

ASSEMBLY, No. 1159

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman SHEILA Y. OLIVER

District 34 (Essex and Passaic)

SYNOPSIS

Establishes the "Workplace Violence Safety Act."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



A1159 OLIVER

2

1 **AN ACT** concerning workplace violence and supplementing Title 2C
2 of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the "Workplace
8 Violence Safety Act."

9

10 2. For the purposes of this act:

11 "Employer" means any individual, partnership, association,
12 corporation or any person or group of persons acting directly or
13 indirectly on behalf of or in the interest of an employer with the
14 employer's consent and shall include all branches of State
15 Government, or the several counties and municipalities thereof, or
16 any other political subdivision of the State, or a school district, or
17 any special district, or any authority, commission, or board or any
18 other agency or instrumentality thereof;

19 "Employee" means any individual who performs services for and
20 under the control or direction of an employer for wages or other
21 remuneration and includes any volunteer or independent contractors
22 who perform services for the employer at the employer's worksite.

23 "Credible threat of violence" is an explicit or implicit threat
24 made with the intent and the apparent ability to carry out the threat,
25 so as to cause the person who is the target of the threat to
26 reasonably fear for that person.

27

28 3. a. Any employer, whose employee has been a victim of an
29 assault, harrassment, stalking or has suffered a credible threat of
30 violence from any individual, which can reasonably be construed to
31 be carried out or to have been carried out at the workplace, may
32 seek emergency ex parte relief in the nature of a temporary
33 restraining order on behalf of the employee.

34 b. A judge may issue a temporary restraining order upon good
35 cause shown, which shall remain in effect until a judge issues a
36 further order. The court shall hold a hearing on an emergency order
37 within 10 days. A temporary order hereunder may be dissolved or
38 modified on 24 hours notice.

39 c. An order granting emergency relief, together with the
40 complaint or complaints, shall immediately be forwarded to the
41 appropriate law enforcement agency for service on the defendant,
42 and to the police of the municipality in which the plaintiff resides
43 and shall immediately be served upon the defendant by the police,
44 except that an order issued during regular court hours may be
45 forwarded to the sheriff for immediate service upon the defendant
46 in accordance with the Rules Governing the Courts of the State of
47 New Jersey. If personal service cannot be effected upon the
48 defendant, the court may order other appropriate substituted service.

1 d. Within 10 days of filing the complaint requesting injunctive
2 relief, the court shall hold a hearing. At the hearing, if the person
3 allegedly making threats is a current employee of the entity
4 requesting the temporary restraining order, the court shall receive
5 evidence concerning the employer's decision to retain, terminate, or
6 otherwise discipline the person.

7 e. In any proceeding in which a temporary restraining order is
8 sought the court may issue an order granting any or all of the
9 following relief:

10 (1) An order restraining the defendant from making any
11 communication likely to cause annoyance or alarm including, but
12 not limited to, personal, written or telephone contact with the victim
13 or other family members, or their employer or fellow workers, or
14 others with whom communication would be likely to cause
15 annoyance or alarm to the victim.

16 (2) An order forbidding the defendant from possessing any
17 firearm or other weapon enumerated in subsection r. of
18 N.J.S.2C:39-1.

19 (3) An order requiring the defendant to pay a fine or reimburse
20 the victim for any reasonable medical expenses, including
21 reasonable counseling costs.

22 (4) An order granting any other appropriate relief.

23 f. Any temporary or permanent restraining order issued pursuant
24 to this act shall be in effect throughout the State, and shall be
25 enforced by all law enforcement officers.

26
27 4. Any person who violates any order issued pursuant to this act
28 shall be guilty of a disorderly persons offense.

29
30 5. The Department of Labor shall develop and approve a
31 training course and curriculum concerning the handling,
32 investigation and response procedures concerning reports of
33 credible threat of violence in the workplace. This training course
34 and curriculum shall be reviewed at least every two years and
35 modified by the department from time to time as need may require,
36 and shall be made available to all state agencies.

37
38 6. This act shall take effect immediately.

39
40

41 STATEMENT

42
43 This bill, the "Workplace Violence Safety Act," would allow
44 employers to seek emergency ex parte relief in the nature of a
45 temporary restraining order on behalf of an employee who has been
46 a victim of an assault, harassment, stalking or who has suffered a
47 credible threat of violence.

48 Under the provision of the bill, in any proceeding where a

A1159 OLIVER

1 temporary restraining order is sought the court may issue an order
2 restraining the defendant from making any communication likely to
3 cause annoyance or alarm, including contacting the victim or others
4 with whom communication would be likely to cause annoyance or
5 alarm. In addition, the court may issue an order forbidding the
6 defendant from possession any firearm or issue an order requiring
7 the defendant to pay a fine or reimburse the victim for any
8 reasonable medical expense, including reasonable counseling costs
9 or another appropriate relief. Any person who violates any order
10 issued pursuant to this act would be guilty of a disorderly persons
11 offense.

12 The Department of Labor would be required to develop a
13 training course and curriculum for state agencies concerning the
14 handling, investigation and response procedures concerning reports
15 of violence in the workplace.