

## HB0216S01 compared with HB0216

~~{deleted text}~~ shows text that was in HB0216 but was deleted in HB0216S01.

inserted text shows text that was not in HB0216 but was inserted into HB0216S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Keven J. Stratton proposes the following substitute bill:

### WORKPLACE ABUSIVE CONDUCT AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Keven J. Stratton**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill modifies the Utah State Personnel Management Act to address workplace abusive conduct.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ~~{~~ → authorizes discipline for a person who engages in abusive conduct;
- ~~}~~ ▶ requires training;
- ▶ requires publishing information on a website;
- ▶ outlines the scope of section; and
- ▶ requires reporting.

##### Money Appropriated in this Bill:

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None

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

**67-19-44**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **67-19-44** is enacted to read:

**67-19-44. Abusive conduct.**

(1) As used in this section:

(a) (i) "Abusive conduct " means acts or omissions, or both, that a reasonable person in the position of the employee to whom the conduct is directed and with regard to all circumstances, would conclude is victimizing, humiliating, undermining, threatening, or distressing based on the severity, nature, and frequency of the conduct.

(ii) "Abusive conduct" does not include a single act, unless it is an especially severe and egregious act that meets the standard under Subsection (1)(a)(i).

(iii) Abusive conduct that causes physical harm or psychological harm is considered especially egregious.

(iv) It is considered an aggravating factor that the abusive conduct exploits an employee's known physical or psychological illness or disability.

(b) "Physical harm" means the impairment of a person's physical health or bodily integrity, as established by competent evidence.

(c) "Psychological harm" means the impairment of a person's mental health, as established by competent evidence.

~~{ (2) An employee may be disciplined for engaging in abusive conduct.~~

{ ~~(3)~~<sup>2</sup> (a) On and after July 1, 2015, the department shall provide training:

(i) on what is abusive conduct and the ramifications of abusive conduct; and

(ii) that provides employees information about whether remedies are available for employees upon whom abusive conduct is inflicted, what all the remedies are, how to access the remedies, and the extent to which the remedies apply.

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(b) An employee is required to participate in this training annually.

(~~f4~~3) (a) On and after July 1, 2015, the department shall provide professional development training to promote:

(i) ethical conduct; and

(ii) organizational leadership practices based in principles of integrity.

(b) An employee is required to participate in this training annually.

(~~f5~~4) The department may use money appropriated to the department or access support from outside resources to:

(a) develop policies against workplace abusive conduct; and

(b) enhance professional development training on topics such as:

(i) building trust;

(ii) effective motivation;

(iii) communication;

(iv) conflict resolution;

(v) accountability;

(vi) coaching;

(vii) leadership; or

(viii) ethics.

(~~f6~~5) The department shall publish on its public website information prepared by the department to comply with this section.

(~~f7~~6) This section does not:

(a) exempt or relieve a person from a liability, duty, or penalty provided by another federal or state law; ~~f or~~

(b) create a private right of action ~~f~~; or

(~~f8~~c) ~~expand or diminish rights or remedies available to a person before May 12, 2015.~~

(7) The department shall report to the Economic Development and Workforce Services Interim Committee by no later than the November 2015 interim meeting regarding the implementation of this section ~~f~~.

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Legislative Review Note

as of 1-30-15 10:57 AM

Office of Legislative Research and General Counsel; and provide recommendations, if any, to appropriately address and reduce workplace abusive conduct.