

ASSEMBLY, No. 1658

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1996

By Assemblyman DORIA, Assemblywoman FRISCIA and
Assemblyman Dalton

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

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

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

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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 Government,
15 or the several counties and municipalities thereof, or any other
16 political subdivision of the State, or a school district, or any special
17 district, or any authority, commission, or board or any other agency or
18 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 made
24 with the intent and the apparent ability to carry out the threat, so as to
25 cause the person who is the target of the threat to reasonably fear for
26 that person.

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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 be
31 carried out or to have been carried out at the workplace, may seek
32 emergency ex parte relief in the nature of a temporary restraining
33 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 further
36 order. The court shall hold a hearing on an emergency order within 10

1 days. A temporary order hereunder may be dissolved or modified on
2 24 hours notice.

3 c. An order granting emergency relief, together with the complaint
4 or complaints, shall immediately be forwarded to the appropriate law
5 enforcement agency for service on the defendant, and to the police of
6 the municipality in which the plaintiff resides and shall immediately be
7 served upon the defendant by the police, except that an order issued
8 during regular court hours may be forwarded to the sheriff for
9 immediate service upon the defendant in accordance with the Rules
10 Governing the Courts of the State of New Jersey. If personal service
11 cannot be effected upon the defendant, the court may order other
12 appropriate substituted service.

13 d. Within 10 days of filing the complaint requesting injunctive
14 relief, the court shall hold a hearing. At the hearing, if the person
15 allegedly making threats is a current employee of the entity requesting
16 the temporary restraining order, the court shall receive evidence
17 concerning the employer's decision to retain, terminate, or otherwise
18 discipline the person.

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

22 (1) An order restraining the defendant from making any
23 communication likely to cause annoyance or alarm including, but not
24 limited to, personal, written or telephone contact with the victim or
25 other family members, or their employer or fellow workers, or others
26 with whom communication would be likely to cause annoyance or
27 alarm to the victim.

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

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

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

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

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

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41 5. Notwithstanding any other provision of law to the contrary, an
42 employer shall develop and approve a training course and curriculum
43 concerning the handling, investigation and response procedures
44 concerning reports of credible threat of violence in the workplace.
45 This training course and curriculum shall be reviewed at least every

1 two years and modified by the employer from time to time as need may
2 require.

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4 6. The Department of Labor shall develop and approve a training
5 course and curriculum concerning the handling, investigation and
6 response procedures concerning reports of credible threat of violence
7 in the workplace. This training course and curriculum shall be
8 reviewed at least every two years and modified by the department from
9 time to time as need may require, and shall be made available to all
10 state agencies.

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12 7. This act shall take effect immediately.

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15 STATEMENT

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17 This bill, the "Workplace Violence Safety Act," would allow
18 employers to seek emergency ex parte relief in the nature of a
19 temporary restraining order on behalf of an employee who has been a
20 victim of an assault, harassment, stalking or who has suffered a
21 credible threat of violence.

22 Under the provisions of the bill, in any proceeding where a
23 temporary restraining order is sought, the court may issue an order
24 restraining the defendant from making any communication likely to
25 cause annoyance or alarm, including contacting the victim or others
26 with whom communication would be likely to cause annoyance or
27 alarm. In addition, the court may issue an order forbidding the
28 defendant from possessing any firearm or issue an order requiring the
29 defendant to pay a fine or reimburse the victim for any reasonable
30 medical expenses, including reasonable counseling costs or any other
31 appropriate relief. Any person who violates any order issued pursuant
32 to this act would be guilty of a disorderly persons offense.

33 The bill would also require employers to develop and approve a
34 training course and curriculum concerning the handling, investigation
35 and response procedures concerning reports of credible threats of
36 violence in the workplace. The Department of Labor would also be
37 required to develop a curriculum and training programs.

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42 Establishes the "Workplace Violence Safety Act."