



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of Human Resource Management

DEBBIE CRAGUN, MAOM, SPHR
Executive Director

WENDY PETERSON, SPHR
Deputy Director

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Program: Utah Abusive Conduct Prevention Program
Contact: Bob Thompson, Labor Relations Director
350 North State Street
State Office Building, Suite 2120
Salt Lake City, Utah 84114-1531
Phone: 801-538-3188
Fax: 801-538-3081
Email: bthompson@utah.gov

Abusive Conduct Prevention Program Summary

In July 2015, the Utah State Legislature passed a law which encourages ethical and professional behavior while prohibiting Abusive Conduct. The Utah Department of Human Resource Management responded by developing and deploying training to all state employees and creating procedures for employees' complaints to be investigated and addressed.

Over the past two years, over 18,000 employees have received training. In addition, over 50 complaints have been processed in an effort to improve the workplace by encouraging professional and effective interactions with co-workers and penalizing those who intentionally intimidate, humiliate or cause unwarranted distress to their staff and co-workers.

Narrative

The Abusive Conduct Prevention program is designed to enhance the professionalism in the workplace for State of Utah government agencies. Specifically, the program seeks to prohibit conduct intended to intimidate, humiliate or cause unwarranted distress along with conduct which exploits a known disability. Simultaneously, the program encourages increased ethical conduct and leadership with integrity through professional development training.

The Abusive Conduct Prevention program began in July 2015 in response to a legislative bill passed into law. The legislation identified a segment of unprofessional workplace conduct which did not meet existing harassment laws but which was more threatening or harmful than typical unprofessional behavior.

Addressing the requirements of the law required new and creative application of existing resources. We already knew how to develop training material and conduct investigations, but we had to adapt those existing practices to the intent and standards of the new law. We decided the most effective (and efficient) implementation of the training portion was to combine it with the workplace harassment training. This greatly changed the flavor of the training which had previously talking almost exclusively about prohibited behavior. Now, the training focus on the positive behaviors expected of employees while still outlining what is inappropriate.

The second challenge of the new program was to create a process to receive and handle complaints of conduct in violation of the created standards. Again, we modeled the existing harassment complaint procedures and adapted them to the different standards of the program. This required some risk as we needed to have tight reigns on the quality of administration of the new procedure but feared that the volume of complaints would be too high to be handled by one

office. Ultimately, we centralized the operation and fortunately, our fears about the volume have not been realized.

The legislation requiring the Abusive Conduct Prevention program did not provide for any additional funding. As such, we had to absorb its function into existing resources. One FTE has primary responsibility to administer the program (among other duties) with support from two attorneys on the Labor Relations team.

It appears that California, Kansas and Tennessee have enacted similar laws. The CA and TN laws only require training and stop short of investigative authority where the KS law is probably the most similar as it incorporates investigative procedures and penalties for violations.

Success of the program is difficult to measure in part because the program is very young and data to indicate trends is not yet mature. Statutory compliance is complete as the program's training has been developed and deployed and the investigation procedure is up and running. Measuring the effect of this lone program on state employees generally is difficult to isolate given all of the other efforts to improve efficiencies and work more effectively—including effective interpersonal interactions. However, several employees have been disciplined and/or relieved of their management responsibilities as a result of this program and we have received anecdotal reports that those work areas are better places to work as a result.

We will continue to work within the legislative guidelines in hope to focus employee's time and energies on carrying out the work of their agency rather than dealing with abusive and other undesirable work behaviors.