

## HB0216S02 compared with HB0216S01

~~{deleted text}~~ shows text that was in HB0216S01 but was deleted in HB0216S02.

inserted text shows text that was not in HB0216S01 but was inserted into HB0216S02.

**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 TO PROMOTE A HEALTHY WORKPLACE

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Keven J. Stratton**

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

---

---

#### LONG TITLE

##### General Description:

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

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires ~~{training}~~rulemaking;
- ▶ requires ~~{publishing information on a website}~~training;
- ▶ outlines the scope of section; and
- ▶ requires reporting.

## HB0216S02 compared with HB0216S01

### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{ None }~~ This bill provides a special effective date.

### Utah Code Sections Affected:

ENACTS:

67-19-44, Utah Code Annotated 1953

---

*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}~~ verbal, nonverbal, or physical conduct of an employee to another employee that, based on its severity, nature, and frequency of ~~{the conduct.~~

~~—— (ii) "Abusive conduct" does not include a single act}~~ occurrence, a reasonable person would determine:

(A) is intended to cause intimidation, humiliation, or unwarranted distress;

(B) results in substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress; or

(C) exploits an employee's known physical or psychological disability.

(ii) A single act does not constitute abusive conduct, 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)<sup>1</sup>(A), (B), or (C).~~

(b) "Employee" means an employee of a state executive branch agency.

## HB0216S02 compared with HB0216S01

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

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

(2) By July 1, 2015, the department shall make a rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, consistent with the definitions in Subsection (1).

(3) (a) On and after July 1, 2015, the department shall provide training to educate employees and supervisors about how to prevent abusive workplace conduct.

(b) The training shall include information on:

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

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

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

~~(3); and~~

(iii) the grievance process.

(4) (a) On and after July 1, 2015, ~~the department~~ each state agency shall provide professional development training approved by the department to promote:

(i) ethical conduct; and

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

(b) ~~An employee is required to~~ A state agency may request assistance from the department in developing training under this Subsection (4).

(5) Employees shall participate in ~~this~~ the training ~~annually~~ described in Subsections (3) and (4) in alternating years.

~~(4)~~6 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:

## HB0216S02 compared with HB0216S01

- (i) building trust;
- (ii) effective motivation;
- (iii) communication;
- (iv) conflict resolution;
- (v) accountability;
- (vi) coaching;
- (vii) leadership; or
- (viii) ethics.

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

~~}~~ (~~6~~7) This section does not:

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

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

(c) expand or diminish rights or remedies available to a person before ~~{ May 12 }~~ July 1, 2015; ~~{ }~~ or

~~{ 7 }~~ d) expand or diminish grounds for discipline that did not exist before July 1, 2015.

(8) The department shall report to the Economic Development and Workforce Services Interim Committee by no later than the November 2015 interim meeting regarding:

(a) the implementation of this section ~~{ and provide }~~;

(b) recommendations, if any, to appropriately address and reduce workplace abusive conduct or to change definitions or training required by this section; and

(c) if the department finds a change in a definition or training is needed, the department's efforts to work with stakeholders to make recommendations for change.

**Section 2. Effective date.**

This bill takes effect on July 1, 2015.