

INDIANA COURT LACKS JURISDICTION OVER EMPLOYEE'S THREAT

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When does a threat to blow your supervisor's head off fall outside the scope of a state court's jurisdiction? Apparently, when you are employed in Indiana. The Indiana Court of Appeals recently vacated an injunction entered against an employee under Indiana's Workforce Violence Restraining Orders Act finding that the employee's threat against his supervisor actually arose out of a "labor dispute" with his employer. According to the Court's opinion, the issue surfaced after the employee and his supervisor engaged in a conversation during which the supervisor believed the employee was loud and disrespectful. In ensuing conversations, the employee indicated that he disagreed with his work assignment and hours and complained about preferential treatment for one employee. The employee had also suffered an injury at work and the employee disregarded his supervisor's suggestion that he go to the company doctor and instead scheduled an appointment with his personal physician. After these actions, the opinion reports that the employee also sought assistance from a therapist through the company's EAP program. The therapist for the EAP program called the company and reported that the employee "was talking about blowing [the supervisor's] head off, that the [employee] had hung up on her, and that she was concerned about what he might do next," according to the opinion. The company's human resources director sent the employee a letter instructing him to stay off the property and the very next day the company filed a petition under the Workforce Violence Restraining Orders Act (WVROA) to secure a restraining order against the employee. The trial court granted that petition. On appeal, the court analyzed both the WVROA as well as the Indiana Anti-Injunction Act. The WVROA specifically states that it does not apply to cases "involving or growing out of a labor dispute." Indiana Code §34-26-6-0.5. In addition, the Indiana Anti-Injunction Act, the state's "little" Norris-LaGuardia Act, also provides that no court in the state shall enter a restraining order in a case arising out of a labor dispute except in strict conformity with the provisions contained in the Act. In analyzing both Acts, the Court of Appeals concluded that the alleged threat made by the employee actually arose out of a dispute between the employee and his supervisor over the terms and conditions of employment and, therefore, arose out of a "labor dispute." As a result of that finding, the court said that the employer failed to meet its pleading burden under the Anti-Injunction Act, which includes, in part, that the threat is continuous in nature and local law enforcement is unable to protect the complaining party. Therefore, the Court of Appeals concluded that the injunction was improperly entered. Read a copy of the decision [here](#).

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