

2nd Sub. H.B. 383

WORK ENVIRONMENT AND GRIEVANCE PROCEDURE AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 28, 2018 11:22 AM

Representative **LaVar Christensen** proposes the following amendments:

1. *Page 4, Lines 94 through 98:*

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~~ **or within a**
96 **reasonable time after the employee commences employment** and
97 and in alternating years thereafter.
98 (b) The requirement in Subsection (7)(a) includes notification to all employees at the
99 time of hiring **or within a reasonable time after the employee commences employment** and in
100 alternating years thereafter of the abusive conduct complaint procedures

2. *Page 7, Lines 202 through 203:*

202 (3) The office shall serve as the final administrative body to review the findings of an
203 abusive conduct investigation **without an evidentiary hearing** .

3. *Page 7, Line 211 through Page 8, Line 212:*

211 ~~[(iii)]~~ (c) a ~~{grievance}~~ **personnel matter** related to a claim for which an administrative
212 review process is
213 provided by statute and administered by:

4. *Page 9, Lines 262 through 263:*

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

5. *Page 16, Lines 464 through 465:*

464 (2) **(a)** An employee bringing an administrative review of the findings described in
465 Subsection (1) may file the ~~{appeal}~~ **request for the administrative review** directly with the
466 office .
467 **(b) The request for administrative review may set forth the reasons for the appeal and include any**
468 **submissions the employee desires to submit** .

6. *Page 16, Lines 473 through 483:*

473 (c) The administrator may:

474 (i) request additional relevant documents from the department or the affected employee ; and
475 (ii) interview the department's investigators who conducted the investigation.

476 (4) ~~{(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) If the administrator determines that the investigator's findings are not reasonable,
480 rational, and sufficiently supported by the record, the administrator may overturn the findings and remand
to the agency for appropriate action .

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

481 (5) (a) Within 30 days after the day on which an employee ~~{files}~~ initiates an administrative
482 ~~{appeal}~~ review under this section, the administrator shall issue a notice stating whether the
483 administrator upheld or overturned the investigative findings.