

88 the department to promote:

89 (i) ethical conduct; ~~and~~

90 (ii) organizational leadership practices based in principles of integrity[-]; and

91 (iii) the state policy described in Subsection (2).

92 (b) A state agency may request assistance from the department in developing training
93 under this Subsection ~~[(4)]~~ (6).

94 ~~[(5) Employees]~~ (7) (a) Employers shall provide and employees shall participate in the
95 training described in Subsections ~~[(3) and (4)]~~ (5) and (6) at the time the employee is hired ~~H→~~ or
95a within a reasonable time after the employee commences employment ~~←H~~ and
96 in alternating years thereafter.

97 (b) The requirement in Subsection (7)(a) includes notification to all employees at the
98 time of hiring ~~H→~~ or within a reasonable time after the employee commences employment ~~←H~~
98a and in alternating years thereafter of the abusive conduct complaint procedures
99 and the grievance procedures provided in Title 67, Chapter 19a, Grievance Procedures.

100 ~~[(6)]~~ (8) The department may use money appropriated to the department or access
101 support from outside resources to:

102 (a) develop policies against workplace abusive conduct; and

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

104 (i) building trust;

105 (ii) effective motivation;

106 (iii) communication;

107 (iv) conflict resolution;

108 (v) accountability;

109 (vi) coaching;

110 (vii) leadership; or

111 (viii) ethics.

112 ~~[(7)]~~ (9) This section does not:

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

115 (b) create a private right of action;

116 (c) expand or diminish rights or remedies available to a person before July 1, 2015; or

117 (d) expand or diminish grounds for discipline that existed before July 1, 2015.

118 ~~[(8)]~~ (10) The department shall annually report to the Economic Development and

181 [(ii)] (b) a demotion;

182 [(iii)] (c) a suspension;

183 [(iv)] (d) a reduction in force;

184 [(v)] (e) a dispute concerning abandonment of position;

185 [(vi)] (f) a wage grievance if an employee is not placed within the salary range of the

186 employee's current position;

187 [(vii)] (g) a violation of a rule adopted under Chapter 19, Utah State Personnel

188 Management Act; or

189 [(viii)] (h) except as provided by Subsection (1)(c)(iii), equitable administration of the

190 following benefits:

191 [(A)] (i) long-term disability insurance;

192 [(B)] (ii) medical insurance;

193 [(C)] (iii) dental insurance;

194 [(D)] (iv) post-retirement health insurance;

195 [(E)] (v) post-retirement life insurance;

196 [(F)] (vi) life insurance;

197 [(G)] (vii) defined contribution retirement;

198 [(H)] (viii) defined benefit retirement; and

199 [(I)] (ix) a leave benefit.

200 [(b)] (2) The office shall serve as the final administrative body to review a grievance by

201 a reporting employee alleging retaliatory action.

202 (3) The office shall serve as the final administrative body to review the findings of an

203 abusive conduct investigation ~~H→~~ **without an evidentiary hearing** ~~←H~~ .

204 [(c)] (4) The office may not review or take action on:

205 [(i)] (a) a personnel matter not listed in [~~Subsection (1)(a) or (b)~~] Subsections (1)

206 through (3);

207 [(ii)] (b) a [~~grievance~~] personnel matter listed in [~~Subsection (1)(a) or (b)~~] Subsections

208 (1) through (3) that alleges discrimination or retaliation related to a claim of discrimination that

209 is a violation of a state or federal law for which review and action by the office is preempted by

210 state or federal law; or

211 [(iii)] (c) a ~~H→~~ **[grievance] personnel matter** ~~←H~~ related to a claim for which an

211a administrative review process is

243 (4) A reporting employee who desires to bring an administrative claim of retaliatory
244 action shall use the grievance procedure described in Section 67-19a-402.5.

245 (5) A career service employee who desires to bring a grievance described in Subsection
246 67-19a-202(1) shall use and follow the grievance procedure described in Part 3, Grievance
247 Procedures, and Part 4, Procedural Steps to Be Followed by Aggrieved Employee.

248 (6) An employee who desires to initiate an administrative review challenging the
249 findings of an abusive conduct investigation shall use and follow the procedure described in
250 Section 67-19a-501.

251 Section 7. Section 67-19a-302 is repealed and reenacted to read:

252 **67-19a-302. Levels of procedure.**

253 (1) The administration of all grievances under Subsection 67-19a-202(1) occurs on the
254 following four levels:

255 (a) Level 1 - the supervisor;

256 (b) Level 2 - the division director or the director's designee;

257 (c) Level 3 - the agency director or the director's designee; and

258 (d) Level 4 - the office.

259 (2) (a) Except as provided in Subsection (2)(b) and Section 67-19a-501, an employee
260 shall file a grievance or complaint at Level 1 and proceed through the levels of procedure
261 within the applicable time limits provided in this chapter.

262 (b) If a supervisor or division director is ~~the~~ a subject of a grievance or
262a complaint, the
263 employee may proceed directly to Level 2 or Level 3, respectively.

264 (3) A career service employee may advance all grievances to Level 3.

265 (4) In accordance with Section 67-19a-402.5 and subject to Section 67-21-4, a
266 reporting employee may file a grievance alleging retaliatory action directly at Level 4.

267 Section 8. Section 67-19a-303 is amended to read:

268 **67-19a-303. Employees' rights in grievance procedure.**

269 (1) For the purpose of submitting and advancing a grievance, a career service
270 employee, or a reporting employee alleging retaliatory action, may:

271 (a) obtain assistance by a representative of the employee's choice to act as an advocate
272 at any level of the grievance procedure;

273 (b) request a reasonable amount of time during work hours to confer with the

460 **abusive conduct investigation.**

461 (1) An employee may initiate an administrative review of the findings of an abusive
 462 conduct investigation within 10 days after the day on which the employee receives notification
 463 of the investigative findings.

464 (2) ~~H→~~ (a) ~~←H~~ An employee bringing an administrative review of the findings described in
 465 Subsection (1) may file the ~~H→~~ [appeal] request for the administrative review ~~←H~~ directly with
 465a the office ~~H→~~ .

465b (b) The request for administrative review may set forth the reasons for the appeal and
 465c include any submissions the employee desires to submit ~~←H~~ .

466 (3) (a) When an employee initiates the review described in Subsection (2) with the
 467 office:

468 (i) the role of the administrative review is to review and rule upon the department's
 469 findings and decision; and

470 (ii) an evidentiary hearing is not required.

471 (b) The department shall make the abusive conduct investigative file available for the
 472 administrator's in camera review.

473 (c) The administrator may:

474 (i) request additional relevant documents from the department ~~H→~~ or the affected
 474a employee ~~←H~~ ; and

475 (ii) interview the department's investigators who conducted the investigation.

476 (4) ~~H→~~ [~~a) The administrator may uphold the department's investigative findings if, based~~
 477 ~~on the administrative review, the administrator determines that the investigator's findings are~~
 478 ~~reasonable, rational, and sufficiently supported by the record.~~

479 ~~(b)] (a) ~~←H~~ If the administrator determines that the investigator's findings are not~~
 479a ~~reasonable,~~

480 ~~rational, and sufficiently supported by the record, the administrator may overturn the findings~~
 480a ~~~~H→~~ and remand to the agency for appropriate action ~~←H~~ .~~

480b ~~H→~~ (b) The administrator may uphold the department's investigative findings if, based
 480c on the administrative review, the administrator determines that the investigator's findings are
 480d reasonable, rational, and sufficiently supported by the record. ~~←H~~

481 (5) (a) Within 30 days after the day on which an employee ~~H→~~ [files] initiates ~~←H~~ an
 481a administrative

482 ~~H→~~ [appeal] review ~~←H~~ under this section, the administrator shall issue a notice stating whether
 482a the

483 administrator upheld or overturned the investigative findings.

484 (b) The office's determination upon administrative review of the findings resulting
 485 from an abusive conduct investigation is final and not subject to appeal.

486 (c) The following are classified as protected under Title 63G, Chapter 2, Government
 487 Records Access and Management Act, and any other applicable confidentiality provisions:

488 (i) the request for administrative review and any accompanying documents;

489 (ii) documents that any party provides;

490 (iii) the contents of the administrative review file; and