



Rep. Ron Sandack

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1 AMENDMENT TO SENATE BILL 3038

2 AMENDMENT NO. _____. Amend Senate Bill 3038 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Victims' Economic Security and Safety Act
5 is amended by changing Section 30 as follows:

6 (820 ILCS 180/30)

7 Sec. 30. Victims' employment sustainability; prohibited
8 discriminatory acts.

9 (a) An employer shall not fail to hire, refuse to hire,
10 discharge, constructively discharge, or harass any individual,
11 otherwise discriminate against any individual with respect to
12 the compensation, terms, conditions, or privileges of
13 employment of the individual, or retaliate against an
14 individual in any form or manner, and a public agency shall not
15 deny, reduce, or terminate the benefits of, otherwise sanction,
16 or harass any individual, otherwise discriminate against any

1 individual with respect to the amount, terms, or conditions of
2 public assistance of the individual, or retaliate against an
3 individual in any form or manner, because:

4 (1) the individual involved:

5 (A) is or is perceived to be a victim of domestic
6 or sexual violence;

7 (B) attended, participated in, prepared for, or
8 requested leave to attend, participate in, or prepare
9 for a criminal or civil court proceeding relating to an
10 incident of domestic or sexual violence of which the
11 individual or a family or household member of the
12 individual was a victim, or requested or took leave for
13 any other reason provided under Section 20; or

14 (C) requested an adjustment to a job structure,
15 workplace facility, or work requirement, including a
16 transfer, reassignment, or modified schedule, leave, a
17 changed telephone number or seating assignment,
18 installation of a lock, or implementation of a safety
19 procedure in response to actual or threatened domestic
20 or sexual violence, regardless of whether the request
21 was granted; or

22 (D) is an employee whose employer is subject to
23 Section 21 of the Workplace Violence Prevention Act; or

24 (2) the workplace is disrupted or threatened by the
25 action of a person whom the individual states has committed
26 or threatened to commit domestic or sexual violence against

1 the individual or the individual's family or household
2 member.

3 (b) In this Section:

4 (1) "Discriminate", used with respect to the terms,
5 conditions, or privileges of employment or with respect to
6 the terms or conditions of public assistance, includes not
7 making a reasonable accommodation to the known limitations
8 resulting from circumstances relating to being a victim of
9 domestic or sexual violence or a family or household member
10 being a victim of domestic or sexual violence of an
11 otherwise qualified individual:

12 (A) who is:

13 (i) an applicant or employee of the employer
14 (including a public agency); or

15 (ii) an applicant for or recipient of public
16 assistance from a public agency; and

17 (B) who is:

18 (i) a victim of domestic or sexual violence; or

19 (ii) with a family or household member who is a
20 victim of domestic or sexual violence whose
21 interests are not adverse to the individual in
22 subparagraph (A) as it relates to the domestic or
23 sexual violence;

24 unless the employer or public agency can demonstrate that
25 the accommodation would impose an undue hardship on the
26 operation of the employer or public agency.

1 A reasonable accommodation must be made in a timely
2 fashion. Any exigent circumstances or danger facing the
3 employee or his or her family or household member shall be
4 considered in determining whether the accommodation is
5 reasonable.

6 (2) "Qualified individual" means:

7 (A) in the case of an applicant or employee
8 described in paragraph (1)(A)(i), an individual who,
9 but for being a victim of domestic or sexual violence
10 or with a family or household member who is a victim of
11 domestic or sexual violence, can perform the essential
12 functions of the employment position that such
13 individual holds or desires; or

14 (B) in the case of an applicant or recipient
15 described in paragraph (1)(A)(ii), an individual who,
16 but for being a victim of domestic or sexual violence
17 or with a family or household member who is a victim of
18 domestic or sexual violence, can satisfy the essential
19 requirements of the program providing the public
20 assistance that the individual receives or desires.

21 (3) "Reasonable accommodation" may include an
22 adjustment to a job structure, workplace facility, or work
23 requirement, including a transfer, reassignment, or
24 modified schedule, leave, a changed telephone number or
25 seating assignment, installation of a lock, or
26 implementation of a safety procedure, or assistance in

1 documenting domestic or sexual violence that occurs at the
2 workplace or in work-related settings, in response to
3 actual or threatened domestic or sexual violence.

4 (4) Undue hardship.

5 (A) In general. "Undue hardship" means an action
6 requiring significant difficulty or expense, when
7 considered in light of the factors set forth in
8 subparagraph (B).

9 (B) Factors to be considered. In determining
10 whether a reasonable accommodation would impose an
11 undue hardship on the operation of an employer or
12 public agency, factors to be considered include:

13 (i) the nature and cost of the reasonable
14 accommodation needed under this Section;

15 (ii) the overall financial resources of the
16 facility involved in the provision of the
17 reasonable accommodation, the number of persons
18 employed at such facility, the effect on expenses
19 and resources, or the impact otherwise of such
20 accommodation on the operation of the facility;

21 (iii) the overall financial resources of the
22 employer or public agency, the overall size of the
23 business of an employer or public agency with
24 respect to the number of employees of the employer
25 or public agency, and the number, type, and
26 location of the facilities of an employer or public

1 agency; and

2 (iv) the type of operation of the employer or
3 public agency, including the composition,
4 structure, and functions of the workforce of the
5 employer or public agency, the geographic
6 separateness of the facility from the employer or
7 public agency, and the administrative or fiscal
8 relationship of the facility to the employer or
9 public agency.

10 (c) An employer subject to Section 21 of the Workplace
11 Violence Prevention Act shall not violate any provisions of the
12 Workplace Violence Prevention Act.

13 (Source: P.A. 96-635, eff. 8-24-09.)

14 Section 10. The Workplace Violence Prevention Act is
15 amended by changing Sections 10, 15, 20, 25, 30, and 35 and by
16 adding Sections 21, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90,
17 95, 100, 105, 110, 115, 120, 125, and 130 as follows:

18 (820 ILCS 275/10)

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

20 "Credible threat of violence" means a statement or course
21 of conduct that ~~does not serve a legitimate purpose and that~~
22 causes a reasonable person to fear for the person's safety at
23 his or her workplace or for the safety of others at his or her
24 workplace ~~the person's immediate family.~~

1 "Employee" means:

2 (1) a person employed or permitted to work or perform a
3 service for remuneration;

4 (2) a member of a board of directors of any
5 organization;

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

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

10 "Employer" means an individual, partnership, association,
11 limited liability company, corporation, business trust, the
12 State, a governmental agency, or a political subdivision that
13 has at least 15 ~~5~~ employees during any work week.

14 "Petitioner" means any employer who commences a proceeding
15 for a workplace protection restraining order.

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

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

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

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

25 (820 ILCS 275/15)

1 Sec. 15. Employer's right to a workplace protection
2 restraining order ~~of protection~~. An employer may seek a
3 workplace protection restraining ~~an order of protection~~ to
4 prohibit further violence or threats of violence by the
5 respondent ~~a person~~ if:

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

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

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

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

20 (820 ILCS 275/20)

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

25 (1) the conditions of Section 15 of this Act have been

1 met;

2 (2) if the petitioner is seeking an emergency order,
3 great or irreparable harm has been suffered, will be
4 suffered, or is likely to be suffered by an employee at the
5 workplace;

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

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

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

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

22 (820 ILCS 275/21 new)

23 Sec. 21. Employee notification.

24 (a) In cases in which an employer is seeking a workplace
25 protection restraining order involving an employee who is a

1 victim of unlawful violence by a family or household member as
2 defined by item (6) of Section 103 of the Illinois Domestic
3 Violence Act of 1986 or is an employee who is a victim of
4 unlawful violence as proscribed in Article 11 or Sections
5 12-7.3, 12-7.4, and 12-7.5 of the Criminal Code of 2012, the
6 employer shall:

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

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

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

25 (b) Employers subject to the Victims' Economic Security and
26 Safety Act shall additionally include in the written notice to

1 the employee in subsection (a) the following: "As your
2 employer, we are subject to the Victims' Economic Security and
3 Safety Act, which includes provisions for leave,
4 accommodations, and prohibitions against discrimination, and
5 we are notifying you of your rights under this Act. A summary
6 of your rights under the Victims' Economic Security and Safety
7 Act is provided on the workplace poster we are required under
8 law to post in your workplace."

9 (820 ILCS 275/25)

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

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

23 (2) Upon notice to the respondent, order the respondent
24 to pay the petitioner for property losses suffered as a
25 direct result of the actions of the respondent. Such losses

1 include, but are not limited to, repair or replacement of
2 property damaged or taken, reasonable attorney's fees, and
3 court costs to recover the property losses.

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

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

7 (820 ILCS 275/30)

8 Sec. 30. Action for workplace protection restraining order
9 ~~Jurisdiction; venue; procedure; enforcement.~~

10 (a) An action for a workplace protection restraining order
11 may be commenced independently by filing a petition for a
12 workplace protection restraining order in any civil court,
13 unless specific courts are designated by local rule or order.

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

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

1 of any motions.

2 (d) Any proceeding to obtain, modify, reopen, or appeal a
3 workplace protection restraining order shall be governed by the
4 rules of civil procedure of this State. The standard of proof
5 in such a proceeding is proof by a preponderance of the
6 evidence. The Code of Civil Procedure and Supreme Court and
7 local rules applicable to civil proceedings apply.

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

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

14 (820 ILCS 275/35)

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

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

22 (820 ILCS 275/40 new)

23 Sec. 40. Jurisdiction over persons. The courts of this
24 State have jurisdiction to bind: (1) State residents; and (2)

1 non-residents having minimum contacts with this State to the
2 extent permitted by Section 2-209 of the Code of Civil
3 Procedure.

4 (820 ILCS 275/45 new)

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

9 (820 ILCS 275/50 new)

10 Sec. 50. Process.

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

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

1 (c) Service of summons on a member of the respondent's
2 household or by publication is adequate if: (1) the petitioner
3 has made all reasonable efforts to accomplish actual service of
4 process personally upon the respondent, but the respondent
5 cannot be found to effect the service; and (2) the petitioner
6 files an affidavit or presents sworn testimony describing those
7 efforts.

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

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

19 (820 ILCS 275/55 new)

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

24 (820 ILCS 275/60 new)

1 Sec. 60. Hearings. The court shall treat a petition for a
2 workplace protection restraining order as an expedited
3 proceeding and may not transfer or otherwise decline to decide
4 all or part of the petition. Nothing in this Section prevents
5 the court from reserving issues if jurisdiction or notice
6 requirements are not met.

7 (820 ILCS 275/65 new)

8 Sec. 65. Continuances.

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

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

17 (820 ILCS 275/70 new)

18 Sec. 70. Emergency order.

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

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

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

1 (3) there is good cause to grant the remedy, regardless
2 of prior service of notice upon the respondent, because the
3 harm which that remedy is intended to prevent would be
4 likely to occur if the respondent were given prior notice
5 or greater notice than was actually given of the
6 petitioner's efforts to obtain judicial relief.

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

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

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

1 restraining order.

2 (d) The chief judge of the circuit court may designate for
3 each county in the circuit at least one judge to be reasonably
4 available to issue orally, by telephone, by facsimile, by
5 electronic means that comply with procedures established by the
6 court, or otherwise, an emergency workplace protection
7 restraining order at all times, whether or not the court is in
8 session.

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

19 (820 ILCS 275/75 new)

20 Sec. 75. Plenary order. The court shall issue a plenary
21 workplace protection restraining order if the petitioner has
22 served notice of the hearing for that order on the respondent
23 in accordance with Section 55 of this Section and establishes
24 that:

25 (1) the court has jurisdiction under Section 40 of this

1 Act;

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

4 (3) a general appearance was made or filed by or for
5 the respondent or process was served on the respondent in
6 the manner required by Section 50 of this Act; and

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

8 (820 ILCS 275/80 new)

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

20 (820 ILCS 275/85 new)

21 Sec. 85. Duration and extension of orders.

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

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

3 (820 ILCS 275/90 new)

4 Sec. 90. Contents of orders.

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

10 (b) A workplace protection restraining order shall include
11 the following:

12 (1) the name of the petitioner;

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

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

19 (4) for each remedy in an emergency workplace
20 protection restraining order, the reason for entering that
21 remedy without prior notice to the respondent or greater
22 notice than was actually given; and

23 (5) for emergency workplace protection restraining
24 orders, that the respondent may petition the court, in
25 accordance with Section 100, to reopen the order if he or

1 she did not receive actual prior notice of the hearing as
2 required under Section 55 of this Act and if the respondent
3 alleges that he or she had a meritorious defense to the
4 order or that the order or its remedy is not authorized by
5 this Act.

6 (820 ILCS 275/95 new)

7 Sec. 95. Notice of orders.

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

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

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

16 (820 ILCS 275/100 new)

17 Sec. 100. Modification.

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

22 (b) After 30 days following the entry of a plenary
23 workplace protection restraining order, a court may modify the
24 order only if a change in the applicable law or facts since the

1 plenary order was entered warrants a modification of its terms.

2 (c) Upon 2 days' notice to the petitioner, or shorter
3 notice as the court may prescribe, a respondent subject to an
4 emergency workplace protection restraining order issued under
5 this Act may appear and petition the court to rehear the
6 original or amended petition. A petition to rehear shall be
7 verified and shall allege that:

8 (1) the respondent did not receive prior notice of the
9 initial hearing in which the emergency workplace
10 protection restraining order was entered under Sections 55
11 and 70 of this Act; and

12 (2) the respondent had a meritorious defense to the
13 order or any of its remedies or the order or any of its
14 remedies was not authorized by this Act.

15 (820 ILCS 275/105 new)

16 Sec. 105. Enforcement. The court may enforce workplace
17 protection restraining orders through civil contempt
18 proceedings.

19 (820 ILCS 275/110 new)

20 Sec. 110. Employment discrimination. An employer seeking
21 or obtaining a workplace protection restraining order shall
22 comply with any federal or State law to which it is subject,
23 including any provision under the Victims' Economic Security
24 and Safety Act and the Illinois Human Rights Act, regarding

1 employee protections and the rights of the employee who has
2 suffered the violence.

3 (820 ILCS 275/115 new)

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

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

11 (b) Any other claims under the Victims' Economic Security
12 and Safety Act against the employer may be heard as part of a
13 civil action under this Act.

14 (820 ILCS 275/120 new)

15 Sec. 120. Exemptions.

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

18 (1) lawful monitoring of compliance with public or
19 worker safety laws, wage and hour requirements, or other
20 statutory workplace requirements;

21 (2) lawful picketing, patrolling, using a banner, or
22 other lawful protesting at the workplace which arises out
23 of a bona fide labor dispute; and

24 (3) engaging in concerted and protected activities as

1 defined in applicable labor law.

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

13 (820 ILCS 275/125 new)

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

20 (820 ILCS 275/130 new)

21 Sec. 130. Exemption.

22 (a) This Act does not apply to any individual or
23 organization that is lawfully (i) monitoring for compliance
24 with public or worker safety laws, wage and hour requirements,

1 or other statutory requirements or (ii) picketing, patrolling,
2 using a banner, or otherwise protesting at the workplace in
3 relation to a bona fide labor dispute including any controversy
4 concerning wages, salaries, hours, working conditions or
5 benefits, including health and welfare, sick leave, insurance,
6 and pension or retirement provisions, the making or maintaining
7 of collective bargaining agreements, and the terms to be
8 included in those agreements.

9 (b) This Act does not apply to any lawful exercise of the
10 right of free speech or assembly.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."