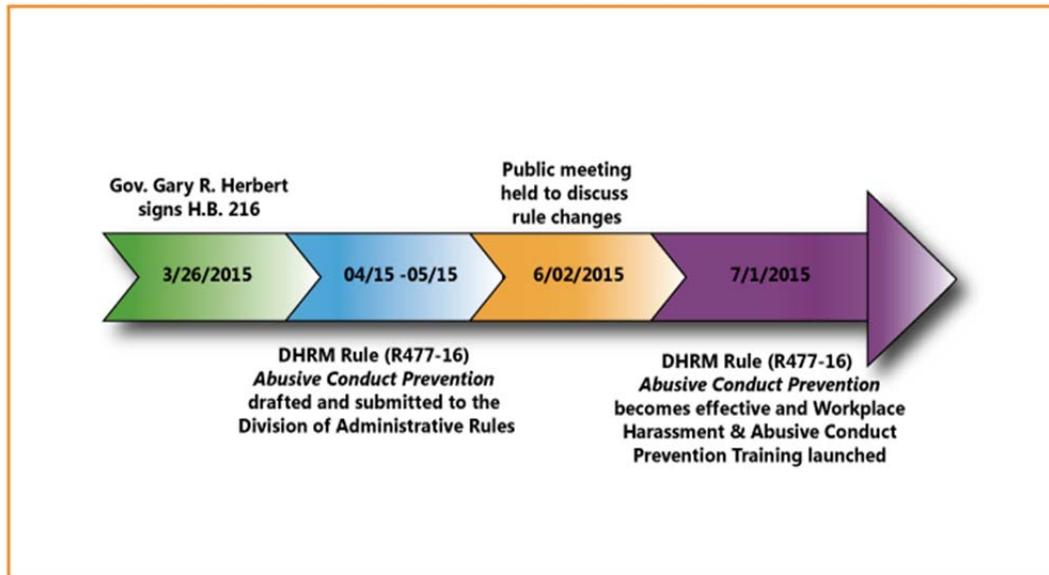


# Abusive Conduct Prevention Progress Report

## Timeline



## Rule R477-16: Abusive Conduct Prevention

- Defines Abusive Conduct
- Outlines procedures for submitting complaints and how complaints will be investigated
- Establishes training requirements

## Abusive Conduct Prevention Training

- Online training combines Workplace Harassment and Abusive Conduct training into one module.
  - Recertification required every other year.
  - Online module designed to teach employees how to distinguish between Workplace Harassment and Abusive Conduct, and recognize the signs of each.
- Communication regarding specifics of the training was sent to members of cabinet on 8/11/2015, and again on 9/22/2015.
- Professional Development Training
  - DHRM will develop a generic training on organizational development and ethics by July 1, 2016.
    - Agencies choosing not to use the generic training created by DHRM may create their own agency specific training to be given to employees every other year.

## Complaint Summary

- 9 complaints filed as of 10/19/2015.
  - 1 complaint substantiated
  - 2 complaints not substantiated
  - 3 complaints currently being investigated
  - 3 complaints requiring further information
- 55.5% of complaints (5) were filed between 9/4/2015 – 9/16/2015

## Workplace Harassment and Abusive Conduct Prevention Training Completion Report: 10/9/2015

Agency Code	Agency	Completed	Incomplete	Total Employees	% Complete
030	Capitol Preservation	3	9	12	25.00%
050	State Treasurer	18	5	23	78.26%
060	Governor's Office	61	72	133	45.86%
063	Governor's Office of Economic Development	86	7	93	92.47%
065	Science Tech and Research	15	11	26	57.69%
080	Attorney General	35	437	472	7.42%
090	State Auditor	51	1	52	98.08%
100	Dept of Administrative Services	440	22	462	95.24%
110	Dept of Technology Services	718	7	725	99.03%
120	Tax Commission	671	53	724	92.68%
130	Career Service Review Office	2	0	2	100.00%
140	Dept of Human Resource Mgmt	129	5	134	96.27%
170	Navajo Trust Admin	6	21	27	22.22%
180	Dept of Public Safety	1130	359	1489	75.89%
190	Utah National Guard	55	537	592	9.29%
200	Dept of Human Services	2321	1912	4233	54.83%
270	Dept of Health	675	359	1034	65.28%
290	Medical Education Council	0	0	0	0.00%
300	Bldg Board Construct Acct	0	0	0	0.00%
400	Board of Education	961	491	1452	66.18%
410	Dept of Corrections	999	1197	2196	45.49%
430	Board of Pardons & Parole	30	11	41	73.17%
450	Dept of Veterans' Affairs	12	19	31	38.71%

480	Dept of Environmental Quality	340	45	385	88.31%
510	Board of Regents	0	0	0	0.00%
540	Sch & Inst Trust Fund Office	2	0	2	100.00%
550	Sch & Inst Trust Lands Ad	74	2	76	97.37%
560	Dept of Natural Resources	762	934	1696	44.93%
570	Dept of Agriculture	148	152	300	49.33%
590	Public Lands Policy Coord Office	15	4	19	78.95%
600	Dept of Workforce Services	1643	117	1760	93.35%
650	Alcoholic Beverage Control	275	385	660	41.67%
660	Labor Commission	111	9	120	92.50%
670	Dept of Commerce	248	2	250	99.20%
680	Financial Institutions	55	1	56	98.21%
690	Dept of Insurance	63	29	92	68.48%
700	Public Service Commission	17	3	20	85.00%
710	Dept of Heritage and Arts	118	21	139	84.89%
810	Dept of Transportation	1326	273	1599	82.93%
	<b>Totals</b>	<b>13615</b>	<b>7512</b>	<b>21127</b>	<b>64.44%</b>

## Abusive Conduct Complaint Summary

Date of Complaint	Nature of Complaint	DHRM Response	Resolution
7/9/2015	Alleged co-worker abuse.	Complaint investigated.	Complaint not substantiated.
9/4/2015	Alleged supervisor/co-worker abuse.	Complaint investigated for both workplace harassment as well as abusive conduct.	Complaint not substantiated.
9/4/2015	Alleged supervisor abuse. Complaint filed by someone other than subject of abuse.	Complaint will be investigated. (Interview with employee scheduled for 10/21/2015).	Resolution pending.
9/8/2015	Alleged supervisor abuse.	Complaint investigated.	Complaint substantiated.
9/14/2015	Alleged supervisor abuse.	Complaint being investigated (initial interview with employee conducted on 10/15/2015).	Resolution pending.
9/16/2015	Alleged co-worker abuse.	Complaint being investigated. (Initial interview with employee on 9/18/2015; meeting with supervisor 9/29/2015)	Resolution pending.

9/30/2015	Alleged supervisor abuse. Complaint filed by someone other than subject of abuse.	DHRM working with agency to gather more information on complaint to determine how to move forward.	Resolution pending.
10/9/2015	Alleged co-worker abuse.	DHRM working with complainant to schedule a time to meet and gather further information on complaint.	Resolution pending.
Pending	Employee has contacted DHRM requesting information on complaint process. At this time no complaint has been filed, although it is expected that a complaint will be filed soon.	N/A	N/A

## **R477-16. Abusive Conduct Prevention.**

### ***R477-16-1. Policy.***

It is the policy of the State of Utah to provide a work environment free from abusive conduct.

(1) Abusive conduct includes physical, verbal or nonverbal conduct, such as derogatory remarks, insults, or epithets made by an employee that a reasonable person would determine:

- (a) was intended to cause intimidation, humiliation, or unwarranted distress;
- (b) exploits a known physical or psychological disability; or
- (c) results in substantial physical or psychological harm.

(2) A single act does not constitute abusive conduct unless it is especially severe and egregious.

(3) Abusive conduct does not include:

- (a) appropriate disciplinary or administrative actions;
- (b) coaching or work-related feedback;
- (c) reasonable work assignments or job reassignments; or
- (d) reasonable differences in styles of management, communication, expression or opinion.

(4) An employee may be subject to discipline under this rule even if the conduct occurs outside of scheduled work time or work location.

(5) Once a complaint of abusive conduct has been filed, the accused may not communicate with the complainant regarding allegations in the complaint.

### ***R477-16-2. Complaint Procedure.***

Management shall permit employees who allege abusive conduct to file complaints and engage in a review process free from bias, collusion, intimidation or retaliation.

(1) Employees who feel they are being subjected to abusive conduct should do the following:

- (a) document the occurrence;
- (b) continue to report to work; and

(c) identify a witness(es), if applicable

(2) An employee shall file a written complaint of abusive conduct with their immediate supervisor, any other supervisor in their direct chain of command, or the Department of Human Resource Management, including the agency human resource field office.

(a) Complaints may be submitted by any employee, witness, volunteer or other individual.

(b) Any supervisor who has knowledge of abusive conduct shall take immediate, appropriate action in consultation with DHRM and document the action.

### ***R477-16-3. Investigative Procedure.***

(1) When warranted, investigations shall be conducted based on DHRM standards and business practices.

(2) Results of Investigation

(a) If an investigation finds the allegations of abusive conduct to be sustained, agency management shall take appropriate administrative action.

(b) If an investigation reveals evidence of criminal conduct in abusive conduct allegations, the agency head or Executive Director, DHRM, may refer the matter to the appropriate law enforcement agency.

(c) At the conclusion of the investigation, the appropriate parties shall be notified.

(3) Participants in any abusive conduct investigation shall treat all information pertaining to the case as confidential.

### ***R477-16-4. Abusive Conduct Training.***

(1) DHRM shall provide employees and supervisors training on the prevention of abusive conduct.

(a) Training shall include information regarding what constitutes abusive conduct, how to prevent it, and options available under rule.

(b) Updated or refresher training will be provided to employees every two years.

(c) Training records shall be maintained, including who provided the training, who attended the training and when they attended it.

**KEY: abusive conduct, administrative procedures, hostile work environment**

**Date of Enactment or Last Substantive Amendment: July 1, 2015**

**Notice of Continuation: February 2, 2012**

**Authorizing, and Implemented or Interpreted Law: 67-19-6; 67-19-44**