



Senate

General Assembly

File No. 274

January Session, 2015

Senate Bill No. 1035

Senate, March 26, 2015

The Committee on Labor and Public Employees reported through SEN. GOMES of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING BULLYING IN THE WORKPLACE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4a-2a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) As used in this section:

4 (1) "Abusive conduct" means any conduct of a state employee in the
5 workplace that is (A) performed with malice, and (B) unrelated to the
6 state's legitimate interest, that a reasonable person would find hostile
7 or offensive considering the severity, nature or frequency of the
8 conduct. Abusive conduct shall include, but not be limited to, (i)
9 infliction of verbal abuse such as the use of derogatory remarks, insults
10 and epithets; (ii) verbal or physical conduct that a reasonable person
11 would find threatening, intimidating or humiliating; or (iii) sabotaging
12 or undermining a person's work performance; and

13 (2) "State employee" means any employee in the executive,

14 legislative or judicial branch of state government, whether in the
15 classified or unclassified service and whether full or part-time, but
16 does not include any contractor, subcontractor or vendor of the state.

17 [(a)] (b) For the fiscal year ending June 30, 1999, and each fiscal year
18 thereafter, the Commissioner of Administrative Services, in
19 consultation with the Commissioner of Mental Health and Addiction
20 Services and the Commissioner of Emergency Services and Public
21 Protection, shall, within the limits of available appropriations, provide
22 an appropriate program of workplace stress awareness and prevention
23 for state employees.

24 [(b)] (c) On or before January 1, 2012, the Commissioner of
25 Administrative Services shall develop an employee training program
26 to instruct state employees on workplace violence awareness,
27 prevention and preparedness. Any full-time employee, as defined in
28 section 5-196, employed by the state prior to January 1, 2012, shall be
29 required to attend the training described in this subsection. Any full-
30 time employee employed by the state on or after January 1, 2012, shall
31 be required, not later than six months from the date of hire, to attend
32 the training described in this subsection as a condition of his or her
33 employment.

34 (d) On or before January 1, 2016, the Commissioner of
35 Administrative Services, or the commissioner's designee, in
36 consultation with the Commissioners of Public Safety and Mental
37 Health and Addiction Services, or the commissioners' designees, shall,
38 within existing budgetary resources, establish policies and procedures
39 for preventing, reporting, evaluating and investigating complaints of
40 abusive conduct occurring in the workplace between state employees.

41 Sec. 2. (NEW) (*Effective from passage*) (a) The Commissioner of
42 Administrative Services, in consultation with the Commissioner of
43 Public Safety, Labor Commissioner and Commissioner of Mental
44 Health and Addiction Services, shall create a Workplace Bullying
45 Advisory Board.

- 46 (b) The board shall consist of the following members:
- 47 (1) Two appointed by the speaker of the House of Representatives;
- 48 (2) Two appointed by the president pro tempore of the Senate;
- 49 (3) One appointed by the majority leader of the House of
50 Representatives;
- 51 (4) One appointed by the majority leader of the Senate;
- 52 (5) One appointed by the minority leader of the House of
53 Representatives;
- 54 (6) One appointed by the minority leader of the Senate;
- 55 (7) The Commissioner of Administrative Services, or the
56 commissioner's designee;
- 57 (8) The Commissioner of Public Safety, or the commissioner's
58 designee;
- 59 (9) The Labor Commissioner, or the commissioner's designee; and
- 60 (10) The Commissioner of Mental Health and Addiction Services, or
61 the commissioner's designee.
- 62 (c) All appointments to the board shall be made not later than thirty
63 days after the effective date of this section. Any vacancy shall be filled
64 by the appointing authority.
- 65 (d) The speaker of the House of Representatives and the president
66 pro tempore of the Senate shall select two chairpersons of the board
67 from among the members of the board. Such chairpersons shall
68 schedule the first meeting of the board, which shall be held not later
69 than sixty days after the effective date of this section.
- 70 (e) The members shall serve without compensation but shall, within
71 available appropriations, be reimbursed in accordance with the
72 standard travel regulations for all necessary expenses that they may

73 incur through service on the board.

74 (f) Each member shall be entitled to one vote on the board. A
75 majority of the board shall constitute a quorum for the transaction of
76 any business, the exercise of any power or the performance of any
77 duty authorized or imposed by law.

78 (g) The administrative staff of the Department of Administrative
79 Services shall serve as administrative staff of the board.

80 (h) Not later than January 1, 2016, and annually thereafter, the board
81 shall submit a report, in accordance with the provisions of section 11-
82 4a of the general statutes, to the joint standing committees of the
83 General Assembly having cognizance of matters relating to
84 administrative services, labor, public safety and mental health and
85 addiction services. Such report shall include (1) a summary of the
86 number of complaints of workplace violence or abusive conduct
87 involving state employees and the outcomes of such complaints for the
88 preceding year, (2) recommendations for administrative or legislative
89 action related to such complaints, and (3) any additional information
90 that the board deems necessary and relevant to reduce instances of
91 workplace violence and abusive conduct in the workplace.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4a-2a
Sec. 2	<i>from passage</i>	New section

LAB *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Various State Agencies	GF - Potential Cost	Less Than \$1,000	Less Than \$1,000

Municipal Impact: None

Explanation

The bill requires the Department of Administrative Services (DAS) to establish policies and procedures for preventing, reporting, evaluating and investigating abusive conduct occurring in the workplace between state employees. The bill requires that this be done within available appropriations.

The bill also creates a Workplace Bullying Advisory Board. There may be a cost of less than \$1,000 annually to those agencies participating in the Workplace Bullying Advisory Board to reimburse legislators and agency staff for mileage expenses.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 1035*****AN ACT CONCERNING BULLYING IN THE WORKPLACE.*****SUMMARY:**

This bill defines abusive conduct by state employees and requires the administrative services (DAS) commissioner to establish policies and procedures for preventing, reporting, evaluating, and investigating complaints of state employee abusive conduct.

It also creates a Workplace Bullying Advisory Board that must issue an annual report, beginning January 1, 2016, on the number of workplace abuse or violence complaints and complaint outcomes.

EFFECTIVE DATE: Upon passage

ABUSIVE CONDUCT

The bill defines abusive conduct as a state employee's workplace conduct that:

1. is performed with malice and is unrelated to the state's legitimate interest and
2. a reasonable person would find hostile or offensive considering the severity, nature, and frequency of the conduct.

Abusive conduct includes (1) verbal abuse such as derogatory remarks, insults, and epithets; (2) verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; and (3) sabotaging or undermining a person's work performance. Current law does not define abusive conduct.

The bill defines a state employee as any employee in the executive, legislative, or judicial branch, but not contractors, subcontractors, or

vendors.

POLICIES AND PROCEDURES

The bill requires the DAS commissioner, or her designee, to establish, within existing budgetary resources, policies and procedures to prevent, report, evaluate, and investigate complaints of state employee abusive conduct by January 1, 2016. She must consult with the public safety and mental health and addiction services commissioners, or their designees, during this process. The DAS commissioner already has duties similar to this regarding state employee workplace violence (see BACKGROUND).

WORKPLACE BULLYING ADVISORY BOARD

Membership

The bill requires the DAS commissioner, in consultation with the public safety, labor, and mental health and addiction services commissioners, to create a 12-member Workplace Bullying Advisory Board.

The board must consist of the following members: two each appointed by the House speaker and Senate president pro tempore and one each appointed by the House and Senate majority and minority leaders.

It also includes the DAS, public safety, labor, and mental health and addiction services commissioners, or their respective designees. All board appointments must be made within 30 days after the bill's effective date. Appointing authorities must fill any vacancies.

The House speaker and the Senate president pro tempore select two chairpersons from among the board members. The two chairpersons schedule the first meeting, which must be held within 60 days of the bill's effective date.

Board members serve without compensation but are reimbursed within available appropriations and according to the standard travel regulations for necessary expenses that they may incur through service

on the board.

A majority of the board constitutes a quorum for the transaction of business, the exercise of any power, or the performance of any duty authorized or imposed by law. Each member has one vote. The DAS administrative staff serves as the board's administrative staff.

Annual Report

The board must (1) issue an annual report, beginning by January 1, 2016, on the number of workplace abuse or violence complaints and the complaint outcomes and (2) submit it to the Government Administration and Elections, Labor, Public Safety, and Human Services committees.

The report must include:

1. a summary of the number of workplace violence or abusive conduct complaints involving state employees and the complaint outcomes for the preceding year,
2. recommendations for administrative or legislative action related to the complaints, and
3. any additional information that the board deems necessary and relevant to reduce instances of violence and abusive conduct in the workplace.

BACKGROUND

DAS, Mandatory Workplace Violence Training, and the Statewide Security Management Council

By law, DAS must develop a state employee training program on workplace violence, awareness, and preparedness that all state employees must attend.

By law, each state agency must report biannually to the Statewide Security Management Council on the frequency, character, and resolution of any workplace violence incidents (CGS § 4b-136).

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 13 Nay 0 (03/12/2015)