

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: _____

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;
- ▶ requires publishing information on a website;
- ▶ outlines the scope of section; and
- ▶ requires reporting.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

67-19-44, Utah Code Annotated 1953



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

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

28 **67-19-44. Abusive conduct.**

29 (1) As used in this section:

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

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

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

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

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

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

44 (2) (a) On and after July 1, 2015, the department shall provide training:

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

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

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

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

52 (i) ethical conduct; and

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

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

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

- 57 (a) develop policies against workplace abusive conduct; and
58 (b) enhance professional development training on topics such as:
59 (i) building trust;
60 (ii) effective motivation;
61 (iii) communication;
62 (iv) conflict resolution;
63 (v) accountability;
64 (vi) coaching;
65 (vii) leadership; or
66 (viii) ethics.
67 (5) The department shall publish on its public website information prepared by the
68 department to comply with this section.
69 (6) This section does not:
70 (a) exempt or relieve a person from a liability, duty, or penalty provided by another
71 federal or state law;
72 (b) create a private right of action; or
73 (c) expand or diminish rights or remedies available to a person before May 12, 2015.
74 (7) The department shall report to the Economic Development and Workforce Services
75 Interim Committee by no later than the November 2015 interim meeting regarding the
76 implementation of this section and provide recommendations, if any, to appropriately address
77 and reduce workplace abusive conduct.