.
18 If the judge finds that there is an immediate and present
19 danger of irreparable harm and that the petitioner has
20 satisfied the prerequisites set forth in subsection (a) of this
21 Section, that judge may issue an emergency workplace protection
22 restraining order.

23 (d) The chief judge of the circuit court may designate for
24 each county in the circuit at least one judge to be reasonably
25 available to issue orally, by telephone, by facsimile, by
26 electronic means that comply with procedures established by the

1 court, or otherwise, an emergency workplace protection
2 restraining order at all times, whether or not the court is in
3 session.

4 (e) Any order issued under this Section and any
5 documentation in support of the order shall be certified on the
6 next court day to the appropriate court. The clerk of the court
7 shall immediately assign a case number, file the petition,
8 order, and other documents with the court, and enter the order
9 of record and file it with the sheriff for service in
10 accordance with Section 85 of this Act. Filing the petition
11 shall commence proceedings for further relief under Section 30
12 of this Act. Failure to comply with the requirements of this
13 subsection (e) does not affect the validity of the order.

14 (820 ILCS 275/75 new)

15 Sec. 75. Plenary order. The court shall issue a plenary
16 workplace protection restraining order if the petitioner has
17 served notice of the hearing for that order on the respondent
18 in accordance with Section 55 of this Section and establishes
19 that:

20 (1) the court has jurisdiction under Section 40 of this
21 Act;

22 (2) the requirements of Sections 15 and 21 of this Act
23 are satisfied;

24 (3) a general appearance was made or filed by or for
25 the respondent or process was served on the respondent in

1 the manner required by Section 50 of this Act; and

2 (4) the respondent has answered or is in default.

3 (820 ILCS 275/80 new)

4 Sec. 80. Employee testimony. In a plenary workplace
5 protection restraining order hearing, if the court finds that
6 testimony in the courtroom voluntarily offered by the employee
7 who has suffered the violence may result in serious emotional
8 distress to the employee who has suffered the violence, the
9 court may order that the examination of the employee be
10 conducted in chambers. Counsel shall be present at the
11 examination unless otherwise agreed upon by the parties. The
12 court shall cause a court reporter to be present who shall make
13 a complete record of the examination instantaneously to be part
14 of the record in the case.

15 (820 ILCS 275/85 new)

16 Sec. 85. Duration and extension of orders.

17 (a) Unless reopened or extended or voided by entry of an
18 order of greater duration, an emergency order is effective for
19 not less than 14 nor more than 21 days.

20 (b) A plenary workplace protection restraining order is
21 effective for a fixed period of time not to exceed one year.

22 (820 ILCS 275/90 new)

23 Sec. 90. Contents of orders.

1 (a) A workplace protection restraining order shall
2 describe each remedy granted by the court, in reasonable detail
3 and not by reference to any other document, so that the
4 respondent may clearly understand what he or she must do or
5 refrain from doing.

6 (b) A workplace protection restraining order shall include
7 the following:

8 (1) the name of the petitioner;

9 (2) the date and time the workplace protection
10 restraining order was issued, whether it is an emergency or
11 plenary order, and the duration of the order;

12 (3) the date, time, and place for any scheduled hearing
13 for extension of the workplace protection restraining
14 order or for another order of greater duration or scope;

15 (4) for each remedy in an emergency workplace
16 protection restraining order, the reason for entering that
17 remedy without prior notice to the respondent or greater
18 notice than was actually given; and

19 (5) for emergency workplace protection restraining
20 orders, that the respondent may petition the court, in
21 accordance with Section 100, to reopen the order if he or
22 she did not receive actual prior notice of the hearing as
23 required under Section 55 of this Act and if the respondent
24 alleges that he or she had a meritorious defense to the
25 order or that the order or its remedy is not authorized by
26 this Act.

1 (820 ILCS 275/95 new)

2 Sec. 95. Notice of orders.

3 (a) Upon issuance of a workplace protection restraining
4 order, the clerk shall immediately, or on the next court day if
5 an emergency order is issued in accordance with subsection (c)
6 of Section 70 of this Act:

7 (1) enter the order on the record and file it in
8 accordance with the circuit court procedures; and

9 (2) provide a file stamped copy of the order to the
10 respondent, if present, and to the petitioner.

11 (820 ILCS 275/100 new)

12 Sec. 100. Modification.

13 (a) Except as otherwise provided in this Section, upon
14 motion of the petitioner, the court may modify an emergency or
15 plenary workplace protection restraining order by altering the
16 remedy, subject to Section 25 of this Act.

17 (b) After 30 days following the entry of a plenary
18 workplace protection restraining order, a court may modify the
19 order only if a change in the applicable law or facts since the
20 plenary order was entered warrants a modification of its terms.

21 (c) Upon 2 days' notice to the petitioner, or shorter
22 notice as the court may prescribe, a respondent subject to an
23 emergency workplace protection restraining order issued under
24 this Act may appear and petition the court to rehear the

1 original or amended petition. A petition to rehear shall be
2 verified and shall allege that:

3 (1) the respondent did not receive prior notice of the
4 initial hearing in which the emergency workplace
5 protection restraining order was entered under Sections 55
6 and 70 of this Act; and

7 (2) the respondent had a meritorious defense to the
8 order or any of its remedies or the order or any of its
9 remedies was not authorized by this Act.

10 (820 ILCS 275/105 new)

11 Sec. 105. Enforcement. The court may enforce workplace
12 protection restraining orders through civil contempt
13 proceedings.

14 (820 ILCS 275/110 new)

15 Sec. 110. Employment discrimination. An employer seeking
16 or obtaining a workplace protection restraining order shall
17 comply with any federal or State law to which it is subject,
18 including any provision under the Victims' Economic Security
19 and Safety Act and the Illinois Human Rights Act, regarding
20 employee protections and the rights of the employee who has
21 suffered the violence.

22 (820 ILCS 275/115 new)

23 Sec. 115. Effect on other laws and employment benefits.

1 (a) Nothing in this Act shall be construed to supersede any
2 provision of any federal, State, or local law, collective
3 bargaining agreement, or employment benefits program or plan
4 that provides employment protections for employees, including
5 any provision under the Victims' Economic Security and Safety
6 Act and the Illinois Human Rights Act.

7 (b) No workplace protection restraining order may prohibit
8 or otherwise interfere with lawful activities under the
9 National Labor Relations Act, the Illinois Public Labor
10 Relations Act, the Illinois Educational Labor Relations Act, or
11 any lawful activity related to a labor organization's efforts
12 to represent employees, engage in collective bargaining, or
13 undertake economic action.

14 (c) Any other claims under the Victims' Economic Security
15 and Safety Act against the employer may be heard as part of a
16 civil action under this Act.

17 (820 ILCS 275/120 new)

18 Sec. 120. Exemptions.

19 (a) The court may not enter a workplace protection
20 restraining order that enjoins the following activities:

21 (1) lawful monitoring of compliance with workplace
22 safety laws, wage and hour requirements, or other statutory
23 workplace requirements;

24 (2) lawful picketing, patrolling, using a banner, or
25 other lawful protesting at the workplace which arises out

1 of a bona fide labor dispute; and

2 (3) engaging in concerted and protected activities as
3 defined in applicable labor law.

4 (b) As used in this Section, "bona fide labor dispute"
5 means any activity recognized as a labor dispute by the
6 National Labor Relations Act, the Illinois Public Labor
7 Relations Act, or the Illinois Educational Labor Relations Act,
8 and includes a controversy concerning: wages salaries, hours,
9 working conditions, or benefits, including health and welfare,
10 sick leave, insurance, and pension or retirement provisions;
11 the terms to be included in collective bargaining agreements;
12 and the making, maintaining, administering, and filling of
13 protests or grievances under a collective bargaining
14 agreement.

15 (820 ILCS 275/125 new)

16 Sec. 125. Confidentiality and privacy. The employer shall
17 keep all information relating to a workplace protection
18 restraining order in the strictest confidence, limiting
19 information only to those employees who have a current
20 demonstrable interest related to the safety of the employee who
21 has suffered the violence.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."