

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Workplace Violence Prevention Act is amended  
5 by changing Sections 10, 15, 20, 25, 30, and 35 and by adding  
6 Sections 21, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90, 95,  
7 100, 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  
17 service for remuneration;

18 (2) a member of a board of directors of any  
19 organization;

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

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

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

5 "Petitioner" means any employer who commences a proceeding  
6 for a workplace protection restraining order.

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

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

12 "Unlawful violence" means any act of violence, harassment,  
13 or stalking as defined by the Criminal Code of 2012 ~~laws of~~  
14 ~~this State.~~

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

16 (820 ILCS 275/15)

17 Sec. 15. Employer's right to a workplace protection  
18 restraining order ~~of protection~~. An employer may seek a  
19 workplace protection restraining ~~an~~ order of protection to  
20 prohibit further violence or threats of violence by the  
21 respondent ~~a person~~ if:

22 (1) an ~~the~~ employee has suffered unlawful violence and  
23 the respondent has made a credible threat of violence to be  
24 carried out at the employee's workplace; ~~or a credible~~  
25 ~~threat of violence from the person; and~~

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

4           (3) an ~~the~~ unlawful act of violence has been carried  
5 out at the workplace ~~employee's place of work~~ or the  
6 respondent has made a credible threat of violence at the  
7 workplace ~~credible threat of violence can reasonably be~~  
8 ~~constructed to be carried out at the employee's place of~~  
9 ~~work by the person.~~

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

11 (820 ILCS 275/20)

12 Sec. 20. Affidavit ~~Irreparable harm~~. An employer may obtain  
13 a workplace protection restraining order if the employer files  
14 an affidavit that shows by a preponderance of the evidence  
15 that:

16           (1) the conditions of Section 15 of this Act have been  
17 met;

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

22           (3) if the employer is seeking a workplace protection  
23 restraining order involving an employee who is a victim of  
24 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 conditions of Section 21 of this  
2 Act have been met. An employer may obtain an order of  
3 protection under the Illinois Domestic Violence Act of 1986  
4 if the employer:

5 ~~(1) files an affidavit that shows, to the satisfaction~~  
6 ~~of the court, reasonable proof that an employee has~~  
7 ~~suffered either unlawful violence or a credible threat of~~  
8 ~~violence by the defendant; and~~

9 ~~(2) demonstrates that great or irreparable harm has~~  
10 ~~been suffered, will be suffered, or is likely to be~~  
11 ~~suffered by the employee.~~

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

13 (820 ILCS 275/21 new)

14 Sec. 21. Employee notification.

15 (a) In cases in which an employer is seeking a workplace  
16 protection restraining order involving an employee who is a  
17 victim of unlawful violence by a family or household member as  
18 defined by item (6) of Section 103 of the Illinois Domestic  
19 Violence Act of 1986, the employer shall:

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

23 (2) conduct a direct verbal consultation in  
24 conversation with the employee prior to seeking a workplace  
25 protection restraining order under this Act to determine

1 whether any safety or well-being concerns exist in relation  
2 to the employer's pursuit of the order or whether seeking  
3 the order may interfere with the employee's own legal  
4 actions.

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

13 (b) Employers subject to the Victims' Economic Security and  
14 Safety Act shall additionally include in the written notice to  
15 the employee in subsection (a) the following: "As your  
16 employer, we are subject to the Victims' Economic Security and  
17 Safety Act, which includes provisions for leave,  
18 accommodations, and prohibitions against discrimination, and  
19 we are notifying you of your rights under this Act. A summary  
20 of your rights under the Victims' Economic Security and Safety  
21 Act is provided on the workplace poster we are required under  
22 law to post in your workplace."

23 (820 ILCS 275/25)

24 Sec. 25. Remedies. Employer remedies under this Act are  
25 limited to a workplace protection restraining ~~an~~ order ~~of~~

1 ~~protection~~. Nothing in this Act, however, waives, reduces, or  
2 diminishes any other civil or criminal remedy available to an  
3 employer ~~under any other mechanism~~. A workplace protection  
4 restraining order issued by the court may:

5 (1) Prohibit the respondent's unlawful violence in the  
6 workplace, including ordering the respondent to stay away  
7 from the workplace. When the respondent is employed at the  
8 workplace location, the court, when issuing a workplace  
9 protection restraining order, shall consider the severity  
10 of the act and any continuing physical danger or emotional  
11 distress to any employee in the workplace.

12 (2) Upon notice to the respondent, order the respondent  
13 to pay the petitioner for property losses suffered as a  
14 direct result of the actions of the respondent. Such losses  
15 include, but are not limited to, repair or replacement of  
16 property damaged or taken, reasonable attorney's fees, and  
17 court costs to recover the property losses.

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

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

21 (820 ILCS 275/30)

22 Sec. 30. Action for workplace protection restraining order  
23 ~~Jurisdiction; venue; procedure; enforcement.~~

24 (a) An action for a workplace protection restraining order  
25 may be commenced independently by filing a petition for a

1 workplace protection restraining order in any civil court,  
2 unless specific courts are designated by local rule or order.

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

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

16 (d) Any proceeding to obtain, modify, reopen, or appeal a  
17 workplace protection restraining order shall be governed by the  
18 rules of civil procedure of this State. The standard of proof  
19 in such a proceeding is proof by a preponderance of the  
20 evidence. The Code of Civil Procedure and Supreme Court and  
21 local rules applicable to civil proceedings apply.

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

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

2 (820 ILCS 275/35)

3 Sec. 35. Subject matter jurisdiction ~~Law enforcement~~  
4 ~~responsibilities.~~ Each of the circuit courts of this State has  
5 the power to issue workplace protection restraining orders. ~~Law~~  
6 ~~enforcement personnel shall have the same responsibilities~~  
7 ~~under this Act as are provided in Article 3 of the Illinois~~  
8 ~~Domestic Violence Act of 1986.~~

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

10 (820 ILCS 275/40 new)

11 Sec. 40. Jurisdiction over persons. The courts of this  
12 State have jurisdiction to bind: (1) State residents; and (2)  
13 non-residents having minimum contacts with this State to the  
14 extent permitted by Section 2-209 of the Code of Civil  
15 Procedure.

16 (820 ILCS 275/45 new)

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

21 (820 ILCS 275/50 new)

22 Sec. 50. Process.



1       (a) Any action for a workplace protection restraining order  
2 requires that a separate summons be issued and served. The  
3 summons shall require the respondent to answer and appear  
4 within 7 days. Attachments to the summons or notice shall  
5 include the petition for a workplace protection restraining  
6 order, supporting affidavits, if any, and any emergency  
7 workplace protection restraining order that has been issued.

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

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

22       (d) A plenary workplace protection restraining order may be  
23 entered by default for the remedy sought in the petition if the  
24 respondent has been served in accordance with subsection (a) of  
25 this Section or given notice and if the respondent then fails  
26 to appear as directed or fails to appear on any subsequent

1 appearance or hearing date agreed to by the parties or set by  
2 the court.

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

7 (820 ILCS 275/55 new)

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

12 (820 ILCS 275/60 new)

13 Sec. 60. Hearings. The court shall treat a petition for a  
14 workplace protection restraining order as an expedited  
15 proceeding and may not transfer or otherwise decline to decide  
16 all or part of the petition. Nothing in this Section prevents  
17 the court from reserving issues if jurisdiction or notice  
18 requirements are not met.

19 (820 ILCS 275/65 new)

20 Sec. 65. Continuances.

21 (a) A petition for an emergency workplace protection  
22 restraining order shall be granted or denied in accordance with  
23 the standards of Section 70 of this Act, regardless of the

1 respondent's appearance or presence in court.

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

6 (820 ILCS 275/70 new)

7 Sec. 70. Emergency order.

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

10 (1) the court has jurisdiction under Section 40 of this  
11 Act;

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

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

20 An emergency workplace protection restraining order shall  
21 be issued by the court if it appears from the contents of the  
22 petition and the examination of the petitioner that the  
23 averments are sufficient to indicate irreparable harm under  
24 Section 20 of this Act by the respondent and to support the  
25 granting of relief through the issuance of the emergency

1 workplace protection restraining order.

2 (b) If the respondent appears in court for the hearing for  
3 an emergency order, he or she may elect to file a general  
4 appearance and testify. Any resulting order may be an emergency  
5 order, governed by this Section. Notwithstanding the  
6 requirements of this Section, if all requirements of Section 75  
7 of this Act have been met, the court may issue a plenary order.

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

16 (d) The chief judge of the circuit court may designate for  
17 each county in the circuit at least one judge to be reasonably  
18 available to issue orally, by telephone, by facsimile, by  
19 electronic means that comply with procedures established by the  
20 court, or otherwise, an emergency workplace protection  
21 restraining order at all times, whether or not the court is in  
22 session.

23 (e) Any order issued under this Section and any  
24 documentation in support of the order shall be certified on the  
25 next court day to the appropriate court. The clerk of the court  
26 shall immediately assign a case number, file the petition,

1 order, and other documents with the court, and enter the order  
2 of record and file it with the sheriff for service in  
3 accordance with Section 85 of this Act. Filing the petition  
4 shall commence proceedings for further relief under Section 30  
5 of this Act. Failure to comply with the requirements of this  
6 subsection (e) does not affect the validity of the order.

7 (820 ILCS 275/75 new)

8 Sec. 75. Plenary order. The court shall issue a plenary  
9 workplace protection restraining order if the petitioner has  
10 served notice of the hearing for that order on the respondent  
11 in accordance with Section 55 of this Section and establishes  
12 that:

13 (1) the court has jurisdiction under Section 40 of this  
14 Act;

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

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

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

21 (820 ILCS 275/80 new)

22 Sec. 80. Employee testimony. In a plenary workplace  
23 protection restraining order hearing, if the court finds that  
24 testimony in the courtroom voluntarily offered by the employee

1 who has suffered the violence may result in serious emotional  
2 distress to the employee who has suffered the violence, the  
3 court may order that the examination of the employee be  
4 conducted in chambers. Counsel shall be present at the  
5 examination unless otherwise agreed upon by the parties. The  
6 court shall cause a court reporter to be present who shall make  
7 a complete record of the examination instantaneously to be part  
8 of the record in the case.

9 (820 ILCS 275/85 new)

10 Sec. 85. Duration and extension of orders.

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

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

16 (820 ILCS 275/90 new)

17 Sec. 90. Contents of orders.

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

23 (b) A workplace protection restraining order shall include  
24 the following:

- 1           (1) the name of the petitioner;  
2           (2) the date and time the workplace protection  
3           restraining order was issued, whether it is an emergency or  
4           plenary order, and the duration of the order;  
5           (3) the date, time, and place for any scheduled hearing  
6           for extension of the workplace protection restraining  
7           order or for another order of greater duration or scope;  
8           (4) for each remedy in an emergency workplace  
9           protection restraining order, the reason for entering that  
10           remedy without prior notice to the respondent or greater  
11           notice than was actually given; and  
12           (5) for emergency workplace protection restraining  
13           orders, that the respondent may petition the court, in  
14           accordance with Section 100, to reopen the order if he or  
15           she did not receive actual prior notice of the hearing as  
16           required under Section 55 of this Act and if the respondent  
17           alleges that he or she had a meritorious defense to the  
18           order or that the order or its remedy is not authorized by  
19           this Act.

20           (820 ILCS 275/95 new)

21           Sec. 95. Notice of orders.

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

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

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

5           (820 ILCS 275/100 new)

6           Sec. 100. Modification.

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

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

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

21           (1) the respondent did not receive prior notice of the  
22           initial hearing in which the emergency workplace  
23           protection restraining order was entered under Sections 55  
24           and 70 of this Act; and

25           (2) the respondent had a meritorious defense to the



1 order or any of its remedies or the order or any of its  
2 remedies was not authorized by this Act.

3 (820 ILCS 275/105 new)

4 Sec. 105. Enforcement. The court may enforce workplace  
5 protection restraining orders through civil contempt  
6 proceedings.

7 (820 ILCS 275/110 new)

8 Sec. 110. Employment discrimination. An employer seeking  
9 or obtaining a workplace protection restraining order shall  
10 comply with any federal or State law to which it is subject,  
11 including any provision under the Victims' Economic Security  
12 and Safety Act and the Illinois Human Rights Act, regarding  
13 employee protections and the rights of the employee who has  
14 suffered the violence.

15 (820 ILCS 275/115 new)

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

17 (a) Nothing in this Act shall be construed to supersede any  
18 provision of any federal, State, or local law, collective  
19 bargaining agreement, or employment benefits program or plan  
20 that provides employment protections for employees, including  
21 any provision under the Victims' Economic Security and Safety  
22 Act and the Illinois Human Rights Act.

23 (b) No workplace protection restraining order may prohibit

1 or otherwise interfere with lawful activities under the  
2 National Labor Relations Act, the Illinois Public Labor  
3 Relations Act, the Illinois Educational Labor Relations Act, or  
4 any lawful activity related to a labor organization's efforts  
5 to represent employees, engage in collective bargaining, or  
6 undertake economic action.

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

10 (820 ILCS 275/120 new)

11 Sec. 120. Exemptions.

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

14 (1) lawful monitoring of compliance with workplace  
15 safety laws, wage and hour requirements, or other statutory  
16 workplace requirements;

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

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

22 (b) As used in this Section, "bona fide labor dispute"  
23 means any activity recognized as a labor dispute by the  
24 National Labor Relations Act, the Illinois Public Labor  
25 Relations Act, or the Illinois Educational Labor Relations Act,

1 and includes a controversy concerning: wages, salaries, hours,  
2 working conditions, or benefits, including health and welfare,  
3 sick leave, insurance, and pension or retirement provisions;  
4 the terms to be included in collective bargaining agreements;  
5 and the making, maintaining, administering, and filing of  
6 protests or grievances under a collective bargaining  
7 agreement.

8 (820 ILCS 275/125 new)

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

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.