

1 **WORKPLACE ABUSIVE CONDUCT AMENDMENTS TO PROMOTE A**
2 **HEALTHY WORKPLACE**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Keven J. Stratton**

6 Senate Sponsor: Todd Weiler

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ requires rulemaking;
- 16 ▶ requires training;
- 17 ▶ outlines the scope of section; and
- 18 ▶ requires reporting.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 This bill provides a special effective date.

23 **Utah Code Sections Affected:**

24 ENACTS:

25 67-19-44, Utah Code Annotated 1953

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

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

29 **67-19-44. Abusive conduct.**

30 (1) As used in this section:

31 (a) (i) "Abusive conduct" means verbal, nonverbal, or physical conduct of an employee
32 to another employee that, based on its severity, nature, and frequency of occurrence, a
33 reasonable person would determine:

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

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

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

38 (ii) A single act does not constitute abusive conduct, unless it is an especially severe
39 and egregious act that meets the standard under Subsection (1)(a)(i)(A), (B), or (C).

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

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

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

45 (2) By July 1, 2015, the department shall make a rule, in accordance with Title 63G,
46 Chapter 3, Utah Administrative Rulemaking Act, consistent with the definitions in Subsection
47 (1).

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

50 (b) The training shall include information on:

51 (i) what constitutes abusive conduct and the ramifications of abusive conduct;

52 (ii) resources available to employees who are subject to abusive conduct; and

53 (iii) the grievance process.

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

56 (i) ethical conduct; and

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

58 (b) A state agency may request assistance from the department in developing training
59 under this Subsection (4).

60 (5) Employees shall participate in the training described in Subsections (3) and (4) in
61 alternating years.

62 (6) The department may use money appropriated to the department or access support
63 from outside resources to:

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

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

66 (i) building trust;

67 (ii) effective motivation;

68 (iii) communication;

69 (iv) conflict resolution;

70 (v) accountability;

71 (vi) coaching;

72 (vii) leadership; or

73 (viii) ethics.

74 (7) This section does not:

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

77 (b) create a private right of action;

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

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

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

82 (a) the implementation of this section;

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

85 (c) if the department finds a change in a definition or training is needed, the

86 department's efforts to work with stakeholders to make recommendations for change.

87 Section 2. **Effective date.**

88 This bill takes effect on July 1, 2015.